

<b>Date</b>	<b>16 November 2023</b>
<b>Item</b>	<b>10.0</b>
<b>Title</b>	<b>Director of Operations' Report</b>
<b>Author</b>	<b>David Pope, Director of Operations</b>
<b>Purpose</b>	This paper provides the Board with an update on the work of the Operations Directorate undertaken since the last meeting.
<b>Recommendation</b>	The Board is asked to: <ul style="list-style-type: none"> <li>➤ <b>NOTE</b> this report.</li> <li>➤ <b>APPROVE</b> an application fee for the Recognition of lawyers qualified outside the jurisdiction of the United Kingdom.</li> </ul>
<b>Timing</b>	N/A
<b>Impact Assessment</b>	N/A
<b>Impact on Regulatory Objectives</b>	The work covered in this report impacts on the following: <ul style="list-style-type: none"> <li>- encouraging an independent, strong, diverse, and effective legal profession.</li> <li>- protecting and promoting the consumer and public interest; and</li> <li>- promoting and maintaining adherence to the professional principles.</li> </ul> And the proposed objective: <ul style="list-style-type: none"> <li>- promoting the prevention and detection of economic crime</li> </ul>
<b>Implications for resources</b>	The loss of CRL staff due to impact of CILEX decision to proceed with re delegation and no certainty on future prospects for staff.
<b>Impact on consumer empowerment</b>	N/A
<b>Impact on ongoing competence</b>	Currently monitored via CPD non-compliance, this will change with adoption of the LSB requirements for assessing ongoing competence.
<b>Publication status</b>	For full publication, bar 3 commercially sensitive paragraphs
<b>Appendices</b>	None

## Introduction

1. This paper provides the Board with an update on the work of the Operations Directorate including:
  - The work of the Practitioner Team,
  - The work of the Entity Team,
  - The work relevant to the proposed new regulatory objective on Economic Crime, and
  - The work of the Enforcement Team.
2. The work carried out by the Head of Education, which is covered within the report from the Director of Governance, Policy & Legal, also links with that of the Practitioner Team especially related to the routes to qualification.

3. In addition to the data contained in the Operations Report, which is provided with a narrative, CRL has published its KPI's on a quarterly basis.

## **PRACTITIONER TEAM UPDATE**

### **Rule change applications**

4. CRL has identified issues related to the scope of the Immigration Practice Rights and the guidance provided within the handbook, which was designated as a regulatory arrangement back in 2014. This has caused some confusion to practitioners related to Judicial reviews, which require the practitioner to hold a Civil Litigation Practice Right to instruct a representative and they cannot appear in an Upper Tribunal without Higher Rights.
5. CRL will submit an exempt direction application to address this in November 2023.

### **Operations**

6. A dedicated webpage has now been established to include stages and timescales on the processes of applications which has helped with the volume of queries coming through. Other information regarding details of the University of Law course and examples of practitioner portfolios have also been uploaded to aid guidance to practice rights applicants.
7. CRL will be responding to the consultation by the Department for Business and Trade on reforms to the Provision of Services Regulations 2009. This closes on 7 November 2023.
8. There has been an increase in the last couple of months of enquiries and applications for those who wish to become CLE through the Cost Lawyer route or to gain practice rights through transferring from CLC either for probate or conveyancing.
9. There has also been an increase of enquiries and applications for the scheme of Recognition of lawyers qualified outside the jurisdiction of the United Kingdom. This reflects the work that CRL carried out at the end of 2023 and the beginning of 2024 related to the Regulated Professions Register and the Professional Qualifications Act 2022, where the profile of the CILEX route and the role of CRL has been improved.
10. Historically there has been little interest in the CILEX qualifications from those qualified overseas and therefore CRL has never agreed a fee for this activity, although this is allowed within the LSB approved rules. The PAS Manager and The Head of Education are working on a systematic process for processing these applications as they can be complex but also can vary considerably in quality, overseas experience and qualifications which need to be aligned to the education standards. In terms of mapping foreign qualifications, CRL may require applicants to use an international verification organisation.
11. The Board is asked to **APPROVE** an application fee of £300 for the work involved in assessing these applications which would cover internal staff time.

