

Programme Highlight Report

For reporting period: 12/08/2010 – 10/09/2010

PROJECT HEADLINES¹

Appeals Mechanisms – Michael Stacey

PROJECT STATUS: 1



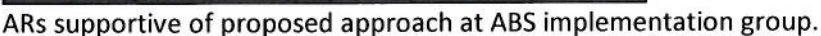
Achievements during the reporting period

1. Draft s.80 order finalised and discussed with MoJ lawyers.
2. Consultation paper published.
3. Impact Assessment drafted and discussed with Tribunals Service and SDT.
4. Letter sent to Tribunals Service CEO with written agreement seeking confirmation of commitment.

Planned deliverables for the next reporting period

1. Further discussions with Tribunals Service about composition of panels and other implementation issues.
2. Letter from Chairman to President of General Regulatory Chamber to ensure judicial buy-in to proposals.

Areas of concern or interest with regards to stakeholder relationships

1. 
2. 
3. 
4. ARs supportive of proposed approach at ABS implementation group.

Review of Reserved & Non-reserved Legal Activity – Chris Handford

PROJECT STATUS: 1

Achievements during reporting period:

1. First part of independent research by Stephen Mayson of the College of Law's Legal Services Institute into the history and rationale of reserved legal activity was published. Concluded that there was no obvious common rationale for the reserved activities and some were intended for protection of the legal profession and therefore the development of the current framework provides little to assist with making decisions about future regulation.
2. Initial findings from the early stages of Regulatory Policy Institute research into the economic rationale for regulation of legal services and the Opinion Leader research into measures for consumer outcomes produced and presented to the Board.
3. Board undertook initial session to consider longer-term strategy around the regulatory framework and reserving of legal activities.
4. Letters have been sent to a range of interested parties asking for financial support for consumer research into the type and scale of consumer detriment arising from current practice in writing wills. The OFT has provided an early indication that they will provide a significant contribution, there has been less enthusiasm from other stakeholders [s36]. We are looking again at our research priorities and may be able to find funding for this important piece of work.
5. Consumer Panel has been asked to provide evidence on all the different problems, both current and potential, experienced by consumers wishing to write a will. The investigation will seek to find out how widespread each problem is, or could be, why it happens and what the impacts are on the testator and

¹ This should be a series of bullets summarising the current state of play with the project including:

- Achievements during the reporting period;
- Planned deliverables for the next;
- Areas of concern or interest with regards to stakeholder relationships

their executors and beneficiaries. It will consider whether existing consumer protections are capable of addressing any consumer harm or whether new solutions are needed, including what the advantages and disadvantages of various ways of regulating will writing may be for consumers. A call for evidence launched on 22 September, closing 15 December.

6. Recent media attention around will writing has been managed well and LSB's key message that we will collect evidence and act on the evidence received rather than noise made has been well disseminated. The Consumer Panel has secured media space to publicise the launch, targeted at groups who are likely to hold relevant information.

Planned deliverables for next period:

1. Consumer Panel to begin investigation into will writing by undertaking a call for evidence.
2. Commission consumer research into will writing if funding can be secured (see above) [s36].

Areas of concern or interest with regards to stakeholder relationships

1. See with relation to funding requests for consumer research into will writing [s36].

Workforce Diversity – Michael Stacey

PROJECT STATUS: 1

Achievements during the reporting period

1. The Research Team has conducted a mapping exercise of diversity initiatives through interviews with ARs. This is a continuation of the initial work conducted by the Equality and Human Rights Commission (EHRC) through the Diversity Forum.
2. A detailed planning session and project plan completed for the data collection framework setting out key milestones between August (including drafting the framework and guidance) and November 2010 (preparing the framework and guidance to go out to consultation at the end of the month).
3. Consultation on the single route map of entry into the profession with the Diversity Forum and ARs has been completed and amendments are finalised. Meeting held with Skills for Justice on 07 September to discuss the practicalities of displaying the route map on their Career Pathways website.
4. Letter to ARs at CEO and Chairman level about diversity progress so far and next steps, including a paper on the potential diversity impact of ABS

Planned deliverables for the next reporting period

1. The remaining interviews to be completed with ARs; a final version of the mapping exercise of diversity initiatives to be presented at the Diversity Forum on 06 October.
2. Further work to be completed on the data collection framework including a meeting to be held with EHRC on the protected characteristics of the Equality Act 2010 and contact made with Stonewall and ONS to discuss a template for a questionnaire on collecting diversity information; a final version of the data collection framework to be presented at the Diversity Forum on 06 October.
3. Planning to be completed ahead of Crispin Passmore's speech to be delivered at the Black Solicitors' Network (BSN) Conference on 28 September.
4. A conference launching the Leeds-Westminster research, hosted by the University of Westminster, is scheduled for 13 October.

