

Meeting: Legal Services Board

Date: 25 April 2023

Item: Paper (23) 24

Title: CEO's Progress Report

Author: Matthew Hill, Chief Executive

Status: Official

Introduction: Purpose of the paper/ Issue

1. This paper updates Board Members on key developments across the organisation since the 21 March 2023 Board meeting.

Recommendation

2. The Board is invited to **note** this report.

Appointment matters

LSB Board

3. The Ministry of Justice (MoJ) has confirmed the extension of Jemima Coleman's appointment to the 31 May. The Lord Chief Justice is currently being consulted on the two lay and one non-lay appointments.
4. Shortlisting for the recruitment of an independent ARAC advisor took place on the 17 April with a data for interviews to be confirmed. Over 50 applications were received.

Office for Legal Complaints (OLC) and Legal Services Consumer Panel (LSCP)

5. Eight bids were received for non-executive recruitment services for the upcoming OLC and LSCP vacancies. A decision on the successful bidder will be made by the time of the meeting.

Colleague and organisational matters

6. Richard Orpin will be joining the Legal Services Board on 12 June to take up the role of Director, Regulation and Policy following interviews held in March 2023. Richard will be joining from Ofcom, where he is currently Public Policy Principal (Deputy Director) for Broadcasting & Media. Richard has worked for Ofcom since 2014, notably as Consumer Policy Principal (Deputy Director) between 2017 and 2022. He worked at DCMS between 2007 and 2014, including as Head of Domestic Gambling Policy,

where he developed policy on the regulatory future of fixed odds betting terminals (2012 - 2014) and in earlier roles which provided experience of policy development across broadcasting, school sport and culture.

7. A replacement Interim Communications and Engagement Manager joins us in April, followed by a replacement Regulatory Policy Associate in May following external promotion of the previous postholder. We are also in the process of appointing a replacement Research Associate.
8. We conducted an inclusion survey of all colleagues in March 2023, and were pleased to report a 91% response rate. The vast majority of comments were very positive indeed about colleagues' experiences at the LSB and how included they felt in the organisation:
 - There were numerous comments along the lines that the LSB is the most inclusive organisation colleagues have worked at.
 - Colleagues commented that the LSB's flexible working had really helped them feel more included.
 - Colleagues also said that there were lots of opportunities to feel included at the LSB.
 - Colleagues mentioned that when they had concerns about their work or faced difficult times they were supported well by the organisation.
 - There was a theme around the LSB being willing to listen and consider colleagues' viewpoints.
 - The LSB's commitment to learning and development was noted in particular as being appreciated.
9. We identified three potential areas for action:
 - A very small number of colleagues had either experienced or witnessed prejudice or discrimination. The LSB has a zero tolerance approach to bullying and harassment and colleagues have been reminded of the confidential avenues that they can use to speak about their experiences.
 - The scores for whether colleagues feel that they have sufficient support to develop their skills and progress their career while high were slightly lower than those in 2021
 - Implementing training to ensure colleagues are consciously using inclusive language at all times.
10. The survey is being followed up with focus group discussions, to enable colleagues to discuss the results further and to contribute ideas to an action plan. The next formal survey of colleagues' views on inclusion will be captured as part of the biennial all-colleague engagement survey that takes place in October 2023.

Governance

Office for Legal Complaints

11. As the OLC Board is not due to meet until late April, the most recent Voluntary Assurance letter, dated 7 February 2023, is that which has previously been shared with Board.
12. The OLC's revised Scheme Rules came into effect on 1 April 2023. As previously noted, the OLC will publish information about its monitoring and evaluation of the impact of the changes.

Solicitors Disciplinary Tribunal (SDT)

13. Alan Kershaw was scheduled to hold an introductory meeting with the SDT President and Interim Clerk on 20 April 2023.
14. We are expecting the SDT's annual report on performance against its key performance measures in April 2023.

Regulatory Developments

News Round Up

15. The news round-up is attached at Annex A.

Research

16. Elsewhere on the agenda we will provide an insight into the key findings from our research into counter-inclusive practices faced by legal professionals when getting into and getting on in the legal profession. This research will be published later in April 2023, and we are planning an event in June 2023 to engage the sector in considering how to address these practices.
17. Findings from our other recently completed research projects, including the Use of Technology and Innovation Survey and consumer research into improving service complaint handling in the sector, will be published in May and June 2023 respectively, a slight delay from what was previously expected due to the need to schedule with other publications.
18. Planning is underway for the Individual Legal Needs Survey, commissioned jointly with The Law Society (TLS), and we expect to issue a tender for the fieldwork this quarter.

Statutory Decisions

19. Since my last update, the LSB has approved two applications for alterations to regulatory arrangements from the Solicitors Regulation Authority (SRA). The first was in relation to reinstating an annual *Keeping of the Roll* exercise and the second was in relation to both fair treatment at work and fitness to practise.
20. At the time of writing the LSB is currently considering three further applications to alter regulatory arrangements from the SRA:

- a. an application in relation to its financial penalties processes
- b. an application in relation post-six year consumer protection (the Solicitors Indemnity Fund)
- c. an application to update its Police Station Representatives Accreditation Scheme (PSRAS).

Empowering Consumers

- 21. We will convene a roundtable discussion this quarter with the regulators and other stakeholders to review the forthcoming findings of the regulators' joint pilot on quality indicators and digital comparison tools.
- 22. We will seek updated assurance on regulators' progress in meeting the outcomes of the policy statement through the upcoming regulatory performance assessments.

Professional Ethics and Rule of Law

- 23. Elsewhere on the agenda we will share an update on our professional ethics and rule of law work, including our Call for Evidence on the misuse of non-disclosure agreements.