### Qualifying Experience (QE)

Qualifying Experience													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
<b>Applications 2023</b>	55	57	63	51	44	45	41	33	56				445
<b>Applications 2022</b>	61	65	62	70	57	72	43	67	58	43	42	28	668
<b>Av No weeks to overall decision</b>	9	5	4	5	5	5	4	5	5				
<b>% QE decisions made by ALC</b>	10.9	0	1.6	8	0	0.6	0.1	3	1.8				

12. The average time to first assessment for QE in October 2023 was 23 working days. This was due to a payment that was missed in February 2023 and only got picked up in October 2023. Without this oversight, it is 20 working day average for October. Two cases were considered at the ALC in October.

13. It would seem likely that the number of QE applications in 2023 will be nearly 100 less than the previous year, so a 15% reduction. This will have future consequences as discussed at the previous Board meeting.

### Work Based Learning (WBL)

Work Based Learning													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
<b>Applications 2023</b>	54	58	59	62	57	43	43	80	62				518
<b>No. authorisations</b>	72	53	38	53	65	63	57	47	78				526
<b>Av. no. weeks to overall decision</b>	14.4	12.4	12.5	12.3	12.4	12.3	9.6	12.3	12.3				
<b>Av. no. resubmissions per application</b>	1.7	1.6	1.6	1.6	1.6	1.6	1.5	1.7	1.7				
<b>Applications 2022</b>	42	37	71	70	62	52	48	77	65	65	60	38	687

14. The average time to first assessment of WBL applications in October 2023 was 31.6 working days. The oldest file waiting to be assessed on 31 October 2023 was 37 working days. This are the best it has been for a little while.

### Practice Rights & Advocacy

Practice Rights & Advocacy 2023													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	YTD
<b>No of practice rights holders</b>	149	155	164	165	165	165	195	204	216				
<b>Applications received</b>	5	9	4	8	9	4	5	5	7				56
<b>Applications authorised</b>	2	3	11	2	0	1	9	22	10				60
<b>Av. no. weeks to overall decision</b>	40.6	40.5	47.6	47.2	45.8	44.8	42.8	41.3	40.1				
<b>No of practice right holders (ACCA-Probate)</b>	54	55	49	49	49	49	48	45	46				

15. The team is still receiving a steady flow of practice rights applications which is at least double the number of portfolio applications from last year.
16. CRL is continuing to deal with a regular number of queries regarding practice rights. There still seems to be confusion about why CILEX is pushing practice rights with the arbitrary deadline of 31<sup>st</sup> December 2023, which is causing some panic and stress for enquirers. Once assured that the deadline will not have an impact on their work and roles, members are happy to discuss the options and the benefits. CRL has provided more guidance and information about practice rights on the website to address these concerns.
17. Where possible, enquirers wanting information on advocacy are being advised on the benefits of practice rights. However, it has been acknowledged by a number of enquirers that they are prohibited from attaining practice rights in Litigation and Advocacy (family, civil and criminal) because although they have extensive litigation experience, their role or organisation does not provide them with the opportunity for some advocacy experience, which is required both in obtaining full practice rights and the subsequent 12-month renewal process.

### Courses

18. Barbri cancelled a course for family scheduled for November and have re-scheduled for April 2024 which means that some applicants will have waited nearly a year to go on a course and will be over a year to be approved. A course for civil is scheduled for December which is at capacity. It is expected that there will be several portfolio applicants waiting for a civil course around this time.
19. The Practitioner Manager and Head of Education have worked to address the concerns raised at the last Board meeting regarding applicants not being able to access regular advocacy courses. The following, which is confidential at present, sets out the progress that has been made.
20. *Commercially sensitive.*
21. *Commercially sensitive*
22. *Commercially sensitive*

### ULaw training and assessment for practice rights

23. The September cohort of the University of Law route to practice rights had a total of 50 candidates which is the largest cohort so far with half registering for conveyancing. The vast majority of applicants were registering for the assessment only pathway. The results from this cohort will be expected beginning of February. The next cohort will start in December and the team is receiving queries and applications for registration for the deadline which is the end of November.
24. The University of Law has been asked for any example questions that could be added to the CRL website, so members can understand the style of the assessment.

## CPD Non-Compliance

Compliance Year 2021/2022	30/09/2022	30/09/2023	% non-compliant based on membership numbers September 2022
Associate Prosecutors	15	0	-
Fellows	757*	65	0.9%
Advanced Paralegals (Graduates)	505	161	5.6%
WBL reduction	137	13	-
Paralegals (Associates)	1410	556	18.7%
Total	2824	803	-

\* this figure was reduced to 700 after any submission errors were corrected.

