

Date	12 July 2023
Item	10.0
Title	Director of Governance Report
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Purpose	This paper provides an update on the work undertaken in the governance, policy and legal unit since the last Board meeting. It now also includes an Education Update.
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	N/A
Publication status	For publication
Appendices	10.01 Updated Ongoing Competence Action Plan 10.02 Update on Actions for CRL arising from the RPA 2022 10.03 Future of Regulation Consultation Communications Plan

Education

1. Mark Wood, the newly appointed Head of Education, started on 5 June 2023.

Apprenticeships

2. The revised standards for the Chartered Legal Executive Apprenticeship Level 6 (ST0244) went live on 14 June 2023. The main revisions from the previous versions are as follows:
 - Funding is increased from £12,000 to £27,000 per Apprentice
 - The End-point Assessment will be made more straightforward (subject to publication of IfATE's revised assessment strategy).

CRL is the External Quality Assurer. CILEX is the sole End-point Assessment Organisation.

Currently only CILEX qualifications are included in the Standard.

Higher Rights of Audience

3. The responses to the survey of the Regulated Community and to the first consultation were overwhelmingly in favour of CRL seeking higher rights of audience. Two external advisers have been commissioned to develop additional learning materials so that CILEX Practitioners with litigation and advocacy rights can apply for authorisation to appear as advocates in the Higher Courts.
4. **REDACTED**

CILEX

5. The annual report from CILEX will be provided to CRL in December 2023.

ULaw and Bloomsbury Institute

6. Please see update in the Director of Operations Report.

Ongoing Competence

7. The updated Ongoing Competence Action Plan (**Appendix 11.1**) has been amended to reflect the Q3 2023 objectives in development. Actions in red text are to be completed in Q3 2023 and Actions in green text are to be completed in Q4 2023.

Policy

Equality Diversity and Inclusion

8. CRL attended the Judicial Diversity Forum's (JDF) Combined Statistics Working Group (CSWG) meeting on 25 April 2023. Data content, parameters and wording for the JDF report and user guide were discussed. Following that meeting, CRL met with CILEX to agree for inclusion in the guide consistent terms for referring to different sectors of CRL's regulated community and presentation of diversity data..
9. The cross-sector EDI research consortium project has continued to make progress as planned.
 - a) Publication of the final report is expected in Q3/Q4 2023. Planning has started for circulation of the report and for follow up calls to action, campaigns and commitments.
 - b) Emerging results from the quantitative research were presented at a meeting on 22 May 2023. Some CRL regulated members participated in the focus groups and key messages are being drawn out. The first draft of the report will be circulated at the end of June.
10. The survey for CRL leavers was launched on 15 June 2023. The responses will be combined with the diversity data held in the CRM so we can analyse the reason(s) for leaving and the extent to which it may be associated with a person's diverse characteristics.

11. We attended the Regulators EDI forum meeting on 5 June 2023. There was a discussion on preparations for attendance at Pride London on 1 July 2023 under the Legal Choices banner. The SRA explained the background to and their approach to compliance with their [rules](#) (especially 1.5) and [guidance](#) on bullying and harassment. They also reported on findings from their literature review [the ethnicity attainment gap in legal professional assessments](#) which is the first phase of their research. The final report is due in Spring 2024. The LSB provided an overview of their lived experiences research.
12. On 21 June 2023 CRL attended the LSB breakfast meeting to explore EDI challenges in the legal sector.

