Regulatory performance assessment framework

For the public, with the professions: Framework for effective regulation in the legal services sector.

Standard 1: Well-led

CRL Board Rating

Regulators are well-led with the resources and capability required to work for the public and to meet the regulatory objectives effectively.

Sufficient

	Characteristics	Examples of Evidence	Relevant CRL publications	Action		Timing	
					Start	End	
1	A clear sense of purpose and strategy focused on regulation in the public interest and ensuring public confidence in the regulator.	§ Strategy/vision § Values statement	Strategic Objectives 2022-24 - <u>CILEx Regulation</u> <u>CILEx Regulation Values</u>	Evidence published Website Review CRL Strategy		Q4 2024	
		§ Business plan	Strategy-Implementation-plan- 2023.pdf (cilexregulation.org.uk)	Agree Business Plan	2024 Q3 2023	Q4 2023	
		§ Board involvement in development and direction of strategy		Board meetings Agree Business Plan Board away day Agree CRL Strategy			
		§ Board away day § Comprehensive evidence base	07.5-Board-KPI-Data-Q4-2017-Q4- 2022.pdf (cilexregulation.org.uk)	Each year	Q2 2023		
2	Board takes ownership of and accountability for the organisation's performance	§ Governance manual/handbook § Board and Committee attendance	<u>Governance</u>	Review each year Publication attenda	Q2 2023		
		 Sound and committee attendance levels Number of Board and Committee meetings 	Board Member attendance 2022 Board Meetings	record prior year			
		§ Board agendas and minutes – evidence of Board taking decisions	Board Meetings	CRL website regular updated	у		contin
		§ Progress against planned activity	07.5-Board-KPI-Data-Q4-2017-Q4-	Standing item at Boa meetings Standing item at Boa			contin
		§ Performance against KPIs	2022.pdf (cilexregulation.org.uk)	meetings			
		§ Complaints about the regulator	Complaints about us - CILEx Regulation 13.0-Annual-CRL-Complaints- Compliments-Report-23022023- FOR-PUBLICATION.pdf (cilexregulation.org.uk)	Annual report to Bo	ard Q1 2023		
		§ Board effectiveness reviews		Annual review	Q2 2023		

		 § Annual accounts and reporting of data to Board and publicly § Board and Executive meet regularly to foster collaborative relationships 	<u>Annual Reports</u>
3	Independent of the regulated professions but understands and collaborates effectively with the profession and representative groups to meet the regulatory objectives.	§ Compliance with IGRs § Examples of collaborative work and attempts at collaboration § Examples of innovative work	Firms authorised to provide legal services - CILEx Regulation
4	Understands the needs of consumers and the public interest and assesses the impact of its work in meeting their interests.	§ Research into public concerns § Research into levels of public confidence in the regulator § Assessment of impact of regulator's work in addressing concerns raised by and issues facing the public	
5	Delivers high levels of transparency, including ensuring decisions are clear and accessible to all those with an interest.	 § Publication policy § Annual Report § Annual accounts and reporting of data to Board and publicly § Board papers and minutes § Costs report § KPIs and performance reports 	Governance Transparency Policy Annual Report 2021 Financial Statements 2021 Board Meetings - CILEx Regulation Costs Transparency Statement 2021 07.5-Board-KPI-Data-Q4-2017-Q4- 2022.pdf (cilexregulation.org.uk) 13.0-Annual-CRL-Complaints-
		§ Complaints about the regulator § Regulator engagement with stakeholders	<u>Compliments-Report-23022023-</u> <u>FOR-PUBLICATION.pdf</u> (cilexregulation.org.uk)

Annual accounts approved by Board Board meetings Teleconferences Strategy days IGR processes engaged to resolve dispute with	Q2 2023
representative body Collaboration: EDI, data collection, AML & Sanction	IS
see also Characteristic 12	
Commission stakeholder and regulated community perceptions survey	Q2 2024

