

Programme Highlight Report

For reporting period: 10/09/10 to 1/10/10

PROJECT HEADLINES¹

Appeals Mechanisms – Michael Stacey

PROJECT STATUS: 2

Achievements during the reporting period

1. Meeting held with Tribunals Service to discuss implementation issues for ABS appeals mechanism: composition of panels, costs and funding. [REDACTED]
2. Discussion about the above with ABS implementation group. Tribunals Service has committed to provide firm costings as basis for agreement by 12 November.
3. Letter sent from Chairman to President of General Regulatory Chamber (GRC) to ensure judicial buy-in to proposals.
4. Meeting held with the Law Society on 5 October to discuss the proposals.

Planned deliverables for the next reporting period

5. Agreement of funding model through ABS implementation group.
6. Meeting with GRC President.

Areas of concern or interest with regards to stakeholder relationships

7. [REDACTED]
8. [REDACTED]

Workforce Diversity – Michael Stacey

PROJECT STATUS: 1

Achievements during the reporting period

1. The Research Team have 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. Work is continuing with Skills for Justice to get Careers Pathways website up and running showing the entry routes into the legal profession. The legal profession section of the website was demonstrated at the Diversity Forum on 6 October. The aim is to go live in December 2010.
3. Letter sent to ARs about diversity progress so far and next steps, including a paper on the potential diversity impact of ABS. One response received so far, from the BSB.
4. Final research report from Leeds-Westminster published and conference held with approx 100 stakeholders attending. Associated opinion piece by Crispin Passmore published in the Guardian online. Coverage in the Law Society Gazette.
5. A draft speech was completed to be delivered at the Black Solicitors' Network (BSN) Conference on 28 September. However, this event has now been cancelled. The content will be delivered by the Chief Executive when he addresses the Society of Black Lawyers conference on 6 November.
6. David Willets, the new chairman of the Executive Group of the Gateways to the Profession Group, has endorsed the proposal for a "regulatory toolkit" on social mobility. The Chief Executive remains the

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

sponsor for this cross-organisational initiative, which now has support from the GMC.

Planned deliverables for the next reporting period

7. Further work to be completed on the data collection framework; draft consultation paper to be presented to the Board for approval at the November meeting.
8. Further work to secure support and funding for social mobility toolkit project (work to be carried out by Professional Associations Research Network).

Areas of concern or interest with regards to stakeholder relationships

9. A meeting held with Karen Hurrell, Senior Statistician at EHRC, to discuss the specific diversity indicators listed in the protected characteristics of the Equality Act 2010. Sought advice on best practices questionnaires and consistency with ONS Census categories around equality measures to ensure the information collected through the data collection framework may be compared to general population statistics. [REDACTED]
10. A meeting held with David Shields from Stonewall, on the specific diversity indicators of sexual orientation. David provided guidance on how best to measure and monitors this indicator. [REDACTED]
11. A meeting held with James Turner, Sutton Trust, on the specific diversity indicator of socio-economic background. It was discussed on how to best measure this information including example questions. [REDACTED]
12. Meetings held with BSB & Bar Council E&D Advisers and SRA Director of Inclusion to test our proposals on the data collection framework and increase the LSB's knowledge of what the BSB/BC & SRA are already doing in terms of data collection and analysis.
13. 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 on 10 August. While this is a significant achievement, considerable further development is needed to deliver a scheme which satisfies our key principles and carries the confidence of key stakeholders.
2. Discussions with Chairman and David Wolfe about proposals and handling.
3. Letter and paper drafted and sent to JAG setting our further development required.
4. Engagement with LSC & Thomas LJ's office in relation to consultation proposals.

Planned deliverables for the next reporting period

5. Further engagement with JAG on design and implementation issues at meeting on 27 October – particularly assessment methods and governance and proposed delivery approach for scheme.
6. Further work on contingency planning – scoping of alternative approaches.

Areas of concern or interest with regards to stakeholder relationships

7. JAG responsiveness to feedback from us/LSC. Main areas of concern: (i) lack of firm proposals for assessing existing level 1 & 2 advocates; (ii) potential over-reliance on judicial evaluation of performance in live cases at levels 3 & 4, leaving scope for inconsistency in outcomes and not incorporating other types of evidence; (iii) achievability of implementation plan – particularly in relation to establishing new oversight body and the need to arrange large scale judicial training via the Judicial Studies Board.