Consumer

13. On 20 April 2023 CRL attended the LSCP Roundtable on the Standardisation of Consumer Information with other legal regulators and representative bodies. Speakers from the Behavioural Insights Team and the Financial Conduct Authority shared their experiences from other sectors. There was discussion about how the standardisation of consumer information had been used to change consumer and provider behaviour and achieve policy objectives. The LSCP considered that collaboration between legal services regulators would be particularly useful when creating standardised or prescriptive consumer messaging.
14. We took part in the joint SRA, CRL, BSB and OISC PLE working group meeting on 5 May 2023. We are developing messaging about the crucial elements to look for from immigration services providers for consumers. User testing findings of the beta website content on Legal Choices and the simple leaflet that will link to the site via a QR code were shared. At a further meeting on 26 May 2023, the next steps over a 12-month period were discussed and agreed, including changing the website content as recommended from the user testing findings and contacting third-sector groups trusted by service users to gather feedback for future iterative development.
15. As part of the Regulatory Information Service (RIS - formerly Single Digital Register) project, the LSB commissioned a market research report with PA Consulting to identify options to improve consumer access to legal services information.
 - a) A report of the findings was shared on 5 June 2023. The market research narrowed down potential solutions to two options to explore further. The report recommended that the next steps should include user research.
 - b) CRL met with the LSB on 8 June 2023 for a next steps discussion. We shared our views on the report including that there is an imbalance between the numbers of solicitors and other legal professionals, there should be a clear understanding of the different type of user and their purpose in accessing professional registers and what for, that an increase in information for consumers will be commercially driven, and that a RIS cannot compete with Digital Comparison Tools (DCTs). The LSB will consider the next steps at its Board meeting in July 2023.

16. The [Consumers and quality indicators – pilot research](#) was published on 19 June 2023.

a) Key findings

- while the public finds customer reviews and comparison websites helpful in choosing a legal services provider, barriers remain to making factual information on services and performance more readily available.
- Obstacles to comparison sites being more widely used within the legal market include a lack of public awareness, the complex nature of legal services, and the relatively limited range of data available on firms profiled.

The report suggests actions to help regulators meet relevant requirements from the LSB and respond to the CMA's calls for action on legal service quality indicators.

b) CRL issued a [news release](#) to accompany the publication.

c) This work will inform the evaluation of our transparency requirements (due in Q3 2023). We will build on the findings to identify how law firms, comparison and review websites can continue to improve in this area.

17. CRL has started to consider three pieces of research published in June 2023 and will develop its thinking on the impact of these on the work outline in our implementation report. The research is:

a) The SRA [report](#) on unbundling of legal services concludes that unbundling has the potential to increase access to justice:

- by providing legal services to those who would not have otherwise engaged a lawyer.
- those who want more control of their case and potential benefits for legal service providers because of the opportunity provided to attract more consumers.

The report also indicated that increased awareness, transparency, and clarity around Professional Indemnity Insurance could encourage more unbundling. The SRA is developing guidance on unbundling which will include how to minimise the risk of legal action.

b) The SRA's key findings from its [Understanding the Unreserved Market](#) include:

- an estimate that the proportion of the unregulated legal market is 6-8% of the total legal market turnover,
- services provided: will and estate administration (25%), family (12%) and employment (11%),
- some unregulated providers are regulated by regulators such as the FCA. Many are members of professional bodies such as the Society of Will Writers. Some are not regulated and/or are not members of professional bodies,
- satisfaction was high for both types of providers. Small businesses were slightly more satisfied with the quality of work from regulated compared

with unregulated providers. The quality of advice and service from unregulated providers was a concern to some,

- most small businesses view regulation as important, knew whether their providers were regulated and preferred using a regulated provider,
- 14% of unregulated providers would become regulated if they had to disclose their regulatory status,
- Consumers would benefit from better information about whether a provider is regulated because those that cannot distinguish between regulated and unregulated might not be aware of the protections available to them.

c) The LSCP's report [Consumer Focused Regulation in Legal Services](#) provides a set of indicators that reflect good practice in consumer-focused regulation, based on the evidence from other sectors.

- The indicators have been designed to help legal services regulators meet best practice in consumer-focused regulation and provide practical guidance to regulators.
- It is suggested that Legal services regulators should consider the indicators and review their current practices against them. Regulators should then identify the areas where their current practices do not meet the standards outlined within the indicators and wider report and assess how they can be met in the future. The consumer panel reports that the LSB has decided to adopt the report into its regulatory performance framework sourcebook.

