

	CILEx Regulation Limited
Date	28 September 2022
Item	12.0
Title	Director of Operations' Report
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Purpose	This paper provides the Board with the draft application to the LSB to amend the qualifying employment rules. It also provides the Board with an update on the work of the Operations Directorate undertaken since the last meeting, including a deep dive on the work of the Enforcement team.
Recommendation	<ul style="list-style-type: none"> The Board is asked to REVIEW and DISCUSS the consultation analysis on changes to qualifying employment (Appendix 12.2 pages 16-19 of the QE Application) and to APPROVE the submission of an application to the LSB. The Board is asked to NOTE the remainder of the report.
Timing	Should the Board approve CRL's proposal to proceed with the application to the LSB on changes to qualifying employment, this will be submitted to the LSB during Q3 2022.
Impact assessment	There are both benefits and risks to progressing the proposed rule change in relation to qualifying employment. The benefits include the ability to recognise changing work patterns in the delivery of legal services which will increase fairness to CILEX members as well as aligning CRL's approach to that of other regulators. The risks include the possibility of a perception of lowering standards, some respondents to the consultation expressed this view, however, CRL believes that the assessment of competence via the work-based learning portfolio ensures that standards will be maintained, and that this perception can be addressed within our future communications.
Appendices	12.1: Entity and Practice Rights Dashboard 12.2: Qualifying Employment Application

Introduction

1. The Board is asked to **REVIEW** and **DISCUSS** the analysis of the consultation responses in relation to the proposed changes to qualifying employment. The Board is asked to **APPROVE** the submission of the application to the LSB in Q3 2022.
2. This paper also provides the Board with an update on the work of the Operations Directorate and includes:
 - An update on the work of the Practitioner Team
 - An update on the work of the Entity Team, and
 - An update on the work of the Enforcement Team, including a deep dive into the current workload if the team, as requested at the July Board meeting

PRACTITIONER TEAM UPDATE

Rule change applications

Qualifying Employment review

3. The consultation on the proposed revisions to the definition of qualifying employment and the draft rules to implement the changes closes on 9 September 2022.
4. The purpose of the consultation was to revise the definition of qualifying employment to:
 - a. ensure that the rules relate to work *experience* rather than to employment status, which will avoid the potential for discrimination against applicants, and
 - b. to streamline the application process.
5. At the time of drafting the Board paper, the consultation remains open. An oral update will be provided to the Board setting out the results, including any new issues which may have arisen.
6. CRL has drafted the application to amend rules relating to the definition of qualifying employment and time-served requirements to become a Chartered Legal Executive for submission to the LSB (**Appendix 12.2**).
7. The Board is asked to note the outcome of the consultation and **APPROVE** the draft application for submission to the LSB.

Operations

8. The ULaw assessment windows for the first live assessments of candidates seeking practice rights have been finalised and sent to individuals who submitted the expression of interest forms.
9. Communications relating to approval of Bloomsbury Institute's institutional exemption were published on 11 August 2022 and the website has been updated to reflect the accreditation of a new training provider.
10. As part of the initial work for ongoing competence, research into the approach of foreign jurisdictions and other professions' has commenced and a meeting with the SRA has been arranged for the 13 September 2022 to discuss a consistent approach to LSB expectations.
11. All the testing of the risk matrices has been completed and this is expected to go live in the next few weeks. Once live, the risk assessments created through the matrices will feed into the work on ongoing competence as well as assisting with assessment of complaints received by the enforcement team.
12. Work to build the online WBL portfolio continues to progress including the development and presentation of guidance, marking conventions, etc. by CRL. The next meeting with the developer is scheduled to take place on 9 September 2022.

13. CRL is currently advertising for a CPD administrator, however, no applications have been received so far. CRL is reassessing the advertising campaign for the role.

Qualifying Employment (QE)

Applications received

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2022	61	65	62	70	57	72	44	56				
2021	64	64	86	80	77	76	61	50	53	74	62	79
2020	83	88	84	38	37	57	54	45	49	59	58	68
2019	92	93	93	70	74	40	88	77	59	82	54	72

14. The average time to first assessment for QE in August 2022 was **16** working days, so an improvement of over 3 working days since the KPIs were last reported to the Board.
15. The cross-team working between the Practitioner team and the Enforcement team has continued since the last Board meeting. Two staff days per week were allocated to the Enforcement Team in the last quarter and the second officer has commenced training in anticipation of an increase to five staff days per week in total. Challenges with recruitment to the CPD administrator role have delayed the implementation of this initiative.

