



# Annual Report 2011

The Independent Regulator of  
Chartered Legal Executives

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# INTRODUCTION

## CHAIR'S FOREWORD

2011 saw further strong progress towards the achievement of our strategic aims. Our overriding aim has always been to deliver reasonable, proportionate, well-respected regulation that both protects the public and underpins the high quality practice for which CILEx members are rightly valued. We continue to do this while pressing forward with improvements in our ways of working and planning ambitiously for the future.

We were delighted to secure a clean bill of health from the LSB for our internal governance arrangements. Put simply, this means the LSB are now completely satisfied that the functions of professional regulation and leadership are properly separated between IPS and CILEx. This is true not only in theory – governance documents, constitutional arrangements, logistical details – but in practice: the partnership of mutual respect, collaborative working and shared ambition, which we built at the outset, has never been stronger.

That successful partnership bore highly visible fruit when, after many months' work and consultation, the organisation secured a Royal Charter, enabling it to be re-styled as The Chartered Institute of Legal Executives, and its Fellows as Chartered Legal Executives. The petition seeking the Charter necessarily emphasised the organisation's public interest focus, so IPS as regulator played its part in winning the argument. We have the luxury of basking, a little, in reflected glory.

Chartered status for CILEx Fellows has direct benefits in regulatory terms: it gives the world a clear statement of the 'quality mark' they should look for in seeking the services of a Chartered Legal Executive; and the risk of having the chartered title removed, through regulatory action, will constitute a powerful incentive towards ethical practice.

During 2011 we took forward some other substantial pieces of work. First, we pressed ahead with our applications for independent practice rights. The consultation process, and the House of Lords debate on Associate Prosecutors' litigation and advocacy rights – which were granted – included a number of positive statements about CILEx and its members, but also gave us a clear picture of the kinds of issues, ignorance and prejudice we must address in order to convince those who will make the ultimate decisions.

Taking account of the need now to cast all such applications in terms of entity-based regulation, we decided to develop our work and re-present the applications to the LSB as a single package. Into this we will bring conveyancing, probate and criminal litigation rights so that Chartered Legal Executives can have, in the future, the full range of practice rights. In parallel we have substantially increased the staffing and capacity of the IPS office, to demonstrate that we can regulate Chartered Legal Executives' businesses and eventually alternative business structures, effectively.

Secondly, we completed our work on robust new criteria for assessing applications for Fellowship. We are now piloting the new scheme and have halted the consideration of any new applications for waiver of the old rules. From now on members will be able to progress to chartered status only through strict application of the rules.

The third project was to make a start on a 'first principles' review of our arrangements for continuing professional development (CPD). Aware as we are of the ambivalence many professionals feel towards mandatory CPD schemes, especially when these are based on points or hours measures, we are studying innovative ideas from different professions around the world. There is much still to do, and we will not be piloting a new scheme for another year or so. But it would not be giving too much away to say that we are attracted to output rather than input measures; to professional self-direction rather than imposition; to reflection and rounded assessment rather than ticking boxes; in short, to treating professionals as adults rather than children. I will report more fully a year from now.

We continue to look for opportunities to collaborate with other regulators. The Quality Assurance Scheme for Advocates, where our common-sense contributions have been highly commended by the senior judiciary driving the project, is coming to weary completion. We are playing our part, promoting the virtues of the CILEx approach to education, in the Legal Education and Training Review. And we continue to work on possible collaborations with other 'smaller' regulators whose work overlaps with ours. We see real scope for consolidation and will continue with constructive engagement over the coming year.



**Alan Kershaw**  
Chairman



## INTRODUCTION



## CHIEF EXECUTIVE'S REPORT

2011 marked the start of a period of transition for IPS. Having built a platform to progress from regulating employed Legal Executives to regulating firms of legal service providers including Legal Executives, the practical issues we need to address started to emerge a little more clearly. The LSB began to articulate its preferred regulatory model – entity based and outcomes focused – and the passage through Parliament of the Orders for Associate Prosecutors employed by the CPS showed we still have work to do to take our place in the evolving legal services market.

Consequently, we had some ups and down during the year. Ups included approval for Associate Prosecutors' litigation and advocacy rights. Associate Prosecutors have shown themselves to be a successful innovation, supporting the business of the CPS and, within their permitted scope, delivering advocacy standards at a level equivalent to their lawyer colleagues. They are a model for what can be achieved by people with a variety of qualifications and experience who have the right training and support, focused on the work they do. This fits well with the IPS ethos and we will continue to work with the CPS to ensure the quality of AP work is maintained.

There was good progress on developing the work based learning criteria by which the quality of applicants' experience can be assessed for admission to Fellowship and we also made a start on developing a new approach to Continuing Professional Development. There are some common themes in our approach to work based learning and CPD, which I believe will prove to be constructive in developing practise rights applications and addressing issues which are likely to emerge from the Legal Education and Training Review, which got under way in 2011. Notwithstanding its unorthodox genesis, IPS was pleased to join with the SRA and the BSB to support the launch of the Review. We hope that it will result in better information being available about all of the different people and organisations who deliver legal services, beyond the main practitioner categories, so that regulators can identify the education and training they need to fulfil their roles.

Good progress was also made in conjunction with the SRA and the BSB on the development of the Quality Assurance Scheme for criminal Advocates (QASA). However, the need for some re-engineering became apparent towards the end of the year and further work will be needed during 2012. Around 95% of criminal cases are dealt with in the Magistrates' Courts, but nearly all of the contentious aspects of the scheme centre around the 5% of cases, albeit the most serious or complex ones, which are dealt with in the Crown Court. The position of ILEX Advocates specialising in criminal work is not greatly changed by the proposals but we will continue to support and contribute to the development of common competence standards in this important area of the justice system.

One of the lower points of the year was deciding to put the applications for independent practise rights on hold. However with the benefit of helpful advice from the Legal Services Board regarding what they would expect of regulators and regulatory models in the future, the necessary pause during 2011 will, I am sure, enable IPS to produce schemes which meet the requirements of the legislation and satisfy the Lord Chancellor

and stakeholders, including Parliament, that IPS and CILEx will be safe and effective regulators in the consumer and public interest.

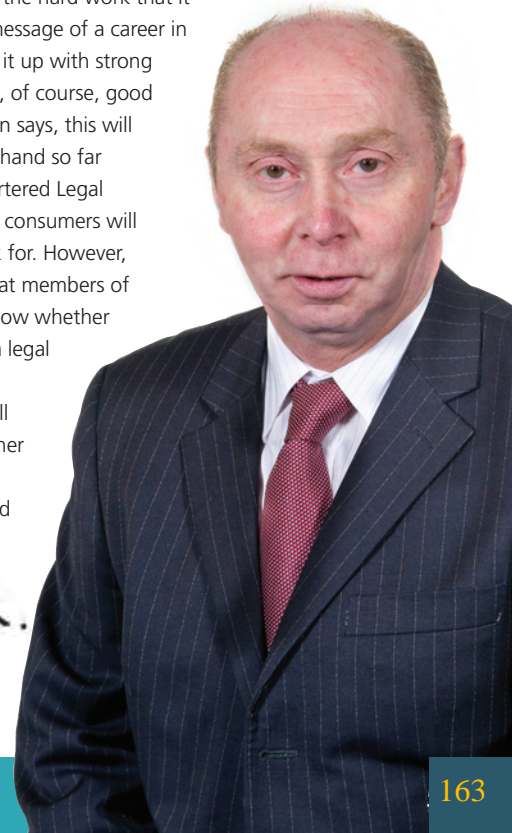
Our discussions on re-framing the applications for rights and working more closely with the LSB generally and the other regulators, led CILEx to recognise the need for IPS to build its capacity in order to deliver key projects during 2012. The work undertaken on various projects and the heightened activity for staff and Board members meant that the cost of IPS regulation continued to rise during 2011. It will be vital during the forthcoming year not only to strengthen our position as a legal services regulator but also to ensure that the regulatory models we develop are proportionate, effective and financially sustainable. We continue to have the support of CILEx in taking this work forward but, quite properly, have to be able to account for what we do and spend.

Back to the theme of transition: during the year, the Chairman and original Board members completed their first three year terms of office. They were all keen to carry on and, following the prescribed procedures, which included input on the appointment process from an external independent, the Chairman and original Board members were re-appointed for further terms of three or two years. The continuity of Board membership, which is important during this vital period, has been secured, both for now and as the original Board members step down in the future.

The other seriously good news during the year was that ILEX was to be granted a Royal Charter and would become the Chartered Institute of Legal Executives (CILEx). This is tremendous news and richly deserved by ILEX for the hard work that it has done in spreading its message of a career in the law for all and backing it up with strong qualification standards and, of course, good regulation. As the Chairman says, this will strengthen IPS's regulatory hand so far as the use of the term Chartered Legal Executive is concerned and consumers will have a quality mark to look for. However, there remains a concern that members of the public will often not know whether someone calling themselves a legal executive is at all qualified, competent or safe. We shall have to wait and see whether this issue of consumer protection can be addressed during 2012.

A handwritten signature in black ink that reads 'Ian Watson'.

**Ian Watson**  
Chief Executive



# ABOUT IPS

ILEX Professional Standards (IPS) is the independent regulatory body of The Chartered Institute of Legal Executives (CILEx). IPS regulates and oversees the education, qualification and practice standards of approximately 22,000 Chartered Legal Executives and other CILEx members. IPS promotes proper standards of conduct and behaviour among those it regulates. We aim to ensure that CILEx members improve throughout their career and are competent and trusted legal practitioners.

The Institute of Legal Executives was granted Royal Charter on 30 January 2012 and became The Chartered Institute of Legal Executives (CILEx). The Charter was formal public recognition for high standards, in qualification, regulation and representation. CILEx has been used throughout this report despite the fact during the time covered by the report it was not a Chartered body.

IPS is based in Bedfordshire sharing offices with CILEx. The IPS Board is made up of seven members, of whom three are Chartered Legal Executives and four are lay members. The Board is responsible for setting the strategy and ensuring that IPS provides proportionate and transparent regulation of CILEx members. Each Board member is a portfolio holder, responsible for one of IPS' areas of responsibility.

IPS protects the interest of consumers of legal services by regulating Chartered Legal Executives and other members of CILEx. It acts in accordance with the regulatory objectives set out in the Legal Services Act 2007, having regard to the principles of good regulation through activities that are proportionate, accountable, consistent, targeted and transparent.

IPS sees its most important role as ensuring the public and members of CILEx know the standards of education, conduct and professional performance that can be expected of CILEx members. IPS also deals, when necessary, with complaints made against CILEx members. Overall, IPS works with CILEx to ensure that Chartered Legal Executives and members of CILEx consistently meet high standards.

The work of IPS can be defined by six areas of responsibility:

1. Education and standards
2. Registration and accreditation
3. Fitness to practise
4. Governance and process
5. Performance and risk
6. Communication and partnership

Each of these is the responsibility of one of the Board members, the Chair having overall responsibility for strategic direction and oversight.

## The Board members are:

### Alan Kershaw

Chair, Lay member

### Andrew Middleton

Lay member

Portfolio: Education and standards

### Thelma Brown

Chartered Legal Executive member

Portfolio: Registration and accreditation

### Sandra Barton

Chartered Legal Executive member

Portfolio: Fitness to practise

### Hilary Daniels

Lay member

Portfolio: Governance and process

### Faizal Essat

Chartered Legal Executive member

Portfolio: Performance and risk

### Patrick Bligh-Cheesman

Lay member

Portfolio: Communication and partnership

Five of the original Board members were reappointed with effect from October 2011, when their three year terms came to an end. The Reappointments Committee decided to reappoint two Board members for a term of three years and three Board members for two years. The Chair, Alan Kershaw was reappointed for three years with effect from May 2011. The staggered reappointment of Board members avoids the entire Board leaving at the same time. All Board members undertake appraisals, self-assessment exercises and skills audits and training in equality and diversity.



