

Programme Highlight Report

For reporting period: 10/09/2010 – 4/11/2010



PROJECT HEADLINES¹

Appeals Mechanisms – Michael Stacey

PROJECT STATUS: 3

Achievements during the reporting period

1. Discussion about the Tribunals Service's revised proposals on funding with the ABS Implementation Group. Tribunals Service has provided further information on costings, which suggest set up costs of £20k and annual running costs of £80k based on 20 appeals. Still working on final agreement and sign-off of MoU.
2. Letter sent from Chairman to President of General Regulatory Chamber (GRC) to ensure judicial buy-in to proposals.
3. Meeting held with The Law Society on 5 October to discuss the proposals.
4. Five responses have been received to the consultation, which closed on 12 November.
5. Constructive meeting held between the Chairman and the GRC President and lead judge of the First-tier Tribunal (Immigration Services).
6. Meeting SDT Clerk to discuss consultation.

Planned deliverables for the next reporting period

7. Agreement of funding model through ABS Implementation Group.
8. Sign-off MoU with Tribunals Service.
9. Prepare consultation response document and paper to Board on 13 December.

Areas of concern or interest with regards to stakeholder relationships

10.



Workforce Diversity – Michael Stacey

PROJECT STATUS: 1

Achievements during the reporting period

1. Work to finalise 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. The Diversity Forum of Professional Regulators has agreed to this information being published.
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 aim is to 'go live' in December 2010. The Chief Executive addressed the Society of Black Lawyers/NUS Black Students Campaign conference on 6 November, highlighting our proposal on workforce diversity.
3. Continued efforts to obtain funding contributions to the proposed "regulatory toolkit" on social mobility. The Chief Executive remains the sponsor for this cross-organisational initiative, which now has support from the GMC (to contribute £10,000). Discussions are underway with Professions for Good, a new network of professional bodies being spearheaded by RICS.

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

4. Further work completed on the data collection framework; draft consultation paper to be presented to the Board on 30 November.

Planned deliverables for the next reporting period

5. Publication of diversity consultation paper.

Areas of concern or interest with regards to stakeholder relationships

6. [REDACTED]
7. [REDACTED]

Quality Assurance – Michael Stacey

PROJECT STATUS: 4

Quality Assurance for Advocates

Achievements during the reporting period

1. Discussions with Chairman and David Wolfe about proposals and handling.
2. [REDACTED]
3. [REDACTED]
4. Meeting between Chairman and Thomas LJ.
5. Meeting with JAG on 27 October about design and implementation issues – particularly assessment methods, coverage of established advocates at levels 1 & 2, and governance/proposed delivery approach for scheme (see **Paper (10) 83**).

Planned deliverables for the next reporting period

6. Further letter to JAG setting out agreement reached at meeting on 27/10 and requesting formal response addressing the concerns raised in Chief Executive's letter of 20 September by 12 November. Not received at time of writing – 23 November.

Areas of concern or interest with regards to stakeholder relationships

7. [REDACTED]
8. [REDACTED]

Consumer panel advice/research on consumer perceptions of quality

Achievements during the reporting period

1. Consumer Panel advice received and published.
2. Plan to feed outputs from this work into broader education and training framework review, subject to Board agreement (see **Paper (10) 82**).
3. Letter to The Law Society about status of new conveyancing accreditation scheme and the extent to which it is compulsory. Response received providing reassurance that it is purely a voluntary scheme.

Planned deliverables for the next reporting period

4. Preparation of response to Consumer Panel advice.

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

Project Status: 1

Achievements during reporting period

1. Second draft of report from the Regulatory Policy Institute research into the economic rationale for regulation of legal services submitted to LSB.
2. Opinion Leader has drawn a draft set of consumer outcomes from the results of focus groups and depth interviews with different types of consumers as well as interviews with Board and Consumer Panel members. Invitations to participate in the on-line review of the draft outcomes have been sent to a wide range of relevant stakeholders and initial take up rate is high.
3. The Steering Group has awarded contract for research into the consumer experience of will-writing to the IFF Research.
4. The Steering Group comprises representatives from the Board, Consumer Panel and the two stakeholders that have committed financial support (OFT and SRA). Terms of reference and research plan are available on request.
5. Good coverage of the LSB / Panel review of will-writing has been achieved, resulting in high level of engagement in relation to the call for evidence.
6. PID revised to reflect new project approach.

