

Richard Moriarty
Chief Executive
Legal Services Board

By email: richard.moriarty@legalservicesboard.org.uk

18 November 2015

Dear Richard

LSB statement of policy: section 15(4) of the Act

Thank you for the opportunity to respond to the draft statement of policy under section 49 of the Act. CILEx Regulation responded jointly with CILEx to the LSB discussion paper on regulatory restrictions in practising rules for in-house lawyers in April 2015. CILEx Regulation's position remains unchanged on in-house rules. We believe it is in the best interests of our regulated community to have no restrictions on the practice of in-house lawyers. This decision has been taken in light of appropriate risk assessment and we will continue to monitor the area as the market evolves.

CILEx Regulation regulates approximately 950 Chartered Legal Executives practising as in-house lawyers. Our members are employed in a range of organisations including public authorities and private companies. All CILEx members and CILEx Practitioners are subject to CILEx rules and other regulatory arrangements. The CILEx Code of Conduct sets out the standards of conduct expected from CILEx members and CILEx Practitioners.

Our regulation of CILEx members and CILEx Practitioners is outcomes-based and allows members the flexibility to demonstrate how they meet the outcomes and principles of the Code of Conduct. We believe the obligation placed on CILEx members and CILEx Practitioners under the CILEx Code of Conduct is sufficient to protect the public interest, without further red tape. CILEx Regulation monitors the work of its in-house lawyers. Our evidence does not suggest that further restrictions are needed. We do not feel that prescriptive requirements are helpful. However, we will continue to keep the approach under review as new research and evidence

CILEx REGULATION LIMITED

Kempston Manor Kempston Bedford MK42 7AB
T: +44 (0)1234 845770 | F: +44 (0)1234 840989 | DX: 124780 Kempston 2
E: info@cilexregulation.org.uk | www.cilexregulation.org.uk
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becomes available. We are satisfied that our approach on in-house lawyers is consistent with our wider regulatory approach.

We also investigate misconduct cases reported by clients and employers of CILEx members, other regulators, the Legal Ombudsman and members of the public. CILEx members and CILEx Practitioners are required to self-report misconduct both when it arises and annually. We issue a First-Tier Complaints Handling survey each year to CILEx members and CILEx Practitioners to obtain disciplinary and conduct information. These activities have not produced evidence of specific or developing risks in respect of in-house lawyers.

Under the scheme of accreditation for Associate Prosecutors employed by the Crown Prosecution Service (CPS), arrangements are in place for the CPS and Associate Prosecutors to report any conduct or disciplinary issues. Neither the CPS nor individual Associate Prosecutors have reported risks suggesting that new regulation is required.

We believe in avoiding unnecessary prescription. However, we will review our policies in light of new research or emerging risks, particularly as the range of individuals and organisations we regulate increases under our new powers. We will continue to assess the impact of our policy on consumers.

We have reviewed the draft statement of policy to be issued under section 49 of the Legal Services Act 2007 (the Act), regarding section 15 (4) of the Act by the LSB. We believe that the provisional policy statement is appropriate for the regulatory arrangements of in-house lawyers who do not carry out reserved legal activities unless it forms part of their employer's business.

Yours sincerely

A handwritten signature in black ink, appearing to read "JADurham".

Jill Durham
Head of Policy & Governance

Email: jdurham@cilexregulation.org.uk

Direct Line: 01234 845752