## ABOUT IPS



### Objects

IPS is responsible for all regulatory matters affecting The Chartered Institute of Legal Executives (CILEx) and its members. Its objects are:

- To carry out on behalf of CILEx the functions and responsibilities of CILEx as an Approved Regulator designated as such by the Legal Services Act 2007; and
- To carry out on behalf of CILEx such functions and responsibilities of CILEx as a regulator of its membership generally as CILEx may from time to time delegate to the company.

### Statement of Intent

IPS aims to become the regulator of choice for a range of legal professionals. We will ensure that we are up to date with, involved in, and take advantage of any developments in legal regulation, thus becoming the leading body in emerging areas. We will pursue risk-based regulation to promote, secure and maintain proper standards of conduct and behaviour among those we regulate, working closely with CILEx and other professional bodies.

### Overriding Principles

We will aim in all our work to:

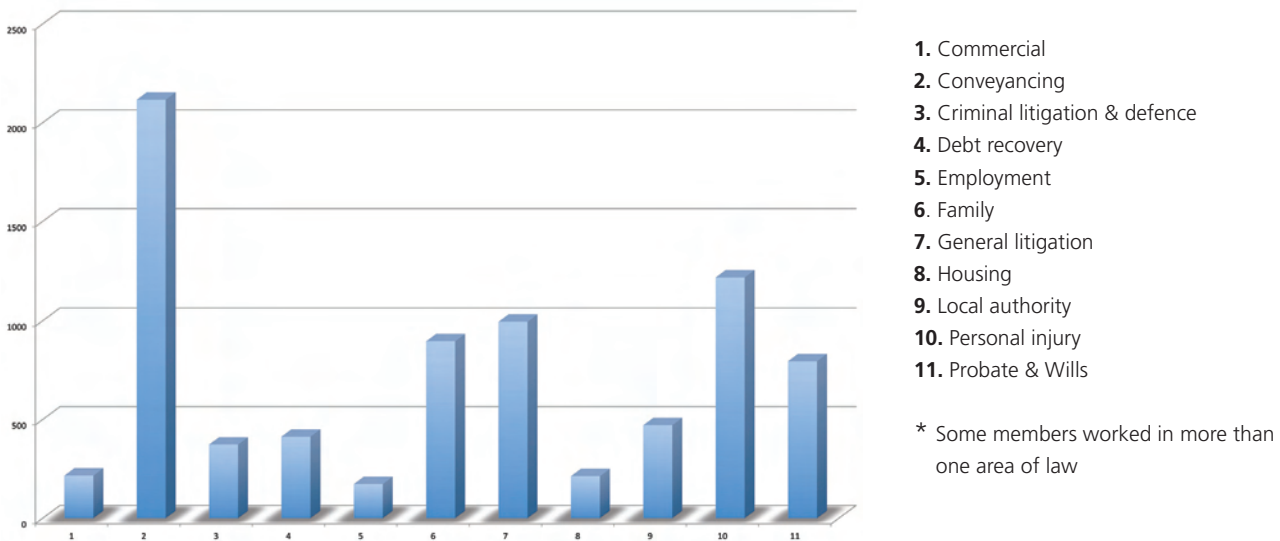
- Keep the public interest at the heart of our thinking;
- Underpin the rule of law and the administration of justice;
- Maintain clear independence of sectoral interests;
- Act proportionately, targeting risk;
- Act in accordance with the statutory objectives and the professional principles set down in legislation;
- Support the diversity of the legal profession and encourage social mobility;
- Ensure quality for consumers of legal services;
- Engage appropriately with consumers of legal services;
- Demonstrate proper governance and value for money;
- Manage risk actively, assessing this before proceeding with any new developments;
- Work closely with the LSB, the Consumer Panel, CILEx and other stakeholders.

# ABOUT IPS

## FACTS AND FIGURES ON REGULATED COMMUNITY

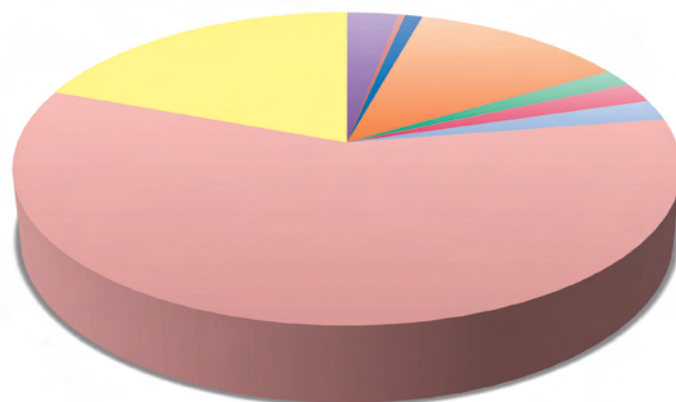
	2010 (1 Dec 2010)	2011 (1 Dec 2011)
<b>Total membership</b>	20,977	20,425
Fellows	7474	7484
Graduate Members	1799	1809
Associates	3981	4008
Affiliates	4800	4492
Students	2027	1754
Retired Fellows	446	457
Legal Accountancy Members	4	3
Legal Accountancy Executives	13	9
Associate Prosecutor Members	433	409

### Areas of law CILEx members work in \*



### Organisations CILEx members work in

- Commercial company
- Government department
- Licensed conveyancers firm
- Local authority
- Non legal organisation
- Other legal organisation
- Self employed
- Solicitors firm (0-20 partners)
- Solicitors firm (20+ partners)





## ACHIEVEMENTS



## ACHIEVEMENTS AGAINST STRATEGY

In 2010 the IPS Board set a three year strategy, with a supporting business plan which outlined a series of key deliverables for 2011. The Board evaluates the performance of the company against the strategy and business plan each year.

The IPS Strategy sets out IPS' statement of intent and the overriding principles to which it works. It also outlines key aims for 2011 to 2014:

- All individuals and organisations regulated by IPS are delivering services to the standard the public are entitled to expect;
- IPS will ensure robust processes are in place;
- IPS will engage with stakeholders;
- IPS conducts itself in accordance with best practice in organisational governance.

Achievements and progress in each of IPS' key areas of responsibility are set out below.

## KEY AREA 1: EDUCATION AND STANDARDS

IPS regulates and oversees education, qualification and practice standards. We ensure that CILEx qualifications are at the right level and are appropriate to the work CILEx members carry out. This involves reviewing quality control mechanisms in the education structure produced by CILEx. CILEx regularly reports to IPS on its risk assessment frameworks and decisions made on cases of examination malpractice.

At the beginning of 2011 IPS joined with the Solicitors Regulation Authority and the Bar Standards Board to sponsor a review of legal

education and training. A Review Team was appointed and IPS was a member of the Review Executive overseeing the research. Board member, Andrew Middleton was appointed to the Review Consultation Steering Group which provided a sounding board for the Review Team. The Legal Education and Training Review will take account of the changes that will shape the legal services market. It aims to ensure that the future system of legal education and training advances the regulatory objectives contained in the Legal Services Act 2007 and will be effective and efficient in preparing legal service providers to meet the needs of consumers.

# ACHIEVEMENTS

## KEY AREA 2: REGISTRATION AND ACCREDITATION

IPS fulfilled numerous strategic objectives within Registration and Accreditation. Work in this area has largely been carried out through the Admissions and Licensing Committee and the Practice Rights Working Group.

### Rights of Audience

CILEx members may qualify as Chartered Legal Executive Advocates, enabling them to exercise greater rights of audience. IPS is responsible, as the regulatory body, for assessing whether members meet the standards expected of them to enrol on the qualification scheme. IPS also ensures that standards continue to be met by course providers through monitoring arrangements conducted by moderation of assessments and inspection of course provision. These functions are administered by the Admissions and Licensing Committee.

In March 2011, the LSB granted IPS' application to change the Rights of Audience Certification Rules to allow the Admissions and Licensing Committee to delegate certain decisions to authorised Officers of IPS. Under the Rules, the range of decisions that IPS Officers could make to include:

- Approval of applications to enrol onto the rights of audience qualification scheme.
- Approval of applications to renew first advocacy certificates.
- Approval of applications by course providers to deliver the advocacy rights courses.

A report of the Admissions and Licensing Committee appears at **Annex 1**.

### Rights of audience and rights to conduct litigation for Associate Prosecutor members of CILEx

In May 2011 the application prepared by IPS for CILEx to become an Approved Regulator to award rights of audience and rights to conduct litigation to Associate Prosecutor members of CILEx was approved by the LSB and the necessary Order was made by Parliament. IPS is now the Approved Regulator under the Legal Services Act 2007 for Associate Prosecutors. The Crown Prosecution Service (CPS), CILEx and IPS have a memorandum of understanding in place setting out arrangements for the independent regulation of Associate Prosecutor employees of the CPS. The scheme brought Associate Prosecutors into a formal scheme of external regulation and oversight of their training and qualification scheme.

### Work-Based Learning Project

Our work-based learning project was commenced at the start of the year to review the arrangements by which CILEx members achieve their qualifying employment. Work-based learning outcomes, supporting guidance notes and assessment methodology were developed. Proposals were consulted on in August 2011. We reviewed our proposals taking into account the responses made by consultees. The review was not completed in 2011 in accordance with the 2011 strategy. The project will continue in 2012. The scheme will be piloted in early 2012, before it is finalised and submitted to the LSB.

### Joint Advocacy Group (QASA)

The Quality Assurance Scheme for Advocates (Criminal) was developed by the Joint Advocacy Group (JAG), comprising IPS, the Solicitors Regulation Authority and the Bar Standards Board. Proposals for the consolidation of quality standards for criminal advocates were approved by the IPS Board in June 2011. The outline of the scheme was submitted to the LSB for approval in July 2011 by JAG. Unfortunately there remain some issues for finalisation relating to the role of judicial evaluation and models of practise in the Crown Court. These do not affect CILEx members directly and IPS is ready to implement the scheme for them. Full submission to the LSB is now expected to take place during 2012.

### Practice Rights Applications

In 2010 IPS submitted applications to the LSB for rights to conduct litigation and probate rights. In summer 2011 IPS decided to withdraw the applications to refocus them upon entity based and outcomes focused regulation. At the same time IPS reconstituted its ABS Working Group as the Practice Rights Working Group. Through the Practice Rights Working Group, IPS has made significant progress with the preparation of its applications for conveyancing rights, probate rights and civil, family and criminal litigation rights.

The Practice Rights Working Group is also responsible for developing an accreditation and regulation scheme for immigration advisors registered with CILEx. This work involved closer engagement with existing CILEx registered immigration advisors, ensuring their compliance with CPD regulations and finding out more about the work each firm or practitioner carries on and the practice structures they work in.

## ACHIEVEMENTS



## KEY AREA 3: FITNESS TO PRACTISE

**Complaints and discipline**

IPS, as the regulatory body for members of CILEx, aims to protect and promote the public and consumer interest by carrying out timely investigations and administering proportionate and targeted enforcement action when complaints are received about the conduct of members.

The Code of Conduct is applicable to all members of CILEx. It contains a set of nine principles that CILEx members must observe and breach of which, may lead to disciplinary action. The Investigation, Disciplinary and Appeals Rules set out the procedures to be followed during disciplinary action. They include the powers available to the various panels that consider the conduct of CILEx members: the Professional Conduct Panel, the Disciplinary Tribunal and the Appeals Panel.

IPS has adopted a number of policies and procedures to deal with particular aspects of the complaints and disciplinary process. These include cost recovery policy, adjournment policy and reasoned determinations procedure adopted in 2011. The reasoned determinations procedure ensure consistent decision making. The cost recovery policy

ensure effective administration and enforcement of decisions. These policies and procedures complement the already established sanctions guidance and publication policy. The full report on complaints and disciplinary work appears at **Annex 2**.

**Appraisals of Fitness to Practise panellists**

IPS developed a comprehensive mechanism for appraising panel members serving the Professional Conduct Panel, Disciplinary Tribunal and Appeals Panel which involved self-appraisals and observed appraisals.

