

REMEDIES PROGRAMME IMPLEMENTATION GROUP (RPIG)

**Minutes of the eighth meeting of the RPIG
held on Tuesday 17 July 2018**

<i>Attendees</i>	
Sheila Kumar – CLC – Chair	Sharon Horwitz – CMA
Crispin Passmore – SRA	Matteo Bassi – CMA
Fran Gillon – IPReg	Paul Kellaway – CMA
Vibeke Bjornfors – LSB	<i>Apologies from</i> Paul Philip – SRA Caroline Wallace – LSB Ewen MacLeod – BSB Ian Waters – ACCA Helen Whiteman – CILEx Regulation
Lynn Plumbley – CLSB (telephone)	
Peter James – ICAEW	
Stephen Brooker – LSB	
Vanessa Davies – BSB	
Laura Murphy – ACCA (telephone)	

Introduction and apologies for absence

1. The Chair welcomed attendees to the eighth meeting of the group and noted apologies.

CMA Engagement with Scottish Legal Services Sector

2. The CMA noted that it had met representatives from the Independent Review of the regulatory framework for legal services in Scotland to explain the findings from the market study in England and Wales. It has also responded to the call for evidence launched by the Review in March 2018.
3. The CMA was also contributing to a number of other consultations or discussions, including the Law Society of Scotland’s consultation on price transparency. The CMA noted that the Law Society of Scotland might find it useful to discuss with regulators their approach to price transparency in England and Wales.

4. SRA/CLC/BSB had also had discussions with the Scottish Review and all agreed they would be happy to talk to and share details of how they have implemented their price transparency measures with the Law Society of Scotland.

Updates on regulator activities

5. The regulators discussed respective recent developments:

- (a) ICAEW had launched a consultation on price transparency in relation to probate, wills, Lasting Power of Attorney and compound products (ie bundles of products including legal and accountancy services). Peter James explained the use of the ICAEW's professional rules (Practice Assurance Standards) which already include various transparency requirements. ICAEW's intends to introduce voluntary guidance on transparency. In one year, ICAEW will evaluate the success of its voluntary approach and, based on the assessment, it might propose a rule change to mandate transparency.

Peter James explained that ICAEW had worked with the representative side of the ICAEW to explain the proposals.

The ICAEW had also introduced revised guidance to both accountancy and legal services on engagement letters (equivalent to Client Care Letters).

Subject to the outcome of the consultation ICAEW was proposing to issue guidance later in the year on publishing price information.

The ICAEW's monitoring team had conducted a review of what disclosures firms make on the web and in client care letters and will monitor change against this.

There was considerable discussion about the use of the voluntary approach. LSCB said that it had approved the ICAEW action plan on the basis that the review would be undertaken in a short period of time. As this meant there was not a whole of market approach in relation to probate this would need to be kept under careful review.

- (b) BSB had published guidance on handling online feedback. It was currently in the process of discussing with its Board in relation to which areas to require public access barristers to publish pricing information. BSB had identified several areas, including basic criminal proceedings (e.g. motor offences). BSB was also reporting on the outcome of the pilots which had demonstrated that price transparency was less difficult to

implement than had been expected. In addition, the emerging findings from its study indicated that the public was capable of distinguishing between complex and non-complex cases and were in favour of more rather than less information on price, though interestingly had a preference for hourly rates rather than fixed fees.

BSB had developed draft price and service disclosures as guidance having worked with the specialist bar associations. The guidance included a lot of examples.

BSB planned to require a link to the the Legal Ombudsman's findings.

- (c) SRA had submitted a proposed rule change to the LSB for approval, following its consultation. Its rule change was anticipated to come into effect at the end of the year.

The SRA was working with The Law Society on guidance to help firms calculate and present price information.

It was expected that a new digital badge would be launched alongside new rules on transparency.

The SRA would be publishing some further research relating to small businesses in September which indicated that they were less price sensitive than had been anticipated, but that they valued price certainty (though not necessarily fixed prices).