25. The 2022/2023 CPD year closed on 1 October 2023. The initial non-compliance figures have been provided below.

Compliance Year 2022/2023	30/09/2023	30/10/2023	% reduction since 1 October 2023
Associate Prosecutors	25	23	8%
Fellows	942	849	9.9%
Advanced Paralegals (Graduates)	517	479	7.6%
WBL reduction	127	111	12.6%
Paralegals (Associates)	926	885	4.4%
Total	2537	2347	7.5%

26. As always, this has been a very busy time of the year for the team. They have received a high volume of emails over the last 3 months:
- 466 emails were received in CPD email inbox in August 2023.
  - 784 emails were received by CPD email inbox in September 2023.
  - 907 emails have been received to the CPD email inbox in October 2023.

All emails received in the CPD email inbox are responded to within 5 working days and all emails received up until close of business on 29<sup>th</sup> September 2023 were responded to prior to the 2022/2023 CPD year closing.

27. All non-compliant 933 Fellows in the first instance will be contacted to submit CPD logging sheets which will then be manually logged by the team over the next couple of months generating a significant workload and pressures. This activity will be shared amongst half of the team and will be an ongoing process until the end of the year.

## **ENTITY TEAM UPDATE**

### **Policy**

#### FCA / Claims Management Activities

28. CRL has been working with the Financial Conduct Authority (FCA), the Solicitors Regulation Authority (SRA) and Bar Standards Board (BSB) on the introduction of new rules related to claims management activities and fee caps.
29. There is no update to the Board on this work.

#### Professional Indemnity Insurance (PII)

30. Any proactive work with insurers is now on hold as they require greater certainty on CRL's long term future following CILEX's proposed changes to regulatory arrangements before they will discuss offering new facilities.

#### Compensation Arrangements

31. Following CILEXs confirmation of their intention to continue to support the existing compensation arrangements during 2023 and any future transition period, the LSB have confirmed their agreement to continue the compensation arrangements at the current level.
32. CRL has confirmed that it will provide the LSB with an update in January 2024 which will be based on any decision that CILEX makes to its regulatory arrangements.

#### HM Land Registry

33. CRL has continued its work with HM Land Registry, and the new working groups that HM Land Registry has set up to develop collaborative work amongst stakeholders in the home buying and selling sector.
34. This collaboration has been formalised as the Digital Property Market Steering Group and has gained support from the Government, including the Department for Levelling Up, Housing and Communities, for its aims. As a supporter, CRL received a letter from Rachel MacLean, Minister of State for Housing and Planning, thanking it for its support. The DPMSG vision is as follows:  
  
*We want everyone involved in buying, leasing, and selling land and property to experience a secure and modern market that is transparent, customer-friendly, and business-friendly at all stages.*
35. The DPMSG held a conference on 27 September 2023 which was well received, and work has now commenced on the outcomes from the various sessions that were held.
36. This is in addition to the work related to the Land Registry Advisory Council and Home Buyers and Sellers Group.

### **Rule changes**

#### Designated Professional Body (DPB) application.

37. CRL has received no update from HM Treasury on their work related to the Statutory Instrument. It may be that this has been deferred pending the outcome of the current issue.

## Operations

### ACCA Performance Update

Current ACCA Firms												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
<b>No. of CILEX-ACCA Probate firms 2023</b>	42	42	39	39	39	40	39	39	37			
<b>No. of CILEX-ACCA Probate firms 2022</b>	21	28	37	39	42	43	43	43	43	42	42	42

38. There is one ACCA renewal to be completed before the 2024 cycle commences again. Work is being done on improving the payment process for renewals.

### Entity Performance Update

Current Entity applications												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
<b>2023</b>												
<b>No. of CILEX Authorised firms</b>	22	20	19	19	19	19	19	19	19	20		
<b>No. applications granted full authorisation</b>	0	0	0	0	0	1	0	0	0	1		
<b>No. renewals authorised</b>	1	4	3	2	1	2	1	1	1	2		
<b>Av. no. weeks to decision (application)</b>	2	2	2	2	2	2	2	2	2	2		
<b>No. ABS</b>	1	1	1	1	1	1	1	1	1	1		
<b>2022</b>												
<b>No. of CILEX Authorised firms</b>	24	24	24	25	25	25	25	24	23	23	22	22

39. October saw one new Probate firm authorised.

### Annual Returns

40. All Annual Returns for 2023 are up to date.

## ECONOMIC CRIME UPDATE

### **Economic Crime and Corporate Transparency Bill**

41. The final amendments were made to the Economic Crime and Corporate Transparency Act 2023 and Royal Assent was received on 26 October 2023. It is expected that the LSB will discuss its expectations around the new Regulatory objective in early 2024.

