



Brief for the position of Lay NED CILEx Regulation August 2020

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Letter from Chair

Dear Candidate,

Appointment of Lay Non-Executive Director, CILEx Regulation

I am delighted that you are considering joining the Board of CILEx Regulation as a Lay Member.

As you know, we regulate Chartered Legal Executive lawyers, other members of the Chartered Institute of Legal Executives (CILEx), CILEx practitioners and law firms.

We also oversee the education, qualification and practice standards of the legal professionals we regulate. We work with CILEx to ensure that qualifications are at the right level and appropriate to the work that regulated individuals do. CILEx is the professional association representing 20,000 Chartered Legal Executives, paralegals and legal professionals.

We aim to ensure that regulated individuals are fully aware of their obligations to consumers, colleagues, the courts and the public, and that they maintain proper standards of professional conduct. When necessary, we deal with complaints against regulated individuals and firms and take appropriate disciplinary action.

We are a cohesive Board, currently made up of myself as the Chair and four Non-Executive Directors with positive and productive working relationships between the executive and non-executive directors.

CILEx Regulation received a high assurance rating from the Legal Services Board, which is our oversight regulator under the Legal Services Act 2007. The 2020 Staff Survey reported a highly positive staff culture which was a great tribute to the skill and dedication of our staff and strong executive leadership.

2020 marked a pivotal year regarding enshrining regulator independence from our membership body, CILEx. We introduced a range of changes to maximise our independence, starting with TUPE'ing our staff from the membership body. Over recent years, we have also seen continued success in developing education standards that enable CILEx members to achieve the equivalent practice rights of barristers and solicitors.

We are looking for high calibre individuals to join our Board and we are very keen to use this opportunity to improve the diversity of the Board and therefore are particularly inviting applications from all sections of the community regardless of race, religion, disability, gender, sexual orientation or age.

If you share my passion for improving standards, protecting the public and broadening access to legal services based on talent over background and you have Board experience, I would very much like to hear from you.

Yours sincerely,

Sam Younger CBE
Chair

Background

We are the independent regulator, under the Legal Services Act 2007, of Chartered Legal Executives and other CILEx members, CILEx Authorised Entities and non-members with Practice Rights in the legal sector.

We set and maintain standards in legal education, and in the work and services provided by the individuals and firms we regulate.

Our regulation is proportionate, outcomes focused, and risk based. This allows the people and firms we regulate to take their own approach to delivering legal services in the way they think best, provided that this is in the interests of their clients and the public.

We have the CILEx Code of Conduct which sets out the standards of professional and general behaviour we expect of those we regulate. Our regulated members must comply with the Code of Conduct and while we support them with this, we take enforcement action if necessary. CILEx Regulation is based in Kempston, on the outskirts of Bedford, with the M1 and East Coast mainline providing quick access via road and rail.

How we fit with other legal regulators

We are one of nine legal regulators under the Legal Services Act 2007 who regulate the different types of lawyers shown below.

Regulator	Type of lawyer regulated
Bar Standards Board	Barristers
Council for Licensed Conveyancers	Conveyancing and probate lawyers and firms
Cost Lawyer Standards Board	Costs Lawyers
Intellectual Property Regulation Board	Patent Attorneys, Patent Agents and Registered Trade Mark Attorneys
Master of the Faculties	Notaries
Solicitors Regulation Authority	Solicitors and firms
Association of Chartered Certified Accountants	Accountants licenced to provide probate legal services
Institute for Chartered Accountants in England and Wales	Accountants licenced to provide probate legal service

The [Legal Services Board](#) is responsible for watching over the work of these legal regulators.

How we fit with CILEx

The [Chartered Institute of Legal Executives](#) (CILEx) is the professional organisation which represents the individuals that we regulate.

CILEx stands for the Chartered Institute of Legal Executives, with the Institute Chartered under Royal Warrant. The forerunner of the Chartered Institute dates back to 1892.

CILEx offers a flexible way into, and to develop, a legal career. People can work in legal organisations and earn while at the same time studying to gain legal qualifications. This allows people from different social and economic backgrounds to work in the legal industry. This flexibility is particularly beneficial for those with family or caring commitments, with approximately 80% of CILEx members being female.

Under its powers under the Legal Services Act, the Legal Service Board issues Internal Governance Rules that govern the relationship and protect the independence of all the legal services regulators from their respective membership bodies in the public interest. New rules came into force on 24 July that significantly increased the duties and evidence of regulator independence. This is complicated by CILEx being the Approved Regulator under the Legal Services Act, with CILEx then required under the Internal Governance Rules to delegate regulation to CILEx Regulation, whilst CILEx retain statutory responsibility.

Both CILEx Regulation and CILEx's Boards have committed to going beyond the requirements of these Internal Governance Rules to maximise regulator independence. Leading CILEx Regulation on this crucial and challenging journey will be a significant focus in your role.

