

# QUARTERLY PROJECT HIGHLIGHT REPORT



**PROGRAMME/POLICY AREA:** A: Regulatory Performance and Oversight

**KEY OBJECTIVES:** Developing Standards and Performance, Thematic Reviews, Ensuring Effective Redress for Consumers, Widening Access to Justice and the Legal Services Market

**LINK TO REGULATORY OBJECTIVES:** RO1, RO4, RO6, RO7

## PROJECT HEADLINES

### Key achievements of Q1 12/13 reporting period:

#### **Self assessment for the approved regulators:**

1. Intelligence spreadsheet populated by colleagues – we have nearly 80/90 entries.
2. “Archetype regulator” work completed.
3. All draft self-assessments received from regulators and meetings held with each to discuss our feedback statement and next steps. The feedback to regulators was deliberately robust.
4. [REDACTED]
5. Press release of our letter to the Minister in support of the Government’s red tape challenge focus on Legal Services regulation issued.

#### **Smaller approved regulators:**

1. SRA have conducted some legal analysis and have identified a number of potential issues. They are commissioning further advice and are currently selecting advisers. They are also going to discuss the practicalities with relevant departments of the SRA. They propose a meeting once they receive the legal advice. [REDACTED]
2. Contingency planning packs have been updated.

#### **Immigration:**

1. Consultation closed on 24 May. 15 responses received and published on the website.
2. Draft consultation response to be considered at July Board meeting.
3. There have been reports in the press that CCRC have identified miscarriages of justice due to incorrect advice being dispensed. Currently trying to contact CCRC to discuss this.

#### **Conveyancing:**

1. Review completed and paper prepared for Board in July.

#### **Appeals mechanisms:**

1. Defined the scope of the review by identifying the range of enforcement and disciplinary sanctions available to regulators.
2. Reported review and desk research findings to Gateway on 16 May. Gateway discussed and made decisions about how to take forward including reprioritisation to October.

#### **First Tier Complaints Handling:**

1. April Board meeting discussed findings and confirmed next steps.
2. Joint meeting hosted with Ombudsman schemes and regulators to discuss issues that arise from multi-disciplinary practices.
3. Development of “bespoke frameworks” of review on complaints including feedback to approved regulators. These look primarily at the consumer focussed elements of the complaints process and try to identify what research approved regulators are doing or may need to do as well as asking each of them to set out the an

action plan for taking forward the complaints agenda.

4. The adoption of the BSB's FTCH rules and guidance is causing some friction in its application. LSB are meeting with representatives of chambers to hear more about the practical implications of the rules and guidance to better assess whether the BSB's approach to delivering the LSB's outcomes on signposting is working in practice or whether modifications to the approach are required.

**Ending Transitional Arrangements:**

1. Work subject to outcomes of special bodies work

**Regulation of Special Bodies:**

1. Consultation paper "Approach to regulation of non-commercial bodies" published. Consultation closes 15 July
2. Informal engagement has begun. Some interest shown from student unions, with a number telephoning to discuss the consultation paper. Meeting held with the NUS and NASMA to discuss issues across the sector.

3. [REDACTED]

**SRA Compensation Fund:**

1. Draft s69 Order consultation published to cover a new (or revised) s69 Order to remove the sunset provisions from the 2011 s69 Order for the SRA's ABS Compensation fund.
2. The Compensation fund s69 order remains on a tight timeline. While this is likely be delivered on time there is potential for some reputational issues and timing related concerns.

**Key activities for Q2 12/13 reporting period:**

**Self assessment for the approved regulators:**

1. Workshops for regulators on the Oxera framework will be held.
2. We will receive the final versions of most of the regulatory standards submissions. We will begin our final assessment.
3. We will begin sketching out a mini project to look at ensuring that the LSB's processes and procedures are consistent with the regulatory standards framework.

**Smaller approved regulators**

1. We will clarify the timetable with the SRA.
2. We will consider how best to approach the next steps of this work.

**Immigration:**

1. Present Consultation response to Board and publish

**Conveyancing:**

1. Present paper to Board and plan next steps if required.

**Appeals Mechanisms:**

1. Consolidate and analyse research so far undertaken with a view to producing a report and recommendation for the October Board.