### **Anti-Money Laundering (AML) Supervision**

42. CRL had a meeting with OPBAS on 19 October 2023. They remained content with the work that CRL is doing and appreciated the update on the future timetable in respect of CILEX review of its regulatory arrangements. The next meeting has been scheduled for 19 January 2024.
43. CRL attended the Legal Regulators AML Forum on 19 July 2023 and the Legal Sector Affinity Group meeting and AML Supervisors Forum on 3 October 2023. CRL also attended the Legal Sector Intelligence Sharing Expert Working Group on 25 October 2023.
44. Following the submission of the responses to the HMT AML Supervisory review consultation, HMT advised that they expect to publish a response by March 2024. The LSB have suggested that they should take over OPBAS's role with the implementation of the new regulatory objective.
45. CRL was able to establish that the views it had submitted were broadly similar to other regulators. Only the SRA had suggested consolidation to one Professional Body Supervisor in England & Wales, which would be them.
46. HMT issued a technical consultation (The Money Laundering and Terrorist Financing (Amendment) Regulations 2023) in late October 2023 related to Politically Exposed Persons (PEP). This is to enshrine in legislation that domestic PEPs are seen as being a lower risk than overseas PEPs. CRL has submitted a response to HMT.
47. HMT will be issuing a consultation on a review of the Money Laundering Regulations 2017 (MLRs) to improve the effectiveness of the MLRs. They expect that, in line with the objectives of the MLRs, the overarching objectives of the consultation will be to consider issues that:
  - 1) improve effectiveness of the MLRs and ensure they continue to protect the UK against the evolving threat of Money Laundering.
  - 2) ensure supervisors have the appropriate tools to carry out their duties and
  - 3) ensure the MLRs are proportionate, that supervised firms are able to allocate resources in line with risk and that consumers are not overly burdened.
48. HMT has asked for input from the AML supervisors, alongside those areas that they have committed to consult on. These include:
  - Definitions (e.g., "complex or unusually large transactions") and general effectiveness of requirements relating to enhanced due diligence (EDD)
  - High Risk Third Countries:
  - Challenges around using Simplified Due Diligence for pooled client accounts
  - More clarity on how electronic identity processes certified against DCMS's Digital Identity and Attributes Trust Framework support MLR requirements – how can digital identity be used - reliance
  - Source of Funds
  - Extension of record keeping
  - Beneficial Owner, Officers, and Managers regime checks
  - Thinking about Know Your Customer/Business rather than just technical id checks.

This is expected to be concluded in 2024.



49. The HMT Annual Report should be published in November 2023, and this will include a new Effectiveness Framework which will be part of the 2024 HMT Annual Supervision Return.
50. HMT have commenced work on the next National Risk Assessment, and this expected to be published in late 2024 / early 2025.
51. CRL staff attended AML training arranged with an external AML trainer by the Law Society of Scotland on 5 October 2023. It focused on.
  - Financial Crime Risk Awareness, including focus on sanctions
  - Overview of the Financial Crime Compliance Landscape
  - Proliferation Finance
  - Implications of move of supervision to Economic Crime rather than just AML

## Sanctions

52. In addition to the extension of the general licence for fees, there has now been imposed a ban on the provision of trust services and legal advisory services in connection with Russia. This information has been communicated direct to our firms and the Financial Sanctions page on the CRL website has been updated.

## ENFORCEMENT TEAM UPDATE

### Rules changes

53. Within the business plan is a planned enforcement rule review and a workplan for this major piece of work was being constructed. With the current uncertainty, any progress on this is to be delayed until CILEX have concluded their review of regulatory arrangements. This will now go into 2024.

### Operational

54. The following table sets out the number of prior conduct declarations and misconduct complaints that CRL has received over the last three years, including the current year to date.

55.