Areas of concern or interest with regards to stakeholder relationships

1. A meeting held with Judicial Diversity Team (JDT) at MoJ to understand work around judicial diversity in terms of the Neuberger Report recommendations and to share LSB's current work programme on diversity. Ongoing relationship to continue, with information on diversity work conducted by the JDT to be shared with the LSB. Similarly LSB has committed to sharing published research with the JDT.
2. Attended JAC Diversity Forum.

Quality Assurance – Michael Stacey

PROJECT STATUS: 3

Quality Assurance for Advocates

Achievements during the reporting period

1. JAG published consultation paper.
2. Letter and paper drafted for JAG setting out further development required.

Planned deliverables for the next reporting period

1. Further engagement with JAG on design and implementation issues at meeting on 12 October – particularly assessment methods and governance and proposed delivery approach for scheme.
2. Further work on contingency planning – scoping of alternative approaches.

Areas of concern or interest with regards to stakeholder relationships

1. JAG responsiveness to feedback from us/LSC. Main areas of concern: (i) potential over-reliance on judicial feedback on live cases, leaving scope for inconsistency in outcomes and lack of robust assessment; (ii) achievability of implementation plan – particularly in relation to establishing new oversight body and the need to arrange judicial training via the Judicial Studies Board.

Consumer panel advice/research on consumer perceptions of quality

Achievements during the reporting period

1. Focus groups completed and draft report received for comment. Report is good quality and offers valuable insights to consumer expectations about quality and perceptions of existing quality marks and regulation.

Planned deliverables for the next reporting period

1. Final research report.

Areas of concern or interest with regards to stakeholder relationships

1. None.

First Tier Complaints Handling – Lucas Ford

PROJECT STATUS: 2

This month

1. Developed regulatory review of each ARs compliance with FTCH programme and sent out letters to all ARs requesting a response in two stages:
 - a. First stage responses to questions 1(a) and (b) due on 17 September 2010
 - b. Second due on 29 October 2010.
2. Developed and published the report of the data collection workshop.
3. Continued engagement and analysis of ARs submissions regarding signposting requirements and rules reflecting outcomes guidance.
4. Settled SRA and CLC submission for exemption to rule change.

Planned deliverables

1. Analysis and review of responses to regulatory review responses to questions 1(a) and (b), due 17 September.
2. Continue to follow up on FTCH rule change issues and outstanding issues of concern with ARs.
3. Continue to achieve changes to AR regulatory arrangements to reflect the sign-posting requirements and guidance in the lead up to the commencement of the Legal Ombudsman (ongoing).

Areas of interest with regards to stakeholder relationships

1. Consumer Panel working with LeO on publishing consultation on complaints data and information
2. There are ongoing discussions with SRA regarding its planned monitoring activity between the opening of LeO and the end 2011, the time its new monitoring activities will be ready. A detailed response to this issue will form part of the 29 October regulatory review response [s36].

Independence – Chris Handford

PROJECT STATUS: 3

Achievements during the reporting period:

1. Most responses to the initial IGR assessments have been received and constructive conversations carried out around outstanding issues. Initial analysis is well underway. It is likely that we will be satisfied that apart from some minor issues the governance structures will on the whole be accepted as being capable of delivering independence. The timetable for achieving lay majorities on regulatory boards is likely to be the exception to this in some cases. There will also be residual concerns about the setting of strategy and resources in practise that will be kept under review going forward.
2. ILEX practising fee application has been received and we are awaiting a response from our request for further information.
3. Good working relationships have been built with several other ARs through pre-practising fee application discussions to ensure clarity of expectation and a smooth process. This includes meetings / conversations with the Bar Council, CLC, ALCD and IPREG. Indications are that progress towards the LSB's key objective of ensuring transparency for those mandated to pay fees will be achieved this year.

Planned deliverables for the next period:

1. Analysis of IGR responses to be completed and final position in relation to each AAR to be presented to 30 the September Board for final decision.
2. Decisions to be made on ILEX and CLC practising fee applications.

Areas of concern or interest with regards to stakeholder relationships:

1. 