Legal Technology

18. CRL has agreed to explore a collaborative research project on digital exclusion. The other regulators that have expressed interest in the project are the BSB, ICAEW and IPReg. Discussions at the inaugural meeting on 20 June 2023 focused on:

- Framework for collaborative working
- Budget & Financial Contributions
- Key research questions for the project to answer and
- proposed methodology/approach.

Rule of Law and Professional Ethics

19. The LSB has launched a [Call for Evidence](#) on the misuse of non-disclosure agreements 'to seek views and evidence on concerns about the important role that legal professionals can play in ensuring that non-disclosure agreements ("NDAs") are not misused to conceal unlawful activity and other wrongdoing'. The deadline for responses is 14 July 2023. CRL does not intend to submit a response, though it will continue to follow the debate.

20. The LSB has committed to consult on new expectations for regulators on misuse of NDAs in Q4 2023.

Update on Actions Agreed following LSB's Regulatory Performance Assessment 2022

21. A further update (**Appendix 11.2**) to the schedule of actions agreed by the Board at its meeting on 23 February 2023 following the LSB's Regulatory Performance Assessment 2022 shows further progress made since that meeting. All actions due in Q1 and Q2 2023 have been completed (and shaded so they can be easily identified) with the exception of Action 4 where completion of the underlying policy has been re-scheduled to Q3 2023, although the activities themselves have been actioned.

Stakeholder engagement – 30 March to 20 June 2023

(Previous reporting period – 1 February to 29 March 2023)

Campaigns

22. Since 30 March 2023, CRL has run the following campaigns:
- a) LeO Scheme Rule change 1st April
 - b) CRL March Regulation Matters published Wb 20 March
 - c) Lawcare Fit for Law CRL signposting
 - d) Lesbian visibility week post – link to EDI strategy
 - e) Anxiety Awareness week (Lawcare) signposting plus Mental Health Awareness week
 - f) Specialist Regulation consultation prep and comms (see annex 1)
 - g) PRIDE month – June 2023 – lead up to London PRIDE 1 July
 - h) **Specialist Regulation consultation launch and promotion**
23. The Policy and Stakeholder Engagement Team also provided support to the Executive Team for:
- a) Website updates for CRL complaints process including the creation of new interactive .pdf aimed at consumers
 - b) Firms 2023 Data Collection – dotDigital campaign continued
 - c) LSAG website updates – CRL social media signposting
 - d) Practitioner Authorisation and Supervision Manager – job promotion
 - e) LSB investigation report news updates and response statement publication
 - f) SVRO (knife crime) pilot (Home Office) update sent out via dotDigital
 - g) Creation of ACCA Probate Practising certificate
 - h) Regulation Matters updates with consultation related content
 - i) Continuation of EDI research by the consortium research project group (the [Chartered Bodies Collaborative](#)) led by the Young Foundation – meeting attendance in relation to comms (aiming to publish at the beginning of September 23)
 - i) Quality Indicators Evaluation report publication
 - j) EDI research consortium (Young Foundation) – comms support and sub Editor group
24. Work has continued on additional projects including:

- a) **Website audit** – Following the consultation we will be setting up meetings with associated managers to look at priorities for web updates. Meeting planned with Spindogs to discuss changes to the Home Page and associated costs.
- b) **Google Analytics** – move to new GA4 platform from 1 July 2023. Review of current process and forward look at potential for additional reporting using new system. Additional training to be undertaken by the Communications and Engagement Coordinator.
- c) Legacy data to be taken from the legacy GA platform as the new platform will only have data from mid February 2023.

25. CRL’s communication channels continue to show steady growth across our main platforms, including the CRL website, social media and newsletters.

