

**REPORT TO:** CILEX REGULATION BOARD  
**FOR:** DISCUSSION  
**DATE:** 8 FEBRUARY 2017  
**REPORT TITLE:** CEO REPORT  
**SUBMITTED BY:** HELEN WHITEMAN

## **STAKEHOLDER ENGAGEMENT**

### **Legal Services Board:**

- 1 The Chair and CEO met with Sir Mike Pitt and Neil Buckley on 30 January 2017. We discussed the Board's reaction to the LSB's draft business plan, as highlighted from the January telecon. We welcomed reference to a review of the internal governance rules (IGR) and the ABS licensing application for which we updated on progress with our draft submission.
- 2 The Chair discussed the key strands of our strategy. LSB confirmed it is reviewing its approach to regulatory standards assessment. We updated on our entity authorisation numbers, with much interest from litigation practices and highlighted the issue of access for firms to lender panels. Finally, we discussed the letter (see Sharepoint) from the LSB inviting us to adopt a number of principles and metrics for transparency of regulatory costs information.

### Regulator CEOs Collaborative Forum:

- 3 The CEOs met with the LSB on 25 January. The meeting covered the LSB's work on costs transparency and resulting principles and outcomes, updates from the collaborative work streams on the client care letter research and disciplinary working group, and a discussion on the standard of proof for disciplinary cases.
- 4 The Group discussed the CMA report and outcomes from the first meeting of the implementation board. The next meeting of this group is 3 May 2017.

### Regulatory Standards Action Plan:

- 5 David Pope met with LSB on 12 December to report progress against the Action Plan which was well received. The latest Action Plan can be found in Sharepoint.

### ABS Licensing application:

- 6 David Pope met with Dawn Reid and Paul Greening on 11 January 2017 to update on progress with the draft application and seek clarification on several areas.

## **Legal Services Consumer Panel:**

- 7 Dr Jane Martin has been appointed Chair of the LSCP from January, replacing Elizabeth Davies. Dr Martin was previously the Local Government Ombudsman and Chair of the Commission for Local Administration in England. In that role she was also a non-executive member of the Board of the Parliamentary and Health Service Ombudsman. Her 7 year term of office as Ombudsman came to an end on 10 January 2017.
- 8 She has recently been appointed to the Committee on Standards in Public Life and has conducted research at the Universities of Birmingham and Warwick respectively and worked with local authorities across England. Dr Martin was the first Director of the Centre for Public Scrutiny.
- 9 Sam and Helen are scheduled to meet Dr Martin on 2 February.