Consumer panel advice/research on consumer perceptions of quality

Achievements during the reporting period

1. Final research report received.

Planned deliverables for the next reporting period

2. Plan to feed outputs from this work into broader education and training framework review, subject to

Board agreement.

3. Letter to Law Society about status of accreditation schemes the extent to which they are compulsory.

First Tier Complaints Handling – Lucas Ford

PROJECT STATUS: 2

This month

Signposting

1. Agreed to SRA, BSB, IPS, IPReg (and CLC previous month) signposting requirements submissions for exemption to rule change.
2. Letter sent to ALCD and Master of the Faculties requesting a response as to why they have failed to comply with the signposting requirements.

Regulatory review

3. Analysis and review of regulatory review responses to questions 1(a) and (b). This includes ongoing engagement and analysis of ARs' submissions regarding compliance with signposting requirements and rules reflecting LSB guidance on outcomes for consumers from first-tier complaints handling.

Planned deliverables

1. Following up on any outstanding issues with ARs' changes to their regulatory arrangements to reflect the signposting requirements and guidance.
2. Continue analysis and review of regulatory review responses.
3. Engagement with ARs in relation to remaining regulatory review questions, which includes monitoring and enforcement.
4. Paper to the Board on 30 November updating re regarding regulatory review of FTCH.
5. Consumer FTCH research planning for 2011 (working with Alex).

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 end 2011, the time its new processes will be ready. A detailed response to this issue will form part of the 29 October regulatory review response.
3. Working with LeO to understand what information they will be able to capture and provide the LSB regarding FTCH processes and signposting.

Designation and rule changes – Dawn Reid

PROJECT STATUS: 2

Achievement during the period (3 September to 18 October)

1. Exemptions
 - Bar Practising Certificate Regulations 2010.
2. Rules change applications decisions
 - Council for Licensed Conveyancers Practising Fees Rules and determination of the Compensation Fund contribution.
3. Work continues on the designation applications from ILEX. The further information requested from ILEX on the intended approach to regulation (capacity and capability) was received on 7 September; while this gives some further insight to the approach, we have concluded that more detail is needed. We have proposed that ILEX present to us how they approach regulation of immigration advisers and how this will be developed if the additional reserved legal activities are granted. We have suggested that the areas that they need to cover are:
 - information gathered at entry and how this is assessed
 - the regular information received from members
 - other intelligence sources
 - how all information received is assessed
 - the triggers, format, duration and output of an inspection visit
 - how disciplinary powers are used
 - the resources (number and skills) committed to this work.

All three applications are now with the mandatory consultees (Litigation and probate applications with

- OFT and Legal Services Consumer Panel; Associate Prosecutors application with the Lord Chief Justice).
4. A productive meeting with the SRA to start to plan how we will deal with the approval of the revised Handbook (under the Schd 4 process) and the licensing authority application which are expected to be submitted in March 2011. Draft documents should be delivered to us towards the end of October.
 5. We met the CLC to discuss their progress on developing a new code of conduct and the timetable for the licensing authority application. Also covered our approvals process for these and particular issues in the current application (see 4. Above)
 6. Introductory meeting with Mike Tester, Team Leader of the Professional Regulation Team at MOJ, and a team at the OFT to discuss how we will work together on designation applications.
 7. Productive meeting with BSB representatives to discuss the English Language and the Aptitude tests. BSB has decided to delay introduction of the English language test until autumn 2011 (for the 2012 intake) and expects to submit an application for approval in November 2010. The Aptitude test is expected to become compulsory at the same time (subject to LSB approval).

Planned deliverables for next month

8. Continue with the assessment of the ILEX designation applications; finalise the criteria against which to assess the applications.
9. Continue to work with SRA on the draft licensing authority application and the related rules changes.

Areas of concern/interest with regards to stakeholder relationships

10. On our forward looking plan there are 12 expected applications (in addition to SRA draft submission) which had been expected by now or are due to be submitted before the end of October. If all arrived it could cause a resource stretch but in practice applications are often submitted later than originally indicated. We continue to talk to the Approved Regulator's about their plans and will keep resource requirements under close review.
11. Looking ahead, if both SRA and CLC licensing authority applications are received at the same time, resources may be needed to be re-allocated from other projects to meet the decision timescales [s36].

