

Ongoing competence practitioner discussion event - summary note

9 March 2022



We hosted a discussion event on 9 March 2022 to inform our work into the ongoing competence of legal professionals. We wanted to seek views from practitioners working in different parts of the legal services sector on our plans to introduce new expectations of how regulators should ensure ongoing competence. This was one of a number of discussions we have had with practitioners and other stakeholders during the consultation period.

We were joined by a small group of practitioners, including solicitors, barristers and licensed conveyancers. We provided a short presentation on the proposals that we have been consulting on and then invited questions. Discussion was encouraged so that attendees could share feedback and offer challenges to the LSB's emerging thinking. Below, we have set out some of the comments made by participants. Participants told us that they thought:

- Regulators should gather evidence about competence concerns and could make use of information such as insurance and complaints data.
- It is important that any measures implemented are evidence-based, proportionate and targeted to risks.
- A number of practitioners said the draft statement shouldn't place the burden on regulators to justify why they haven't adopted specific measures.
- For some practitioners, there are market forces that provide some checks on competence, because they are scrutinised in their day-to-day work.
- There are concerns about potential burdens on practitioners, for example costs, which would be passed onto consumers.
- Any equality, diversity and inclusion impacts should be carefully considered and mitigated, for example, any impacts on those with caring responsibilities.
- Some practitioners expressed support for regulators conducting audits of firms, to ensure that they had appropriate training and supervision protocols in place. This may be more effective than targeting measures at individuals.
- Continuing professional development (CPD) does not provide meaningful assurance of competence on its own. There are improvements that could be made to CPD provision and compliance checks that would make it more effective.
- Regulators should consider working in collaboration where different lawyers carry out the same reserved legal activities, for example, reserved instrument activities (conveyancing) or probate.
- There were concerns that the 18-month timeline proposed will not provide sufficient time for regulators to gather the data and determine what appropriate interventions are needed.

Close and next steps

We will take all of this into feedback into account, as well as the other comments provided in submissions and in other discussions, when finalising our draft statement of policy. We expect to return to the LSB Board in the summer and to publish a final statement of policy and a response to our consultation later in 2022. If you have any queries, please contact the project team via ongoing.competence@legalservicesboard.org.uk.