**Review of the CILEx Continuing Professional Development scheme**

In 2011 IPS set up a Continuing Professional Development (CPD) Working Group to review the current CPD scheme. The working group was directed to consider changes which should be made to the scheme to make it more relevant to the individual and to ensure that CILEx members remain competent to provide services to clients. The working group met for the first time at the end of 2011 and will continue its work in 2012.

## KEY AREA 4: GOVERNANCE AND PROCESS

**Governance documents**

The Code of Conduct for Board Members, Standing Orders and Matters Reserved to the Board are the governance documents that set out the standards IPS aims to achieve through its Board of Directors. The Board reviewed and made minor changes to the governance documents at the end of 2011. The current documents are available on the IPS website, [www.ilexstandards.org.uk](http://www.ilexstandards.org.uk)

**Internal Governance Rules**

For the second year running IPS and CILEx was deemed by the LSB to be fully compliant with the internal governance rules made under of the Legal Services Act 2007. In April 2011 IPS and CILEx fulfilled their annual requirement by submitting its draft certificate and risk assessment. IPS and CILEx; we were

able to evidence the separation of regulatory and representative functions and that risks to regulatory independence were either appropriately mitigated by our behaviours or were simply not present.

**CILEx/IPS Protocols and Service Level Agreements**

IPS and CILEx adhere to a set of working Protocols and Service Level Agreements, reviewed annually, which maintain independence and transparency at all levels of each business.

The CILEx/IPS Protocols govern the working relationship between IPS and CILEx. The protocols provide a mechanism for both organisations to achieve obligations and priorities through collaboration. The protocols

were reviewed and amended. The amendments were to reflect the change in roles of CILEx Membership Department and IPS following the establishment of the Admissions and Licensing Committee.

The Service Level Agreements worked well during 2011. The agreements draw together the full range of support and services IPS receives from CILEx and evidence that IPS is able to receive from CILEx the services it needs to address regulatory risk without impeding independence. The agreements were reviewed during 2011 to take account of changes within CILEx departments. Both the CILEx/IPS Protocols and the Service Level Agreements are available on the IPS website, [www.ilexstandards.org.uk](http://www.ilexstandards.org.uk)

# ACHIEVEMENTS

## KEY AREA 5: PERFORMANCE AND RISK

### Key performance indicators

IPS continually monitors its performance against Key Performance Indicators (KPIs), which enable IPS to assess how it is achieving its business plan. There are KPIs that relate to the IPS Board, IPS as a whole and the IPS complaints handling process. In 2011 the timescales for acknowledging correspondence improved significantly. However, the KPIs for referring cases to the Professional Conduct Panel and the Disciplinary Tribunal were not met. It is important to balance timescales with the need for thorough investigation of cases. IPS will be monitoring this aspect of the KPIs in 2012.

The IPS office met KPIs relating to general IPS matters in 2011 by regularly reporting on its work to CILEx Council, acting in accordance with better regulation principles and meeting requirements set by the Legal Services Act 2007 and the Legal Services Board.

### Risk Register

IPS maintains and regularly reviews an organisation-wide risk register. The register catalogues the agreed key risks facing the organisation in the short to medium-term. The register converts the risk likelihood and impact into a risk score and also evaluates the effectiveness of existing control procedures and mitigating action.

Risks are identified in all the key areas of IPS' work: governance; risk and performance; fitness to practise; registration and accreditation; education and standards and communication and partnerships. The risk register also scores more generic, day to day risks such as finance, resources and workload. At the end of 2011 IPS agreed risk registers for the practice rights and immigration regulation and accreditation projects and these were combined with the organisation-wide risk register.

The risks that were rated high during 2011 related to resources, meeting LSB expectations, legal claims, decisions of the Admissions and Licensing Committee, IPS' applications for additional rights and the register of immigration advisors. However IPS managed these risks through monitoring and appropriate identified action.

## KEY AREA 6: COMMUNICATION AND PARTNERSHIP

### IPS Consumer Engagement Strategy

IPS' main aim for 2011 was to increase consumer and stakeholder engagement, an action that had been identified in the Board's evaluations in 2009 and 2010. At the start of 2011 IPS agreed its Consumer Engagement Strategy, which was an effective programme of engagement, setting objectives in engaging with consumers and other stakeholders.

Alongside the Consumer Engagement Strategy, a Consumer Engagement Action Plan for 2011 was agreed. The activities that were undertaken included reviewing the process for assessing consumer and member satisfaction with IPS complaints handling process, assessing compliance with first tier complaints guidelines and assessing member's views on IPS' plans to widen its regulatory remit.

### Customer satisfaction surveys

The first project to be carried out within the Consumer Engagement Action Plan involved a review of the process for assessing consumer and member satisfaction with IPS' complaints handling process. IPS sought to improve the response rate to questionnaires sent out to complainants and members and to assess satisfaction with the process.

The surveys showed that overall members and complainants were satisfied with the service and engagement they received from the IPS staff and that they found leaflets and explanation of procedures satisfactory. The surveys disclosed a few learning points that IPS will address within its approach to complaints handling. A report of the analysis of the questionnaires appears at Annex 3.

ACHIEVEMENTS

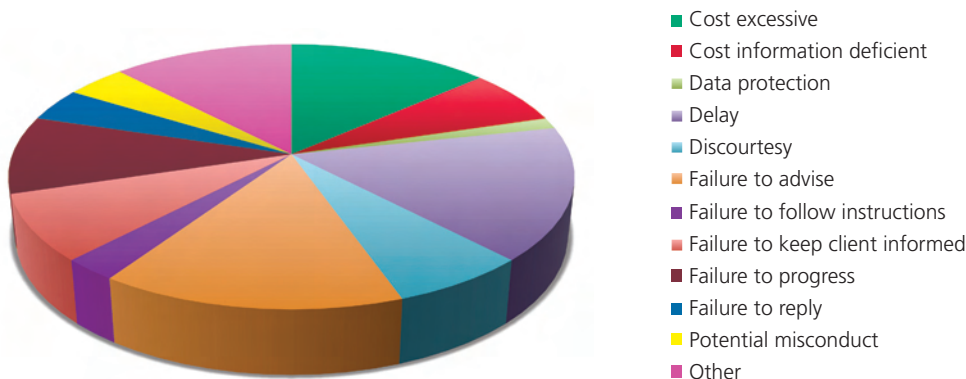


**First Tier Complaints Handling**

During 2011 IPS surveyed clients of Legal Executives. The survey provided a snapshot of what clients experienced when being represented by a Legal Executive and sought a consumer perspective on first tier complaints handling. The responses received were very positive, despite a low response rate.

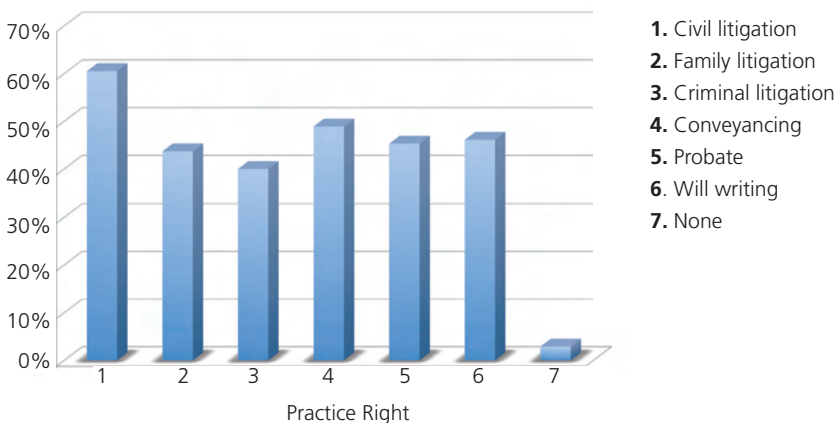
IPS worked closely with self-employed CILEx members to ensure that they had transparent complaints handling procedures in place. IPS achieved full compliance by all self-employed CILEx members; who were able to demonstrate that they had appropriate complaints handling procedures in place which were provided to their clients upon engagement and included accurate information on the Legal Ombudsman.

IPS also surveyed CILEx members who declared that complaints had been made about their work and/or conduct during the previous year. The surveys sought further information about the complaints and how they had been dealt with, including asking members to categorise what the complaint was about, the area of law to which the complaint related and to indicate how the complaint was resolved. Below is an illustration of the responses received in relation to the category of complaint.



**Members survey**

Surveys were sent to 18,000 CILEx members, seeking their views on IPS' plans to make applications for additional practice rights. There was a high level of support for IPS making applications for practice rights, with up to 60% of CILEx members wanting additional practice rights. Members were asked which practice rights IPS should seek for CILEx members, below is an illustration of the response.





## WORKING WITH OTHERS

During 2011, IPS has worked with CILEx; the Legal Services Board; the Legal Ombudsman; the Ministry of Justice; the Crown Prosecution Service; the UK Department for Business Innovation and Skills and the Office of the Immigration Services Commissioner; and others.

IPS has also undertaken much joint work with other legal regulators. In particular IPS has worked jointly with the Bar Standards Board and the Solicitors Regulation Authority on a quality assurance scheme for advocates as well as on the Legal Education and Training Review.

In early 2011, IPS embarked on discussions with other 'small' approved regulators to discuss ways of working. The possible options that were discussed included development of arrangements for closer collaboration between regulators and possible sub-contracting of services.

IPS published two consultations in 2011; the consultation on the Quality Assurance Scheme for Advocates was undertaken jointly with other members of the Joint Advocacy Group, the Solicitors Regulation Authority and the Bar Standards Board. It outlined the changes that we needed to make to our advocacy qualification schemes to bring into effect proposals for a quality assurance scheme for advocacy in criminal proceedings. IPS also consulted for a final time on its proposals to revise the arrangements for CILEx members to progress, through 'qualifying employment' to Fellowship.

IPS also responded to a significant number of consultations and calls for evidence. IPS prioritised responding to consultation on matters affecting IPS and CILEx in relation to its regulatory work and obligations under the Legal Services Act 2007. These included the LSB's consultations on increasing diversity and social mobility on the legal workforce, on regulatory standards and on the regulation of legal services. A schedule of consultation can be found below.

### Consultation responses 2011

Response Deadline	Body	Title	Response by	Date of response
Unknown	LSCP	Voluntary quality schemes in legal services	No response	Not Applicable
04/11/2011	LSB	Enhancing consumer protection, reducing regulatory restrictions	ILEX/IPS	01/11/2011
15/10/2011	OISC	Proposed Change to the OISC Complaints Scheme - Para 25 Burden of Proof	IPS	04/10/2011
11/10/2011	SRA	Realignment of the Higher Rights of Audience Regulations	No response	Not Applicable
30/09/2011	BSB	Review of CPD	No response	Not Applicable
29/08/2011	BSB	International Practising Rules	No response	Not Applicable
19/07/2011	LSB	Schedule 12 rules	IPS	19/07/2011
12/07/2011	LSB	Developing regulatory standards	ILEX/IPS	20/07/2011
08/07/2011	SDT	Procedural rules in relation to appeals to the tribunal	No response	Not Applicable
30/06/2011	LEO	Publishing our decisions: an evidence based approach	IPS/ILEX	23/06/2011
08/06/2011	SRA	SRA's Equality Framework and Engagement Strategy for 2011/12	No response	Not Applicable
02/06/2011	LSB	Alternative business structures: appeal arrangements	IPS	Not Applicable
29/04/2011	SRA	Alternative business structures fee structure	No response	Not Applicable
27/04/2011	CLC	Proposed Amendment to the Application by the CLC to the LSB to be designated as a Licensing Authority Standard of Proof	IPS	Not Applicable
21/04/2011	BSB	Review of the Code of Conduct	No response	Not Applicable
09/03/2011	LSB	Increasing diversity and social mobility in the legal workforce: transparency and evidence	ILEX/IPS	09/03/2011
08/03/2011	LSB	Draft Business Plan 2011-12	IPS	08/03/2011
08/03/2011	SRA	Sole practice: modernising authorisation	No response	Not Applicable
01/03/2011	BSB	Proposed New Equality and Diversity Conduct and Practising Rules	No response	Not Applicable
28/02/2011	LeO	Equality and Human Rights	ILEX/IPS	28/02/2011
28/02/2011	SRA	Future client financial protection arrangements	ILEX	Not Applicable
21/02/2011	LSB	Further rules relating to the regulation of licensed bodies	IPS	21/02/2011
21/02/2011	LeO	Strategy 2011-14 and Business Plan 2011-12	No response	Not Applicable
11/02/2011	CLC	Proposed Application to the LSB to approve the CLC's arrangements for the new Adjudication Panel	No response	Not Applicable
28/01/2011	LSB	Rules for applications for Qualifying Regulator status	IPS	31/01/2011
24/01/2011	LSB	Setting the maximum financial penalty for ABS licensing	IPS	24/01/2011
13/01/2011	SRA	The architecture of change: Part 2	ILEX	13/01/2011



## FINANCIAL REVIEW



The detailed profit and loss account shows an increase of £130,000 in expenditure, compared with 2010. The key differences, which relate to increased activity, were Board costs, staffing and administration costs and costs relating to the work of the new Admissions and Licensing Committee.