Referral Fees – Lesley Davies

PROJECT STATUS: 1

Achievement during the period

1. There has been some but not substantial media coverage of the consultation document supporting the view that the proposals had not come as a surprise to stakeholders. There was interesting exchange on the Legal Futures website about the nature of transparency and the proposal to publish contracts on approved regulators websites which attracted the attention of Prof Richard Moorhead and the Chairman.
2. We met with officials to discuss the proposed consultation on the Jackson recommendations and provided some comments on it. This document is due to be published after the CSR.
3. The Chairman and Crispin met with Lord Young.

Planned deliverables for next month

4. The consultation continues and we are putting in place the processes for dealing with the consultation responses in January.
5. We will be taking part in a Claims Management Regulator meeting which brings together claims management stakeholders. We may present the referral fees consultation and discuss improving disclosure at the consumer's first contact with legal services.
6. We are also looking at claims management regulation in more detail to better understand the implications of schedule 19 which would allow for the LSB to become, among other things, oversight regulator for claims management.

Areas of concern/interest with regards to stakeholder relationships

7. 

PROJECT STATUS: 3

Achievements during the reporting period:

1. Now less than 1 year to go!
2. Publication of s69 consultation document; due to close 20/12/2010. Compensation fund issues have been identified as potentially contentious.
3. Agreement reached with SRA that they will develop and run consultation on S69 Sole Practitioners, final planning timelines and discussion of policy issues between SRA, LSB and MoJ to go ahead.
4. Highly supportive speech from Minister Djanogly to Law Society, emphasising 6/10/11 Go-Live.
5. Work is continuing on track to develop the impact assessments required for the commencement of the remaining ABS-related parts of the Legal Services Act.
6. Framework MoU is nearly complete that will set out a basis to manage multiple regulators of ABS.
7. Project management resource increased internally.

Planned deliverables for the next period:

8. Maximum financial penalty order to be sent to MoJ for LC consent. Will then be returned to the Board for agreement and signature.
9. Regular programme planning meeting with SRA to be held 22 October.

Areas of concern or interest with regards to stakeholder relationships

10. [REDACTED]
11. Consideration of the legislative basis for the regulation of sole solicitors continues to be discussed.
12. Discussions with the SRA on regulatory capacity and their change programme are underway.

Small ARs – James Meyrick

PROJECT STATUS: 2

Achievements during the reporting period

1. A workshop for LSB staff was held to identify the content needed for the contingency plan.
2. A letter has been sent to the CLC requesting further information on a case that has been referred to the LSB by Mr Graham Brady MP. We cannot intervene in the specific case but we are seeking information in relation to the broader issues raised by the letter. We have received a response from the CLC and are considering our response. A holding reply to the MP has been sent.
3. [REDACTED]
4. Letters have been sent to all ARs informing them of the smaller AR research project that has begun.

Planned deliverables for the next reporting period

5. Document detailing AR information requirements produced in draft form.
6. Resolution of the legal issues regarding a possible approach to the accountancy regulators in terms of the IGRs and the practicing fees.
7. The research project will be in full swing. This will involve meetings between the researcher and the Chairs and Chief Executives of the ARs and their regulatory arms.
8. Consideration of ALCD draft code of conduct, IGR activities and other documentation.
9. Work underway to refine scope and deliverables for this project.

Areas of concern or interest with regards to stakeholder relationships

10. [REDACTED]
11. [REDACTED]

LSB IT – Michelle Jacobs

PROJECT STATUS: 1

Achievements during the reporting period:

1. File plan configuration workshops held. Proposal for file plan, metadata and security protocols discussed.
2. Configuration report received from System supplier, outlining discussions and providing proposed system set up.
3. Devise security policies.
4. Agreed file plans and security policies with SMT.
5. Prepare for implementation.
6. Staff training has been organised. Competition Commission has agreed to conduct it.

Planned deliverables for the next reporting period:

7. Finalise implementation plan with Competition Commission, including confirming file migration timeframe, roles and responsibilities and training.
8. Check all G-Drive folders are in the correct configuration.
9. Set up system in test site with agreed configuration and test.
10. Migrate files over.