Planned deliverables for next period

8. Final report on the economic rationale for regulation of legal services to be submitted by the Regulatory Policy Institute.
9. On-line group review of emerging consumer outcomes to be undertaken with a range of stakeholders.
10. Think piece article on issues that the LSB must grapple with in relation to reservation and different methods of regulation to be placed with a legal journal.
11. Recruitment of real consumers for will-writing 'shadow shopping' research undertaken and pilot to test 'shadow shopping' methodology begun.
12. Project plan to be revised to reflect new project approach.

Areas of concern or interest with regards to stakeholder relationships

13. Although practitioners from all of the legal professions have been invited to participate in the on-line review of emerging consumer outcomes, not all of the corresponding ARs have received an invite. This is due to the need to manage numbers and wish to engage a wide range of different types of stakeholder.

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.
4. FTCH review paper to the Board on 30 November (see **Paper (10) 92**).

Planned deliverables

5. Continue analysis and review of regulatory review responses.
6. Follow up with ARs in relation to issues that have been identified as a result of regulatory review.
7. Draft FTCH review summary report and send relevant parts to each AR requesting feedback.
8. Publish FTCH summary report.
9. Consumer FTCH research planning for 2011.
10. Planning for the next stage of work underway.

Areas of interest with regards to stakeholder relationships

11. Consumer Panel working with LeO on publishing consultation on complaints data and information.

12. There are ongoing discussions with SRA regarding its planned monitoring activity between the opening of the 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 [s36 & 44].
13. Working with LeO to understand what information it will be able to capture and provide the LSB regarding FTCH processes and 'signposting' and, more generally, broader lessons for regulatory policy development [s36 FOIA]
14. [REDACTED]

Regulatory Information Review – Robert Cross

PROJECT STATUS: 1

Achievements during the reporting period

1. 290 studies are now included in information scan out of 600 identified; all logged by area of LSB interest on the Knowledge Bank and are available for use by LSB staff. Two staff training sessions held on how to maximise the value of this resource. Analysis of emerging knowledge gaps undertaken.
2. Development and circulation of a survey of information held by Regulators and Professional Bodies. The deadline for the completion of the survey is 25 November.
3. Follow-up meeting with Ministry of Justice economists and Office of Fair Trading to review and finalise market hypotheses and information classification.

Planned deliverables for the next reporting period

4. Meeting with the Regulators and Professional Bodies to assist with completion of the survey.
5. Data cleanse and combination of the identified 36 different data sets into one database, to provide platform for supply and demand mapping.
6. Liaising with Regulators and Professional Bodies to encourage and support completion of the information survey.

Areas of concern or interest with regard to stakeholder relationships

7. The initial data requests to each Regulator, seeking a list of authorised persons by postcode, have taken significantly longer to receive than the initial two months planned for. Additionally the information scan has revealed a significantly higher number of sources than expected. Based on these experiences, we expect a significant amount of support will be required in order to get a reasonable response to the information survey, and have allowed a greater period of time. This has led to the re-scheduling of activity, in order to meet agreed deadlines. This is possible because of inbuilt tolerances in the timeline, and final deadlines remain achievable, provided that there are limited further delays in receiving data from the regulators.

Independence – Chris Handford

Project Status: 2

Achievements during the reporting period

1. Final positions signed-off by Board for 2010/11 IGR dual self-certificates for each Applicable AR. The key issues had been satisfactorily resolved without the need to mandate any changes to governance arrangements (possibly through enforcement action). Each Applicable AR has received the Board's final assessment and been informed that we will move to risk-based assessments of how independence is being delivered in practice next year. Final assessments published on LSB web-site.
2. PCFs of Faculty Office, ILEX, CLC and IPReg approved.

Planned deliverables for the next period

3. Decisions reached in relation to practising fee applications for remaining two ARs - the Bar and ALCD.

4. PCF lessons learned process begun, including "Survey Monkey" exercise with ARs. Considering a risk based approach for next year.

Areas of concern or interest with regards to stakeholder relationships

5. As above.

Designation and rule changes – Dawn Reid

PROJECT STATUS: 1

Achievement during the period (19 October to 18 November 2010)

1. Exemptions
 - SRA Reconsideration Policy
 - SRA Publication Policy.
2. Rules change applications decisions – none pending.
3. Designation Applications
Institute of Legal Executives (ILEX)
 - Work continues on the designation applications from ILEX. ILEX proposing to meet with us to discuss approach to supervision in the week commencing 22 November.
 - All of the mandatory consultees (OFT, Consumer Panel, Lord Chief Justice) have now submitted advice on the Associate Prosecutors application. These have now been sent to ILEX Professional Services so that they can consider whether they wish to make representations on the advice.
 - Advice has been received from the OFT on the other two applications (Litigation and Rights of Audience and Probate). We will submit to the Lord Chief Justice once we have received any advice from the Consumer Panel.

