

Date	22 February 2024
Item	10
Title	Director of Governance Report
Author	Richard, Director of Governance, Policy and Legal
Purpose	This paper provides an update on the work undertaken in the governance, policy and legal unit since the last Board meeting.
Recommendation	To NOTE the update and actions identified
Timing	N/A
Impact assessment	While there are no decisions requiring an assessment, work being undertaken demonstrates that CRL is well-led, consumer-focused and uses learning to improve performance.
Impact on Regulatory Objectives	The assurance provided by this report has a positive impact on the following regulatory objectives: <ul style="list-style-type: none"> - Public interest - Consumer interest - Independent, strong, diverse profession
Implications for resources	No additional resource implications.
Impact on consumer empowerment	The consumer facing projects carried out and supported by CRL reported in this paper (specifically compliance with the Transparency requirements and the Legal Choices project) protect and promote the interests of consumers.
Impact on ongoing competence	The paper provides an update on CRL work to comply with the LSB Policy Statement on Ongoing Competence
Publication status	For publication
Appendices	10.1 Appendix 1 – CILEX Education Report

(A) EDUCATION

Apprenticeships

1. CRL (as External Quality Adviser) and CILEX (as End-point Assessment Organisation) met in January to discuss use of Artificial Intelligence (AI) by apprentices to generate evidence for assessment and agreed that it was not possible to prohibit use of AI but there was still a need to check apprentice understanding of occupational duties within the standards. Further standardisation activities will be scheduled to achieve parity of assessment decisions on AI evidence for Q2 and Q3.

Higher Rights of Audience

2. The LSB have approved CRL's application for Higher Rights of Audience and a webpage has now gone live on the CRL website - click [here](#).
3. Focus is now on implementation planning towards a planned start date of September 2024. The additional training and assessment will be offered through

ULaw. There was a joint call with CILEX colleagues held on 2 February 2024 to discuss a joint communications strategy to promote this.

CILEX Education Annual Report

4. The CILEX Education Directorate is required to submit an Annual Report each year to provide CRL with an analysis of the performance of the CILEX qualifications for the preceding 12 months. A copy of the report for 2023, which was finalised in December 2023 is attached (**Appendix 1**).
5. As with the 2022 report, CILEX is still offering its legacy qualification as well as delivering the new CILEX Professional Qualification (CPQ). Therefore, the report is a hybrid report that provides information on delivery of both qualifications.
6. Key points to note from the Annual Report are as follows:
 - (a) The report focusses on the January and June 2023 examination sessions.
 - (b) The final examination session for the CILEX Level 3 Certificate and Diploma in Law and Practice took place in November 2023. However, at the time of reporting, the data from the November exam sessions was not available so will be included in the 2024 report.
 - (c) There are no reported changes to the CPQ or legacy qualifications with the exception of the amendment of CPQ Unit A3 Property and Conveyancing from Mandatory to Optional which was approved by CILEX in August 2023. This unit had the lowest pass rate out of all units in January and June 2023 session with 57% in January and 45% in June. However, as this is not a popular unit with learners and is now Optional, the pass mark should increase as exams will only be sat by learners pursuing a career in this reserved activity.
 - (d) The lowest pass rate for the CPQ Foundation Stage examinations in January 2023 session was F3 Contract Law at 73%. CILEX confirm there is no evidence to generate concern regarding the questions or their structure. In addition, CILEX undertook remedial action, at CRL's request that successfully raised the pass mark from 19% in 2022.
 - (e) The lowest pass mark for the CPQ Advanced Stage was Unit A3 Property and Conveyancing at 57% but this is not low enough to warrant further investigation at this stage.
 - (f) Performance issues were reported with 2 examinations in the CPQ Advanced Stage in the June session, 3 in the Level 3 and 2 in the Level 6 January session; and 4 units in the Level 3 and 1 in the Level 6 June session. All papers went through the Results Determination Panel and pass marks moderated accordingly. CRL has raised concerns over, what appears to be, a large question error rate.
 - (g) As reported in the 2022 CILEX report, the fees levied by Training Providers for CPQ are quite variable, but this is due to the different delivery methods, i.e. face-to-face delivery more expensive than distance learning.
 - (h) CILEX has reported that 2 to of their training providers have risk profiles classified as 'High'. 1 of the providers will cease to deliver CILEX

qualifications shortly and the other has been provided with an CILEX action plan identifying the necessary improvements required.

Ongoing competence

7. Further to the Chief Operating Officer's update to the Board in January 2023, CRL has worked to ensure compliance with the LSB's Statement of Policy. The deadline in relation to Ongoing Competence was 31 January 2024 and it can be confirmed that we are compliant.
8. CRL had stated that it would investigate the possibility of introducing a re-accreditation model for all members. After looking into the feasibility of such an undertaking, it was decided that this would not be appropriate to require members to gain reaccreditation unless their current practice rights certificate has lapsed or been removed as an outcome of an Enforcement investigation.