- (d) IPReg had received Board approval in June for its proposed approach to issue guidance rather than rules on price and quality transparency to firms who provide services to individuals or micro businesses. This was due to be published later in the year.
- (e) IPReg was not planning to publish first tier complaints data. However, it already published aggregated complaints data which it planned to break down further.

IPReg was exploring the potential to introduce a digital badge.

- (f) Having originally not been intending to mandate given the pre-existing transparency requirements in CLC's Code, the CLC was now minded to submit a proposed rule change to the LSB in the near future. CLC is undertaking research to produce consumer facing material on price and quality transparency to be put on CLC website.

CLC was working on guidance to help the people it regulated to engage with feedback platforms. It already had a smart badge scheme, but was looking at developing the landing page further.

CLC was also working with other regulators on producing a quote generator that would have similar fields.

- (g) The Chair provided a summary of CILExReg's planned proposals which included coinciding any changes with SRA and CLC.
 - (h) CLSB noted that it does not regulate any firms but has developed new voluntary guidance on client care letters, added employer information to its register of regulated individuals and would be reviewing the other regulators' research and guidance to identify if there was scope for using within the costs lawyer community.
 - (i) ACCA had submitted its action plan to the LSB for review and had received confirmation that its plan was sufficient. It planned to consult on its proposals. Its approach was likely to mirror that of ICAEW in that it would also take a non-mandatory approach
6. As part of these discussions the Group discussed monitoring and tracking change, approaches to enforcement and developing common inputs to quote generation tools.
 7. The Group discussed Legal Choices and the progress in developing content. An ideation session had been held to identify relevant subjects to develop content. The Group discussed the focus of Legal Choices and how it should best fit into the landscape of providing legal advice. The Group discussed how best to ensure that content on unauthorised providers could be included. It was discussed that ACCA could join Legal Choices. A meeting would be arranged with ACCA and Legal Choices.
 8. The Group discussed the possibility to publish report setting out the progress made in the redevelopment of Legal Choices in the last year.
 9. CMA closely questioned on the voluntary approach that was being proposed by some regulators. It was agreed that it was important to monitor closely how effective such approaches were.
 10. There was a risk to the whole of market approach that was intended and this would also be a question for LSB going forward in the context particularly of new authorisations.

11. The Group discussed the progress in developing a single digital register. The Group noted that regulators have worked on taxonomy of the data to be included in the registry. While the data fields that the regulators were using were not identical, they were working to making sufficiently similar information available on their websites to enable third parties, such as digital comparison tools, to be able to extract relevant information to enable comparisons and there was sufficient flexibility to enable aggregation when the technology was ready to establish a single digital register. The group will report on progress in due course.

Legal Services Consumer Panel event

12. Several members of RPIG had attended an event hosted by the LSCP on using complaints data in different regulatory contexts and provided an overview of the discussion.
13. The Group discussed the potential for using complaints data in aggregate and whether there were circumstances where publication of data would be beneficial. It was felt that there would be a benefit to discussing this further at a later date.

Legal Services Board planned progress report

14. Vibeke Bjornfors and Stephen Brooker explained the LSB's intention to publish a progress update in the autumn, one year on from the sufficiency assessment of the first tranche of action plans. Setting out the actions that the regulators had individually and collectively taken and the progress that they had made against their action plans.
15. As a number of actions were in train, it was expected that the report would note where work was ongoing or anticipated.
16. Going forward, the LSB's current thoughts are to include an assessment of the regulators' progress in implementing the CMA recommendations in its "Regulatory performance assessment" programme under the "progress against public commitments" heading but the LSB will write to everyone in advance when their thinking has formed up..

RPIG in the future

17. This meeting marked the final time that the CMA would be hosting and facilitating the Group. There was a desire for the Group to continue, potentially focusing on particular areas. It was recognised that the terms of

reference would need to be revised and amended at the next meeting of the Group in the autumn.

18. It was agreed that the Group should continue to operate in the same way with the CLC Chair remaining in place and providing the secretariat function going forward.
19. The Group commended the Chair on her stewardship of the Group and the collective progress made.