§ Process in place to ensure plain	https://cilexregulation.org.uk/wp-		l
English approach to	content/uploads/2020/05/Client-		
communications	Care-Letters-Research-Report-		
	FINAL-201016.pdf		
	https://cilexregulation.org.uk/wp- content/uploads/2020/05/CILEx- Regulation-Risk-Management-Key- Principles-for-Client-Care- Letters.pdf.pdf		
§ Consumer engagement strategy including vulnerable consumers	<u>I am a member of the public -</u> <u>CILEx Regulation</u>	Consumer page on CRL website refreshed & explanatory video posted	
§ Diversity report	Diversity-Report-2021.pdf (cilexregulation.org.uk)	2023 Diversity Report	Q3 2023
6 Clear tarms of reference for the		Doviced draft propored for	
§ Clear terms of reference for the Board and associated committees		Revised draft prepared for	
		Board approval	
(and for staff)			
§ Consideration of diversity of the			
Board (and of staff)	Regulation	Annual appraical of Chair	
§ Board review processes		Annual appraisal of Chair and Board members	
	Board-Committee-and-Panel-		
§ Appointment processes and	Periods-of-Appointment-17-May-		
terms	2022.pdf (cilexregulation.org.uk)		
§ Code of conduct (for Board and	Code-of-Conduct-for-Board-		
staff)	members-17-May-2022.pdf		
starry	(cilexregulation.org.uk)		
	Code-of-Conduct-for-Board-		
§ Disciplinary processes	members-17-May-2022.pdf		
	(cilexregulation.org.uk)	currently no formal process	
§ Skills review processes		skills review incorporated into Board appraisals	
	CILEx-Regulation-Financial-	External Audit of Financial	
§ Internal/External Audit	Statements-2021.pdf	Statements	
	(cilexregulation.org.uk)		
§ Risk outlook			
§ Risk policy			

	§ Risk assessment policy	
6 Understands, secures and deploys the necessary resources to support meeting the regulatory objectives, including through collaboration where relevant.	§ Numbers of staff assigned to regulatory activities against number of vacancies	
	§ Training available to staff and decision makers	
	§ Cost of regulation information	2021-Cost-Transparency- Statement.pdf (cilexregulation.org.uk)
	§ Practising Certificate Fee	CILEX/CRL PCF Application 2023 (legalservicesboard.org.uk) https://legalservicesboard.org.uk/ wp- content/uploads/2022/12/202212 20-CILEX-CRL-PCF-Decision-Notice- 2023.pdf
	§ HR monitoring of staff turnover rates	07.5-Board-KPI-Data-Q4-2017-Q4- 2022.pdf (cilexregulation.org.uk)
	§ Contingency planning (to deal with resource pressures)	
7 Understands the legislative ar policy framework within which it operates; works constructively and in collaboration with the LSB, other relevant authorities and	regulated community and others (eg OPBAS, CMA) § Horizon scanning	

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	included in Balanced Scorecard	
	All staff are required to completed mandatory training . Other training is made available as appropriate. Two members of staff currently sponsored through professional training. Face to face training sessions for panellists and Tribunal members 2X pa	
	appropriate resourcing in place for CRL to carry out its regulatory functions effectively and efficiently	

1		relevant stakeholders.				
			§ Information about the market that is available			
	8	Has fit for purpose governance systems that align to best practice.	§ Governance manual/handbook § Clear terms of reference for the Board and associated committees (and for staff)	CILEx Regulation Board - CILEx Regulation Matters-reserved-to-the-Board-17- <u>May-2022.pdf</u> (cilexregulation.org.uk) Standing-Orders-17-May-2022.pdf (cilexregulation.org.uk)		Terms of Reference are in force for the Professional Conduct Panel, the Disciplinary Tribunal , the Appeals Panel and the Strategic Risk Committee All members of staff have Job Descriptions which set out their roles and responsibilities
			§ Consideration of diversity of the Board (and of staff)	CRL Diversity Data 2021 - CILEx Regulation		
			§ Board review processes	<u>Chair-and-Board-Member-</u> Appraisal-Arrangements-17-May- 22.pdf (cilexregulation.org.uk)		
			§ Appointment processes and terms	Board-Committee-and-Panel- Periods-of-Appointment-17-May- 2022.pdf (cilexregulation.org.uk)		
			§ Code of conduct (for Board and staff)	Code-of-Conduct-for-Board- members-17-May-2022.pdf (cilexregulation.org.uk)		
			§ Disciplinary processes § Skills review processes			skills review incorporated into Board appraisals
			§ Internal/External Audit	CILEx-Regulation-Financial- Statements-2021.pdf (cilexregulation.org.uk)		
1			§ Risk outlook			Risk Management Policy
1			§ Risk policy			agreed by Board
L			§ Risk assessment policy		l	

