

## The Master of the Faculties' regulatory standards action plan

LSB regulatory standards requirement <sup>1</sup>	Faculty Office actions	Review date (s) <sup>2</sup>
<b>Outcomes-focused regulation</b>		
FO has high quality, up-to-date and reliable evidence on what legal services consumers need and how they use the services.	<p>1. <i>LSB asked all regulators to consider what activities they could undertake to contribute to this requirement. Faculty Office's response:</i></p> <p>This will be undertaken as a joint initiative with other legal services regulators, with a view to developing a consistent and cost-effective outcome.</p>	TBC
FO has effective engagement with consumers.	<p>2. <i>LSB asked the Faculty Office to pilot an electronic survey to obtain feedback directly from, and demographical information about consumers, which will be distributed by notaries.</i></p> <p>Faculty Office will take this action forward.</p>	To be piloted in 2016
	<p>3. <i>LSB asked the Faculty Office to ensure that in developing its new code of practice (which will act as a guide to notaries to sit beneath its rules), the code is written in a style that it accessible to both notaries and consumers, with a focus on consumer outcomes. Faculty Office's response:</i></p> <p>We have provided the LSB and LSCP with a copy of the draft code for comment. It is hoped to finalise the same and issue the code in September 2016</p>	To be kept under review after publication
FO can demonstrate that outcomes consumers need are being achieved.	<p>4. <i>LSB asked all regulators to consider best practice from other regulatory regimes to find a mechanism to demonstrate that regulation is delivering the outcomes consumers expect and the rules are having the desired impact. Faculty Office's response:</i></p> <p>As 1 above.</p>	TBC
FO reviews and updates arrangements based on the evidence gathered.	<p>5. <i>LSB asked all regulators to consider what activities they could undertake to contribute to this requirement. Faculty Office's response:</i></p> <p>As 1 above.</p>	TBC
	<p>6. <i>LSB asked Faculty Office to ensure a wide range of views are captured when reviewing regulatory arrangements.</i></p> <p>Faculty Office will take this action forward.</p>	Ongoing

<sup>1</sup> Please refer to *The Faculty Office's regulatory standards report 2015/16*, available at [www.legalservicesboard.org.uk](http://www.legalservicesboard.org.uk).

<sup>2</sup> Faculty Office and LSB will meet in December 2016 to discuss progress against the action plan.

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<b>Risk</b>		
<p>FO has formal, structured, transparent, evidence-based approaches to the collection, identification and mitigation of current and future risks which inform all regulatory processes.</p>	<p><i>7. LSB asked the Faculty Office to develop formal risk management tools and processes and document and publish its approach, setting out who is responsible for the assessment of risk, what and how information is used to identify and assess risk, and what approach is taken to mitigating and monitoring risk.</i></p> <p>Faculty Office will take this action forward.</p>	<p>We aim to complete this action by September 2017</p>
	<p><i>8. LSB asked the Faculty Office to consider developing information sharing arrangements with a wide group of organisations, including the SRA, in order to help ensure that assessment of risk is based on a wide evidence base. Faculty Office response:</i></p> <p>Faculty Office are in the process of agreeing a Memorandum of Understanding with the SRA</p>	<p>December 2016</p>
	<p><i>9. LSB asked the Faculty Office to use information gathered about notaries performing unregulated activities to inform thinking about where specific guidance and/or rules are needed to provide enhanced consumer protection.</i></p> <p>Faculty Office will take this action forward.</p>	<p>Ongoing</p>
<p>FO focuses risk analysis on vulnerable consumers and consumer detriment.</p>	<p><i>10. LSB asked the Faculty Office to continue to gather evidence, particularly on the interests of consumers and areas of potential consumer detriment, to help inform assessment of the level of risk posed by the regulated community.</i></p> <p>Faculty Office will take this action forward.</p>	<p>Ongoing</p>
<p>FO can demonstrate that outcomes for risk are being achieved.</p>	<p><i>11. LSB asked all regulators to develop a way to monitor and assess whether risk-based approach is working in practice and achieving the expected outcomes. Faculty Office's response:</i></p> <p>See 1 above.</p>	<p>TBC</p>
<b>Supervision</b>		
<p>FO has a supervision policy that is carried out with reference to identified risks and is underpinned by an evidence base.</p>	<p><i>12. LSB asked the Faculty Office to prepare a publicly available document which sets out the approach to supervision in a clear and user-friendly manner.</i></p> <p>Faculty Office will take this action forward.</p>	<p>We aim to have this in place by December 2016</p>

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<b>Enforcement</b>		
The operation of the enforcement function is timely, evidence-based, proportionate and fair.	<p>13. <i>LSB asked the Faculty Office to keep the use of the sliding scale standard of proof under review. Faculty Office's response:</i> This will be kept under review as relevant cases arise.</p>	Ongoing
FO has published policies and guidance that enable others to understand the regulator's criteria for taking or not taking actions.	<p>14. <i>LSB asked the Faculty Office to develop decision-making guidance for the Court of Faculties and make it available to assist decision-makers and better enable the complainant and regulated community to understand how a decision is made. Faculty Office's response:</i>  We already publish guidance to nominated notaries which is publicly available. With very few disciplinary matters and only two presiding judges there is no significant scope for inconsistency of approach.</p>	
	<p>15. <i>LSB asked the Faculty Office to ensure that enforcement decisions are uploaded promptly after they are made and make it clearer on the register that an asterisk against a name indicates that enforcement action has been taken against that individual. Faculty Office's response:</i> We are committed to uploading enforcement decisions promptly. We remain very uneasy about linking conduct information in this way without a specific order of the Commissary of the Court of Faculties in any decision.</p>	Ongoing
	<p>16. <i>LSB asked the Faculty Office to publish a guide to the enforcement process for consumers and consider seeking input from consumers and consumer organisations (for example the Legal Services Consumer Panel) when drafting the guide. Faculty Office will take this action forward.</i></p>	We aim to have this in place by March 2017
<b>Capability and capacity</b>		
FO has a culture of transparency and improvement.	<p>17. <i>LSB asked the Faculty Office to consider publishing more information about Faculty Office's approach to regulation. For example, annual business plans and key performance indicators /targets, so that it is clear to the consumer and to the regulated community what activities the Faculty Office's plans to undertake and how it is performing against its plan. This information should be easily accessible and easy to understand. Faculty Office's response:</i>  The Master's priorities for each year are given to the Registrar and the chair of the Advisory Board in January and announced at the Notarial Forum. These will be published on our website. In addition, the Master's address to the Notaries Society Annual Conference in September and which contains a review of the Faculty Office's activities is also published on the website</p>	January 2017