**First Tier Complaints Handling:**

Bespoke frameworks to be shared with approved regulators (post Board meeting).

**Ending Transitional Arrangements:**

1. Work subject to outcomes of special bodies work

**Regulation of Special Bodies:**

1. Review of consultation responses and planning next steps

**SRA Compensation Fund:**

1. Submit recommendation to Lord Chancellor.

PROJECT MILESTONES		
PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE
Self-assessment for the approved regulators	<ul style="list-style-type: none"> <li>Analyse and discuss plans with Regulators</li> <li>Receive final plans from regulators</li> <li>Monitor implementation of plans</li> </ul>	Completed (30/06/2012) 30/09/2012 31/03/2013
Review of Appeals Mechanisms	<ul style="list-style-type: none"> <li>Define, scope, carry out a review and determine next steps in light of internal scoping study</li> </ul>	Completed (30/06/2012)
Immigration	<ul style="list-style-type: none"> <li>Publish response to discussion document and assess next steps</li> </ul>	30/09/2012
Conveyancing	<ul style="list-style-type: none"> <li>Reviews and Assess next steps</li> </ul>	11/07/2012
First-tier Complaints Handling	<ul style="list-style-type: none"> <li>Review qualitative assessment plans and decide on further action as necessary</li> <li>Procedural Assessment</li> <li>Qualitative Assessment</li> </ul>	30/09/2012 31/12/2012 31/03/2013
Ending Transitional Arrangements	<ul style="list-style-type: none"> <li>Review arrangements by year-end based on designation applications</li> </ul>	31/03/2013
Regulation of Special Bodies	<ul style="list-style-type: none"> <li>Consult on regulation for special bodies</li> <li>Consider responses to consultation</li> <li>Recommendation to Lord Chancellor and development of orders (if required)</li> </ul>	15/07/2012 30/09/2012 31/12/2012
LSB as a licensing Authority	<ul style="list-style-type: none"> <li>Develop Orders (if required)</li> </ul>	30/09/2012
SRA Compensation Fund	<ul style="list-style-type: none"> <li>Work with MoJ and SRA to ensure a single fund can operate after 31/12/2012</li> <li>Monitor SRA progress on the compensation review</li> </ul>	30/09/2012 31/03/2012

RISKS (new or raised):				
Risk	Impact (1-5)	Likelihood (1-4)	RAG Rating	Action Taken
[REDACTED]				

OVERALL STATUS:	
4	[REDACTED]
3	
2	
1	

# QUARTERLY PROJECT HIGHLIGHT REPORT



**PROGRAMME/POLICY AREA:** B: Strategy Development and Research

**KEY OBJECTIVES:** Reviewing the Scope of Regulation, Developing a Workforce for a Changing Market, Approaches to Quality, Evaluating the Impact of the LSA (2007) Reforms.

**LINK TO REGULATORY OBJECTIVES:** RO1, RO2, RO3, RO4, RO5, RO6, RO7, RO8,

## PROJECT HEADLINES

### Key achievements of Q1 12/13 reporting period:

#### **Scope of Regulation:**

1. Released consultation on high level proposals for the regulation of will-writing, probate and estate administration including detailed impact assessment and market picture document. We have received reports that will-writing trade bodies have approached several existing regulators to explore possibility of these regulators developing a regulatory scheme they feel able to endorse to their members rather than attempting to create their own regulatory arm.
2. Released decision document setting out approach to assessing the boundaries of legal services regulation starting with general legal advice for individual consumers.
3. Wide and mainly positive media exposure and industry commentary on will-writing, probate and estate administration proposals. Welcomed by key industry regulators and representative bodies.
4. Will-writing, probate and estate administration: Programme of discussions begun with existing and prospective regulators, ombudsmen and bodies representing practitioners (all main bodies have been invited to meet during 12 week consultation period, including from "overlapping" sectors e.g. financial services, accountancy). The aim of meetings is to a) ensure that final decisions are made on best possible evidence b) all impacts to business are fully understood c) assist prospective regulators understand processes so they can develop to the quickest possible timetable, facilitating swifter implementation.
5. Transitional options and implementation plans developing with a view to joint working with MoJ colleagues (building on previous liaison work and agreements) inc. economists with responsibility for impacts and better / reducing regulation committees.
6. Stage 1 of understanding consumers' expectations and valuation of regulation research completed – analysis report of focus group results (Opinion Leader).
7. Draft equalities impact assessment completed and disseminated to will-writing trade bodies for review
8. Progress in planning for review of general legal advice for individual consumers and development framework for initial scoping review.
9. Second meeting of the LSB / Ministry of Justice and Office for Legal Complaints redress and regulation working group held.