Standard 2: Effective approach to regulation

Regulators act on behalf of the public to apply their knowledge to identify opportunities and address risks to meeting the regulatory objectives

	Characteristics	Examples of Evidence	Relevant CRL publications

Action		Timing	
	Start	End	

Q3 2023

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9	Has a comprehensive				currently liaising with other		
	understanding of the market it	§ Investment in research and			legal regulators to		
	regulates, including the	research plan			determine the scope for		
	consumers of services, and				working together on		
	proactively identifies risks to				research projects.		
	the regulatory objectives; has a						
	clear programme of activity to	§ Published programmes of activity					
	address those risks.						
			Strategic Objectives 2022-24 -				
			CILEx Regulation				
		§ Strategic and business plans	Strategy-Implementation-plan-				
			2023.pdf (cilexregulation.org.uk)				
		§ Risk management policy which					
		explains approach to identifying					
		current and future policy					
		developments and their impact					
		including risks					
		§ Risk outlook and explanation as to					
		how this has informed regulatory					
		activity					
		,	Sanctions-Risk-Assessment-2022-		Sectoral Risk Assessments		
		§ Sectoral risk assessments to	November-2022.pdf		published		
		identify where further information	(cilexregulation.org.uk)		published		
		needed	(enex) egulation.org.uk/				
		§ Description of evidence used to			Rule changes policy agreed	Q3 2023	
		inform regulatory activity			by Board		
		§ Feedback on regulatory processes					
		from those under review					
		nom mose under review					
			Price and service transparency -				
			CILEx Regulation				
		§ Outcomes of regulator's					
		collaborative work to understand	Improving comparison				
		consumers' needs	information for consumers - take				
			part in our pilot - CILEx Regulation				
		§ Learning from and using other					
		bodies' experience and evidence to					
		inform regulatory activity					
		§ Regulatory community					
		engagement survey					
						-	-

		Surveys - CILEx Regulation		Refresh consumer survey	Q3 2023
	§ Feedback surveys and outcomes		Ial reports - CILEx Regulation s - CILEx Regulation setter archive - CILEx lation lation lation Matters ed consultations - CILEx lation ultation Responses Archive - (Regulation edition ultation Responses Archive - (Regulation) egic Objectives 2022-24 -		
	§ Full consultation responses and decision documents				
	§ Use of new and different channels to engage with stakeholders and publicise consultations				
	§ Publication of annual reports, accounts and reporting of data	Annual reports - CILEx Regulation			
	§ Examples of engagement with stakeholders	Newsletter archive - CILEx Regulation Regulation Matters Closed consultations - CILEx Regulation Consultation Responses Archive -			
	§ Strategy/Vision	<u>Strategic Objectives 2022-24 -</u> <u>CILEx Regulation</u>			
	§ Business Plan § Processes to ensure use of plain English				
	§ Strategy for engaging consumers, including vulnerable consumers				
	§ Examples of how stakeholders, including consumers, have				
	informed decisions § Strategy for engaging consumers, including vulnerable consumers			Strategy Review approved	Q3 2023
public, consumers and regulated community to inform decisions.	§ Strategy for engaging regulated community § Research into public concerns				
	§ Research into levels of public confidence in the regulator			and regulated community	Q2 2024
	§ Regulator engagement with stakeholders				