Expenditure was £78,000 below budget for the year, but this was attributable mainly to the postponement to 2012 of much of the anticipated expenditure related to the practise rights applications. Investigating and complaints expenses were increased by one- off costs arising on conclusion of a judicial review application during the year.

**Detailed Profit & Loss Account**

Year Ended 31 December 2011

	2011 Actual	2010 Actual	Variance to Last Year
<b>Revenue</b>	<b>£s</b>	<b>£s</b>	<b>£s</b>
Contribution from CILEx	635,397	497,774	137,623
Rights of audience	4,342	6,316	-1,974
Disciplinary fees	10,357	15,327	-4,970
<b>Total Revenue</b>	<b><u>650,096</u></b>	<b><u>519,417</u></b>	<b><u>130,679</u></b>
<b>Other Operating Expenses</b>			
IPS Board	122,553	103,793	18,760
Investigating and complaints expenses	79,061	60,392	18,669
Rights application fees	28,500	16,040	12,460
Rights of audience expenses	21,728	8,338	13,390
Other direct expenses	10,536	10,831	-295
Audit fees	2,600	2,600	0
Professional fees	30,453	19,365	11,088
Management charges	354,665	298,058	56,607
<b>Total Operating Expenses</b>	<b><u>650,096</u></b>	<b><u>519,417</u></b>	<b><u>130,679</u></b>
<b>Profit before tax</b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>

## ANNUAL REPORT OF THE ADMISSIONS AND LICENSING COMMITTEE

### Foreword

1. I was pleased to be asked to chair the Admissions and Licensing Committee during its inaugural year in 2011. Our purpose throughout was to maintain the quality of the ILEX qualifications and to ensure that the high level of public confidence in them was maintained.
2. Major areas of work for the Committee in 2011 were to clarify and develop a definition of qualifying employment, to apply rigorous scrutiny to applications for waivers in respect of fellowship applications and to progress the work based learning scheme to the point where it was ready to be piloted. Much progress has been made in these areas and indeed in others such as the extension of the Committee's responsibilities in respect of Associate Prosecutors.
3. The Committee has an important role to play in maintaining the very high professional standards set by ILEX, as it then was, which have been acknowledged by the award of a Charter in January 2012. The quality of the CILEx brand will be a crucial factor as applications for new rights are pursued.
4. I would like to thank my fellow Committee members and the officers who supported us for all their hard work in 2011. I am sure that 2012 will be a demanding year as the work based learning project comes to fruition and the rights enjoyed by CILEx members expand but I am confident that the Admissions and Licensing Committee will be equal to the challenge.
5. The ALC assumed the functions of the Advocacy Rights Committee (ARC) and the ILEX Qualifying Employment Committee (QEC). The ARC was responsible for the enrolment of members onto the advocacy scheme, renewals of advocacy certificates and accreditation of course providers. The QEC was responsible for applications relating to qualifying employment and reviewing the arrangements for qualifying employment.
6. In addition, on 1 May 2011 the ALC became responsible for rights of audience and rights to conduct litigation granted to Associate Prosecutors.
7. The ALC comprised four independent members and two professional members (Fellows of ILEX who were not members of the ILEX Council). All members of the Committee take their obligations to comply with the regulatory objectives under the Legal Services Act 2007, which include the protection of consumer interests, into account when performing their functions.
8. Both professional members were members of the IPS Board. In September 2011 an application was made to the Legal Services Board (LSB) to revise the rules by removing the members of the IPS Board serving on the Committee. The application was approved and IPS is recruiting two new professional members.
9. The ALC was supported in its work relating to the Advocacy scheme and Associate Prosecutors, by two external advisers. The external advisers are experienced in civil, criminal and family proceedings. They are responsible for marking candidate portfolios, vetting course provider applications, inspection of courses and maintenance of standards.
10. The Committee found the advice and input of the external advisers invaluable in its decision making. It was able to place reliance upon their expert views on the suitability and competence of candidates and course providers.

**Thelma Brown**

**Admissions and Licensing Committee Chairman**

### Introduction

5. The Admissions and Licensing Committee (ALC) was set up in January 2011. The ALC was set up under a new composition to comply with changes introduced by the Legal Services Act 2007. This report covers the work of the ALC during the period 1 January 2011 to 31 December 2011.
6. The Committee members were:
  - 6.1 Mrs Thelma Brown – Chair to September 2011
  - 6.2 Mr Faizal Essat – Vice-Chair to September 2011
  - 6.3 Mrs Karol Sanderson – Acting Chair since September 2011
  - 6.4 Mr Martin Bradford
  - 6.5 Mrs Angela Ringguth
  - 6.6 Mrs Cheryl Ward

### Rights of Audience Scheme

13. The Committee was responsible for the whole of the qualification scheme. Its key areas of responsibility included approval of candidate applications, approval of applications to renew advocacy certificates and accreditation of course providers. The Committee was supported by the external advisors in each of these areas.

### *Delegated procedure*

14. The LSB approved IPS' application that some casework decisions be delegated to an Officer of IPS with effect from 8 March 2011.
15. The Officer may now approve applications for a Certificate of Eligibility where no issues have arisen in respect of the application; determine applications made by course providers for accreditation to deliver the advocacy skills course; approve first year renewal applications where no issues have arisen in respect of the application; and approve applications to renew lapsed certificates of eligibility, where no issues have arisen in respect of the application.
16. Any applications or matters that do not fall within one of the categories at paragraph 15 are referred to the ALC. Any applications or matters dealt with by the Officer are reported to the ALC. The ALC has the opportunity to question the Officer about any decisions they had made.
17. For these purposes the IPS Officer must be a senior staff member, who is not the case officer.

### *Candidate applications*

18. All Graduate Members and Fellows seeking rights of audience must undergo an enrolment process. This is referred to as an application for a Certificate of Eligibility. The application involves a detailed process. Candidates begin by completing a general application which asks for details of their litigation and advocacy experience. They also produce portfolios of eight cases that they have handled. Five of these portfolios must cover litigation cases and three must cover advocacy cases. The portfolios are marked by an external adviser to ensure they meet the knowledge and experience guidelines. If they did, the application was approved under the new delegated procedure. Applications that did not meet the knowledge and experience guidelines were referred to the ALC for consideration. The Committee may decide whether or not to approve the application. If the Committee approved the application the candidate could proceed to enrol onto the advocacy skills course.
19. A total of 13 applications were received during 2011. Of those applications, 4 were approved and applicants were granted certificates of eligibility to proceed onto courses. The remaining 9 applications are on-going.
20. The most popular areas of enrolment have been criminal proceedings and family proceedings. Of the 13 applications received during 2011,

6 were applications to enrol onto a criminal proceedings course, 6 were applications to enrol onto a family proceedings course and 1 was an application to enrol onto a civil proceedings course.

21. The Committee granted 1 certificate of eligibility to enrol onto a family proceedings course. The Officer granted 2 certificates of eligibility to enrol onto criminal proceedings courses and 1 certificate of eligibility to enrol onto a family proceedings course under the delegated procedure. All 4 candidates have yet to undertake an advocacy skills course. Whilst 1 candidate is currently unable to attend a course due to personal reasons, the remaining candidates have been unable to attend a course due to the lack of course availability.
22. Unfortunately the civil proceedings course has proved unpopular. This is because most practitioners are unlikely to exercise the rights that are granted to them. A proposed advocacy skills course in civil proceedings did not run in 2011. There remain 3 candidates who have been granted a certificate of eligibility since the scheme commenced who have not yet qualified as Legal Executive Advocates. Logistical reasons are hindering the arrangement of a course for them.

### *Advocacy certificate renewals*

23. Legal Executive Advocates are required to renew certificates on 1 June or 1 December after the expiry of 12 months since the issue of their first certificate. Thereafter they move to 3 yearly renewals.
24. At the first renewal Legal Executive Advocates must produce portfolios of 3 cases where they have exercised their new rights. 20 first year renewals fell due during 2011. The Officer considered and approved 11 applications for renewal of criminal proceedings certificates, and 5 applications for renewal of family proceedings certificates under the delegated procedure.
25. The remaining 4 applications were not in a position to be considered before the required renewal date. They were therefore dealt with as applications to renew lapsed certificates. Applications to renew lapsed certificates are dealt with in the same way as first year renewals but must be supported by evidence of the applicant's CPD hours for the preceding 12 months and an explanation as to why the certificate lapsed. The Officer considered and approved 1 application to renew a lapsed criminal proceedings certificate and 1 application to renew a lapsed family proceeding certificate. The Committee considered and approved 1 application to renew a lapsed certificate in criminal proceedings. 1 application remains on-going.

## ANNEX 1

26. No subsequent renewals were required during 2011.

#### *Course providers*

27. Upon obtaining a certificate of eligibility candidates must complete an advocacy skills course. The course is a practical course aimed at developing advocacy skills. The courses are split into civil, criminal and family proceedings, with candidates undertaking the course relevant to the specialist area in which they obtained a certificate of eligibility.
28. Courses must be provided by course providers accredited in accordance with the Rights of Audience Rules. Kaplan Altior was the first accredited course provider and has been the sole provider of courses to date. It has delivered courses in criminal and family proceedings. It is willing to deliver courses in civil proceedings but had been unable to do so due to limited interest and practical problems.
29. Kaplan Altior provided a criminal proceedings course in June 2011. Three candidates successfully completed the course and assessments and qualified as Legal Executive Advocates.
30. There are currently 2 candidates for a criminal proceedings course. There are 3 candidates for a civil proceedings course, 2 of whom have encountered logistical difficulties. There are 5 candidates for a family proceedings course, 1 of whom has indicated that they no longer wished to attend a course and 1 of whom has encountered funding difficulties.
31. The external advisers met in June 2011 to moderate the assessments of advocacy skills courses. The aim of the meeting was to ensure there was a consistency in standards of assessments.
32. A selection of assessments were moderated which reflected the range of assessment results of 38 candidates who had undertaken assessments since the previous moderation meeting. The external advisers confirmed that whilst some candidates had received marks which were higher than they would have awarded, the marks awarded fell within the appropriate mark range.

#### **Associate Prosecutor Qualification Scheme**

33. The ALC became responsible for oversight of the Associate Prosecutor qualification scheme from 1 May 2011.
34. The Crown Prosecution Service (CPS) delivers Associate Prosecutor training courses. Only three courses took place in 2011. An IPS Officer and the external adviser inspected the third of these courses, which was a Level 2 Associate Prosecutor Advocacy course. Upon successful completion of this course Associate Prosecutors are authorised to

undertake trial advocacy in non-imprisonable summary offence cases. The inspection found that the level of resource the CPS puts into training was consistently high and the course met the expected outcomes.