Website engagement

26. Top 5 performing web pages for the reporting period

30 March – 29 April, 30 April – 30 May, 31 May – 20 June 2023

Webpage	6 th Dec – 31 Jan 23	1 st Feb – 30 March	1 April – 30 May	2 June – 20 June
Find a Lawyer (Practitioners Directory)	9,586	13,214	11,860	1,569
Week-by-week guidance	7,525	10,114	8,996	998
Home page			4,773	523
Chartered Legal Executives	1,241	2,274	2,469	
Work based learning (guidance and handbook)	1,118	1,787	1,780	282
I am an applicant/chartered legal executive				276
Qualifying Experience	1,074	1,644		
Open Consultations	91	44	329	67

27. Plan to explore other social media platforms such as Facebook to further engage consumers.

28. CRL newsletter and Regulation Matters email open rates are as follows:

Edition	Open Rate
January 2023	51%
February 2023	43%
March 2023 (Reg Matters)	48%
May 2023	37%
June 2023	TBC
Industry Standard	15-35%

29. The CILEx Journal Spring Edition – published 16 March 2023 included CRL features - *Socio-economic diversity in the legal profession* and *Qualifying Experience feature* plus our Disciplinary Decisions. These articles have also been added to the Regulation Matters website.

30. **Mentions in the press relating to the specialist regulation consultation**

Thought piece (page 3) and launch of consultation (page 6) [online Law Society Gazette](#)

Solicitors Journal: <https://www.solicitorsjournal.com/sjarticle/cilex-regulation-launches-consultation-on-its-future>

Law Society Gazette: <https://www.lawgazette.co.uk/news/cilex-civil-war-legal-executives-asked-if-they-wish-to-switch/5116032.article>

<https://www.lawgazette.co.uk/commentary-and-opinion/four-key-challenges-facing-legal-regulators/5116185.article>

Legal Futures: <https://www.legalfutures.co.uk/latest-news/cilex-regulation-urges-reform-not-replacement-by-sra>

Today's Family Lawyer: <https://todaysfamilylawyer.co.uk/cilex-regulation-launches-consultation-on-future-of-cilex-professionals/>

Today's Wills and Probate: <https://todayswillsandprobate.co.uk/cilex-regulation-launches-consultation-on-future-of-cilex-professionals/>

Today's Conveyancer: <https://todaysconveyancer.co.uk/cilex-regulation-launches-consultation-on-future-of-cilex-professionals/>

Law360: <https://www.law360.com/articles/1677467/cilex-s-regulator-launches-consultation-about-its-future-> (paywall)

Press Releases

31.

18.05.2023	Press Release – appointment of P White to the Board
19.06.2023	Press Release - Quality Indicators in legal services pilot

Engagement and reach

32. The following is a summary of CRL's communications' engagement and reach since the last Board meeting:

Channel	1 Feb – 31 March 23	1 April – 31 May 23	Highest engagement
CRL Website	Users: 14,734 Sessions: 28,304	Users: 13,438 Sessions: 25,221	Top 3 pages: 1. Practitioners' directory (Find a Lawyer) 2. Week-by-week schedules 3. Chartered Legal Executives page
LinkedIn followers	4,248	4,523	Posts with the highest engagement: 1. Consultation launch (7.42%) 2. Have your say on the future of regulation (5.94%) 3. Second full board meeting (4.94%)
LI Post engagement*	2.70%	3.72%	
Twitter followers	1,615	1,613	Tweets with highest engagement: 1. Second full Board Meeting of year (7.9%) 2. Robert Morris video post (6.1%) 3. Consultation launch post (5.9%)
Post engagement**	2.7%	6.7%	
Regulation Matters website	Users: 1,618 Sessions: 1,794	Users: 795	Top 3 pages: 1. Forward looking regulation for the benefit of all 2. Case Studies 3. (Homepage) 4. New WBL guidance

*Industry standards: 2% and above is considered good engagement

**0.33 to 1% is considered very high

Consultation webinar attendance

Date	Expression of interest	Attendees	Attendees/ Exp Int
June 2023 (Firms)	10	10	100%
13 June 2023	127	59	46%
15 June 2023	123	69	56%
Total	281	138	49%

Consultation communications plan

33. For details of all communications including social media, webinar and direct mail activity please see **Appendix 11.3**.

Recommendation

34. The Board is asked to **NOTE** the update and actions identified. A full report on Future of Regulation consultation activity and responses will be issued after the consultation period ends (26 June 2023).