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		§ Consideration and evaluation of			
		Board engagement with the			
		regulated community and others			
		§ Horizon scanning			
		§ Feedback from stakeholders			
11	Understands the range of	§ Documented use of both formal			
	formal (eg rules) and informal	and informal levers and evaluation			
	(eg influence) regulatory levers	of their respective impacts			
	at its disposal and how to best	§ Issues and risks addressed (eg			
	appropriate regulatory	complaints on particular topics)			
	interventions and evaluates	§ Examples where stakeholders			
	their impact, changing the	have influenced thinking			
	approach where necessary to				
	improve outcomes.	§ Systematic approach to reviewing			1
		regulatory interventions including periodic reviews			
		periodic reviews			
		§ Responses to issues raised in			
		between periodic reviews			
12	Obtains and makes effective	§ Data underpinning research			
12		results is published			
				Commission stakeholder	Q
use of data, including by making it available to others, to inform how it meets the	§ Tracker and stakeholder		and regulated community	Ĩ	
	regulatory objectives.	- perception surveys		perceptions survey	
		§ Examples of data collected from			
		the regulatory community			
			07.5-Board-KPI-Data-Q4-2017-Q4-		
		§ Performance against KPIs	2022.pdf (cilexregulation.org.uk)		
13	Actively encourages innovation	§ Regulator has own innovation		CRL has an innovation	
and innovators in the interests of improving access to services; identifies and mitigates risks appropriately without allowing them to become obstacles.		policy	Waiver Policy	strategic objective	
		<u>·····</u>	 Led by DoG 		
			Research and		
			Performance Analyst in		
	them to become obstacles.	§ Regulator demonstrates in-house		post	
		innovation and technology		 Legal Tech post 	
		capability or shows it has access to		(combined with practitioner	1
		such capability		and entity policy) currently	
				vacant	ſ
				Membership of	ſ
				LawTechUK Regulatory	ſ
				Response Unit (RRU)	1

		§ Horizon scanning		Through engagement with LawTechUK and regular scanning activities of legal and general press
		§ Engagement with stakeholders, including innovators, about benefits and risks of innovation		 Engagement through LawTechUK (pending re- launch on 18 May 2023) Member of Land Registry Advisory Council Attendee at DCMS Digital Identity working groups
		§ Changes to regulatory activities as a result of engagement		To date no changes have been made
		§ Use of waivers and exemptions to facilitate innovation	CRL Waiver Policy	
14	Committed to improving the diversity of, and reducing inequalities in, the profession at all levels and implements actions to reduce barriers to equality and inclusion.	§ Regulator has own professional diversity and inclusion policy that takes account of current best practice § Regulator focuses on the protected characteristics in the Equality Act 2010 and socio- economic diversity	EDI-Strategy-2022-Final.pdf (cilexregulation.org.uk)	
		§ Regulator takes action to address the barriers to equality, diversity and inclusion that it has uncovered		
		§ Diversity data collection, awareness and understanding of diversity initiatives and work being undertaken by others		
		§ Use of diversity data and analysis to evaluate effectiveness of actions and inform policy development		
		§ Collaboration with others to share data, insights from own initiatives and examples of good practice.		

		§ Regulator leads changes by setting aspirational goals for the profession and recommending examples of effective initiatives to achieve them	
		§ Regulator promotes the value of training for legal professionals on equality, diversity and inclusion	
		§ Regulator highlights the importance of inclusive recruitment and working practices in the profession	
		§ Regulator has effective processes in place to deal with professional misconduct, such as bullying and	
15 Cor		harassment § Use of equality impact assessments § Regulator has own diversity and	
red to s	1 9	 § Regulator has own diversity and access to justice policies § Regulator's policies take account of current best practice 	
		§ Actions taken by regulator to address diversity issues it has uncovered § Diversity data collection, awareness and understanding of	
		diversity initiatives and work being undertaken by others § Use of equality impact assessments	
		§ Use of diversity data and analysis	

Standard 3: Operational delivery

Regulators' operational activity (eg education and training, authorisation, supervision, enforcement) is effective and clearly focused on the public interest.