Work Based Learning (WBL)

Applications received

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2022	42	37	71	70	62	52	50	77				
2021	56	58	62	83	70	43	53	41	58	55	53	58
2020	43	49	48	53	44	46	42	52	77	50	61	42
2019	61	45	75	61	60	44	54	46	70	71	46	53

16. The time to first assessment of WBL applications remains just over **9 weeks** from receipt of payment. Given there has been annual leave within the team, and the new WBL assessor has been in training, CRL remains content with the progress being made.

Practice Rights & Advocacy

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2022												
Applications received	4	3	5	2	3	1	2	3				
Applications authorised	3	5	8	3	6	4	6	4				
2021												
Applications received	4	1	5	4	3	1	4	3	3	5	4	7
Applications authorised	1	1	4	4	4	3	3	0	0	0	3	4

Courses

17. Barbri Alitor delivers the advocacy skills courses which enables CILEX members seeking advocacy rights to be assessed as competent for authorisation. Recently, Barbri has changed its approach to scheduling courses, which means that unless there are at least five candidates registered four weeks prior to the start date the course will be cancelled. As candidates are unwilling to apply until there is a definite date, this can lead to issues in firming up dates. Previously, CRL has underwritten courses to ensure they, however this is not possible under the current circumstances.
18. CRL attended a meeting with Barbri in late August to discuss dates for future advocacy skills courses and a future pipeline of courses to support the launch of the new routes to practice rights with ULaw. Barbri has suggested dates in November 2022 for civil litigation and they agreed to speak to advocacy trainers to deliver a family litigation course before the end of 2022. Dates for week commencing 19th December have been suggested but these may not be attractive to delegates.
19. CRL has spoken to ACCA regarding probate courses, which are also delivered by Barbri and face scheduling challenges similar to those encountered for the advocacy skills courses. CRL understands that ACCA may be aware of a second provider of these courses which CRL could review and accredit and therefore increase the number of ACCA probate practitioners.

CPD Non-Compliance

2020/2021	01/10/2021	01/09/2022	% Reduction since 1 October 2021
Associate Prosecutors	31	0	100%
Fellows	1646	72	96%
Graduates	634	171	73%
WBL reduction	212	19	91%
Associates	1100	662	40%
Total	3623	924	74%

20. The above table sets out the progress the team has made in dealing with CPD non-compliance since the CPD year closed on 1 October 2021.
21. 930 emails were received by CPD email inbox in August, of which 909 received a response within 5 working days.

ENTITY TEAM UPDATE

Policy

Anti-Money Laundering (AML) Supervision

22. The Office for Professional Bodies AML Supervision's (OPBAS) consultation on changes to its sourcebook has gone live. A meeting has been arranged to discuss the consultation with AML supervisors on 23 September 2022. Primarily, the proposed changes affect how OPBAS assesses compliance by regulators. The consultation closes on 29 September 2022.
23. There have been no quarterly meetings with OPBAS.
24. Discussions have commenced on the 'Economic Crime Plan 2'. The new focus will be around economic fraud. CRL has had discussions with MoJ about a proposed ninth regulatory objective to be added into the Legal Services Act 2007 which would focus specifically on ensuring legal regulators promote adherence to the legislation to prevent economic crime. CRL has expressed the view that extending the objectives in this way is unnecessary, given that this is a very specific risk for legal services.

FCA / Claims Management Activities

25. CRL has been working with the Financial Conduct Authority (FCA), the Solicitors Regulation Authority (SRA) and Bar Standards Board (BSB) on new rules related to claims management activities and fee caps.
26. Following the legal challenge to the FCA's new policy and rules, CRL and the other legal regulators are monitoring the position. There has been no progress since the last Board meeting.

Lender Panels / Banks

27. CRL has been working with ICAEW to lobby UK Finance in relation to the discrimination faced by non-solicitor probate practitioners who seek to have estate monies paid into their client accounts. Despite pressure from both ICAEW and CRL, there has been no progress. CRL will raise the matter again with the LSB as this is a focus within CILEX's case for change.