35. A representative sample of Level 2 Associate Prosecutor assessments were also moderated in June 2011. The moderation exercise found that candidates were being assessed to the required standard and against the required assessment criteria.

#### **Qualifying Employment**

36. The ALC was responsible for considering applications relating to qualifying employment, reviewing the arrangements for assessing qualifying employment and making recommendations to IPS for revisions to the scheme.

#### *Work based learning scheme*

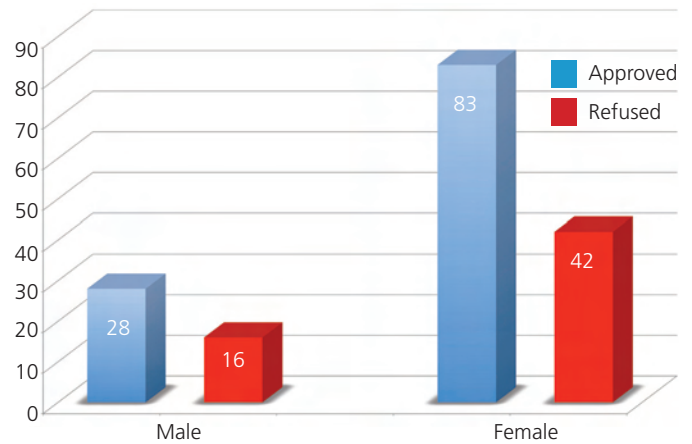
37. It was proposed that the current procedures for assessing qualifying employment would be replaced with a work based learning scheme where members were required to evidence achievement of a specified set of outcomes in a log book. An IPS and ILEX joint working group had developed work based learning outcomes and supporting documentation, including a log book and checklist. The proposed scheme had been consulted upon during 2010.
38. The ALC developed the work based learning outcomes and supporting documentation, taking into account responses to the 2010 consultation. The revised scheme was then consulted upon again during 2011.
39. Having considered the outcomes of the consultation, the ALC agreed to pilot the proposed scheme for a period of 6 months during 2012. Those members wishing to apply for a waiver to the requirement to complete 2 years' qualifying employment in the Graduate membership grade will be required to make their application via the pilot scheme.
40. The ALC will consider the results of the pilot scheme before the scheme is fully implemented. The ALC is working towards the scheme being fully introduced in 2013.

#### *Qualifying Employment Applications*

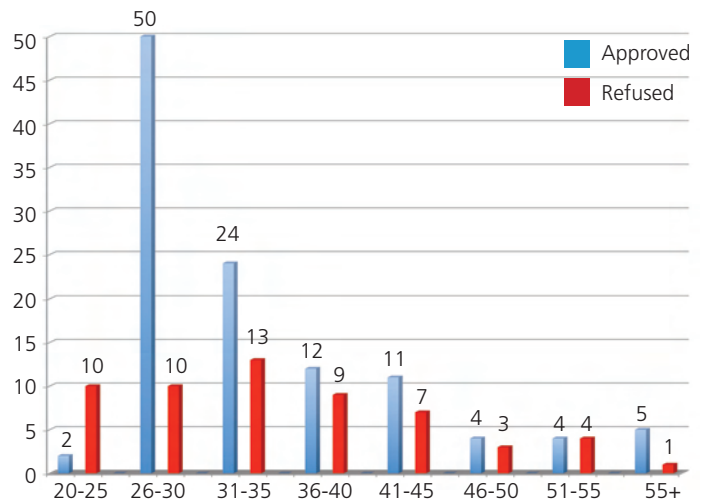
41. The ALC is responsible for considering all applications relating to qualifying employment. These applications generally take the form of a Fellowship Application or a Waiver Application. Potential applicants may complete a Qualifying Employment Form to seek an indication from the ALC as to whether their work is qualifying employment.

- 42. Fellowship Applications are made by Graduate members of ILEX who wish to be accepted into Fellowship of ILEX. They are considered by the ALC when it has not been possible for the office to determine the application in the usual manner. This normally occurs where it is unclear from the information provided whether the applicant meets the qualifying employment criteria.
- 43. The Committee considered 27 Fellowship Applications, from a total of 165. The remaining 138 applications were approved by the office. Of the 27 applications considered by the Committee, 13 were approved and 14 were refused.
- 44. Waiver Applications are made by Graduate members of ILEX for a waiver from the requirement to complete 2 years qualifying employment after attaining Graduate member status. All Waiver Applications are considered by the Committee.
- 45. The Committee considered 124 Waiver Applications. Of those 124 applications, 96 were approved and 28 were refused.
- 46. Qualifying Employment Forms may be submitted by members of ILEX in any grade and by persons who are not members of ILEX who seek a determination on whether their employment history would constitute qualifying employment and therefore whether they are likely to be successful in making an application to become a Fellow of ILEX.
- 47. The Committee considered 31 Qualifying Employment Forms. Of those 31 applications, 19 were found to be qualifying employment and 12 were found not to be qualifying employment.
- 48. The Committee asked that equality and diversity records be maintained in relation to its casework decisions. Whilst equality and diversity information was not available in respect of all applications, where the information was available records were maintained in relation to the applicant's gender, ethnicity and age.
- 49. Of the 182 applications considered by the Committee, 169 were monitored in relation to the gender of the applicant. Of those 169 applications, 125 were made by females and 44 were made by males. The Committee approved 83 applications made by females and 28 applications made by males. The Committee refused 42 applications made by females and 16 applications made by males.

A breakdown of these figures is shown below.

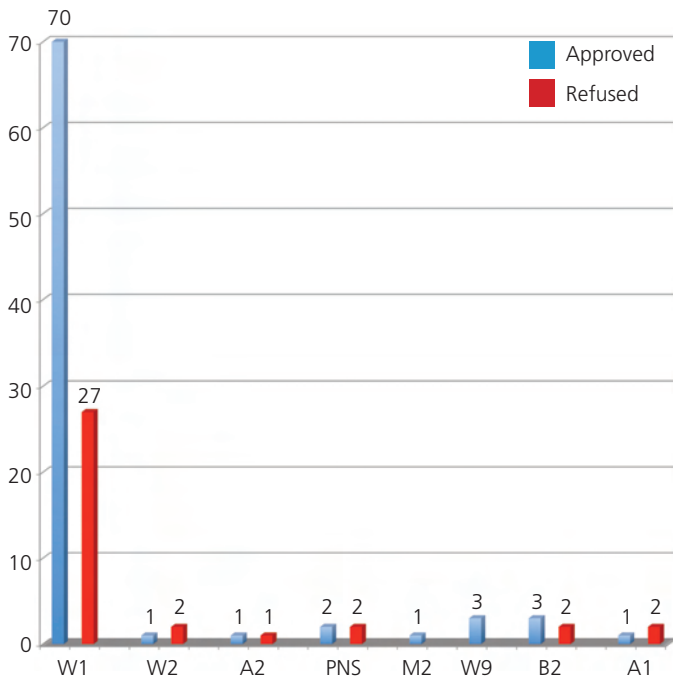


- 50. Of the 182 applications considered by the Committee, 169 were monitored in relation to the age of the applicant. Of those 169 applications, 60 were made by applicants within the age range 26 – 30 years. Of those 60 applicants, 50 were approved by the Committee and 10 were refused. 37 applications were received by applicants in the age range 31 – 35 years. Of those applications, 24 were approved by the Committee and 13 were refused. The fewest applications were received from applicants aged 55 years and over, with only 6 applications being received. Of those applications, 5 were approved by the Committee and 1 was refused. A breakdown of the figures is shown below.



# ANNEX 1

51. Of the 182 applications considered by the Committee, 118 were monitored in relation to the ethnicity of the applicant. The largest proportion of applications was received from White British applicants, with 97 applications being received from applicants in this category. Of those 97 applications, 70 were approved by the Committee and 27 were refused. A summary of the figures appears below.



- W1 White British
- W2 White Irish
- A2 Asian or Asian British – Pakistani
- PNS Prefer not to say
- M2 Mixed – White and Black African
- W9 White – other background
- B2 Black or Black British – African
- A1 Asian or Asian British - Indian

52. Data as to the areas of practice applicants worked in was also recorded where possible. Of the 182 applications considered by the Committee, 167 were monitored for this purpose. The largest proportion of those applications, 48, were received by applicants undertaking civil litigation work. Of those 48, 37 were approved

by the Committee and 11 were refused. A summary of the figures appears below.

	Approved	Refused
Civil Litigation	37	11
Clinical Neg	2	
Costs	1	
Criminal	9	2
Employment	2	1
Family	10	6
Immigration	2	4
In-house	15	5
Interpreter		1
IP	1	
LCS		3
Local Authority	4	2
Mixed practice	11	6
Probate	5	1
Property	8	7
Records/Archive work		1
Regulation	2	
Surveyor		1
Training/Academic		3
Welfare Benefits	2	2

53. The equality and diversity information gathered during 2011 indicated that there had not been any bias in the casework decisions made.

### Meetings of the Committee

54. The Committee met 9 times in 2011. All meetings were conducted face-to-face.



## ANNUAL REPORT OF THE PROFESSIONAL CONDUCT PANEL, DISCIPLINARY TRIBUNAL AND APPEALS PANEL 2011

### PREFACE

The Institute of Legal Executives (ILEX) is designated as an Approved Regulator under the Legal Services Act 2007. ILEX delegated its regulatory activities to its subsidiary company, ILEX Professional Standards Limited (IPS). Amongst other areas of activity, IPS is thereby responsible for investigating allegations of misconduct made against ILEX members and determining what, if any, action should be taken in respect of a member's membership of ILEX in relation to any proven misconduct. The aim of IPS is to ensure that members of ILEX can be trusted as safe, competent practitioners, and to offer some protection to consumers where it is established that a member cannot be so trusted.

At the beginning of 2010 IPS introduced new complaints handling rules: the Investigation, Disciplinary and Appeals Rules (the IDAR), which set out the procedure for dealing with complaints, allegations of misconduct and matters of prior conduct. 2010 also saw the introduction of a new, principles-based Code of Conduct for ILEX members. 2011 was therefore the second year in which allegations of misconduct were considered against the new Code of Conduct and dealt with under the 2010 IDAR.

October 2010 saw the opening of the Legal Ombudsman (LeO), a body established by the Legal Services Act 2007 to deal with complaints made by consumers about the services offered by legal practitioners. ILEX Fellows and all other ILEX members who work in authorised firms are subject to the jurisdiction of LeO. Complaints by clients about the service provided by an ILEX member must be made to LeO. For IPS, this means that we no longer accept complaints from clients about service, unless they are made against a non-Fellow who practises independently. Where a conduct issue is identified as part of the service complaint, IPS retains jurisdiction to consider the conduct of the member after LeO concludes its investigation. Any service complaints which IPS had begun investigating before the opening of LeO were concluded in early 2011, in accordance with transitional provisions.

The past two years have therefore been a period of adjustment for both the Conduct Panels and the complaints-handling staff of IPS. IPS continually reflects on the application of the IDAR to ensure that the Panels are provided with additional support where this may be necessary. To this end, in 2011 IPS introduced a policy on adjournments and reasoned determination templates. 2011 also saw the introduction of an appraisal system for Panel members, by way of both self-assessment and observation of Panel meetings and hearings by members of the IPS Board.

IPS was subject to judicial review proceedings which concluded in 2011. The Court of Appeal found there had been an appearance of bias in the composition of the Conduct Panels of ILEX as constituted prior to the current IDAR. At that time, members of ILEX Council had served on the Conduct Panels. This approach was in parallel with professional bodies performing similar disciplinary functions at the time.

In 2009, independent of the judicial review proceedings, IPS carried out a governance review. One of the results of this was that members of ILEX Council were no longer eligible to serve on the Conduct Panels from 4 January 2010, when the current IDAR was introduced. IPS was not therefore required to review its procedures as a result of this judicial review.

