

Faculty Office - 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		RA4: Regulatory arrangements and associated guidance documentation are informed by learning gathered from all of the regulators work including its risk assessment and enforcement work.
January 2019	LSB assessment	It is unclear how learning gathered from the Faculty Office’s work has been used to inform its regulatory arrangements and guidance.
	Action needed	The Faculty Office to provide information on how its evidence base, including learning gained from its risk assessment and enforcement work, has been used to influence the Faculty Office’s thinking and the development/revision of regulatory arrangements and associated guidance.
	Timing	Information provided to the LSB in May 2019 when progress will be reviewed.

Progress update (at June 2019)	LSB assessment	The Faculty Office recently introduced a “lessons learned” enforcement case review process, and two guidance notes were published in March 2019 in response to a thematic review of Faculty Office inspectors’ reports completed in 2018. However, there remains insufficient clarity about the Faculty Office’s evidence base and how learning gathered from its work informs its regulatory arrangements and guidance.
	Action needed	The Faculty Office to provide information on how its evidence base, for example, learning gained from its risk assessment and enforcement work, has been used to influence the Faculty Office’s thinking and the development/revision of regulatory arrangements and associated guidance. Part of this explanation needs to include how information obtained from the Faculty Office’s practising certificate renewal process and supervision work, informs the risks identified in its Assurance Policy and the mitigations or strategies developed in response to these risks. Information to be provided to the LSB by 1 November 2019.
	Timing	The LSB will review progress in November 2019.
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 register does not include disciplinary information, it is also not clear how it is reviewed for accuracy.
	Action	The Faculty Office to ensure that the register of those they regulate is easily accessible and contains disciplinary information.
	Timing	This is to be achieved through the Faculty Office’s planned IT project by November 2019. LSB will review Faculty Office’s progress in respect of register’s accessibility and inclusion of disciplinary records in May 2019.

Progress update (at June 2019)	LSB assessment	<p>In line with the deadline noted in January 2019, the Faculty Office 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. Implementation of a new register will be achieved through the Faculty Office's current IT upgrade project, which remains on track. The new register, which should meet the required outcome, is due to be launched in the Autumn.</p> <p>While the Faculty Office 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 in a way that is easily accessible to consumers of legal services.</p>
	Action needed	<p>The Faculty Office to ensure that the register of those they regulate is easily accessible, accurate and contains information on disciplinary action taken against a notary.</p> <p>To assess this, we would like to receive detailed information from the Faculty Office about how the level of functionality of the new register will improve consumers' access to information on individuals.</p> <p>The Faculty Office to submit a progress update to the LSB by 1 November 2019.</p>
	Timing	The LSB will review progress in November 2019.
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	The Faculty Office does not publish board papers, it does not publish all consultations online and the website is difficult to navigate.
	Action	(1) The Faculty Office to review current publication policy and ensure that the supporting evidence for decisions taken by the Master, Qualification and Advisory Boards or Executive

		<p>which impact on the regulated community are published as soon as possible after decisions are taken. This should include Board papers which should only be withheld or with content removed in limited circumstances.</p> <p>The Faculty Office to review its consultation processes. It should publish non-confidential versions of responses to consultations on its website. Faculty Office 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) The Faculty Office to review the transparency of its 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 internal consideration.</p>
	Timing	Work completed by May 2019 when LSB will review progress.
Progress update (at June 2019)	LSB assessment	<p>The Faculty Office has made positive progress with this outcome. This has included publication of notes of the Master’s regulatory decisions and the matters that the Advisory Board have provided advice on. However, the Faculty Office needs to publish more information on the evidence considered by the Master and Faculty Office committees and their subsequent decision-making.</p> <p>Some progress has been made with the publication of performance information. The Qualification Board now publishes some information on its performance, and the Faculty Office has confirmed that the appropriateness of publishing further key performance indicators remains under consideration.</p>
	Action needed	<p>(1) The Faculty Office to ensure it publishes the supporting evidence for regulatory decisions as soon as possible after they are taken. This should include the following: evidence considered by the Master when making regulatory decisions; the advice offered by the Advisory board and the rationale behind it; analysis of information on the notarial profession and market that is gathered through work such as the practising certificate renewal process.</p>

		<p>(2) The Faculty Office to continue to develop the publication of its performance information. This needs to include information on the timeliness of its regulatory processes and performance against key performance indicators.</p> <p>The Faculty Office to submit a progress update to the LSB by 1 November 2019.</p>
	Timing	The LSB will review progress in November 2019.
Outcome		WL4: The regulator learns from its own work, stakeholders, the legal sector and other sectors and uses that learning to improve its work.
January 2019	LSB Assessment	Whilst the Faculty Office does have officers and staff attend a range of regulatory and other forums there is no clear evidence of significant learning from engagement with the regulated community or consumers.
	Action	By May 2019 the Faculty Office to improve the transparency of how its evidence base is regularly shared with the Master (along with the Master's Qualification Board and Advisory Board where relevant) and utilised to drive change/developments, for example risk management, guidance and revised policy.
	Timing	LSB will review Faculty Office's progress in May 2019.
Progress update (at June 2019)	LSB assessment	The Faculty Office has introduced a dedicated consultation page on its website. It also plans to undertake a review of its examination and qualification regime. However, there remains insufficient evidence that the outcome is met.
	Action needed	The Faculty Office to improve the transparency of how learning gained from its engagement with its regulated community, consumers, or other stakeholders has been used to improve its work. Actions such as the planned examination and qualification regime review, and the

		Faculty Office's analysis of information on the notarial profession and market, gathered through its practising certificate renewal process, to provide evidence of this. The Faculty Office to submit a progress update to the LSB by 1 November 2019.
	Timing	The LSB will review progress in November 2019.