

Supporting professionalism in legal services through ongoing competence

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Call for evidence: approved regulators and regulatory bodies event

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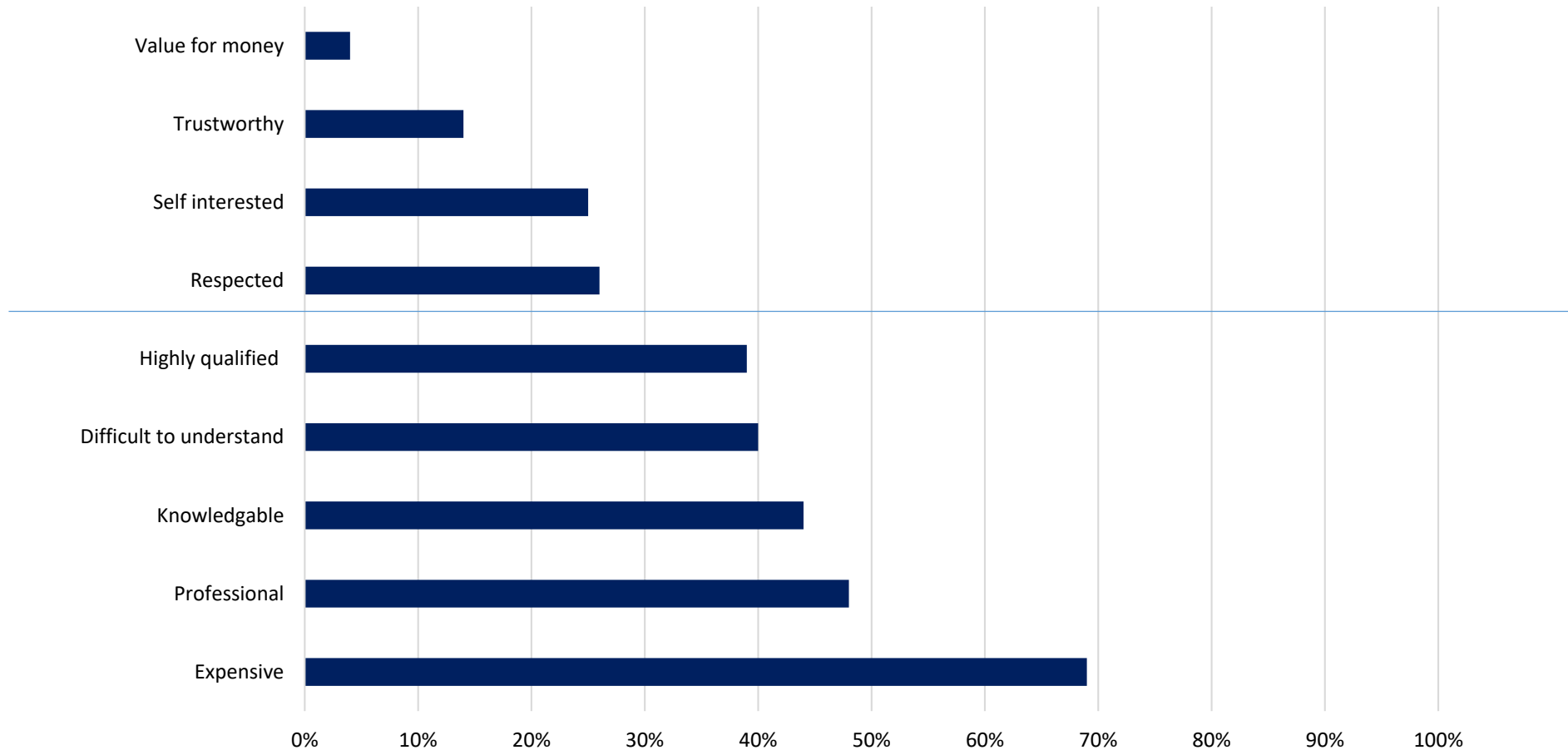
LSB Offices

