

CLC - Regulatory performance assessment

REGULATORY APPROACH					AUTHORISATION					SUPERVISION				ENFORCEMENT						WELL-LED											
1	2	3	4	5	1	2	3	4	5	1	2	3	4	1	2	3	4	5	6	1	2	3	4	5	6						

Met		Not met – action being taken		Not met – action required	
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Action being taken

Outcome		A5: The regulator’s list of those they regulate is accessible, accurate and provides information on the disciplinary records of those regulated.
January 2019	LSB assessment	The CLC has made progress in redeveloping the online register. It has confirmed that disciplinary records will be included in the register in the future and that it is redesigning the online register to include more details and linking these to its databases. This work is scheduled to be completed in Q4 2019. This is a key requirement to meet this outcome, so until disciplinary records are included we cannot consider this outcome as met.
	Action needed	The CLC to ensure that the register of those regulated is easily accessible and contains information on all disciplinary action taken against individuals or entities.
	Timing	CLC to complete this work by 30 November 2019. LSB to review progress in May 2019.

Progress update (at June 2019)	LSB assessment	<p>In line with the deadline noted in January 2019, the CLC is proceeding towards meeting this outcome and ensuring that the register of those they regulate is easily accessible and contains information on disciplinary action taken against individuals or entities. The CLC has confirmed the redesign of its register and the inclusion of disciplinary records is due to be completed by 30 November 2019. The redesign of the register is part of the CLC’s planned general upgrade to its website.</p> <p>While the CLC is making progress towards meeting this outcome, we cannot consider it met until, at a minimum, the register contains information on disciplinary action taken against individuals or entities in a way that is easily accessible to consumers of legal services.</p>
	Action needed	<p>The CLC to ensure that the register of those regulated is easily accessible and contains information on disciplinary action taken against individuals or entities.</p> <p>To assess this, the CLC to explain how the level of functionality of the new register will improve consumers’ access to information on individuals or entities.</p> <p>The CLC to submit a progress update on its new register to the LSB by 1 November 2019.</p>
	Timing	<p>The CLC to complete this work by 30 November 2019. The LSB will review progress in November 2019.</p>

Outcome		E6: The regulator clearly explains the reasons for its decisions to take or not to take things forward at each stage of the process.
January 2019	LSB assessment	<p>We understand the CLC is reviewing its approach to keeping complainants informed of enforcement decisions. We cannot consider this outcome fully met until this has been completed.</p>

	Action needed	The CLC to share with the LSB the outcome of its current review on how much complainants should be involved in enforcement processes and how much information should be published on the CLC website.
	Timing	CLC to complete this work by 31 May 2019 when the LSB will review progress
Progress update (at June 2019)	LSB assessment	The CLC has completed the review noted above and published a revised information note on its website - Complaints and Investigations: What to expect from the CLC . The information note confirms the CLC will update complainants at regular intervals during the complaints movement through its enforcement process.
	Action needed	This action is now assessed as met.
	Timing	Not applicable

Outcome	WL3: The regulator is transparent about its own: decision-making; regulatory approach; the risks it and its regulated community faces and how these are being mitigated; performance; regulated community and related markets; financial costs.	
January 2019	LSB assessment	<p>(1) While the CLC does publish some details about supporting evidence for decisions made by its Council or Executive which impact on its regulated community, we consider that it is not sufficiently transparent in this regard. For example, in respect of consultation responses and how it has addressed them it could publish more information and do so more promptly. We therefore cannot consider this outcome to be met until the actions below are completed.</p> <p>(2) While the CLC does currently publish some performance information on how its Board holds the executive to account, we consider that it is not sufficiently transparent in this regard, and that it could publish more information and do so more promptly. In particular,</p>

		while we noted that the CLC has published its Council minutes and accompanying papers up to April 2018, these are often significantly redacted.
	Action needed	<p>(1) CLC to review current publication policy and ensure that the supporting evidence for decisions taken by its Council or Executive which impact on the regulated community are published as soon as possible after decisions are taken. This should include Council papers which should only be withheld or have content removed in limited circumstances. The CLC to review its consultation processes as noted in paragraph 15 of the LSB's 30 August 2018 Decision Notice on the CLC's application for approval of amendments to its regulatory arrangements aiming to improve cost and service transparency. It should seek to identify where parties are likely to be affected, ensure that consultations are brought to their attention and that they have sufficient time to respond. It should publish non-confidential versions of responses to consultations on its website. CLC decisions should clearly and fully address points raised in responses to consultations and demonstrate how they had been taken into account in its decision making.</p> <p>(2) CLC to review transparency of performance information (e.g. KPIs and performance reports, complaints about the regulator etc.) and that this information should be published as soon as possible after Council consideration.</p>
	Timing	Work to be completed by 31 May 2019 when the LSB will review progress.
Progress update (at June 2019)	LSB assessment	<p>Not met – action being taken</p> <p>The CLC has made positive progress by reviewing and publishing a revised publication policy. The two key elements that remain outstanding are how the CLC will provide:</p> <ul style="list-style-type: none"> • supporting information for decisions taken by its Council or Executive which impact on the regulated community.

		<ul style="list-style-type: none"> performance information about the CLC (e.g. KPIs and performance reports, complaints about the regulator etc.) in a transparent manner as soon as possible after Council consideration.
	<p>Action needed</p>	<p>(1) CLC to confirm how and when it will ensure that the supporting evidence for decisions taken by its Council or Executive which impact on the regulated community are published as soon as possible after decisions are taken. This should include Council papers which should only be withheld or have content removed in limited circumstances, and if not CLC to ensure that this information is provided through other mechanisms.</p> <p>(2) CLC to provide a timeline for its work to review the transparency of its performance information (e.g. KPIs and performance reports, complaints about the regulator etc.) and to ensure this information is published as soon as possible after Council consideration.</p> <p>(3) The CLC to confirm that they will continue to publish the non-confidential responses to their consultations as well their response to the submissions.</p> <p>The CLC to submit a progress update to the LSB by 1 November 2019.</p>
	<p>Timing</p>	<p>The LSB will review progress in November 2019.</p>