Professional Indemnity Insurance (PII)

28. Following the CILEX press releases in relation to the future of regulatory arrangements, [Redacted] has indicated that they no longer wish to progress discussions about becoming a CRL Qualifying Insurer until the future of CRL has been clarified.

29. Discussions continue with another broker in relation to the potential to create a master PII policy. Whilst the costs of premiums need to be explored, there is scope to offer cover for conveyancing firms. The details on this proposal are expected shortly. A proposal to change to a master policy for PII would require consultation and a rule change.

Sanctions

30. Since the meeting with the LSB on 15 June 2022, CRL has continued to make progress against the sanctions action plan. Updates on the work of the Office of Financial Sanctions Implementation (OFSI) and changes to the sanctions regime continue to be provided to CILEX Authorised firms.

Rule changes

Designated Professional Body (DPB) application

31. HM Treasury advised that the decision on the CRL application to become a DPB has been delayed owing to the Conservative leader contest. HMT has requested further clarification on the need for CILEX to be awarded DPB status to assist the new minister. HMT confirmed they were happy with the information and examples provided. They are unable to provide any indication on timescales for the decision.

Professional Indemnity Insurance (PII) - CILEX Minimum Wording application

32. The application to clarify the CILEX Minimum Wording in relation to the scope of PII cover when a law firm has been subject to a cyber-attack/computer breach was submitted to the LSB on 5 August 2022. This was a technical change to the CILEX Minimum Wording and was broadly in line with the changes adopted by the SRA to implement requirements from Lloyd's of London. The application was approved by the LSB on 26 August 2022.

Operations

ACCA Performance Update

33. As expected, applications from ACCA individuals and firms have now slowed. CRL will now commence work on the online renewal process for 2023.
34. There has been one direct enquiry from an existing CILEX-ACCA Probate Entity regarding the impact of the CILEX announcement. CRL has spoken to ACCA about the potential impact and has confirmed that they will receive any updates as appropriate.
35. The following table sets out both the individual and firm applications CRL has received.

Current ACCA applications

	Figures at the close of the month							
<i>ACCA had authorised 99 individuals and 78 firms</i>	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	June 2022	July 2022	Aug 2022
<i>Total individual applications received</i>	71	71	70	71	74	75	75	76
Number of CILEX Practitioners (ACCA-Probate) in progress	23 (4 on hold)	15 (4 on hold)	8 (4 on hold)	7 (3 on hold)	7 (3 on hold)	8 (3 on hold)	8 (3 on hold)	9 (3 on hold)
Number of CILEX Practitioners (ACCA-Probate) provisionally authorised	20	19	15	15	15	13	12	11
Number of authorised CILEX Practitioners (ACCA-Probate)	28	37	47	49	52	54	55	56
<i>Total firm applications received</i>	37	45	46	48	48	48	48	49
Number of CILEX-ACCA Probate firm applications in progress	16 (3 on hold)	17	9	9	6	5	5	6
Number of CILEX-ACCA Probate firms	21	28	37	39	42	43	43	43

Entity Performance Update

Current applications

	Figures at the close of the month								
	Jan 2022	Feb 2022	Mch 2022	Apr 2022	May 2022	June 2022	July 2022	Aug 2022	Comment
Number at the pre-authorisation stage	5	5	4	7	7	4	3	2	This includes one that has submitted a full application.
Number at Provisional Authorisation stage	0	0	1	0	1	1	1	1	The firm that has reached the Provisional Authorisation stage in May is a CILEX-ACCA Probate firm which is converting to a conventional probate entity.
Number granted Full Authorisation	0	0	0	1	0	0	0	0	
Number of authorised firms	24	24	24	25	25	25	25	24	

36. Whilst the number of enquiries remains consistent, the number proceeding beyond the initial discussion, (at which point CRL requests the applicant to obtain professional indemnity insurance quotes) has reduced significantly because of the lack of

availability of PII. This means some early-stage applications are now on hold and others are no longer being taken forward.