	Characteristics	Examples of Evidence	Relevant CRL publications
16	Ensures that authorised	§ Published data on providers' pass	Pass Rates for Each Unit of Each
	persons have and maintain the	rates	CILEX Qualifications

Action		Timing	
	Start	End	

right skills, knowledge, behaviours and professional ethics to practise throughout their careers.	§ Information for students about choosing a training provider and financial protection § Published entry and ongoing practice requirements	CPQ: How To Get Started with CILEX Professional Qualification New education standards for Chartered Legal Executives (cilexregulation.org.uk)	
	§ Quality assurance mechanisms to test rigour of entry and ongoing competence assessments		
	§ Authorisation information requirements § Ongoing competence policy and monitoring plans	<u>CILEx-Authorisation-Rules.pdf</u> (<u>cilexregulation.org.uk)</u> <u>Outcomes Based CPD Scheme -</u> <u>CILEx Regulation</u>	
	§ Information on ongoing competence checks undertaken and the outcome of those checks		On going competence action plan
	§ Standards for the regulated community	Rules and Guidance governing CILEx Authorised Entities- CILEx Regulation	
17 Maintains accessible and accurate registers of authorised persons, including		Benefits of using our authorised lawyers - CILEx Regulation	
information on disciplinary an enforcement action.	d § Consumer-facing information on the content of the register and what it means to be on it	Find a Lawyer (Chartered Legal Executive / CILEx Practitioner) - CILEx Regulation	
	§ Information on how to access the register	Find a Lawyer (Chartered Legal Executive / CILEx Practitioner) - CILEx Regulation	
	§ Information on: o How and when register is updated o How and when it accuracy is	<u>CILEx Regulation > CRL Directory</u> (cilexgroup.org.uk)	
	its accuracy is enforcement information is publicly available and what will not	PUBLICATION POLICY (cilexregulation.org.uk)	
	o How the		

No specific process

18 Sets out clear, accessible criteria for taking decisions about the authorisation, supervision of authorised persons and enforcement proceedings against them to protect the public; adheres to the criteria when taking decisions.	regulator is assured the register is used and checked by employers and other interested § Published authorisation, supervision and enforcement policies which transparently describe the regulator's approaches	
19 Takes concerns raised by the public, the profession and other stakeholders seriously; pursues those concerns with appropriate rigour and pace under a transparent process.	§ Published policy for handling complaints/issues including updates for those involved, deadlines for responses and closure of case § Process for managing complaints from LeO and/or other regulators	Complaints Procedures and Guidance - CILEx Regulation
	§ Evidence of how activity is focused on the public interest and the needs of vulnerable members of the public § Published guidance for staff and decision makers § Template letters used	Problems-and-Complaints- infographic-FINAL-page-1.pdf (cilexregulation.org.uk) CRL Complaints Policy (003).docx (sharepoint.com)
	 \$ Complaints resulting in regulatory action where appropriate \$ Process for review and risk assessment of cases during their lifetime \$ Outcomes of checks on the process/reviews 	<u>Problems-and-Complaints-</u> infographic-FINAL-page-1.pdf (cilexregulation.org.uk)
	 § Uses data gathered from complaints and issues raised to identify thematic issues and develop responses to them § Evidence of follow-up activity in relation to thematic issues § Guidance issued to regulated community 	

20	Proactively seeks to maintain	§ Uses data gathered from	
	appropriate standards of	operational activity to identify	
	conduct and responds to	thematic issues and develops	
	thematic issues arising from	appropriate responses	
	operational activity, including	§ Evidence of follow-up activity in	
	ensuring that those they	relation to thematic issues	
	regulate take action, where	§ Guidance issued to regulated	
	relevant.	community	