#### **Education and Training:**

1. Series of Education and Training seminars held. Presentations and key papers have been published on LSB website
2. Meeting with The Law Society to discuss perspectives on the Legal Education and Training review.
3. LSB Chair and Chief Executive met co-chairs of the LETR team, Sir Mark Potter and Dame Janet Gaymer.

#### **Diversity:**

1. Completed review of action plans submitted in response to LSB statutory guidance and published our formal assessments alongside the plans on 31 May. Although significant progress has been made there is still some way to go before we can be confident that the objectives in the guidance will be delivered by all of the regulators. In particular we are concerned that unnecessary prescription from some of the regulators in

relation to entity publication risks delivery of the transparency objective. A further review will take place in 2013 to determine whether our concerns are borne out in reality.

2. Our formal assessment of the BSB's diversity action plan rated the level of concern in relation to the transparency objective as high. The BSB has subsequently amended the proposed data protection guidance to mitigate some of the risks identified. The BSB's application for approval of changes to regulatory arrangements (including the revised guidance) has been approved on this revised basis.
3. The assessments have been picked up by the trade press, with articles highlighting the SRA's decision to delay firm publication until 2013 and our criticism of the BSB's proposed guidance on diversity data collection.
4. The Chairman has also written to the Lord Chief Justice (copied to interested ministers and senior judges) outlining our progress. This follows an explicit statement of support for diversity from the Lord Chief Justice in a speech on judicial diversity given by Lord Justice Goldring.
5. Alan Milburn's progress report on Fair Access to Professional Careers highlighted the importance of data collection in driving progress with social mobility, particularly at higher levels of the profession. The LSB's leadership in this area was recognised through a case study in the report

#### **QASA**

1. Consultation period for 'approaches to quality' paper closed on 1 June and 13 responses were received. Discussions with BSB and CLC to discuss their thoughts on the paper prior to submission of a formal response.
2. QASA implementation timetable now in place. JAG members have advised that the final consultation is on track to launch in July. Prior to the consultation, SRA and ILEX PS Notification Regulations (approved by exemption by the LSB under Schd.4, Part 3 of LSA) will require solicitor and legal executive advocates respectively to notify their AR whether they plan to seek accreditation under the scheme.
3. We continue to be mindful of potential risks to the QASA timetable, particularly following the BSB's decision not to proceed with notification over the summer. However the BSB has reassured us that this decision will allow it to focus resources on the consultation and ensuring implementation stays on track. Approval of the final consultation document by each of the respective Boards also presents some risk to the timetable.
4. Following the third Steering Group for National Occupational Standards (NOS) for Paralegals at which the draft NOS were presented prior to consultation, Skills for Justice has announced that its bid to develop a Level 4 Higher Level Apprenticeship for those working as paralegals (in partnership with CILEX, Pearson and Damar Training) has been successful. The apprenticeship will be based on the draft NOS that are currently out to consultation and they hope to secure 750 apprenticeships by 2015.

#### **Research**

1. Published Market Evaluation Report, discussed and presented findings with RSG, AR research forum, and media. Separate activity to publicise the reports existence undertaken with academic bloggers.
2. Shared research plan for 2012/13 with RSG.
3. Held Small Business Research reference group meeting for sign off final papers.
4. Published qualitative study of businesses providing probate and estate administration
5. Signed off contract for research web pages redesign and held Initial content and typology meeting with. Reviewed draft reports and undertook early analysis of the BDRC Continental survey of consumers of legal services.
6. Liaising with IPREG on formatting of entity survey.
7. Completion of Oxera summary paper for circulation to Board and Approved Regulators as part of the Regulatory Standards work.
8. Publication of Vanilla Research on consumer needs from legal information sources
9. Received draft report from Dr Chris Hanretty on measuring the success of high-court advocates.
10. Commissioned Morton Hviid and John Flood to carry out research on the cab rank rule.
11. Received draft questionnaire for part 2 of the value of regulation research.