To achieve standards in regulated members, protect consumers and achieve our strategic goals, we are highly reliant on CILEx. But by the very nature of being regulatory and coming to independent judgements that focus on protecting the public, relations between regulators and their membership bodies can sometimes be tested. Whilst we currently have positive relations with CILEx, this requires astute handling. Your role will play a pivotal role in enabling positive relations to help achieve our broader objectives whilst maintaining our genuine independence.

Our Mission

"Delivering forward-thinking legal regulation for the benefit of everyone."

Our Strategic Objectives

We have three strategic objectives for 2019-2021:

- Protecting consumers and improving consumer experience
- Strengthening diversity within the legal profession and accessibility to legal services
- Promoting high standards

OUR MISSION:

*Delivering **foward-thinking legal regulation** for the benefit of everyone*

STRATEGY 2019-21

Protecting consumers and improving consumer experience by:

- Ensuring that the legal service providers we regulate are clear and honest in the way that they work with clients
- Understanding consumer needs and focusing our decision-making on the consumer
- Creating a corporate website which helps consumers to access justice
- Working with other regulators to build the Legal Choices website

Strengthening diversity within the legal profession and accessibility to legal services by:

- Identifying ways to enhance a diverse workforce whilst achieving high standards
- Identifying opportunities to support and increase diversity within the legal profession
- Delivering ABS licensing to the market
- Providing supportive, safe and proportionate regulation

Promoting high standards by:

- Reviewing legal education standards
- Supporting new technologies for legal services
- Using a risk-based approach to investigation to ensure regulator resources are used most effectively to uphold standards
- Dealing with conduct complaints and enforcement fairly and promptly



Find Us: CILEx Regulation, Manor Drive, Kempston, Bedford, Bedfordshire
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Our Values

In 2019, CILEx Regulation staff reviewed and developed the following staff Values:



Our Board

The current Board members can be viewed at <https://cilexregulation.org.uk/board/>

Executive Management Structure

The current executive management roles and portfolios can be viewed at <https://cilexregulation.org.uk/team/>

Our Finances

Total income:

Our total income in 2019 was £1,616,309 compared to £1,595,236 in 2018. This was made up as follows

	2019	2018
Practising Certificate Fees including practice fees paid by individuals holding practice rights and by firms for authorisation and supervision	£1,304,325	£1,293,510
Other fees and charges	£311,984	£301,726
TOTAL	£1,616,309	£1,595,236

Our income from fees and charges included the application fees we charged for authorisation processes including the two-stage application for admission as a Fellow of CILEx, firstly for approval of qualifying employment and secondly for assessment of work-based learning. Other income came from sources such as application fees for Advocacy authorisation.

Total regulatory expenditure:

Our total expenditure on regulation in 2019 was £1,633,214 (up 13.15% from £1,443,358 in 2018). Our spend in 2019 has increased by 13.15 % over the previous year and we had deficit of £16,904, leaving £160,458 of carried forward reserves

Further Information

For more information please visit our website at:

<https://cilexregulation.org.uk/>

Role Description NED Lay Board Member

Title	NED LAY BOARD MEMBER	
Reporting to	Chair of CILEx Regulation Limited	
Purpose of Role	To carry out the duties of a non-executive member of the Board, ensuring the success of the company and enhancing the reputation of CRL as the regulatory body for CILEx. Oversee the development and implementation of regulation by the Company in accordance with the statutory objectives set out under the Legal Services Act.	
Key Areas of Responsibility	• Determine the purpose and values of the Company and review them regularly. • Determine the outcomes and outputs of the Company needed to support its purpose and values. • Agree the Company's strategy, keep it under review and be responsible for performance against it. • Work effectively with the Chair and Chief Executive to ensure the Company adheres to the principles of good governance and proper accounts are kept. • Engage constructively with the Legal Services Board, and other stakeholders to establish and maintain good working relationships. • Monitor the effectiveness of CRL as a regulatory body. • Contribute to the Board's Annual Report on the Company's performance. • Identify and monitor risk	
Other Areas	• Establish a constructive and positive working relationship with the Chief Executive, staff and other Board members. • Take responsibility as a portfolio holder for a particular area of the company's activities. • Set the professional and fitness to practise standards for those regulated by CRL and monitor the arrangements to secure compliance with them. • Ensure that CILEx qualification schemes are fit for purpose as indicators of safe and competent practice. • Monitor whether standards established under qualification schemes are achieved and maintained.	
Person Specification	Essential	Desirable
	Previous Non-Executive Board member experience with a good understanding of governance arrangements and evidence of willingness to uphold them.	Knowledge of the legal profession and provision of legal services. Professional regulation experience. Experience of utilising cutting-edge technology to deliver services.

