



**LEGAL SERVICES
BOARD**

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Freedom of Information request

Date request received: 05 January 2015

Date of response: 14 January 2015

LSB reference: 20150105-01

Request 1: In the last 12 months how many applications were made for the decision of the LSB to be challenged by way of Judicial Review proceedings?

Response 1: None

Request 2: Please provide what procedure you have for appointing Solicitors and barristers to represent the Board to defend Judicial Review proceedings commenced against the LSB?

Response 2: The LSB has appointed a panel of external legal advisers on the basis of their expertise and value for money. The appointment of such advisers is based on the principles set out in the LSB's Procurement Framework which can be found [here](#). In addition, the LSB appoints external lawyers, who are not on its panel, where the particular circumstances of a case require this, with costs being benchmarked against providers on the panel.

Request 3: Please confirm if the managers of the LSB have legal qualifications if so how many of them and list their job designations.

Response 3: There are two specifically legal roles at the LSB – that of a Legal Director and a Legal Advisor. These are the only colleagues within the LSB whose roles require them to be legally qualified.

Clarification request: Who are these by name and kindly list their job description.

Clarification response: Our Legal Director is Nick Glockling, and Legal Advisor is Jessica Clay.

Request 4: Please confirm how many of Para 3 managers were previously employed by the Legal Services Commission / Legal Aid Agency and when did they join the LSB?

Response 4: The LSB does not hold this information.

Clarification request: This should be contained in the Job Application /resume which they provided when applying for the positions.

Clarification response: As stated in my earlier response, the LSB does not hold this information. In order to ensure that we process personal data lawfully and fairly in accordance with the Data Protection Act 1998, we do not retain application forms following appointment.

Response 5: Please confirm if any of your staff/managers were seconded to the Legal Services Commission / Legal Aid Agency and when did that take place and what were the terms of such arrangements?

No member of LSB staff has been seconded to the Legal Services Commission or the Legal Aid Agency.

Request 6(a): Please confirm in the last 24 months how many complaints were made to the LSB about the under mentioned not discharging their obligations or failing in the proper discharge of their functions

- **SRA**
- **BAR STANDARDS BOARD**
- **Association of Costs Lawyers**

Response 6(a): The LSB is not a complaint handling body. Section 32(5) of the Legal Services Act precludes the LSB from directing an approved regulator to “take steps in respect of a specific disciplinary case or other specific regulatory proceedings...”. We do receive correspondence from members of the public and others about the performance and activities of the regulators, although not all of these would necessarily be classified as complaints. The numbers of such contacts received in the last 24 months about the SRA, BSB and Association of Costs Lawyers (or Costs Lawyers Standards Board) are as follows:

SRA – 95

BSB – 32

ACL/CLSB – 0

Clarification request: My understanding is that you regulate inter alia SRA and BSB. BSB - 32

A. Please admit or deny if some of these or all of these were about the way the BSB handled or discharged their functions to the public?

B. If they were in respect of the BSB not discharging its obligations please disclose the details.

Clarification response:

- A. I can confirm that some of the correspondence that we have received about the BSB relates to the way in which they have handled or discharged their functions to the public
- B. I am unable to disclose to you any details of this correspondence as this information is exempt from disclosure under section 40 of the Freedom of Information Act 2000 on the basis that disclosure would be contrary to the first data protection principle (processing personal data fairly and lawfully) and would therefore constitute a breach of the Data Protection Act 1998.

Request 6(b): Please confirm what action, if any, you took to discharge your oversight regulatory functions?

Response 6(b): Please find attached a link to a document [here](#) setting out the LSB's approach to its oversight regulatory role. In so far as we receive expressions of concern from third parties about the performance of the regulators, we are not able to act on these on a case by case basis as a result of the statutory restriction set out above. However, where information received indicates the existence of recurring or systemic issues in respect of a particular regulator that needs to be addressed, the LSB may consider taking appropriate action to ensure that this is done.

Clarification request:

- A. What action can LSB take where there are is "*existence of recurring or systemic issues in respect of a particular regulator that needs to be addressed, the LSB may consider taking appropriate action to ensure that this is done*".**
- B. Please supply a copy of the policy document that deals with this.**

Clarification response:

The LSB's response to the existence of recurring or systemic issues would depend on the nature and gravity of such issues, and the extent to which they do or do not indicate a departure from the regulatory objectives as set out in section 1(1) of the Legal Services Act 2007. In determining what, if any action is to be taken, reliance would be placed on the LSB's Statement of Policy – Compliance and Enforcement, which you can find [here](#).

Request 6(c): Please provide me with a copy of your procedural manual dealing with the processes you adopt to carry out your investigations of non confirmation bodies that you regulate (FROM COMMENCEMENT to issue a decision letter).

Response 6(c): We are unable to deal with this aspect of your request at this point as we do not recognise the term "non confirmation bodies". Please could you clarify what you mean by this.

Clarification request: This should read ...non-conforming / not discharging their duties.

Clarification response:

Please see the LSB's Statement of Policy – Compliance and Enforcement referred to above.

Request 7(a): Please provide what procedure you have for approving the Budget you approve for the SDT?

Request 7(b): Please confirm if the above approval is done in consultation with the SRA and/or The Law Society?

Response 7 (a) and (b): The process for the approval of the SDT budget is set out in a Memorandum of Understanding [here](#) between the LSB, SDT and The Law Society. Under this Memorandum, the SDT is required to submit a budget application to The Law Society after this has been approved by the LSB. There is no requirement for the SDT to consult with the SRA.