Whilst IPS was disappointed at the outcome of the judicial review, it was pleased that the Court found no evidence of actual bias having been applied. IPS has put in place a procedure for rehearing any case (where an application for rehearing is made) which was considered under the previous IDAR.

I take this opportunity to thank all members of the IPS Conduct Panels for their work during 2011, and the IPS staff for the support they provide to the Panels.

**SANDRA BARTON**  
BOARD MEMBER

### 1 INTRODUCTION

IPS is responsible for dealing with complaints and allegations of misconduct made against ILEX members. This includes complaints made by third parties about conduct, information received from third parties or other bodies which indicates misconduct, and referrals from ILEX in respect of members who fail to comply with ILEX or IPS regulations, such as the examination regulations and Continuing Professional Development (CPD) regulations.

IPS is also responsible for receiving prior conduct declarations made by ILEX members and applicants wishing to become members of ILEX and determining what action to take, if any. Members are required to make declarations in respect of convictions, cautions, bankruptcy, County Court Judgments, arrangements with creditors, and disciplinary orders made against them by other professional bodies.

## ANNEX 2

Complaints, allegations of misconduct and prior conduct declarations are investigated and dealt with in accordance with the rules set out under the IDAR.

All members of ILEX must comply with the IPS Code of Conduct for ILEX members, which includes the obligation to comply with ILEX rules, bye-laws and regulations. In addition members must observe other codes applicable to their employment. Legal Executive Advocates must also comply with the Rights of Audience Conduct Rules. The conduct of members is measured against the Code of Conduct.

There are three IPS panels which consider the conduct of ILEX members: the Professional Conduct Panel, the Disciplinary Tribunal and the Appeals Panel. This report considers their work during the 2011 calendar year.

## 2 PROFESSIONAL CONDUCT PANEL

This Panel is responsible for considering complaints or allegations of misconduct made against ILEX members, and prior conduct declarations made by members of ILEX and by applicants seeking to join ILEX.

The IDAR distinguishes between complaints and allegations of misconduct, and prior conduct matters. The IDAR sets out the procedures to be followed by, and the powers available to, the Panel. The Panel sits as a panel of three, with a majority of lay members. One member will be a Fellow of ILEX. No Panel member may be a member of ILEX Council or the IPS Board.

Where a prior conduct declaration is made the Panel determines whether or not to allow that person to join membership of ILEX or, where they are currently in membership, it determines what action to take in respect of that membership. The IDAR allows for decisions about certain types of prior conduct matters to be delegated to an Officer of IPS. These decisions are reported to the Panel.

Where a complaint or allegation of misconduct is made against an ILEX member the Panel is responsible for determining whether a prima facie case has been made out to substantiate the allegation. Where there is a prima facie case, if the misconduct is serious in nature the Panel will make a referral to the Disciplinary Tribunal. Where such a referral is not considered necessary, the Panel will reach a determination as to sanction based on the balance of probabilities in respect of the evidence before it. The Panel has a range of sanctions available to it.

The IDAR allows for delegated decisions to be made in the following instances:

- to reject a complaint or allegation of misconduct which is made out of time, discloses no misconduct or is beyond the jurisdiction of IPS to consider;
- to refer serious cases directly to the Disciplinary Tribunal; and
- to enter into a determination by consent.

These powers can be exercised by an Officer of IPS with the agreement of a lay and a professional member of the Panel. Any such decisions made are reported to the Panel.

The Panel may consider the imposition of an interim suspension order, on its motion or on the application of IPS, where a member's conduct has been referred to the Disciplinary Tribunal. Such an order suspends the member's membership of ILEX pending a hearing before the Disciplinary Tribunal, with the result that in the intervening period the member loses any practising rights associated with their membership.

### 2.1 Complaints and Allegations of Misconduct

The Professional Conduct Panel received and considered a total of 37 cases where complaints or allegations of misconduct had been made against ILEX members. The following analysis was carried out of these cases:

- in 8 cases, the Panel found there was no prima facie case to support the allegation and rejected it;
- in 15 cases, the Panel found there was a prima facie case and the evidence of misconduct was sufficiently serious to warrant a referral to the Disciplinary Tribunal;
- in the remaining 14 cases, the Panel found the allegation was proved on the balance of probabilities and used its own disciplinary powers:
  - in 3 cases, the Panel decided to take no further action;
  - 5 members were reprimanded for their conduct;
  - 3 members received a reprimand and were also required to give an undertaking;
  - 1 member was warned as to their future conduct;
  - 1 member was required to give an undertaking; and
  - in 1 case, the Panel requested further information before reaching a decision.

Of the 37 complaints considered, 3 were made by clients, 3 by employers/former employers, and 13 by third parties. 15 referrals were made by ILEX in respect of failure to comply with ILEX regulations, and 3 cases were brought by IPS as a result of information received. IPS also included additional allegations in 3 cases, relating to members' failures to respond to the enquiries of IPS.

### 2.1.1 Year on year comparison of decisions

The following table sets out the powers available to the Panel and, in percentage terms, how they were applied.

Decision	2011%	2010%	2009%	2008%	2007%	2006%
No case to answer	20	29	33	23	31	18
Warned	2.5	0	11	0	19	21
Admonished*	-	-	6	15	5	11
Reprimanded	20	15	11	8	14	24
Condition	0	2	0	0	0	0
Undertaking	10	2	0	0	0	0
Referred to Disciplinary Tribunal	37.5	49	22	42	19	26
Request further information	2.5	2	0	0	0	0
No further action	7.5	5	6	4	0	0
Complaint out of time #	0	0	11	8	0	0

\*The power to admonish was removed from the 2010 IDAR

#Out of time complaints have been rejected under the delegated decision procedure since 2010 (see 2.2)

### 2.1.2 Areas of law in which complaints arose

The following table analyses the areas of law in which complaints arose, including those which were determined under the delegated decision procedure (see 2.2). The majority of allegations of misconduct considered by the Panel were referrals from ILEX in respect of members failing to comply with the examination or CPD regulations. Given that IPS no longer accepts service complaints, it is perhaps unsurprising that most complaints received from third parties about the conduct of a member relate to contentious matters: in non-contentious matters there is less likely to be a third party affected by the member's involvement in the matter. Complaints in probate matters were generally made by beneficiaries.

Area of law / misconduct	2011%	2010%	2009%	2008%	2007%	2006%
Civil litigation	18	10	17	19	21	23
Conveyancing	0	2	11	8	10	20
Crime	0	0	0	0	3	10
Employment disputes	13	7	0	0	0	0
Employment law	0	2	5	0	3	0
Family	11	15	11	8	21	3
Immigration	2	10	17	8	32	23
Private/non legal matters	2	0	0	0	0	7
Trust/probate	7	10	28	8	7	7
ILEX/IPS misconduct	47	44	11	49	3	7

## ANNEX 2

## 2.1.3 Issues arising in complaints

An analysis of the issues arising has been undertaken and appears in the table below. In the majority of issues there was more than one head of complaint or more than one issue raised. Each of these has been counted individually. It should be noted that not all of the allegations were found proved by the Panel. This includes issues considered under delegated decision procedure (see 2.2).

As service complaints are no longer accepted by IPS, it is not useful to draw comparisons between the types of complaints which have been made in 2010 and 2011 with those in earlier years, as the nature of complainants and complaints has changed. The high number of complaints relating to improper, incorrect or inadequate advice or action being taken largely reflects the nature of complaints made by third parties in litigation.

Heads of complaint	2011%	2010%	2009%	2008%	2007%	2006%
Acting in a conflict situation	0	1	1	2	1	3
Acting in area not competent	1	-	-	-	-	-
Acting without or following instructions	1	4	4	13	14	11
Client not kept updated	1	5	6	2	11	11
Delay	5	3	4	7	7	6
Duress	1	1	1	2	0	1
Failure to advise client adequately	1	1	7	9	5	5
Failure to send client care letter/client care irregularities	0	4	6	0	6	3
Financial irregularities	1	4	7	2	4	9
Holding out as solicitor/reserved activity	8	3	6	4	0	1
Holding out as legal executive/failure to inform of status	1	1	1	2	1	5
Improper/incorrect/inadequate advice or action taken	27	8	22	7	13	10
Inaccurate information given	9	-	-	-	-	-
Inadequate service	1	12	4	2	5	3
Inadequate or no costs information given to client	2	7	6	0	5	4
Introduction/referral breaches	0	0	0	0	0	0
Lost files or documents	0	0	4	4	1	1
Misleading client, parties, court or employer	5	8	7	4	11	15
Unauthorised disclosure	0	3	0	0	0	0
Unauthorised approaches to employer's clients	1	3	0	0	0	6
Unprofessional manner	6	7	0	0	0	0
Private or personal disputes	0	0	0	0	4	1
Work or office related disputes	6	0	4	0	3	0
Breaches of legislation or other codes	1	3	1	2	4	1
Forgery or theft	3	1	1	9	1	4
ILEX/IPS misconduct	19	22	4	29	4	6

#### 2.1.4 Timescales

An analysis was undertaken of the time taken to consider complaints. The table below sets out the time taken to deal with allegations of misconduct, measured from receipt of the allegation at IPS to determination of the case by the Panel or under the delegated decision procedure (see 2.2). The information indicates that IPS is steadily improving the timescales in which it completes investigations and is able to bring them to the Panel. The one case that took over 12 months to complete involved a series of allegations being made against a member over a long period.

It should be noted that 2010 was an exceptional year for bringing cases to the Panel within 3 months, due to a large amount of examination misconduct cases being considered during that year which required limited investigation. The figures for 2011 represent a more typical caseload.

Number of cases

Timescale	2011	2010	2009	2008	2007	2006
0-3 months	7 (15%)	19 (46%)	4 (22%)	9 (35%)	7 (24%)	2 (7%)
4-6 months	24 (67%)	5 (58%)	7 (61%)	5 (54%)	8 (52%)	11 (43%)
7-9 months	13 (96%)	9 (80%)	3 (78%)	3 (65%)	10 (86%)	12 (83%)
10-12 months	1 (98%)	4 (90%)	2 (89%)	6 (89%)	0	4 (97%)
Over 12 months	1 (100%)	4 (100%)	2 (100%)	3 (100%)	4 (100%)	1 (100%)

#### 2.1.5 Equality and diversity

Of the 37 allegations considered by the Panel, 16 were made against males and 21 against females. From the information available, of those 37 members: 26 were of white ethnic origin, 4 of black ethnic origin, and 7 of Asian ethnic origin.

Of the 8 cases which the Panel rejected: 2 allegations were against white males, 2 against white females, 2 against Asian females, and 1 against a black female.

Of the 15 most serious cases which the Panel referred to the Disciplinary Tribunal: 6 were against white males, 5 against white females, 2 against Asian males, 1 against an Asian female and 1 against a black female.

No analysis has been carried out as to how these figures correlate to the membership of ILEX generally.

#### 2.2 Delegated decisions

In 2011, delegated decisions were made in 9 cases.

Determinations by consent were entered into 3 cases, which all resulted in the member being excluded from membership of ILEX. 4 complaints were rejected due to no misconduct being disclosed, and 1 was rejected as the individual complained of was not a member of ILEX. The conduct of 1 member was referred directly to the Disciplinary Tribunal.

These powers have only been available since 2010. The table below presents a year on year comparison of delegated decisions made.

Delegated decision	2011	2010
Determination by consent	3	0
Complaints rejected	5	6
Referrals to Disciplinary Tribunal	1	0

## ANNEX 2

**2.3 Interim suspension orders**

The Panel considered one such application in 2011 with the result that an interim suspension order was imposed on the member concerned.

**2.4 Declarations of Prior Conduct**

In 2011, IPS received a total of 220 declarations of prior conduct of which 166 were dealt with under the expedited process and 54 were considered by the Panel.