Designation and rule changes – Dawn Reid

PROJECT STATUS: 2

Achievement during the period

1. Exemptions:
 - Alteration to Rules 204 and 508 of Bar Code of Conduct.
 - Alterations to SRA Qualified Lawyers Transfer Scheme Day One outcomes.
 - Alterations relating to the Master of Faculties Notaries (Supervision Fees).
 - Alterations to regulatory arrangements relating to the commencement of The Legal Ombudsman (for all Approved Regulators).
2. Rules change applications decisions:
 - Master of Faculties changes to Continuing Professional Education requirements approved on 3 September 2010.
 - The BSB withdrew its application for alterations to the Bar Training Regulations so that they can be considered alongside other changes planned for next year.
3. Work continues on the designation applications from ILEX. Further information was requested on the intended approach to regulation (capacity and capability) from ILEX, this has now been received and submission is now deemed complete. All three applications are now at the "mandatory consultee" stage and are being considered by the OFT and Legal Services Consumer Panel.
4. Applications received and to be decided:
 - CLC application for approval of Licence and Practising Fees arrangements.
5. The SRA and Law Society of Ireland have reached agreement on a stay in proceedings until 30 September 2010 and are currently in discussions as to how the Qualified Lawyers Transfer Regulations will apply to Irish solicitors.

Planned deliverables for next month

1. Determine application listed in 4 above.
2. Continue with the assessment of the ILEX designation applications.

3. Expecting BSB to submit application for approval of English language requirement for all BPTC applicants.

Areas of concern/interest with regards to stakeholder relationships

1. As reported last month, forthcoming application from the BSB regarding the introduction of the English language requirement will need sufficient resources to ensure that all issues are considered. Proposal has prompted particular concern from OFT in the past.

2. [REDACTED]

Referral Fees – Lesley Davies

PROJECT STATUS: 1

Achievement during the reporting period:

1. Consultation document will be approved for consultation.
2. Proposals cover improving consumer confidence in the market by making transparency and disclosure better and improving compliance and enforcement.
3. Media handling strategy is under development with CJ.

Planned deliverables for next month

1. Discussion document is due to be published w/c 27 September with a 12-week consultation period, closing around 22 December.
2. Letters will be sent to key parties from the Chairman and the Chief Executive, including the Minister and Jackson LJ.

Areas of concern or interest with regards to stakeholder relationships

1. Next steps, after document publication, will be consideration of the development of an initiative bringing those outside the legal services market with an interest in referral issues together to try and get a more consistent approach to regulation.
2. We have also been invited by the Claims Management Regulator to sit on the Claims Management Regulation Sub-group.

ABS – Chris Baas

PROJECT STATUS: 2

Achievements during the reporting period

1. Significant amount of work with the SRA developing the content of the section 69 order to be laid prior to the commencement of Part 5 of LSA. Difficult issues have been ironed out including the mechanics around the compensation fund.
2. Work is continuing on developing the impact assessments required for the commencement of the remaining ABS related parts of the Legal Services Act. A draft impact assessment for maximum financial penalty has been shared with MoJ.

Planned deliverables for the next;

1. A document including our guidance on the use of section 69 orders and a consultation on a draft order is due to be published.

Areas of concern or interest with regards to stakeholder relationships

1. [REDACTED]

2. There has been a good level of support of the approach on impact assessment and we are working with MoJ and have met with officials from the Reducing Regulation Committee to ensure that the impacts are considered properly.
3. The next round of the SRA hosted "Multi Disciplinary Practice" (MDP) meetings have taken place and a draft framework memorandum of understanding has been developed. While the LSB will not be a

signatory (except if it becomes active as a licensing authority), we have kept close involvement in the process.

Small ARs – James Meyrick

PROJECT STATUS: 1

Achievements during the reporting period

1. The contingency plan structure for each AR has been finalised. The first plan will be drafted in September and a workshop of LSB colleagues will be held at the end of the month to discuss content and test the plans.
2. Successful meeting with IPReg to discuss the smaller AR project.
3. Interviews held with researchers for the smaller AR research project. A researcher has been selected to carry out the research.
4. Work is ongoing to put together a document detailing the interaction and information requirements that the LSB will place on ARs over the next 12 months.

Planned deliverables for the next reporting period

1. Document detailing AR information requirements produced in draft form.
2. Contract with smaller AR researcher finalised.

Areas of concern or interest with regards to stakeholder relationships

1. We have received a query from the public regarding changes to ALCD's to membership classes. We are seeking clarification from the ALCD on these changes.
2. We have received a query from an MP regarding the CLC's activity in a constituent's compensation claim. We will be writing to the CLC about some of the broader issues in the letter. We will write to the MP informing him that we are unable to intervene in the constituent's specific case.

LSB IT – Michelle Jacobs

PROJECT STATUS: 1

Achievements during reporting period:

1. Wisdom System installed onto test and development site.
2. Administrator training completed.
3. Begun to develop internal policies – naming conventions, retention and disposal, saving e-mails and security.
4. Configuration workshops completed. There is now a clear understanding of file structure requirements, what decisions need to be made regarding roles and security and retention and disposal.