Areas of concern or interest with regards to stakeholder relationships

11. [REDACTED]

LCS Shutdown – Karen Marchant

PROJECT STATUS: 2

Achievements during the reporting period:

1. LCS/LSB Chief Executives met on 28 September. This was their last meeting before LeO went live on 6 October when LCS stopped taking on new cases.
2. Following the meeting, LCS wrote to the LSB to confirm the final number of cases outstanding on 6 October and the targets agreed by the LCS Board for its final 6 months.
3. LCS will aim to have all outstanding cases resolved by the time it shuts in March 2011 and is committed to providing good customer service to consumers in the period of close down and transition.

Planned deliverables for the next reporting period:

4. LSB to consider and review LCS Quarter 4 targets in detail and respond to letter from LCS.

Areas of concern or interest with regards to stakeholder relationships

5. [REDACTED]

Commencement of Schedule 18 of the Legal Services Act 2007 – Karen Marchant

PROJECT STATUS: 1

Achievements during the reporting period:

1. A small project has been set up to manage the work required to commence Schedule 18 of the Act following approval of a PID by SMT at its 22/09/10 meeting.
2. Following the Board's approval at its 30 September meeting of a recommendation to the Lord Chancellor to end the transitional period for Schedule 18 in March 2011, the Chairman has written to the Minister to formally make the Board's recommendation.

Planned deliverables for the next reporting period:

3. Comprehensive review of all LSB rules to take place to assess what changes may be necessary to reflect Schedule 18 as well as an assessment of any gaps in the rules framework which may require new rules to reflect immigration regulatory oversight.
4. Content of revised/new rules and timetable for commencement to be finalised and agreed with MoJ.

Areas of concern or interest with regards to stakeholder relationships:

5. [REDACTED]

The Levy – Anna Cheung

PROJECT STATUS: 1

Achievements during reporting period:

1. Met HMT to discuss the relationship and outstanding levy issues that needed 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 Law Society to clarify their understanding of our proposals and to give us an indication of their likely response.
3. Consultation ended on 29 September, initial analysis suggests that the responses are broadly supportive of the methodology to calculate the LSB levy but not so supportive of the LeO methodology [s22].
4. Analysis of responses and preparation of decision document for levy rules.

Planned deliverables for the next reporting period:

5. Awaiting final comments from HMT on final rules and SI but they have indicated that they were happy with the proposals. MoJ comments considered and incorporated in Board paper.
6. Decision paper (including summary of responses), rules and SI to be presented to Board for approval 28/10/2010.
7. SI will then be submitted to the LC for consent to be laid.

Research – Alex Roy

PROJECT STATUS: 1

Achievements during the reporting period:

1. 283 studies are now included in information scan out of 600 identified, all logged by area of LSB interest are available for use by LSB staff.
2. An initial discussion was held with the SRA to discuss their capability for supplying data to support this project and consider market segmentation.
3. Agreement was reached with the Legal Services Research Centre to supply demand side data by postcode.

Planned deliverables for the next reporting period:

4. Enhancement of supply data with other professions and legal aid data into a single database for analysis against demand side data.
5. Initial discussions on website for data hosting with Westminster University.
6. Circulation of a follow-up questionnaire for stakeholders to identify unpublished data and research reports.
7. Completion of demand side literature review.

Areas of concern or interest regards other stakeholder relationships:

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

CHANGES PROGRAMME CRITICAL PATH²

PROGRAMME DELIVERABLES	COMPLETION DATES		REASON FOR DATE CHANGE
	PLANNED	ACTUAL	

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

PROGRAMME RISKS:				
RISK	IMPACT (1-5)	LIKELI- HOOD (1-4)	RAG RATING	ACTION TAKEN
[REDACTED]				

PROGRAMME ISSUES ³ :		
ISSUE	PRIORITY	ACTION TAKEN
[REDACTED]		

OVERALL PROGRAMME STATUS ⁴ :		
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 Please insert any issues that have been identified this month. See [risk strategy](#) annex 4 for guidance on Project Issues

⁴ Select, using an 'X,' the appropriate status for the whole project this month.