37. Since the announcement by CILEX, expressions of interest in entity authorisation have effectively ceased. However, the CILEX-ACCA Probate Entity listed in the table above converted to a CILEX Authorised Entity in early September.
38. For the existing firms, three of the conveyancing firms were relying on one of the new insurers, mentioned above, to provide cover, following the decision of their current insurer [redacted] not to renew their policies. As a result of the uncertainty created, one of these firms will switch to the SRA for regulation and the other two have indicated that they are intending to close. This would leave just one conventional conveyancing firm, but this one is looking to close for unrelated reasons.
39. The impact of the CILEX announcement is not limited to conveyancing firms. Although most firms understand the reasons for CRL's proposals to move to the use of third-party managed accounts and they are willing to work with CRL to find a solution, many firms have found this an unsettling time, which has prompted some firms to seek alternative regulation. At the beginning of August 2022, one probate firm switched to become regulated by the SRA and three more are likely to do the same over the next couple of months.
40. CRL expects entity numbers to reduce by seven or eight firms during August to October.

Pre-authorisation stage

41. The number of live applications at the pre-authorisation stage has fallen to two and there are unlikely to be more until there is greater clarity on the future of regulatory arrangements.
42. The list below sets out those applications that are likely to progress in the short term.

Conventional Entity Authorisation applications		
✓	1	CILEx Fellow/solicitor. Application for civil and family litigation firm but needs work on details.
✓	2	Application on hold pending completion of practice rights.

Annual Returns

43. All but two of the Annual Returns are up to date. Both of the outstanding returns relate to conveyancing firms. One of these firms is in the process of being bought out, but if this is unsuccessful the firm will close and the other firm is switching its regulation to the SRA. One of these firms also has an Accountant's Report that is overdue.
44. The summary dashboard of practice rights and entity enquiries and applications is at **Appendix 12.1**.

ENFORCEMENT TEAM UPDATE

Rule change: remote hearings

45. Following Board approval in July, CRL will submit a formal application to the LSB by the end of October 2022 to allow for a presumption for remote hearings. In the interim the LSB has agreed that the temporary arrangements enabling the presumption of remote hearings can continue until February 2023. This will allow the application to be received, reviewed and decided.

Other Enforcement matters

46. CRL has agreed a set of standard directions to manage Appeals Panel (AP) hearings. The Enforcement Rules and Handbook have historically been silent on the AP procedure and relied on the panel to set its own process for each hearing. The new directions bring greater clarity and consistency to the AP procedure and introduce tighter timescales similar to the Disciplinary Tribunal procedures, which are set out in the rules. At the same time this approach also maintains the flexibility for the AP to alter the process where needed. This flexible approach is one that the Enforcement Team wishes to adopt in its general review and amendment of the rules (as proposed in the Standards Review paper).
47. CRL, along with other regulators, has met with the SRA to discuss their approach to financial penalties. Meaningful discussions were held, including the purpose of financial penalties, the factors to take into account when deciding the level of fines to issue and whether the regulator should also have powers to issue fines alongside independent panels. The SRA has arranged a further roundtable in late September to discuss their proposals. The ideas shared will help to inform CRL's review into the Fines and Costs policy.
48. The SRA has asked CRL for its views on new guidance on supervision that it is proposing to publish this year. The Enforcement Team provided feedback on those areas where this guidance might help to reduce complaints about CILEX members. For example, CRL has received complaints about unregulated firms run by CILEX members that are advertising reserved legal activities and relying upon remote supervision by a solicitor. The proposals for clear guidance to be provided by the SRA to solicitors on what is acceptable or not regarding this type of supervision will enable CRL to take action in appropriate cases and provide clearer guidance to members.
49. The intention had been to undertake a wholesale review of the Enforcement Rules, Handbook and Annexes in Q4 of 2022 but this work will now be deferred until 2023 owing the scale of the work involved and current workloads. With the new flexible approach to staffing resources now being implemented, this has assisted in addressing the current workloads and will allow a future focus on this important work.
50. With the expected implementation of the Practitioner Risk Matrices shortly, the Enforcement Team will be able to incorporate any learning gained from their adoption when developing a risk-based approach to complaint handling, the Enforcement Rules and Handbook.
51. The proposal for the creation of a Handbook approach to existing and new CILEx Regulation rules (see Standards Review) is supported by the Enforcement Team



because of the greater clarity that this can bring to CILEX members in relation to their responsibilities. It will also allow for disparate rules to be put in one place.