• [REDACTED]

Planned deliverables for next month

4. Continue with the assessment of the ILEX designation applications; finalise the criteria against which to assess the applications.
5. [REDACTED]

6. [REDACTED]

Areas of concern/interest with regards to stakeholder relationships

7. [REDACTED]

Referral Fees – Lesley Davies

PROJECT STATUS: 1

Achievement during the period

1. The flow of consultation responses has now halted.
2. Attended the CMR's stakeholder meeting and gave a run through of the referral fees consultation document and the approach we had taken, which was positively received.

Planned deliverables for next month

3. Additional analysis of the implications of the publication of agreements.
4. Consultation response management process defined.

Areas of concern/interest with regards to stakeholder relationships

5. At the CMR stakeholder group meeting, several attendees raised concerns about the publication of agreements and the competition implications.
6. Strategy Director shared a platform with LJ Jackson about his report on civil litigation costs, which went well.

ABS – Chris Baas

Project status – 2/3

Achievements during the reporting period

1. Maximum Financial Penalty Order has been sent to MoJ (see 10 below).
2. s69 consultation ongoing.
3. Work is continuing on developing the impact assessments required for the commencement of the remaining ABS-related parts of Legal Services Act 2007.
4. Framework MoU is nearly complete that will set out a basis to manage multiple regulators of ABS.
5. [REDACTED]
6. [REDACTED]

Planned deliverables for the next period

7. A short consultation on (a) Sch 13 rules and (b) s87(4)(a) rules to go to Board for approval on 30 November (see **Paper (10) 85**).
8. SRA to develop consultation on the regulation of sole practitioners.
9. Development of a discussion paper on direct licensing to go to Board 30 November 2010 (see **Paper (10) 84**).

Areas of concern or interest with regards to stakeholder relationships

10. The Maximum Financial Penalty Order has proved to be more difficult to get MoJ approval than envisioned. Discussions are continuing on whether an unlimited Maximum Financial Penalty is in accordance with the Act. Colleagues will be updated at the meeting [s36].
11. [REDACTED]
12. Discussions with SRA on regulatory capacity and their change programme are underway.

Small AR's – James Meyrick

PROJECT STATUS: 1

Achievements during the reporting period

1. Draft document on AR information requirements has been created and circulated for comment.
2. Draft letter on the LSB approach to Accountancy ARs has been written and commented on by colleagues.
3. A presentation given to SMT on the contingency plan process. This included approval of the improved layout, companion paper and generic flow chart.
4. Meeting with the new Chief Executive of the CLSB (ALCD's new regulatory arm) together with ALCD Chair and Vice-Chair. The meeting covered all aspects of our agenda.
5. ARs were notified of the pending research project. Meetings have been arranged with the Chief Executives and the Chairman of the ARs and their regulatory arms.
6. A brainstorming session has been held on the research project with members of SMT.
7. Briefs have been produced for Chairman-to-Chairman meetings with CIPA, ITMA and IPReg. A further brief has been produced for a CEO-to-CEO meeting with the CLC. A paper on the Smaller AR project will be presented to the Board on 30 November (see **Paper (10) 88**).

Planned deliverables for the next reporting period

8. SMT will consider a revised draft of the letter to accountancy bodies.
9. The document on AR interactions will 'go live' with LSB colleagues and we will look to reduce the incidence of multiple information requests from ARs.
10. Consideration of ALCD draft code of conduct, IGR activities and other documentation. We are likely to respond by letter.
11. Review and revision of project brief and other project documentation.
12. The contingency plan will be amended following SMT comments. We will also explore the legal position of

the regulatory organisations entering administration.

13. Paper to the Board updating on contingency plan progress (see **Paper (10) 88**).

Areas of concern or interest with regards to stakeholder relationships

14. No specific issues of concern to report.
15. It is worth noting that CIPA sent their members a letter critical of the budget process for IPREG.
16. [REDACTED]

LSB IT – Michelle Jacobs

PROJECT STATUS: 1

Achievements during the reporting period

1. G-Drive configuration review completed and all areas now in correct structure to be migrated across to EDMS.
2. Naming convention agreed and circulated to colleagues.
3. 'Go-live' date agreed for 22 November – the file plan will be in place and colleagues will be expected to save new documents to it. Data will be migrated over the course of the preceding week and a half.
4. Support arrangement finalised with Diagonal and the Competition Commission.
5. Staff training completed.