	Demonstrating the ability to think strategically, look outward and hold an organisation to account. Ability to assimilate complex information, weigh evidence and draw conclusions and to debate cogently. The ability to work well in a team. Professional experience relevant to the success of CRL. An understanding of professional regulation and the principles of good regulation and absolute commitment to the Nolan principles of public life. A good understanding of governance arrangements and evidence of willingness to uphold them. Independent members must not be or have been legal practitioners or work within the legal profession.	Knowledge of education and/or legal education. Accessibility and diversity expertise. Consumer awareness. Knowledge of practice management and quality assurance and risk assessment issues affecting legal practice. Experience of establishing good relations with a range of external stakeholders.
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Application & Selection Process

Completed applications should be sent to jobs@cilex.org.uk by the closing date of **23.59** on **13 September 2020**. Applications by CV alone will not be accepted.

The application form can be found on our [website](#)

Please also complete the Reasonable Adjustments, Rehabilitation for offenders and the Equality and Diversity form which can be found on our [website](#)

Selected candidates will be invited for interview with the appointments committee **WC 19 October 2020**. A call will be offered with current Board members following the interview.

Further Information

If you have any questions about the role please contact jobs@cilex.org.uk or 01234 844350.

Appendix II (T&Cs Lay NED):

Terms and Conditions of Appointment to the Board of CILEx Regulation Ltd

This sets out the terms of your appointment as a **non-executive director of the Board of CILEx Regulation Limited** (the Company) and takes effect from **DAY MONTH YEAR**. It is agreed between us that this is a contract for services and is not a contract of employment. The appointment is not pensionable.

1. APPOINTMENT

- 1.1 Subject to the remaining provisions of this letter, your appointment is for a term of three years ending on **DAY MONTH YEAR** unless terminated earlier by the Company or you by giving to the other 3 months prior written notice.
- 1.2 Your appointment is subject to the Articles of Association of the Company, as amended from time to time (Articles). Nothing in this letter shall be taken to exclude or vary the terms of the Articles as they apply to you as a director of the Company.
- 1.3 Notwithstanding paragraph 1.1 and paragraph 1.2 and subject to a requirement to report to the Legal Services Board, the Company may terminate your appointment with immediate effect if you have:
 - a) committed any serious or, repeated breach or non-observance of your obligations to the Company (which includes an obligation not to breach your statutory, fiduciary or common-law duties and the obligations set out in the Code of Conduct for Board Members); or
 - b) been guilty of any fraud or dishonesty or acted in any manner which, in the opinion of the Company, brings or is likely to bring you or the Company into disrepute or is materially adverse to the interests of the Company; or
 - c) been declared bankrupt or have made an arrangement with or for the benefit of your creditors, or if you have a county court administration order made against you under the County Court Act 1984; or
 - d) been disqualified from acting as a director.
- 1.4 On termination of your appointment, you shall be entitled only to accrued fees as at the date of termination together with reimbursement of any expenses properly incurred prior to that date.

2. TIME COMMITMENT

- 2.1 As a non-executive director of the Company we anticipate that you will spend an estimated 24 days a year on work for the Company. This will include attendance at Board meetings (anticipated to be not less than 5 each year).
- 2.2 By accepting this appointment, you confirm that you are able to allocate sufficient time to meet the expectations of your role. You must obtain the agreement of the Company before accepting additional commitments that might affect the time you are able to devote to your role as a non-executive director of the Company. Agreement by the Company will not be unreasonably withheld or deprofessionalised.

3. ROLE AND DUTIES

- 3.1 The Company Board as a whole is collectively responsible for the success of the Company. The Company Board's role is to:
- a) prepare an Annual Report for publication;
 - b) ensure the success of the Company and enhance the reputation of the Chartered Institute of Legal Executives (CILEx) as the approved regulator for Chartered Legal Executives and other CILEx members;
 - c) ensure there is constructive engagement with the Legal Services Board, Office for Legal Complaints and other regulators and consumer organisations so that good working relationships are established and maintained;
 - d) ensure the effectiveness of the regulatory work of the Company is kept under review and that the CILEx Board is informed of the effectiveness of CILEx regulation;
 - e) provide entrepreneurial leadership of the Company within a framework of prudent and effective controls which enable risk to be assessed and managed;
 - f) set the Company's strategic aims, ensure that the necessary financial and human resources are in place for the Company to meet its strategic objectives, and review management performance; and
 - g) set the Company's values and standards and ensure that its obligations to its shareholder and others are understood and met.
- 3.2 All directors must act in the way they consider, in good faith, would be most likely to promote the success of the Company as a whole. In doing so, as a director, you

must have regard (among other matters) to:

- a) the likely consequences of any decision in the long term;
- b) the interests of the Company's employees;
- c) the need to foster the Company's business relationships with suppliers, customers and others;
- d) the impact of the Company's operations on the community and the environment;
- e) the desirability of the Company maintaining a reputation for high standards of business conduct;
- f) the need to act fairly as between the members of the Company.

