

REMEDIES PROGRAMME IMPLEMENTATION GROUP (RPIG)

**Minutes of the seventh meeting of the RPIG
held on Thursday 12 April 2018**

<i>Attendees</i>	
Sheila Kumar – CLC – Chair	Sharon Horwitz – CMA
Crispin Passmore – SRA (By telephone, Item 1 to 4)	Matteo Bassi – CMA
Fran Gillon – IPReg	Paul Kellaway – CMA
Helen Whiteman – CILEx Regulation	
Ian Waters - ACCA	Jane Martin – LSCP (Item 2)
Pat Adair – ICAEW (By telephone)	Lola Bello – LSCP (Item 2)
Paul Philip – SRA	
Stephen Brooker – LSB	
Vanessa Davies – BSB	<i>Apologies from</i> Caroline Wallace – LSB Vibeke Bjornfors – LSB Peter James – ICAEW Rachel Merelie – CMA Howard Dellar – Faculty Office Ewen MacLeod – BSB Lynn Plumbley – CLSB

Introduction and apologies for absence

1. The Chair welcomed attendees to the seventh meeting of the group and noted apologies.
2. Ian Waters was welcomed to the Group as representative of the ACCA following approval of its application regarding the regulatory arrangements which put in place the arrangements to authorise individuals to carry on

probate activities.¹ Ian, as Head of Standards for the ACCA explained the role of his team and the nature of the population of ACCA firms.

Legal Services Consumer Panel (LSCP)

3. Dr Jane Martin and Lola Belo were welcomed by the Group to share their observations on progress by the regulators in implementing the CMA's recommendations. The LSCP recognised the efforts of the regulators to date, including the research the regulators had commissioned. It emphasised the need to ensure that firms provide clients and prospective clients with information that is easy and comparable.
4. The LSCP was strongly of the view that there needed to be regulatory action to require firms to provide pricing information. Wherever practical this could be driven by standardising the nature of disclosures. It was also of the view that complaints data should be published. These were two important issues: if consumers were going to make good choices they needed access to information that was easily accessible and comparable.
5. The LSCP expressed concerns over the BSB's proposed approach to price transparency. VD explained the basis for its approach and invited the LSCP to write formally expressing its concerns.
6. ACCA asked about the consideration of the CMA, Group and LSCP about the risk of mandating rules restricting innovation and whether firms weren't better placed to understand what their clients want. The LSCP said it did not believe that transparency was a barrier to innovation but that regulators were needed to drive the change precisely because firms hadn't.
7. The CMA felt that, based on the consultations, it was sometimes difficult to understand what those changes would actually mean for firms or their clients. The CMA acknowledged that it should be clearer once the detail of the proposals and draft guidance were available and asked the regulators to include concrete examples of what transparency should look like. The CMA reminded the regulators of its plans, as set out in the final report, to review the impact of changes in the future.
8. The Group discussed the LSCP's emphasis on the need for better indicators of quality. In particular, there was a discussion on whether and how complaints data on firms could be used to support how prospective clients

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http://www.legalservicesboard.org.uk/news_publications/LSB_news/PDF/2018/20180118_LSB_Gives_Approval_For_The_ACCA_To_Start_Authorising_Probate_Activities.html

compare and choose providers on the basis of quality. The LSCP was planning on hosting an event with a range of parties from other sectors to reflect on how to help firms and regulators share meaningful indicators of quality.

9. The SRA noted that the first tier complaints data it collected showed that very few firms get very many complaints and it did not consider that there would be much value in publishing that data.

Regulators' update

10. The frontline regulators set out in turn the work conducted to date in reviewing the responses and issues that had been raised by respondents during consultation. Each regulator would be taking its proposals through its respective governance processes.
11. The SRA was finalising its proposals subject to agreement with its board. It had identified the areas of law where it would focus on. It was considering supplemental guidance to firms in other more complex service areas.
 - SRA expected a Board decision in May. Subject to Board and then LSB approval, publication of detailed rules and guidance would follow by the end of 2018. Guidance could include example disclosures.
 - Consultees had raised concerns that the transparency requirements placed an excessive focus on price – the SRA recognised the concern and would be considering how to mitigate this risk when it implemented the change of rules.
12. CILExReg was currently expecting any changes to be in place by early 2019 subject to Board approval and a submission to the LSB in Summer 2018.
 - The focus of price information was likely to be limited to residential conveyancing and probate. It had considered immigration but felt it wasn't in a position to develop rules at this point.
 - Its approach would be outcomes focused with potential requirements on publication of information on regulatory protections.
13. Given the outcomes based nature of the CLC's Code, the CLC had been considering whether the Code needed changing. As it already contained a transparency requirement that might be sufficient, it was considering whether it would be sufficient to give greater clarity on expectations through guidance.

- If CLC's Council believed a rule change was necessary any change would necessarily be delivered later than a guidance based approach. However , it would still be possible to co-ordinate things so that a whole of market solution was delivered on conveyancing.
 - CLC had developed a digital badge to give greater confidence on a provider's regulatory status.
 - In addition CLC had been working with MHCLG and HM Land Registry. CLC was considering whether requisition data could be used as an indicator of conveyancer performance, but there were concerns about its quality at present which HM Land Registry was aware of and addressing.
14. IPReg said that it was developing guidance for firms. Its approach was intended to provide support to firms working with small businesses while recognising the volume of IP work delivered to very large and sophisticated purchasers.
- IPReg had recently appointed new Board members and development of guidance has been timed to coincide with having a full Board in place.
 - Board discussion and approval of any changes was expected to take place in the autumn with guidance for those firms supplying SMEs.
15. ICAEW said that it was finalising its proposed consultation which was due to be published shortly. Its consultation would include a question on whether a voluntary or mandatory approach was the most appropriate for its regulated firms. It was planning to provide firm facing best practice guidance on its website.
- The Chair noted that the ICAEW's timetable was understandably behind that of other regulators and that its approach needed to be aligned with that of CILExReg, CLC and SRA.
16. ACCA was developing an action plan which was likely to involve the provision of guidance rather than mandatory rules. ACCA firms tended to provide legal services to existing tax, accountancy and business advice clients and public information was less relevant.
17. The Chair and the LSB noted the importance of fairness, consistency and having a level playing field in respect of the different regulatory approaches to the same legal services. The Group noted the cooperation to date on matters such as conveyancing and the need to maintain this.

Unauthorised bodies roundtable

18. The CMA provided a summary of the roundtable that it had organised. The CMA reported that there was concern over how information on unauthorised providers would be presented on the Legal Choices website and that there was a desire for some representatives of the self-regulatory bodies to have an opportunity to review and comment on the content of the website on unauthorised providers.
19. There was agreement that Legal Choices should represent the market as a whole but given the number of bodies it was not clear about best to canvass them collectively. Where appropriate it was felt that any relevant editorial content could be shared with the relevant bodies for comment.