52. The Enforcement Team will be working with the Practitioner and Entity Teams this quarter to develop an approach to enhancing the way our regulated community demonstrates and maintains competency. This will include identifying ways to ensure compliance and Enforcement's role in assisting with the maintenance and enforcement of standards.
53. Following improvements made to the Enforcement Team's case tracker, recording and analysis of EDI data for reports of misconduct received and decided in 2022 onwards is possible. The team will start with a snapshot of 28 cases decided this year to demonstrate what the data can show.
54. The intention is to expand the categories of protected characteristics and social mobility data analysed to include:
 - Age
 - Gender
 - Race/Ethnicity
 - Disability
 - Sexual orientation
 - Gender reassignment
 - Marital status
 - Religion

 - Whether the individual was the first generation in their family to attend university
 - Schooling between ages 11-18
 - Whether they are a primary carer for children under 18; or
 - Carer for family members, friends, neighbours, or others.
55. This will help give a clearer picture as to whether the EDI composition of the subjects of misconduct cases is reflective of the CILEX membership as a whole, or whether there is any over representation across any group(s). As well as analysing officer and panel decisions and case escalation, the intention is to look in more detail at the source of complaints and whether there is over representation from a particular type of complainant, how we deal with any such over representation over the course of our investigations, as well as other factors that could offer an explanation to any differential outcome. This includes individual engagement levels measured by representation, response, and admission.
56. The new ability to measure engagement levels as a separate variable will also help the Enforcement team to identify whether CRL is communicating with all the regulated community at the right level. Whilst the Enforcement Team is optimistic about the data's ability to give more insight into the EDI performance, the team is mindful that analysis over previous years has often indicated that CRL's case numbers are at times too small to draw firm conclusions. However, the aim is to adopt a similar analysis structure for prior conduct cases, which could provide more meaningful data due to the larger number of prior conduct cases processed.

Operational

57. The following table sets out the number of prior conduct declarations and misconduct complaints that CRL has received over the last two years and for 2022 to date. The key part of the work of the Enforcement Team in 2022 has been to gain a better understanding of the data with which they are working and to use it more effectively to manage their workflows. The work of the Research and Performance Analyst has been important in making changes, especially to their case tracking information, which remains a manual Excel-basis system.
58. The use of a more flexible approach to staff roles has meant that resource has been released to assist the Team and progress is starting to be made in key areas. This should then allow focus to turn to changes to process supporting a more risk-based approach to investigation and enforcement.

	2020	2021	2022 YTD
Misconduct Complaints	65	58	47
Prior Conduct declarations	945	517	139

Prior conduct
Declarations received

2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Declarations received	25	17	16	23	23	17	18	18				
No of cases live	172	203	185	168	162	139	143	149				
No of cases 'On hold'								15				
2021												
Declarations received	189	93	68	30	25	41	15	12	8	3	7	26
No of cases live	416	373	350	316	289	269	231	226	178	175	174	174

59. In addition to the declarations listed above, the Enforcement Team deals with declarations which are made in error by the member/applicant because they have not followed the guidance correctly or have chosen the wrong option. This was particularly highlighted with the ACCA applicants, who continued to select the option that they had already made a declaration to CRL. These incorrect cases nevertheless require investigation by the Enforcement Team before they can be closed.
60. This issue has now been rectified within CRM so that new applicants must complete a full prior conduct declaration. At the next opportunity available to make changes to the CRM, the written guidance will also be reviewed to provide greater clarity to users.