Planned deliverables for the next reporting period

6. System 'go-live' – colleagues will be expected to save to the system.
7. File migration will be completed.
8. System fully in use.

Areas of concern or interest with regards to stakeholder relationships:

9. Further analysis of the number of files that needed to be migrated has led the Competition Commission to step back from its agreement for 'go live' on the 22 November and also to investigate ways of setting up an automatic data transfer instead of the manual one that had been originally agreed also requesting that we do in fact utilise the expertise of the system supplier to do this at considerable cost. Agreement has now been reached that CC will ensure that the file structure and relevant security settings will be in place and tested by 22 November and the manual data migration will then occur over the following 10 days with considerable assistance from the LSB.

LCS Shutdown – Karen Marchant

PROJECT STATUS: 2

During the reporting period

1. 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. [REDACTED]
2. We have responded to say that we are broadly content but would like to see a public commitment to maintaining quality in the absence of formal reporting.
3. LCS will aim to have all outstanding cases resolved by the time it shuts in March 11. Performance in October remains on track to achieve this.

Next reporting period

4. While there is some risk of a detriment of performance now that LCS has formally entered its run-off period, we are yet to see any evidence of this.
5. The LCS' office in Leamington will be closed on 17 December and operations will move to Chancery Lane in January before finally closing in March.

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

PROJECT STATUS: 1

Achievements during the reporting period

1. Consultation document has been drafted for sign-off. This will accompany our proposed changes to the *Rules for Approved Regulator Designation* which will be required for the purposes of Schedule 18 commencement.
2. Proposed rule changes and draft consultation paper have been agreed with MoJ.
3. Content of draft commencement order and timetable for commencement has been finalised with MoJ.

Next reporting period

4. We will begin the consultation on changes to LSB rules required for the purposes of Schedule 18 commencement.

Areas of concern or interest with regards to stakeholder relationships

5. MoJ legal resource is tight at the moment which may have some impact on timings for commencement.

The Levy, Operational Costs – Anna Cheung

PROJECT STATUS: 1

Achievements during reporting period:

1. Prepared draft decision document, Statutory Instrument and Explanatory Memorandum. Received comments from LeO, MoJ and HMT.
2. Draft decision document, SI and EM was considered by the Board at its meeting on 28 October 2010.
3. Published decision document, SI and EM on 1 November 2010.
4. Letter sent to Minister requesting that the MoJ ensure that the SI is laid by 31 December 2010.

Planned deliverables for the next reporting period:

5. SI is laid in Parliament.

CHANGES PROGRAMME CRITICAL PATH ²			
PROGRAMME DELIVERABLES	COMPLETION DATES		REASON FOR DATE CHANGE
	PLANNED	ACTUAL	
Regulatory Information Review: Large data request to Regulators and Professional bodies (dependant on outcomes from the information survey).	From Nov -10 - Jan - 11	From Dec -10- Feb -11	Rescheduled following delays in receipt of initial data requests.
Initial Analysis of Demand & Supply.	Sept – 10	Dec – 10	Rescheduled following delays in receipt of initial data requests.
Initial discussions on website for data hosting with Westminster University.	Sept -10	Dec - 10	Rescheduled due to need to focus on supporting information survey returns.
Smaller Approved Regulators: Contingency Plans	November	December - January	The specifications for the contingency plans have been expanded.
Engagement plans	October	November	Need to be considered by other colleagues.
Commencement of Schedule 18 of the Legal Services Act: 2007 Commencement has been divided into two. First part to be commenced with Section 80 to allow for consultation on rule changes, rest of	November	-	New line in plan: MoJ has advised that the order should be separated and therefore the second part of the order can be commenced later than originally planned (and we do not have to do a 'delayed commencement').

² In exception 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.

order to be commenced by March 11.			
Workforce – Diversity: S.162 Guidance and final measurement framework Consultation agreed by board S.162 Guidance and final measurement framework Consultation launched	28 October November	30 November December	Further time needed to allow further consideration by SMT, the Diversity group and other external stakeholders.

CHANGES TO PROJECT RISKS:				
RISK	IMPACT (1-5)	LIKELIHOOD (1-4)	RAG RATING	ACTION TAKEN
[REDACTED]				

PROJECT 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.	

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.