	2020	2021	2022	2023
Misconduct complaints	65	58	73	54
Prior Conduct declarations	945	517	264	202

### Immigration

56. Following the MoJ Immigration roundtable on 11 July 2023, CRL submitted an action plan to the Professional Enablers Taskforce at the Home Office on 6 September 2023.
57. CRL attended a further MoJ roundtable on 31 October 2023 to discuss approaches to supervision and potential next steps.

58. CRL used data from the risk matrices to identify members where further enquiry is needed related to the provision of immigration services. This work was completed by 30 September 2023 and no risk was identified.

### LSB Enforcement Review

59. The LSB 2023-24 business plan outlined their intention to review regulators' disciplinary and enforcement processes to ensure they have sufficient resources, capability, and capacity to carry out their enforcement work effectively.

60. They have commenced reviewing the enforcement and investigative tools available to regulators, before deciding whether to recommend to the Lord Chancellor, where relevant, that the government strengthens the enforcement tools available to regulators, particularly in relation to information gathering and sharing, and fining powers to effectively tackle serious misconduct.

61. CRL has provided clarification of the powers that it has for investigative information gathering and financial penalties. The LSB have been advised of CRL's plans to consider its existing powers in order to be assured that they remain adequate to address and deter misconduct.

62. There has been no further discussion to date on this work.

### **Prior conduct**

<b>Prior Conduct Declarations</b>												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>2023</b>												
<b>Declarations received</b>	27	22	24	21	22	14	16	26	30			
<b>No of cases resolved</b>	37	32	25	19	24	18	32	29	21			
<b>No of cases live</b>	99	89	88	90	88	84	68	65	74			
<b>No of cases 'On hold'</b>	23	24	26	26	24	24	23	24	21			
<b>No of cases - net</b>	76	65	62	64	62	60	45	41	53			
<b>2022</b>												
<b>Declarations received</b>	18	20	16	22	22	17	18	17	18	19	43	28
<b>No of cases resolved</b>	13	17	21	30	27	33	22	16	34	44	25	21
<b>No of cases live</b>	172	203	185	168	162	139	143	115	115	87	94	109
<b>No of cases 'On hold'</b>								13	14	18	14	20
<b>No of cases - net</b>								102	101	69	80	89

63. The Team continues to make excellent progress in actioning and reducing the number of live cases.

64. On the 26 October 2023, there were 68 open cases, of which 13 can be determined by an investigator (down from the last quarter) and the remaining 55 may require a PCP decision.
65. Out of those 68 open cases, 20 are on hold and 48 are live. Of those 48 live cases, just 15 cases are pre-2023 (again a reduction from the last quarter), which demonstrates sustained progress in clearing the backlog. Of those 13 can be determined by an investigator and 35 may require a PCP decision.
66. The two oldest cases are on hold. In one case the member is appealing an SRA decision but is keeping us up to date on progress. In the other, there is a concurrent misconduct (MC) case which is also being investigated by the SRA. An update from the complainant was chased by CRL for the second time in October 2023.
67. Five cases were considered at the PCP meeting on 26 October 2023, four of which were cases from 2022. One case was adjourned to allow for the member's attendance at the December 2023 PCP meeting.
68. It was necessary for urgent misconduct matters to be prioritised over prior conduct cases in the last quarter. This necessitated several cases being adjourned even though the reports had been completed and included on the PCP agenda.
69. In the oldest case not on hold (145 weeks) we identified a technical issue with CRM in September 2023. The case had been deleted from the CRM 'open cases' list to enable the member to renew his membership. The issue has been rectified and the case is scheduled to be determined by the PCP on 7 December 2023 together with the next oldest case (143 weeks).
70. The following table provides an analysis of prior conduct complaints by age (as of 30 September 2023):

	0-6 months	6-12 months	12-18 months	18-24 months	24+ months	Total
No of live cases	35	20	4	11	4	74
Those 'On Hold'	4	9	1	5	2	21
No of cases - net	31	11	3	6	2	53
<b>January 2023</b>						
No of live cases	50	17	13	10	9	99
Those 'On Hold'	10	7	2	1	3	23
No of cases - net	40	10	11	9	6	76

## Misconduct

Misconduct Complaints												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>2023</b>												
No of New Complaints	4	6	7	4	11	4	5	7	5	11		
No of Complaints resolved	1	1	7	4	8	3	5	3	4			

No of cases live	128	133	132	132	135	136	136	140	141			
No of cases 'On hold'	37	38	39	39	44	45	46	45	45			
No of cases - net	91	95	93	93	91	91	90	95	96			
<b>2022</b>												
No of New Complaints	3	4	5	11	5	8	3	10	8	10	3	3
No of Complaints resolved	1	4	3	13	4	4	2	1	2	13	9	2
No of cases live	112	112	114	112	113	117	118	127	133	130	124	125
No of cases 'On hold'							33	34	37	41	35	36
No of cases - net							85	93	96	89	89	89

Cases that are 'On Hold' are where other investigations have priority and so cannot be progressed.