61. The overall reduction in the declarations received from the early part of 2021 is because members no longer need to declare previously disclosed conduct as part of the annual renewal process. However, it remains that previously declared conduct made in applications for Fellowship, practice rights or an approved role in an Authorised Entity are required to be declared and determined before the application can be approved, as the member is becoming an authorised person.
62. During 2022 the Enforcement Team has determined **158** declarations (as of 31 July 2022). Of those 87.3% of determinations were made by an investigator (delegated) and 12.7% by the PCP. The average time for a delegated decision by an investigator in 2022 is **13 weeks**, although this has been disproportionately inflated by one month's figures. The average time for a PCP decision is **29 weeks** and this is often affected by the engagement of the member with the case being presented to the Professional Conduct Panel (PCP) and the subsequent availability of a PCP meeting.
63. When a declaration is made and a case created, there are circumstances within both prior conduct and misconduct where the case is designated as 'On Hold' and is not progressed immediately by the Enforcement Team. This would occur when another regulator or law enforcement body were carrying out their own investigation and that body requests that CRL takes no action until that investigation has concluded.
64. At present the oldest case requiring PCP determination is 'On hold' at **131 weeks** but this is due to an ongoing SRA investigation and CRL's parallel misconduct investigation is on hold for the same reason.
65. The oldest case requiring delegated decision is **132 weeks**. This has been actioned and is awaiting further information from the member.
66. For both cases requiring determination or delegated decision, once a case is no longer 'On Hold' and becomes a live case, it can appear that no action has been taken by the Enforcement Team. The Enforcement Team is very mindful of this and is now ensuring that as these cases become 'live' immediate action is taken. The team has also taken steps to ensure that 'On Hold' cases are regularly reviewed with the other investigating party.
67. The increased capacity within the Enforcement Team has resulted in a significant reduction of open PC cases. The agreed approach was to action and resolve declarations that could be determined by delegated decision first, and good progress has been made with these. Individual caseworkers keep a spreadsheet of 'work in progress' to improve case management and focus on historical cases.
68. Of the open cases, currently 46 can be determined by an investigator. The remaining 103 may require a PCP decision. Discussions have been held about the scheduling of extra PCP meetings to address the backlog and how these cases can be presented efficiently to speed up the process for members.
69. At the beginning of 2022, the PCP was requested to allow the investigators to be able to deal with more cases by delegated decision. Unfortunately, the Panel did not consent to the proposals put forward, which would have a positive impact on workloads. The intention was that the PCP would retain oversight similar to that given to other committees. Given the good progress that has been made to date with addressing backlogs, this is an important piece of work to progress as it provides

greater decision making on less serious conduct matters. The Enforcement Team will look to revisit this with the PCP during the latter part of 2022, as part of the preliminary work in relation to that outlined in the Standards Review.

Misconduct

Complaints received

2022	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
No of New Complaints	2	5	4	11	5	8	3	10				
No of cases live	110	115	114	111	110	117	120	128				
No of cases 'On hold'							33	34				
2021												
No of New Complaints	5	2	7	5	4	3	9	2	5	5	8	3
No of cases live	86	89	95	97	95	98	102	104	108	111	114	117

The 'On hold' historic data is not accurate but will be collected going forward.

70. The total number of live misconduct cases on 31 July 2022 was **128** which can be broken down as follows:

Authorised Entities	5 (concerning 2 firms)	3.9%
Fellows	71 (one Fellow is subject to 3 separate complaints)	55.5%
Non-Authorised grades	52 (3 members are subject to multiple complaints)	40.6%

71. Of the 128 live misconduct cases, 34 are on hold, of which 24 are subject to investigation by another regulator. The remaining 10 cases include police investigations, as well as making reasonable adjustments owing to the member's mental health.
72. In line with the process set out above for prior conduct 'on hold' cases, 12 of these cases on hold have been reviewed within the last 3 months.
73. The oldest live case, which is on hold, is **186 weeks**. The following table provides an analysis of live complaints by age:

	0-6 months	6-12 months	12-18 months	18-24 months	24+ months
No of live cases	26	21	19	24	31
Those 'On Hold'	11	3	3	6	11

74. As mentioned above, as cases come off 'on hold' then they become a live case with the associated age. The Enforcement Team is actively working to reduce these numbers, identifying those that pose the greatest risk to the public.
75. There has been an increase on the number of live cases since the beginning of the year, but this can be dependent on the complexity of the complaint, the engagement by the parties involved, and volume of evidence for review. Clearly those months where there are significant increases will have an impact, but the Enforcement Team believes that there are positive indications of increased throughput and improved case management.
76. CRL had in place a KPI that all initial allegations should have received an initial review by the month end with a target of 100% completion. Historically cases were allocated to investigators as they came in and it was then down to the investigator to complete the review.
77. The following table highlights how an improved triage procedure has resulted in 100% of initial reviews in the period May-July 2022 being conducted within 1 month of receipt. The initial complaint is reviewed by the Enforcement Manager, who has responsibility for this KPI, and the case is then allocated to an investigator (based on a number of factors including complexity and volume of evidence).