Planned deliverables for the next reporting period:

1. Configuration report received from system suppliers, outlining suggestions for file structure, security levels and metadata settings.
2. Data audit and file plan meetings held with all 'folder owners'.
3. Agree file plans and security policies with SMT.
4. Prepare for implementation and plan staff training.
5. System configuration and file migration with Competition Commission.

LCS Shutdown – Karen Marchant

PROJECT STATUS: 2

This month:

1. We wrote to all ARs advising them of the proposals re: exemption for regulatory arrangement changes resulting from LeO / OLSO transition, reminding them about agreement for implementation of s112 signposting and exemption and requesting complaint numbers and likely schedule for completion.
2. LCS continues to perform well against its targets, despite staff leaving. However, not as many staff transferred to LeO as anticipated.

Next month:

1. [REDACTED]
2. LCS/LSB Chief Executives due to meet 28 September. This will be their last meeting before LeO go-live on 6 October when LCS will cease to take on any new cases.

The Levy – Anna Cheung

PROJECT STATUS: 1

Achievements during reporting period:

1. Met Treasury to discuss the relationship and outstanding levy issues that need to be finalised by the end of the consultation period. The issues were: late payment interest rate, bankruptcy and the new Approved Regulator provisions. HMT confirmed satisfaction with our approach.
2. Met The Law Society to clarify their understanding of our proposals and to give us an indication of their likely response.

Planned deliverables for the next reporting period:

1. Consultation ends 29 September.
2. Analysis of responses and preparation of decision document for levy rules.

Areas of concern or interest with regard to stakeholder relationships

1. Plan to follow up with Treasury to confirm formally that the matters are resolved before the end of the consultation period.

Regulatory Information Review – Alex Roy

PROJECT STATUS: 1

Achievements during the reporting period

1. First analysis of solicitor supply data.
2. First assessment of demand literature.
3. Increased number of academic papers logged on database.

Planned deliverables for the next (reporting period)

1. Completion of information scan.
2. Enhancement of supply data with other professions and legal aid data.
3. Initial discussions on website for data hosting.

Areas of concern or interest regards other stakeholder relationships

1. Need to ensure 'joined-up-ness' with all collecting data from ARs and we are engaging with project managers to map data needs and reduce compliance burdens on ARs.

CHANGES PROGRAMME PLAN²

PROGRAMME DELIVERABLES	COMPLETION DATES		REASON FOR DATE CHANGE
	PLANNED	ACTUAL	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
SMALLER AR'S: Research on smaller ARs	September 2010	October 2010	Researcher appointed is away during September so only able to begin work in October.

² In exception circumstances only - if any Programme deliverable completion date has changed, please list the deliverable, the original planned date, the new date and the reason for the date change.

SMALLER AR'S: Research Final report on smaller ARs	January 2011	February 2011	Month delay due to researcher beginning work a month later than anticipated.
SMALLER AR'S: Research Publication / Board consideration of smaller AR research report	February 2011	March 2011	February board meeting has been cancelled. Smaller AR item timetabled for March board meeting.
LSB IT: SMT agree file structure and permissions	August 2010	October 2010	Delays due to availability of System Supplier consultant to run configuration workshops. Therefore identifying what policies need to be devised, completing the file tidy and data audit and agreeing security groups has also taken longer than anticipated.
LSB IT: System Configuration and testing	August 2010	October 2010	
LSB IT: Staff Training	September 2010	November 2010	
LSB IT: Complete Implementation/System in use	September 2010	November 2010	

ESCALATED PROJECT RISKS³:

RISK	IMPACT (1-5)	LIKLIHOOD (1-4)	RAG RATING	ACTION TAKEN
[REDACTED]				

PROGRAMME ISSUES⁴:

ISSUE	PRIORITY	ACTION TAKEN
[REDACTED]		

OVERALL PROGRAMME STATUS⁵:

4	Highly problematic: requires urgent and decisive action.	[REDACTED]
3	Problematic: requires substantial attention, some aspects require urgent attention.	
2	Mixed: aspect(s) require substantial attention, some good.	
1	Good: requires refinement and systematic implementation.	
0	No information available [s36].	

³ Risks that have been identified or have gone up in rating this month. See [risk strategy](#) for guidance on impact and likelihood and how to calculate RAG rating.

⁴ Issues that have been identified this month. See [risk strategy](#) annex 4 for guidance on Project Issues

⁵ Select, using an 'X,' the appropriate status for the whole project this month.