71. The last quarter saw 17 new misconduct cases received, with a further 11 up to 26 October 2023.
72. Five misconduct cases were scheduled for the 26 October 2023 PCP meeting with a further four cases for noting only (where the allegations were rejected and no request for a review was received).
73. For the first time, the PCP did not approve two agreed sanctions by way of consent. In these two instances the investigator will now either have to seek the members' consent to increase the length of exclusion or refer the cases to the DT. This will have an impact on both workload and the timescale for dealing with the case but does demonstrate the independence of our disciplinary procedures.
74. Investigators made substantive decisions in 24 cases (i.e., rejection of allegation, referral to DT or determination by consent). In addition, five cases over 12 months old were closed in the last quarter.
75. One paralegal member who had 6 separate complaints against him agreed a determination by consent excluding him for 15 years. The deadline for an appeal (which is not anticipated) is 2 November 2023 after which time CRL can close another 6 cases.
76. In one instance, the PCP found a case to answer, and this will need to be referred to the DT unless a determination by consent can be agreed with the member.
77. The total number of live misconduct cases on 30 September 2023 was **143**, which can be broken down as follows:

<b>Authorised Entities</b>	7 (concerning 2 firms)	4.9%
<b>Fellows</b>	71 (one Fellow is subject to 3 separate complaints)	49.7%
<b>Non-Authorised grades</b>	65 (5 members are subject to multiple complaints)	45.4%

78. The oldest live case, which is on hold, is **246 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	28	19	22	15	59
Those 'On Hold'	3	8	9	7	17

Initial Assessment of Complaint (Target 100% by month end)												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	100	100	100	100	100	100	100	100	100	100		
2022	93.6	82.3	86	89.4	100	100	100	100	100	100	100	66.7

79. The initial assessment procedure continues to operate well with the Manager taking full responsibility for maintaining the expected standard.

Principles breached:

Principles breached	2023
Principle 1 – Rule of Law	0
Principle 2 – Professional Conduct	6
Principle 3 – Honesty and Integrity	7
Principle 4 – Legal Obligations	4
Principle 5 – Act Competently	0
Principle 6 – Treat Everyone Fairly	0
Principle 7 – Ensure Independence	0
Principle 8 – Act Effectively	0
Principle 9 – Protect Client Money	0
Total breaches	17

80. Since 2023 the Enforcement Team has recorded which principles might have been breached only when CRL has issued a formal notice of investigation containing allegations which the member was required to respond to. This more accurately reflects the actual misconduct, rather than that alleged. Breached principles may now be added much later in the investigation (unless there is compelling evidence at the outset).

## Disciplinary Panels

### Professional Conduct Panel (PCP)

81. CRL has scheduled 10 PCP meetings for 2023 and 9 have been held to date. The next one is on 7 December 2023.

### Disciplinary Tribunal (DT)

82. The DT scheduled for 31 October 2023 to determine the case which was subject to the interim suspension was adjourned to a date to be fixed by the DT despite vigorous opposition to the application. The only reason given was to await the outcome of the member's appeal against the SRA's decision make a S.43 Order.

### Appeals Panel

83. One appeal hearing went ahead on 12 October 2023. We opposed the member's appeal against publication of a sanction. The appeal was dismissed and partial costs in our favour granted. We took advantage of the opportunity to seek a preliminary decision by the AP on the application of Rule 20 of the Enforcement Rules in relation to appeals against publication only.

84. The second appeal (related to membership) was withdrawn by an applicant a week before the hearing having considered our robust opposition to the appeal. While this has meant that CRL has incurred considerable costs which cannot be claimed back, it does provide good evidence of high standards when considering character and suitability and that CRL cannot be seen as the 'easy option' for applicants.

### **Recommendation**

85. The Board is asked to

- **APPROVE** an application fee for the Recognition of lawyers qualified outside the jurisdiction of the United Kingdom.
- **NOTE** the report.