Regulatory Performance

Regulatory Performance Update

- 24. An email about our approach to this year's assessment, which will begin in June, was sent to relationship managers' counterparts at the regulators on 5 April. The email followed up on Helen Philip's letter of 16 February to the regulators' Chairs.
- 25. The email set out how we will approach this year's performance assessment, including noting that we will mainly focus on the Well-led and Effective Approach to Regulation standards. We will still follow up on any other issues we identified in our 2022 assessment and, if necessary, comment generally on Operational Delivery.
- 26. The email encourages the regulators to start assurance mapping as this will assist them once they receive our information requests in June. We have invited regulators to provide us with any comments they may have about their experience of our 2022 assessment and with any questions they may have about how our 2023 assessment will work by 28 April. We plan to hold an online event with the regulators on 10 May to address their questions.

Bar Standards Board (BSB)

- 27. The BSB has published an action plan alongside its business plan for 2023/24, which sets out how the BSB will provide assurance that it meets

the standards in the regulatory performance framework and key milestones for doing so. The business plan sets out transformative reforms the BSB has committed to improve its performance.

Technology

28. We are expecting a final research report on potential options for delivering a regulatory information service, which is being prepared following market analysis and targeted stakeholder engagement. This included a facilitated workshop with the regulators held on 24 March 2023 to develop key design principles and consider the benefits and risks of different digital service options. We will consider next steps and present these to the Board next quarter.
29. Following Board approval in January 2023, work continues to progress on the drafting of new statutory guidance for regulators encouraging innovation and the use technology to improve access to legal services. A draft consultation is due to come to the Board for consideration in June 2023.
30. We continue to collaborate with sector-wide initiatives, including with LawtechUK as they transition to new leadership (under a consortium formed by CodeBase and Legal Geek) from 1 April 2023. We attended the launch event for the new LawtechUK providers on 28 March 2023.

Equality, Diversity and Inclusion (EDI)

31. There are two items (6,7) on the April Board agenda in relation to EDI.

Sanctions update

32. Office of Financial Sanctions Implementation (OFSI) hosted an engagement event with legal services regulators, which the LSB attended, on 6 April 2023. We are planning to meet with OFSI and the MoJ in the next month, ahead of holding further discussions with the regulators on sanctions and information sharing, to be scheduled for May 2023.

Curating the Strategy

33. We continue to receive contributions from stakeholders and LSB colleagues to the [Reshaping Legal Services microsite](#).

Communications and Engagement

Roundtable on professional ethics, the rule of law and regulation

34. On 27 March 2023, approximately 30 stakeholders from across the sector attended our roundtable at 41 Portland Place, London, on professional ethics, the rule of law and regulation which Matthew Hill, Chief Executive and Sally Al-Saleem, Regulatory Policy Manager chaired. We heard from a broad range of stakeholders, including regulators, practitioners, academics, lawyers, and campaign groups. The discussion will contribute to our professional ethics and rule of law workstream.

Board engagement event, East Midlands

35. The details of our 25 May engagement event taking place in Nottingham have been confirmed and the initial tranche of invites have been sent. Further invites will also be sent to maximise attendance. The event will take place between 5-6.30pm at Nottingham Council House. Nine people have so far confirmed that they will be attending.
36. Our event will enable stakeholders to meet the new Chair and other Board members, as well as to learn more about the LSB and our work. It will also be a chance for us to hear from stakeholders about challenges and opportunities encountered to help us consider how regulation can make a positive impact.

Board meeting and engagement in Wales

37. We have received confirmation from the Senedd that they are able to host our 'Reshaping Legal Services in Wales' Board reception on 13 September from 12-13:30. Further details will follow. Peredur Owen Griffiths MS (Plaid Cymru) will be sponsoring our event and the Counsel General and Minister for the Constitution has agreed to speak at the event.
38. The Board meeting will take place on the afternoon of 12 September 2023, to allow for travel time in the morning and an overnight stay that evening. Board members will be contacted shortly regarding travel and hotel arrangements for the event over 12 and 13 September. We are considering potential visits for the morning of 13 September.

External events

39. The Chief Executive spoke at the Westminster Legal Policy Forum keynote seminar: 'The next steps for legal ethics' on 28 March 2023. The theme of the presentation was 'growing public confidence and trust in the legal profession'.
40. The Chair is attending the a book launch event 'Legal Practice in the Digital Age' on 19 April 2023. The Head, Policy and Strategy will also be attending.

Meeting schedule (21 March 2023 – 24 April 2023):

28-Mar	Westminster Legal Policy Forum Conference	Chief Executive
28-Mar	The Bar Council	Chair and Chief Executive
5-Apr	Professor Stephen Mayson	Chief Executive

14-Apr	LegalEx Advisory Panel	Chief Executive
11-Apr	Bar Standards Board	Chair and Chief Executive
13-Apr	The Bar Council	Chief Executive
18-Apr	General Dental Council	Chief Executive
19-Apr	Solicitor's Regulation Authority	Chief Executive
19-Apr	Costs Lawyers Standards Board	Chair and Chief Executive
19-Apr	The Bar Council	Chair and Chief Executive
19-Apr	Book launch event	Chair and Head, Strategy and Policy
20-Apr	The Law Society	Chief Executive
20-Apr	SDT	Chair and Chief Executive
27-Apr	Association of London Welsh Lawyers	Head, Strategy and Policy

Risks and mitigations	
Financial:	N/A
Legal:	N/A
Communications and engagement:	N/A
Equality and diversity:	N/A
Resource:	N/A
Environmental	N/A

Annexes

Annex A – New Round Up

Freedom of Information Act 2000 (Fol)		
Para ref	Fol exemption and summary	Expires
N/A	None	N/A