2022	Jan	Feb	Mch	Apr	May	Jun	Jly	Aug	Sep	Oct	Nov	Dec
Target initial assessment by month (100%)	93.6	82.3	86	89.4	100	100	100	100				

78. When a complaint is received, the Enforcement Team assesses the member's alleged misconduct against the Code of Conduct and identifies which Principles may have been breached. The following table shows how the Team has assessed which principles have been breached over the last three years. A member may have broken more than one Principle.

Principles breached	2020	2021	2022
Principle 1 – Rule of Law	7	7	3
Principle 2 – Professional Conduct	55	51	34
Principle 3 – Honesty and Integrity	36	31	17
Principle 4 – Legal Obligations	10	7	7
Principle 5 – Act Competently	12	9	7
Principle 6 – Treat Everyone Fairly	7	4	4
Principle 7 – Ensure Independence	3	1	2
Principle 8 – Act Effectively	2	0	1
Principle 9 – Protect Client Money	0	1	0
Total breaches	132	111	75

79. Unsurprisingly, Principle 2 – Professional conduct is the most breached. There is a conscious effort now to ensure that all breaches of principles within a case are

collected accurately, as this will allow more focused guidance to be provided to the regulated community.

80. Once a complaint has been decided by an investigator, the Enforcement Rules currently permit complainants to request that the PCP reviews an investigator's decision to reject an allegation. No grounds for requesting such a review are required so complainants will often do this on the basis that they have nothing to lose.
81. Of the 31 cases that were rejected in 2022, nine complainants requested such a review. This requires the investigator to prepare a further report including supporting evidence to go to the PCP. Of the three review reports prepared and determined by the PCP so far this year, in every instance the investigators' decision was upheld.
82. With the ability to access more detailed and robust management data, CRL believes that the KPIs for the Enforcement team require a significant review. The current KPIs are premised on historic start dates that make meaningful comparison very difficult nor do they aid the team in achieving the standards they seek.
83. However, based on the KPIs agreed three years ago, significant progress has been made particularly regarding target dates for **initial outcomes**. An initial outcome includes:
 - a. rejection of allegations in full or in part/decision not proceed to investigation,
 - b. referral to PCP,
 - c. referral to DT. and determination consent (DBC).
84. In the period January-August 2022, investigators have achieved an initial outcome in **37** cases. In the same period in 2021, 19 cases had an initial outcome and 30 recorded for the whole year.
85. The Enforcement Manager holds weekly case reviews with the less experienced investigators and caseworkers to ensure a consistency of approach and monitor progress on cases.

Disciplinary Panels

Professional Conduct Panel (PCP)

86. In line with previous years, eight PCP meetings were originally scheduled in 2022. An additional meeting was held in June 2022 owing to the 'disqualification' of a previous panel. However additional cases were listed at this Panel to maximise the opportunity the additional meeting offered.
87. For the first time in 2022 the Panel has determined two prior conduct matters in CILEX Practitioner (ACCA-Probate) applications. Both were eventually approved after adjournments, the first to respond to additional enquiries from the Panel and the second to require the attendance of the Applicant.
88. A typical PCP meeting will list 8-10 cases, mainly prior conduct declarations. The Enforcement Team has received regular feedback from the Clerk that the workload is sometimes too high to determine all matters on the agenda, so with this in mind, the

intention is to schedule ten meetings in 2023. As referenced above, increasing the delegated decision powers of the Enforcement team would enable the PCP to be considering the most serious cases.

Disciplinary Tribunal (DT)

89. Six DT hearings were scheduled throughout 2022 but to date four have been cancelled. At the one hearing on 23 June 2022 all charges were proved, and the member excluded. The member attended remotely and CRL did not use external representation at the hearing. No appeal has been filed against the decision.
90. To avoid cancellations in future years, hearings will be scheduled when the cases are ready.

Appeals Panel

91. There have been no appeal hearings so far in 2022. Hearings are scheduled only when an appeal is received.

Other activities

92. In addition to the focus on improving throughput and case management, the Enforcement team notes the need to recruit additional panellists and 'bank' clerks to enable greater flexibility of sitting dates. Advertisements for new panellists have now been published.