#### **Evaluating the impact of the LSA (2007)**

1. Published Interim Baseline Assessment of the state of the legal services market against the evaluation framework outcomes
2. We have been meeting other stakeholders to canvass their views and ask for more data. Feedback to date has been largely positive although we expect some criticism to come on how we have interpreted available data in some specific areas. Work starts next week on data analysis etc for the final version of the 2012

report. This will now go to the October Board (not September due to Board workload) but is still due to be published in October.

**Key activities for Q2 12/13 reporting period:**

**Scope of Regulation:**

1. Initial joint LSB/MoJ implementation Project Board meeting to be held for will-writing and estate administration to be held bringing together policy, legal and economists.
2. Continuing programme of meetings with existing & prospective regulators, ombudsmen and bodies representing providers of will-writing, probate and estate administration services as part of consultation process.
3. Continuing programme of meetings with providers of will-writing, probate and estate administration services as part of consultation process.
4. Continued policy and implementation development for September Board papers on both will-writing and general legal advice.

**Education and Training:**

1. Build on content from seminar series to develop narrative for education and training board strategy session in September.

**Diversity:**

1. Identify next steps for diversity work and develop timeline of key stages based on AR action plans.
2. Continue to work with the SRA as it develops its approach to implementation so that any issues regarding publication of small datasets are managed.

**QASA**

1. Review QASA consultation papers (due to launch on 9 July) and provide feedback to JAG. This will include the provisional Handbook which sets out the detail of the scheme and ARs proposed regulatory arrangements.
2. Continue review of responses to 'approaches to quality' consultation paper and start to plan next steps, including LSB response to the Consumer Panel report on Voluntary Quality Schemes.
3. Attend OFT roundtable on price comparison websites.

**Research**

1. Completion of measuring access to justice discussion paper for presentation at the LSRC conference in September.
2. Publish final version of BDRC Continental survey of consumers of legal services, alongside Small Business consumer framework and seek joint funding for main stage.
3. Begin Evaluation indicators update analysis at end of June, including analysis of BDRC findings.
4. Publish report on advocacy quality measure.
5. Receive interim report on the cab rank rule.
6. Commence fieldwork for part 2 of the value of regulation research.
7. Publish research on benchmarking professional ethics.

**Evaluating the impact of the LSA (2007)**

1. Begin Evaluation indicators update analysis at end of June, including analysis of BDRC findings

PROJECT MILESTONES		
PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE
Scope of Regulation Investigation	<ul style="list-style-type: none"> <li>Publish General Approach</li> <li>Provide progress update</li> </ul>	Completed (30/06/2012) 31/12/2012
Will writing, probate activity and estate administration	<ul style="list-style-type: none"> <li>Release public consultation document</li> <li>Publish provisional report and consult</li> <li>Publish final report</li> <li>Decisions arising from any change in scope</li> </ul>	Completed (30/06/2012) 30/09/2012 31/12/2012 31/03/2013
Diversity	<ul style="list-style-type: none"> <li>Monitor implementation of agreed approved regulator action plans</li> <li>Review findings of approved regulator data</li> <li>Review the evidence base around equal pay</li> </ul>	31/12/2012 31/03/2013 31/03/2013
Education and Training	<ul style="list-style-type: none"> <li>Track AR progress (AR led milestones)</li> </ul>	31/03/2013
Approaches to Quality	<ul style="list-style-type: none"> <li>Publish response to consultation</li> <li>Identify next steps</li> </ul>	30/09/2012 31/03/2013
Evaluation of the Impact of the Legal Services Act	<ul style="list-style-type: none"> <li>Publish Interim Baseline Evaluation</li> <li>Publish expanded Baseline Evaluation</li> </ul>	Completed (04/04/2012) 31/10/2012

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

ISSUES:		
ISSUE	PRIORITY	ACTION TAKEN

OVERALL PROJECT STATUS:	
4	[REDACTED]
3	
2	
1	
0	

# QUARTERLY HIGHLIGHT REPORT

**PROGRAMME/POLICY AREA:** External relations

**KEY OBJECTIVES:** Communications and public affairs

**LINK TO REGULATORY OBJECTIVES:** N/A

## PROJECT HEADLINES

### Key achievements of Q1 12/13 reporting period:

1. Business plan published following consultation.
2. Decision/consultation documents on the scope of regulation, will writing and special bodies published.
3. Five speeches/presentations were given by David Edmonds and Chris Kenny. Highlights included speeches to Russell Cooke event 'Enforcing Regulatory Standards in a Liberalised Market' and the Law Society and panel discussion at ACL conference and the Future of the Bar Event.
4. Annual Report published
5. Briefing of media commentators took place as and when appropriate or in response to requests and full media briefing held to support Interim Baseline Report.