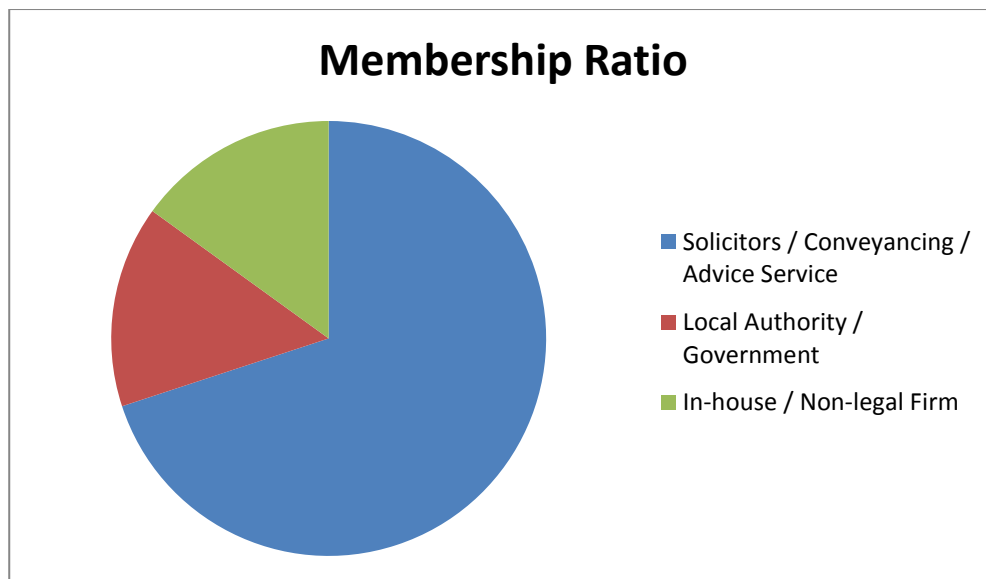
## **CMA and Implementation Board:**

- 10 The Implementation Board (IB) (referred to in the CMA Final Report as the Programme Board) held its inaugural meeting on 19 January 2017. CILEx Regulation was represented by Helen Whiteman and Consumer Engagement and Policy Officer, Sue Chandler. Chaired by the CMA and attended by the majority of regulator CEOs and the LSB, the meeting discussed draft terms of reference and the main work streams required to implement the recommendations.
- 11 It was agreed that the regulators would chair future meetings of the IB and the CLC CEO was appointed Chair. A number of the CMA recommendations are similar to those captured by the LSB's regulatory standards assessment plan. The LSB agreed to audit the plan in order to remove duplication and ensure a sufficient level of dove-tailing.
- 12 The work stream with potentially the longest lead time for delivery will be development of a single digital register of legal practitioners. Heads of IT at all the regulators will meet separately to discuss how this may be achieved. The next meeting of the IB will take place in April, date to be confirmed, and will focus on scoping the activities required to deliver each work stream with any associated resources.
- 13 At the January Board telecon Board members asked what proportion of the regulated community will be affected by the CMA recommendations on transparency of price and quality for consumers and small businesses. A high level analysis by employment category registered on the member database suggests that the recommendations could apply to up to 70% of members. This includes providers registered as delivering services of the relevant types whilst in employment with SRA regulated firms. Excluding the Associate Prosecutor grade, the remaining 30% are in central or local government, in-house or non legal roles<sup>1</sup>.

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<sup>1</sup> There is margin for error for data entry reasons

Employment Category	No.	%age
SRA firms/conveyancing/advice	10,271	70%
Local Authority/Government	2,204	15%
In-house/Non-legal Firm	2,208	15%



#### **Regulators' Forum:**

- 14 There was a brief meeting of the Forum following the CMA Implementation Board on 19 January 2017. For those items on the action plan relating to 'All Regulators' it was agreed each body would send an update to the BSB (Forum Chair) on their respective progress in order for a collective response to be sent to the LSB.

#### **Health Care Professions Council:**

- 15 The CEO and Head of Policy and Governance visited the Healthcare Professions Council (HCPC) to learn more about its governance arrangements. They maintain a register of circa 340,000 registrants from 16 professions and ensure their continuing competency in a particular field. The largest profession is social workers and smallest prosthetists/orthotists. They have a set of 15 common standards ranging from practising within the legal and ethical boundaries of their profession to being able to practise as an autonomous professional, exercising their own judgement, which apply across all the professions. With 12 Council members, their Chair is subject to appointment by the Privy Council.
- 16 HCPC approves university delivered programmes, at no charge. Membership of a profession with associated regulation is embedded with students from the beginning. Courses are integrated with some form of professional practice and the onus is placed on the university to quality assure the work placement. HPCP meet annually with the professional bodies which support regulation through CPD courses and maintaining the proficiency of each specialism.

#### **MoJ:**

- 17 The Chair, CEO and CILEx Chief Operating Officer met with Lord Keen of Elie QC (Lords Spokesperson MoJ) on 30 January 2017. We spent some time explaining

the diversity of the membership and regulated community as well as the routes to the legal profession it provides. We highlighted the recent appointment of a CILEx Fellow to a government lawyer position and CILEx expressed its views on the current limitation of judicial roles for Fellows.

- 18 Lord Keen was interested in the regulatory and representative governance arrangements and the level to which the regulator can independently set its own budget. A number of legislative anomalies were raised, such as the inability for Fellows to certify copies of LPAs (Lasting Powers of Attorney) but it is clear that with the current Brexit agenda, there will be insufficient time for primary legislation. We discussed the accessibility of HMCTS from a consumer angle and as members of the Joint Advisory Group on QASA, we expressed concern that the MoJ had yet to give a view on the consultation for a public defence panel.

## **OPERATIONAL PERFORMANCE**

- 19 Revised high level quarterly performance reporting is in development based on the indicators discussed at the December Board meeting. In the meantime the closing position for 2016 is attached in the old format below.

### **Advocacy Courses:**

- 20 Vicky Purtill and Helen Whiteman are meeting with Kaplan on 2 March to discuss the current provision of courses.