(B) POLICY

Equality Diversity and Inclusion

9. CRL attended two Judicial Diversity Forum's Combined Statistics Working Group meetings in November and January. Discussions considered options for comparators for professional groups for social mobility, and, for preparation of future Judicial Diversity reports, whether ethnicity and sexual orientation data is captured consistently across the legal professions. To support the MoJ's preparation of the 2024 report, CRL agreed data to be provided to the MoJ with CILEX.
10. In November, CRL met with the LSB regarding its profiling the diversity of the judicial talent pipeline research. CRL had subsequent meetings with the research company and carried analytical work to provide the diversity data required to support the research. The final report is due at the end of January 2024.
11. CRL met with the Bridge Group in November to explore work to establish a progression baseline and approach to measuring diversity data for the future.
12. In January, CRL had an interview with Rachel Krengel of the Nest Social Change Agency to feed information into the LSB's systems change, EDI and the legal profession research.
13. CRL participated in the Legal Regulators EDI Forum meetings in December and January in LSB sessions with barristers from Garden Court Chambers on the Public Sector Equality Duty and digital accessibility with the Shaw Foundation respectively.
14. The cross-sector EDI research consortium project has moved forward with CRL participating in a meeting of all CEOs to discuss the final draft report's

recommendations and possible future work. The Young Foundation has shared a timetable of actions leading up to publication of the report Q1 2024.

Consumer

15. In December, CRL participated in a meeting to progress the digital exclusion research we are collaborating on with BSB, CLC and ICAEW, and the funding agreement was signed. The ITT was sent out and a good level of engagement received from research companies. We will meet in February to consider tenders.
16. In January, CRL contributed insights to the SRA research into consumer vulnerability in the legal sector.
17. Work has continued on meeting the future requirements of the LSB's Transparency Rules (TR) including assessment of the information our authorised firms are publishing and review of other regulators' TR evaluations. This includes reaching out to collaborate with other regulators to develop consistency across the sector. A quote from the CRL CEO about this was published in a [Legal Futures](#) article.
18. CRL participated in the Legal Choices Governance meeting in December where the 2024 budget, forward plan and progress of the Regulatory Information Service (RIS) via the development of the existing Legal Choices website were agreed. The discovery phase of the RIS project will take place this current financial year, was discussed at the steering group meeting in January.

(C) CRL COMMUNICATIONS – 20 October 2023 to 20 January 2024 (Previous reporting period – 21 June to 20 October 2023)

19. **Since 20 October 2023, CRL has run the following campaigns:**
 - a) CPD deadline communications in the lead up to 30 September 2023
 - b) CILEX consultation- promotion of all in person and online events including publication of our response (activity between August - 5 November 23)
 - c) CILEX consultation launch – 14 August (to 5 November) 2023
 - d) CRL Justice Select Committee attendance 28 November comms
 - e) CRL webinar re CILEX proposals – 2nd October promotion and administration
 - f) SRA consultation (31 Aug to 22 November 2023) and associated webinar promotions
 - g) 2023 CRL Diversity Data Report published 17 October – social media and website updates
 - h) Legal Tech – social media around the Technology & Innovation webinar hosted by the Legal Services Board
 - i) 10th year anniversary of gaining practice (December 2023). CRL were granted the rights for Litigation and Immigration by the LSB on 19 December 2013 by the Lord Chancellor – [news update](#) and social media

- j) CILEX Journal Autumn 2023 edition – CRL’s Diversity article included: [Access for All](#) outlining key findings
- k) CRL monthly newsletters published: October, November, December 2023 and January 2024
- l) Board meeting updates November 2023
- m) World Mental Health Awareness Day 10 October 2023

20. **The Policy and Stakeholder Engagement Team also provided support to the Executive Team for:**

- a) Digital Property Market Steering Group (DPMSG) - group meeting attendance, communications regarding the 12 September 2023 launch event and promotion of related podcasts. Promotion of their *2024 Roadmap* launch in January 2024.
- b) HBSG launch of new discussion paper – 10 October “How to improve buying and selling in England”
- c) Higher Rights of Audience – social media and new CRL web page created January 2024
- d) CPD Sampling exercise 2024 – set-up and distribution of sampling request emails.
- e) Coroners court learning resources and survey – November 2023
- f) ACCA-Probate renewal reminder emails (dotDigital)
- g) New Economic Crime page created November 2023
- h) Bogus Law Firms – page audit and content update (now Fraudulent Firms)
- i) Support in creation of 3rd party comms for Immigration legal advice / SRA / Legal Choices project following press coverage of wrongdoing – continued
- j) PAS role recruitment – website and social media updates
- k) Support comms for the EDI research consortium (Young Foundation)
- l) Member 2023 Data Collection – Report published October 2023.

21. **Work has continued on ongoing projects including:**

- a) **Website audit** – Following the consultation we will be setting up meetings with associated managers to look at priorities for web updates. SEO refresher training in progress. The work with the Director of Operations on Firms website content has been completed.
- b) **Google Analytics** – Review of current reporting and potential for additional stats using GA4. Additional training to be undertaken by PSC.

22. CRL’s communication channels continue to show steady engagement across our main platforms, including the CRL website, social media and newsletters. Plan for additional work on Regulation Matters website to help increase engagement.

Website and Newsletter Engagement

23. CRL newsletter email open rates are as follows:

Edition	Open Rate
October 2023	38%
November 2023	36%
December 2023	48%
January 2024	49%
Industry Standard	15-35%

24. CRL Press Releases:

Date	Press release
19 January 2023	CILEx Regulation Limited unveils ambitious 2024 corporate plan
10 October 2023	CILEx Regulation response to CILEX consultation highlights 'significant and considerable' gaps in redelegation proposals

Recommendation

The Board is asked to **NOTE** the update and actions identified, including CILEX's Education Report.

Appendices

1. CILEX Education Annual Report 2023