### Key activities for Q2 12/13 reporting period:

1. Chris Kenny to attend Ministry of Justice Ireland event on the Legal Services Reform Bill.
2. Publish response to Immigration and Quality Consultation as well as provisional report on Will Writing, Probate and Estate Management
3. Numerous speaking events to be supported.

## PROJECT MILESTONES

PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE
Communications and Public Affairs	<ul style="list-style-type: none"> <li>• Conduct programme of speeches</li> <li>• Annual Report published</li> </ul>	On-going Completed (19/06/2012)

## OVERALL PROJECT STATUS:

4	[REDACTED]
3	
2	
1	
0	



# QUARTERLY HIGHLIGHT REPORT



**PROGRAMME/POLICY AREA:** Providing Value for Money

**KEY OBJECTIVES:** Finance

**LINK TO REGULATORY OBJECTIVES:**

## PROJECT HEADLINES

**Key achievements of Q1 12/13 reporting period:**

1. Annual report and Budget signed off by NAO, submitted to Minister and Laid
2. Monthly financial report produced
3. Regular reports provided to MoJ

**Key activities for Q2 12/13 reporting period:**

1. Monthly financial report produced
2. Regular reports provided to MoJ

## PROJECT MILESTONES

PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE
Ensure that the LSB does not breach its expenditure budget	<ul style="list-style-type: none"> <li>• Provide monthly financial reports for the Board and MoJ</li> </ul>	On-going
Constant review of spending decisions	<ul style="list-style-type: none"> <li>• Produce Annual report and Budget, gain sign off from NAO, submit to Minister, lay and publish</li> </ul>	Completed (19/06/2011)

## OVERALL PROJECT STATUS:

4	[REDACTED]
3	
2	
1	
0	

# QUARTERLY HIGHLIGHT REPORT

**PROGRAMME/POLICY AREA:** Risk

**KEY OBJECTIVES:** Ensuring that a system of risk management is maintained to inform decisions on financial and operational planning

**LINK TO REGULATORY OBJECTIVES:** All projects are risk assessed and measures taken to mitigate or exploit are integral to planning, approval and operational activities

## PROJECT HEADLINES

### Key achievements of Q1 12/13 reporting period:

1. The Audit and Risk Committee reviewed an updated version of the new risk register at its 17 May meeting.
2. May reporting period recorded a status of 1. First reporting period for this to happen

### Key activities for Q211/12 reporting period:

1. Board half yearly review of Corporate Risk at Strategy Session
2. Continued reporting against milestones and monitoring of project and corporate risk.

## PROJECT MILESTONES

PROGRAMME / POLICY DELIVERABLES	PROJECT MILESTONE	MILESTONE DELIVERY DATE
Formal risk management system maintained by executive and reviewed by Audit and Risk Committee	<ul style="list-style-type: none"> <li>• 2nd Audit and Risk Committee meeting of 2012 to be held</li> <li>• Half yearly Board review of Corporate risk register</li> <li>• 3<sup>rd</sup> Audit and risk Committee meeting of 2012 to be held</li> <li>• 1<sup>st</sup> Audit and risk Committee meeting of 2013 held</li> </ul>	Completed 23/05/2011 12/09/2012  08/10/2012  11/03/2013
All projects are risk assessed and measures taken to mitigate or exploit are integral to planning, approval and operational activities	<ul style="list-style-type: none"> <li>• Ongoing project and corporate risk maintenance in line with risk strategy</li> </ul>	On-going

## PROJECT RISKS:

RISK	IMPACT (1-5)	LIKELIH OOD (1-4)	RAG RATING	ACTION TAKEN
N/A				

## OVERALL PROJECT STATUS:

4	[REDACTED]
3	
2	
1	
0	