3.3 In your role as a non-executive director, you shall also be required to:

- a) challenge constructively and contribute to the development of strategy;
- b) scrutinise the performance of management in meeting agreed goals and objectives and monitor the reporting of performance;
- c) satisfy yourself that financial information is accurate and that financial controls and systems of risk management are robust and defensible;
- d) at all times comply with the Memorandum and Articles of Association of the Company;
- e) abide by your statutory, fiduciary and common-law duties as a director of the Company;
- f) diligently perform your duties and use your best endeavours to promote, protect, develop and extend the business of the Company;
- g) take steps to maintain your knowledge and understanding of issues affecting the legal profession and to participate in relevant training and development activities;
- h) immediately report your own wrongdoing or the wrongdoing or proposed wrongdoing of any employee or other director of the Company of which you become aware to the Chief Executive of the Company; and
- i) personally undertake additional assignments as might be required from time to time, for which additional payment shall be made.

3.4 All directors must abide by the Code of Conduct for Board Members, as amended from time to time.

3.5 You shall be entitled to request all relevant information about the Company's affairs

as is reasonably necessary in order to discharge your duties.

4. FEES AND EXPENSES

- 4.1 You shall be paid a fee of £8,400 gross a year which shall be paid in equal instalments monthly in arrears and which shall be subject to an annual review.
- 4.2 The Company shall reimburse you for all reasonable and properly documented expenses incurred in accordance with the Company Expenses Policy, as updated from time to time.
- 4.3 As an Officer of the Company, your travel to Kempston for meetings will be treated as travel to your place of work and expenses in connection with such meetings will be paid gross. It is understood that you shall normally work from home, providing all equipment required and meeting all associated costs at your own expense. No provision shall be made for you to work from the Company's offices, except for attending meetings there as required.

5. OUTSIDE INTERESTS

It is accepted and acknowledged that you have business interests other than those of the Company and have declared any conflicts that are apparent at present. If you become aware of any potential conflicts of interest, these should be disclosed to the Chief Executive or the Chairman of the Company as soon as you become aware of them.

6. CONFIDENTIALITY

- 6.1 All information acquired and derived from your privileged access to confidential information during your appointment is confidential to the Company and should not be disclosed to third parties or used for any reason other than in the interests of the Company, either during your appointment or following termination (by whatever means), without prior clearance from the Chief Executive of the Company.
- 6.2 Your attention is also drawn to the requirements under both legislation and regulation as to the disclosure of inside information. Consequently, you should avoid making any statements that might risk a breach of these requirements without prior clearance from the Chief Executive of the Company.

7. REVIEW PROCESS

The performance of individual directors, the whole Company Board and its committees is evaluated annually. If, in the interim, there are any matters which cause you concern

about your role you should discuss them with the Chief Executive or the Chairman of the Company as soon as you can.

8. INSURANCE

The Company has directors' and officers' liability insurance and it intends to maintain such cover for the full term of your appointment. The current indemnity limit is £1,000,000 (one million pounds). A copy of the policy document is available from the Director of Group Services.

9. DATA PROTECTION

- 9.1 By signing this letter you consent to the Company holding and processing information about you for legal, personnel, administrative and management purposes and in particular to the processing of any sensitive personal data (as defined in the data protection legislation) including, as appropriate:
- a) information about your physical or mental health or condition in order to take decisions as to your fitness to carry out your duties as a director, or
 - b) your racial or ethnic origin or religious or similar beliefs in order to monitor compliance with equal opportunities legislation; or
 - c) information relating to any criminal proceedings in which you have been involved for insurance purposes and in order to comply with legal requirements and obligations to third parties.
- 9.2 You consent to the Company making such information available to any of its group companies, those who provide products or services to the Company (such as advisers and payroll administrators), regulatory authorities, potential or future employers, governmental or quasi-governmental organisations and potential purchasers of the Company or the business in which you work.
- 9.3 You also consent to the transfer of such information to the Company's business contacts outside the European Economic Area in order to further its business interests.

10. THIRD PARTY RIGHTS

The Contracts (Rights of Third Parties) Act 1999 shall not apply to this letter. No person other than you and the Company shall have any rights under this letter and, the terms of this letter shall not be enforceable by any person other than you and the Company.

Appendix III (the Nolan Principles):

The Nolan Principles - The Seven Principles of Public Life

1.	Selflessness Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
2.	Integrity Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
3.	Objectivity In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
4.	Accountability Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5.	Openness Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6.	Honesty Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7.	Leadership Holders of public office should promote and support these principles by leadership and example.