



LEGAL SERVICES
BOARD

Legal Services Board
One Kemble Street
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www.legalservicesboard.org.uk

07 June 2019

Freedom of Information Act (FOIA) Request – ref no. 20190516-01

Thank you for your request, received on 16 May 2019, in which you asked for the following information from the Legal Services Board:

“This request relates to the supplementary consultation on amendments to the proposed Internal Governance Rules which is being conducted by the Legal Services Board (‘LSB’).

The information sought is referred to in the Executive Summary, paragraph 6,ⁱ namely:

1. How many independence-related disputes between Approved Regulators and their regulatory bodies have occurred since the Legal Services Act 2007 was implemented, and who did they involve?

2. How many of such independence-related disputes have been referred to the LSB for clarification or resolution?”

Your request has been handled under the FOIA.

We are responding to both of your questions below.

The LSB does not hold a record of how many independence-related disputes between Approved Regulators (“ARs”) and their regulatory bodies have occurred since the Legal Services Act 2007 was implemented, and who they involved. To collate this information would involve a search of the LSB’s records going back to its inception on 1 January 2009 to count how many disputes have occurred and who they involved. FOIA does not require public authorities to create data in response to a request. Please also note that we will not hold a record of every dispute between these bodies, only those that have been drawn to the LSB’s attention.

We can confirm that at least one independence-related problem has arisen since the LSB’s inception in the relationship between the following ARs and their regulatory bodies which has resulted in the LSB providing clarification or intervention:

Approved Regulator	Regulatory Body
Association of Costs Lawyers	Costs Lawyer Standards Board
Bar Council	Bar Standards Board
Chartered Institute of Legal Executives	CILEx Regulation
Chartered Institute of Patent Attorneys and Chartered Institute of Trade Mark Attorneys	Intellectual Property Regulation Board
The Law Society	Solicitors Regulation Authority

Further, the following ARs and regulatory bodies raised 30 independence issues in CEO- and Chair-level correspondence with the LSB between when the IGR were last updated in April 2014 and June 2017:

- Chartered Institute of Patent Attorneys
- Intellectual Property Regulation Board
- The Law Society
- Solicitors Regulation Authority
- Costs Lawyer Standards Board
- Bar Council
- Bar Standards Board
- Faculty Office
- Council for Licensed Conveyancers

Information on these issues is set out in the LSB's Reviewing the Internal Governance Rules consultation published in November 2017 (see pages 10-14 in particular) available here:

https://www.legalservicesboard.org.uk/what_we_do/consultations/closed/pdf/2018/LSB_consultation_Proposed_Internal_Governance_Rules_Nov_2018.pdf.

These 30 issues include independence-related problems in the relationships between ARs and their regulatory bodies but also go wider and include other independence-related matters including the respective roles of the LSB, the AR and the regulatory body.

As noted in the November 2017 consultation, these 30 issues do not include the two investigations that the LSB has conducted into independence related issues: between the Bar Council and the Bar Standards Board in 2013, and between the Law Society and the Solicitors Regulation Authority in 2017-18. The investigation reports are available here: https://www.legalservicesboard.org.uk/what_we_do/investigations.htm.

The LSB's further Consultation on Reviewing the Internal Governance Rules published on 2 November 2018 takes into account the above independence issues but also other evidence including from pre-consultation stakeholder engagement (as set out in the November 2017 consultation document) and the responses to the November 2017 consultation document.

The responses to the November 2017 consultation document are available here:
https://www.legalservicesboard.org.uk/what_we_do/consultations/closed/20180724_Submissions_Received.htm.

The LSB's July 2018 decision document following its November 2017 consultation is available here:
https://www.legalservicesboard.org.uk/what_we_do/consultations/closed/pdf/2018/20180724/Consultation%20response%20July%202018.pdf.

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The statement in paragraph 6 of the LSB's Proposed IGR Supplementary Consultation referred to in your request reflects the above information, as well as the LSB's experience as an oversight regulator of issues involving ARs and regulatory bodies.

If you are dissatisfied with this response to your request for information, you have the right to ask for an internal review / to submit a complaint (see [LSB's Freedom of information – Complaints procedure](#)).

If you are dissatisfied with the outcome of your complaint, you may refer the matter to the Information Commissioner for a decision. Please be aware that the Commissioner will be unlikely to make a decision until you have been through our internal complaints procedure first. You can write to the Commissioner at:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The reference for your request, which should be quoted in all correspondence, is: 20190516-01.

https://www.legalservicesboard.org.uk/what_we_do/consultations/open/pdf/2019/LSB_consultation_Proposed_Internal_Governance_Rules_02_May_2019_publication.pdf