**2.4.1 Expedited cases**

The table below breaks down the cases which were considered under the expedited process, whereby an Officer determines that no action needs to be taken under delegated powers.

Number of cases per year

Nature of matter	2011	2010	2009	2008	2007	2006
County Court Judgments	2	8	14	26	22	23
Bankruptcy order or arrangement with creditors*	111	63	9	12	6	12
Convictions or cautions	50	51	33	23	29	21
Other	3	0	1	9	1	2
<b>TOTAL</b>	<b>166</b>	<b>122</b>	<b>57</b>	<b>70</b>	<b>58</b>	<b>58</b>

\*Prior to 2010, only discharged bankruptcy orders or completed arrangements with creditors could be dealt with under the expedited procedure

Of the declarations considered under the expedited procedure 118 involved declarations made by applicants for membership or reinstatement of membership of ILEX, 13 by Fellows of ILEX, 5 by Graduate Members of ILEX, and 30 by those in other grades of membership.

**2.4.2 Prior conduct cases considered by the Panel**

The following table breaks down the prior conduct cases referred to the Panel.

Number of cases per year

Nature of matter	2011	2010	2009	2008	2007	2006
County Court Judgments	0	0	0	0	0	1
Bankruptcy order or arrangement with creditors*	4	1	29	13	9	12
Convictions or cautions theft/dishonesty	13	16	18	23	16	15
Other convictions or cautions	32	25	0	7	4	5
Orders made by other professional bodies	5	2	4	1	6	4
<b>TOTAL</b>	<b>54</b>	<b>44</b>	<b>51</b>	<b>44</b>	<b>35</b>	<b>37</b>

\*Prior to 2010, only discharged bankruptcy orders or completed arrangements with creditors could be dealt with under the expedited procedure

The Panel approved 31 declarations, approved 4 further declarations with an informal warning to the applicant, rejected 7 applications for membership or reinstatement, required 1 member to give an undertaking, and requested more information in 11 cases.

Where a member of ILEX makes a declaration that they have been subject to an order made under Section 43 of the Solicitors Act 1974, the Professional Conduct Panel will consider not only the fact of the order being made, but also the underlying reasons for it. These cases are therefore considered not only as prior conduct declarations, but also as allegations of misconduct. They may be dealt with under delegated decision procedures. Such cases are therefore included in the figures at sections 2.1 and 2.2 above.

Of the declarations considered by the Panel 36 were made by applicants wishing to enrol or reinstate as members of ILEX, 2 by Fellows of ILEX, 6 by Graduate Members of ILEX and 7 by other members of ILEX. The Panel also considered 3 requests for a preliminary decision from persons who were considering membership of ILEX but had not made an application.

It can be seen that there has, overall, been a marked increase in the number of prior conduct declarations being made to IPS by ILEX members and prospective members. The majority of these relate the personal financial arrangements of members. It can also be seen that the increase in declarations of bankruptcy and other arrangements with creditors (Individual Voluntary Arrangements, Debt Management Plans) has corresponded with a decrease in County Court Judgments being issued. This is likely to reflect both the economic climate and the increasing availability of advice and options available to those who experience financial difficulties.

There has also been an increase in the number of convictions and cautions being declared. This is likely to be due to the fact that prior to 2010, members and potential members were not obliged to disclose cautions.

**3 DISCIPLINARY TRIBUNAL**

The Disciplinary Tribunal is responsible for considering cases referred to it by the Professional Conduct Panel or the Appeals Panel.

The Tribunal sits as a panel of three, with a majority of lay members. One member will be a Fellow of ILEX. No Tribunal member may be a member of ILEX Council or the IPS Board.

During 2011 the Disciplinary Tribunal heard charges brought against 11 members of ILEX. 5 cases involved examination misconduct; 2 related to failure to declare prior conduct; 2 arose as a result of complaints from former employers; 1 from a complaint by clients and 1 from a complaint by a judge. A joint charge against 5 members for examination misconduct was withdrawn by IPS before a hearing took place.



Only 2 of the 11 members concerned responded to the charges at Tribunal stage. Where appropriate, IPS brought charges against members who had not responded to the allegation of misconduct at the investigation stage for their failure to respond to IPS' queries.

The Disciplinary Tribunal found the charges not proved against 2 members, and proved against 9 members. 5 members were excluded for periods ranging from 1 year to 10 years. 2 members were reprimanded and 1 was reprimanded and fined £500. Another member was fined £2,000. In 7 of the cases where the charges were found proven, the member was ordered to pay the costs of IPS. In the remaining 2 cases no application for costs was made. No orders for costs were made against IPS.

3.1.1 Timescales

An analysis was undertaken of the time taken to consider cases referred to the Tribunal. The table below sets out the time taken to deal with allegations of misconduct, measured from the date of referral to the Tribunal by the Professional Conduct Panel, to determination of the case. It should be noted that in some cases adjournments are required for procedural reasons or at the request of the respondent, which extends the timescale. Adjournment requests are considered in accordance with the adjournment policy.

Number of cases

Timescale	2011	2010	2009	2008	2007	2006
0-3 months	0	0	0	2	1	6
4-6 months	5	8	4	1	3	1
7-9 months	1	1	6	1	0	0
10-12 months	5	0	0	1	0	0
Over 12 months	0	0	0	3	0	0

3.1.2 Equality and diversity

Of the 16 members whose conduct was referred to the Tribunal, 4 were female of which 2 were of white ethnic origin and 2 of Asian ethnic origin. Of the 12 males, the information available indicates that 3 were of white ethnic origin and 9 were of Asian ethnic origin.

Of the cases found proven, 8 were brought against males and 1 against a female (of white ethnic origin). Of the 8 males, 2 were of white ethnic origin and 6 were of Asian ethnic origin.

No analysis has been carried out as to how these figures correlate to the membership of ILEX generally, as no meaningful data is currently available.

4 APPEALS PANEL

The Appeals Panel is responsible for considering appeals made against decisions of the Professional Conduct Panel and Disciplinary Tribunal. Its remit also includes considering appeals against decisions made under the delegated decision procedure.

The Panel sits as a panel of three, with a majority of lay members. One member will be a Fellow of ILEX. No Panel member may be a member of ILEX Council or the IPS Board. Panel members must not have sat on the panel which previously considered the matter.

Appeals must be made to the Panel under the grounds, and in accordance with the procedure, set out in IDAR. The Panel has the power to affirm or vary the findings of the original Panel. In determining what action to take, the Panel has available to it all the powers available to the original Panel.

The Appeals Panel considered only one appeal in 2011. The appeal was brought by a member of ILEX in respect of a decision made by the Professional Conduct Panel. The Appeals Panel determined that one of the grounds of appeal was made out and allowed the appeal, varying the finding of the Professional Conduct Panel.

Two further notices of appeal were received during 2011, in respect of decisions made by the Professional Conduct Panel. In one case the appeal was not properly made. The Panel issued a direction to the appellant, who failed to comply and therefore the appeal was dismissed without a hearing. The other appeal made was scheduled to be heard in 2012.

## ANNEX 3

## IPS COMPLAINTS & DISCIPLINARY FUNCTION CUSTOMER SATISFACTION SURVEYS ANALYSIS OF RESPONSES 2011

### REPORT ON FEEDBACK ON IPS COMPLAINT HANDLING PROCESS 2011

In May 2011 the Board approved a Consumer Engagement Action Plan. The first project to be carried out within that action plan involved a review of the process for assessing consumer and member satisfaction with IPS complaint handling. The object of the review was to seek to improve the response rate to questionnaires sent out to complainants and members and to gauge satisfaction with the process.

Between 2007 and 2009, on average only one third of complainants and members responded to our questionnaires, making it difficult to obtain meaningful feedback on the process. Following the review new questionnaires were agreed together with further steps for pursuing responses.

This report contains the first data obtained since the review was carried out. The response rate for members was 50%. Only 33% of complainants gave a full response but 50% did give some response. Overall the results represent at least a short term improvement over the historical averages. The numbers however remain small, although it should be borne in mind that the process was changed part way through the year in question and therefore in future we may get more responses.

The outcomes of the process are generally very positive and may be summarised as follows:

- Responses from members and complainants showed the satisfaction by parties with the work of the complaints team on their cases.
- It showed that we understood the issues.
- Our leaflets were user friendly and explained the process.
- On the whole respondents feel we act in support of the better regulation principles.
- There were some issues which we will take away as learning points to help improve the quality of service we provide to both parties.

Whilst the numbers of respondents are small, our caseload is also small. We must continue to try to maintain and improve response rates in order to best inform our evidence based policy development.

**Patrick Bligh-Cheesman**  
IPS Board member

### IPS COMPLAINTS & DISCIPLINARY FUNCTION CUSTOMER SATISFACTION SURVEYS

#### ANALYSIS OF RESPONSES FROM ILEX MEMBERS 2011

Number of surveys sent: **12**

Number of responses received at 31.12.11: **6** (50%)

Of those responses, in 3 cases there had been a finding against the member. In the other 3 cases, the allegation had been rejected.

#### SECTION 1: COMPLAINTS PROCEDURE

##### 1. Was a complaints handling procedure leaflet sent to you?

YES 5 (83%)

NO 1 (17%)

##### If a complaints handling procedure leaflet was sent to you, how easy was this to understand?

Very difficult 0

Fairly difficult 0

Acceptable 1 (20%)

Fairly easy 2 (40%)

Very easy 2 (40%)

##### 2. Did the leaflet provide a satisfactory summary of the process that would be followed?

YES 5 (100%)

NO 0

##### 3. Did the leaflet cover the issues you expected it to cover?

YES 5 (100%)

NO 0

##### 4. Did you feel that we made you aware that a complaint had been made against you at the appropriate time?

YES 4 (67%)

NO 2 (33%)

##### If no, when should we have informed you?

1. Complaint received by ILEX 15.2.11, first letter to me was 31.5.11.
2. When my matter with X was finished I thought it was the end. At no point was I aware I would be going through a second stage with IPS.

*IPS comments/learning points*

1. *IPS do not notify the member a complaint has been made until a complaint summary is agreed with the complainant. This can take some time depending on the complexity of the matter and the responsiveness of the complainant. IPS do not notify the member at an earlier stage as it is considered it would be more detrimental to them to worry about the complaint before it was ready to be put to them. However, the IDAR does allow for a member to be advised of the complaint at outset and this procedure could therefore be changed if considered appropriate. 67% of members felt the complaint had been notified to them at the appropriate time.*
2. *This comment related to a member whose conduct had been referred to IPS from a college, who had told the member that they would be taking no further action when a civil dispute between the member and the college was resolved.*

**5. Did we provide you with sufficient information about the procedure we would use to investigate the complaint made against you?**

YES 6 (100%)  
NO 0

**If no, please indicate what could have been made clearer?**

1. Initially copy of complaint form not enclosed.

*IPS comments/learning points*

1. *IPS do not usually provide a copy of the complaint form at outset, as it is the summary of the complaint which the member must respond to, and not the complaint form. This procedure could be amended so that the complaint form is sent at outset, for transparency. Only one member made this comment.*

**6. Did we provide you with sufficient information about our disciplinary powers as a professional body?**

YES 6 (100%)  
NO 0

**SECTION 2: COMMUNICATION**

**7. Which method(s) of communication were used during the investigation of the case?**

Email 1  
Letter 6  
Telephone 1

**Were you happy with the method(s) of communication used?**

YES 3 (50%)  
NO 0  
NO RESPONSE 3 (50%)

**8. Did we keep you adequately informed about the progress of the complaint made against you?**

YES 6 (100%)  
NO 0

**9. We aim to respond to initial complaints within seven working days. How satisfied were you with the time we took to respond to your letters/emails during the investigation of the case?**

Very dissatisfied 0  
Fairly dissatisfied 0  
Acceptable 2 (33%)  
Fairly satisfied 0  
Very satisfied 4 (67%)

*IPS comments/learning points*

1. *The wording of this question needs to be changed to "we aim to respond to correspondence within seven working days".*

**10. Were our letters easy to understand?**

YES 6 (100%)  
NO 0

**11. If you left telephone messages did we call you back promptly?**

YES 4 (100%)  
NO 0

ANNEX 3

**12. Our targets for referring complaints to the Professional Conduct Panel are 80% within six months and 100% within nine months. Our targets for the final hearing in cases referred to the Disciplinary Tribunal are 65% completed within six months and 100% within nine months of referral. How satisfied are you with these timescales?**

Very dissatisfied	0
Fairly dissatisfied	0
Acceptable	1 (17%)
Fairly satisfied	2 (33%)
Very satisfied	3 (50%)

**13. How satisfied were you with the overall time we took to deal with your case?**

Very dissatisfied	0
Fairly dissatisfied	0
Acceptable	1 (17%)
Fairly satisfied	2 (33%)
Very satisfied	3 (50%)

**14. Did you feel that we fully understood your response to the complaint?**

YES	6 (100%)
NO	0

**15. Did our report provide a satisfactory summary of your response to the complaint?**

YES	6 (100%)
NO	0

Comments:

- The report was well put together and was a good summary of a complicated working arrangement.

**SECTION 3: OUTCOME**

**16. Did we let you know about the decision in your case promptly (we normally have 5 working days to inform you of the decision)?**

YES	6 (100%)
NO	0

**17. Did we make you aware that our investigation had come to an end?**

YES	6 (100%)
NO	0

**18. Were you made aware if you could appeal and the time limits for making an appeal?**

YES	5 (100%)
NO	0

*IPS comments / learning points*

- This question is not applicable in every case as if there is no finding there is no need to tell the member they can appeal, which may explain why one member did not respond to the question.

**19. Was an appeal form sent to you, if you had indicated that you wished to appeal?**

YES	3 (75%)
NO	1 (25%)

Comments:

- I was aware I could appeal but don't remember if a form was sent.

*IPS comments/learning points*

- None of the responders indicated they wished to appeal and would not have been sent an appeal form unless they had done so.

**20. Do you consider that the process was:**

Proportionate	YES	6 (100%)	NO	0
Consistent	YES	6 (100%)	NO	0
Transparent	YES	6 (100%)	NO	0
Fair	YES	6 (100%)	NO	0
Impartial	YES	6 (100%)	NO	0
Timely	YES	6 (100%)	NO	0

**21. Overall, how satisfied were you with how we handled your complaint?**

Very dissatisfied	0
Fairly dissatisfied	0
Acceptable	1 (17%)
Fairly satisfied	1 (17%)
Very satisfied	4 (66%)

**22. If you could suggest one improvement to the way we handle complaints what would that be?**

1. I was very satisfied with the communication from IPS.
2. Ensure complaint relayed more quickly, ensure correspondence not sent to home address particularly as this as an opponent making a complaint, ensure all documents including original complaint included with letter.
3. A telephone call to the person the complaint has been made against giving a verbal explanation of the process would also be helpful.
4. I was very happy overall with the way the complaint was handled. The only thing I would say is the point I made earlier about not knowing there would be a second investigation until I received a letter. It was horrible going through the second stage.

*IPS comments/learning points*

1. (i) Time taken between receipt of complaint and it being put to member will depend on factors including complexity of complaint, volume of material, evidence required, responsiveness of complainant. IPS do not give advance notice of a complaint being made until it is ready to be answered by the member, but this is something that could be reconsidered as the IDAR allows for preliminary notification.
- (ii) Complaints are always sent to the member's home address for confidentiality reasons, unless and until member indicates they are

*happy to respond from their firm. Membership of CILEx is individual, not based on member's employment. This was explained to the member concerned at the time. The initial letter to the member states that their employer may respond on their behalf: this could be adapted to ask if the member if they want correspondence to go care of their employer.*

*(iii) IPS does not send everything to the member at outset as the member needs to focus on answering the complaint summary: complaint forms and letters can either antagonise or distract, which slows the process..*

2. *All members are individual and communicate in different ways. Where a member telephones, IPS staff will talk through the process with them.*
3. *The complainant in this case did not inform the member they were making a complaint to IPS, yet had indicated to the member they would not be taking any further action.*

**23. Are there any further comments which you wish to make?**

1. Even though this has been a truly awful experience regrettably brought on by my own actions, the staff at IPS were wonderful at helping me through the situation for which I am very grateful.

# ANNEX 3

## IPS COMPLAINTS & DISCIPLINARY FUNCTION CUSTOMER SATISFACTION SURVEYS

### ANALYSIS OF RESPONSES FROM COMPLAINANTS 2011

Number of surveys sent: **12**

Number of responses received at 31.12.11: **4 (33%)**

2 further complainants did not complete the form but provided feedback. Their comments are included in the analysis.

Of the 6 responses received overall, in 5 cases there had been a finding against the member. In the other case, the allegation had been rejected.

#### SECTION 1: FINDING OUT ABOUT IPS

##### 1. How did you find out about us?

Internet	0
Member of ILEX	1 (25%)
CAB/Law centre	0
Solicitor	2 (50%)
Legal Ombudsman	0
Other	1

##### 2. How easy was it to find out about our service?

Very difficult	0
Fairly difficult	0
Acceptable	0
Fairly easy	2 (50%)
Very easy	2 (50%)

#### SECTION 2: COMPLAINTS PROCEDURE

##### 3. How did you complain to IPS?

By letter	3 (75%)
IPS complaints form 0 (sent to you by post)	
IPS complaints form 1 (25%) (downloaded from website)	
Other	0

##### 4. Was a complaints handling procedure leaflet sent to you?

YES	4 (100%)
NO	0

##### If a complaints handling procedure leaflet was sent to you, how easy was this to understand?

Very difficult	0
Fairly difficult	0
Acceptable	1 (25%)
Fairly easy	1 (35%)
Very easy	0
No response	2 (50%)

##### 5. Did the leaflet provide a satisfactory summary of the process that would be followed?

YES	4 (100%)
NO	0

##### 6. Did the leaflet cover the issues you expected it to cover?

YES	4 (100%)
NO	0

##### 7. Did we provide you with sufficient information about the procedure we would follow?

YES	4 (100%)
NO	0

##### 8. Did we provide you with sufficient information about how we would deal with your case?

YES	4 (100%)
NO	0

##### 9. Did we provide you with sufficient information about our disciplinary powers as a professional body?

YES	4 (100%)
NO	0

##### 10. We aim to respond to initial complaints within seven working days. Once you made your complaint how satisfied were you with the length of time taken by IPS to acknowledge your complaint?

Very dissatisfied	0
Fairly dissatisfied	0
Acceptable	1 (25%)
Fairly satisfied	0
Very satisfied	3 (75%)



## SECTION 3: COMMUNICATION

**11. Which method(s) of communication were used during the investigation of your case?**

Email	2
Letter	4
Telephone	1

**Were you happy with the method(s) of communication used?**

YES	4 (100%)
NO	0

**12. Did we keep you adequately informed about the progress of your complaint?**

YES	3 (75%)
NO	0

## Comments

1. Generally yes but I had to chase once or twice, but overall it was fine.

**13. We aim to respond to communications within seven working days or to acknowledge within two working days if there will be a delay in replying. How satisfied were you with the length of time we took to respond to your letters/emails during the investigation of your complaint?**

Very dissatisfied	0
Fairly dissatisfied	0
Acceptable	1 (25%)
Fairly satisfied	1 (25%)
Very satisfied	2 (50%)

**14. Were our letters easy to understand?**

YES	4 (100%)
NO	0

**15. If you left telephone messages did we call you back promptly?**

YES	2 (50%)
NO	0
N/A	2 (50%)

**16. Our targets for referring complaints to the Professional Conduct Panel are 80% within six months and 100% within nine months. Our targets for the final hearing in cases referred to the Disciplinary Tribunal are 65% completed within six months and 100% within nine months of referral. How satisfied are you with these timescales?**

Very dissatisfied	0
Fairly dissatisfied	0
Acceptable	1 (25%)
Fairly satisfied	0
Very satisfied	3 (75%)

**17. How satisfied were you with the overall time we took to deal with your complaint?**

Very dissatisfied	0
Fairly dissatisfied	0
Acceptable	1 (25%)
Fairly satisfied	0
Very satisfied	3 (75%)

## Comments:

1. But it did seem to take 12 months to conclude.

*IPS comments/learning points*

*This case was one which was considered by the Professional Conduct Panel and referred to the Disciplinary Tribunal and therefore was concluded in accordance with key performance indicators.*

**18. Did we summarise your complaint to your satisfaction?**

YES	4 (100%)
NO	0

## Comments

1. Very much so.

**19. Did you feel that we fully understood your complaint?**

YES	4 (100%)
NO	0

**20. Did our report provide a satisfactory summary of your complaint?**

YES	4 (100%)
NO	0

# ANNEX 3

## SECTION 4: OUTCOME

### 21. Did we let you know about the decision in your case promptly (we normally have 5 working days to inform you of the decision)?

YES 4 (100%)  
NO 0

Comments

1. But from memory I had to chase it up.

### 22. Did we make you aware that our investigation had come to an end?

YES 3 (75%)  
NO 1 (25%)

Comments

1. Not initially.

### 23. Were you made aware if you could appeal and the time limits for making an appeal? (NOTE: Appeals are only available in cases where the complaint has been rejected under the delegated decision procedure.)

YES 5 (50%)  
NO 0  
N/A 2 (50%)

*IPS comments/learning points*

None of the complainants had a right of appeal in these cases therefore information about appeals was not given.

### 24. Was an appeal form sent to you, if you had indicated that you wished to appeal?

YES 0  
NO 0  
N/A 4 (100%)

### 25. Overall, how satisfied were you with how we handled your complaint?

Very dissatisfied 0  
Fairly dissatisfied 0  
Acceptable 0  
Fairly satisfied 1 (35%)  
Very satisfied 3 (75%)

### 26. Do you consider that the process was:

Proportionate	YES 4 (100%)	NO 0
Consistent	YES 4 (100%)	NO 0
Transparent	YES 4 (100%)	NO 0
Fair	YES 4 (100%)	NO 0
Impartial	YES 4 (100%)	NO 0
Timely	YES 3 (75%)	NO 1 (25%)

Comments

1. I think too much time lapsed as the member failed to co-operate.

*IPS comments/learning points*

1. Where a member does not respond, or is not contactable, this can lead to delays but they are inevitable as IPS has to be fair to the member and allow them sufficient opportunities to respond.

### 27. If you could suggest one improvement to the service we offer what would that be?

1. The only thing I would say is that once it is clear a member is not responding and refusing letters then stronger action should be taken or continue without their input much quicker. This should not have taken 12 months to sort but the member deliberately refused correspondence.

*IPS comments/learning points*

1. As 26 above. This case was referred to the Disciplinary Tribunal and it was necessary for IPS to allow the members' sufficient opportunities to respond so that the evidence could be fully presented to the Tribunal.

### 28. Are there any further comments which you wish to make?

1. At the same I was dealing with IPS I was also dealing with the SRA. The staff at ILEX were supportive and helpful and kept me fully informed. Many thanks.

2. Rather than completing the questionnaire in detail may I say the processing of my complaint was efficiently, timely and professional. I saw no point in appealing the process per se. My concern lies rather with the standard by which my complaint was assessed which I feel significantly disadvantaged my wife and myself – if only on the grounds of natural justice. May I request that the relevant standard be carefully reviewed.

3. I would definitely use a Legal Executive again because I believe in your standards and believe IPS are committed to them. I am glad that we have at least one regulatory authority for lawyers that really stands up for what its principles are and guarantees members of the public that use its members a strict adherence to those principles. I thank IPS for this. I was apprehensive about making the complaint after my bad experiences with LeO but it was certainly well worth making this complaint

*IPS comments/learning points*

1. This comment would appear to be a challenge to the Code of Conduct rather than the complaints handling procedure.