Our vision

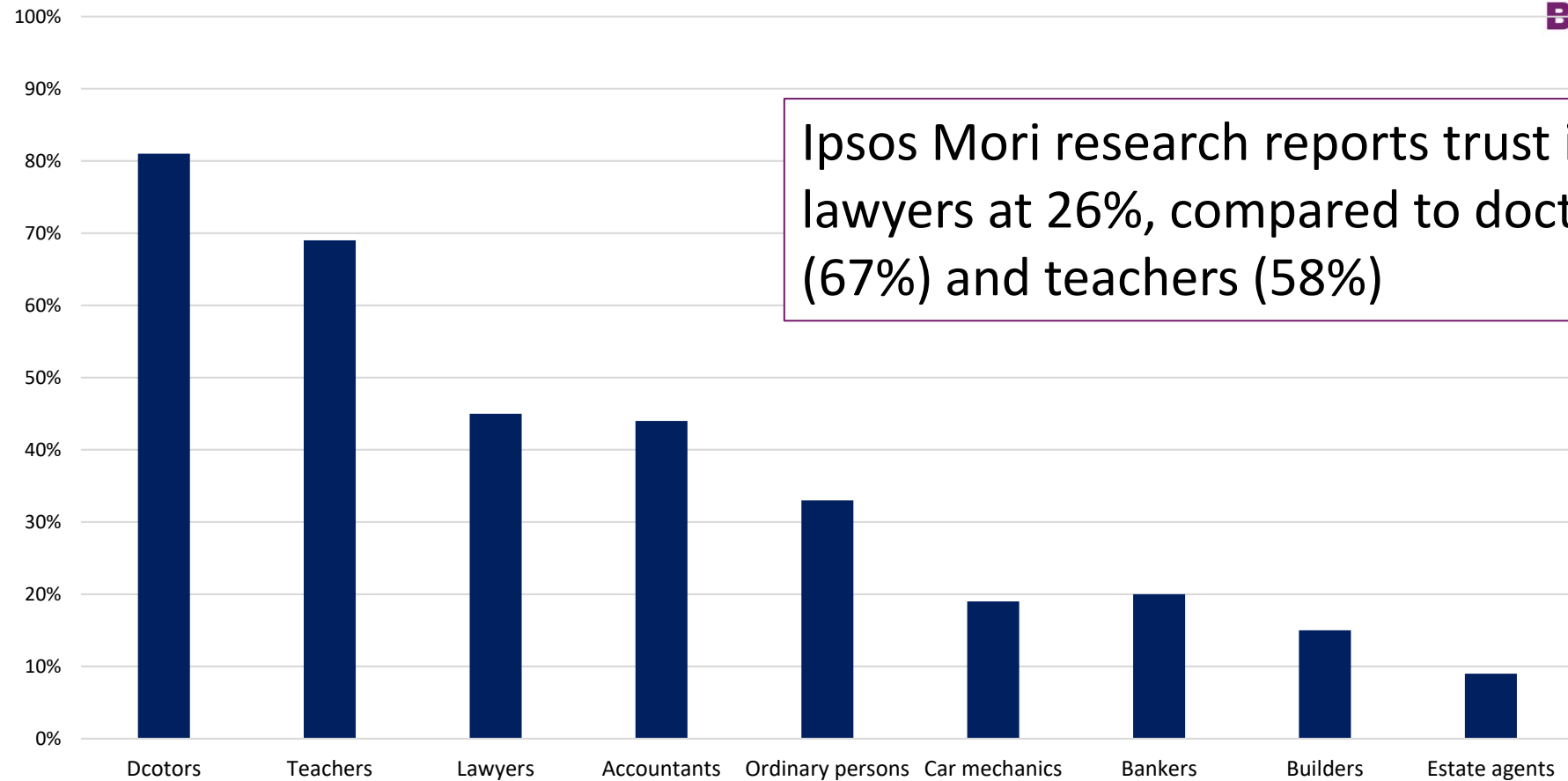


- *Legal services that everyone can access and trust*
- Supporting the ongoing competence of professionals at the very heart of achieving this vision.
- Consumers must be able to trust that their legal professional has the necessary skills and experience to advise or represent them.

Words that describe the legal profession



45% of the public trust lawyers to tell the truth – Consumer Panel



What do we mean by “ongoing competence?”



“Combining up-to-date knowledge and skills with good client care, to deliver advice in a way that is useful”

Legal Services Consumer Panel

- Competence is dynamic – the law, client and regulatory expectations are constantly evolving
- Looking beyond entry level competence

What we will be doing

We want to:

- understand and map current competence frameworks
- both within and beyond the legal services sector
- build consensus around what works best
- with a view to setting standards and expectations around ongoing competence in the legal services sector.

We want to hear from a wide range of people about their experiences, ideas, and any evidence of where risks may be materialising.

Call for evidence



Focuses on gathering evidence across four central themes:

1. Defining competence and competence assurance
2. Consumer expectations of competence
3. Competence assurance in the legal services sector
4. Competence assurance in other sectors

1. Defining competence and competence assurance

Our early findings:

- There is no single, agreed definition of competence
- There are high level definitions (e.g. LSCP) and more detailed articulations (e.g. SRA and BSB statements of competence)
- There is a wide spectrum of potential tools for seeking assurance of competence. For example:



Research and evidence of the impact of these tools has led some other professions to develop new methods of assurance

2. Consumer expectations of competence



Our early findings:

- Consumers find it difficult to assess the quality of legal services, particularly in terms of technical quality
- Consumers assume practitioners are competent and that there are checks in place to assure this
- Consumers have mixed confidence in legal practitioners compared with other professions

3. Competence assurance in the legal services sector



- Regulators tend to focus on assuring competence on entry to the profession with less attention paid to post-qualification competence
- Competence may be tested in limited circumstances throughout a practitioner's career e.g. to gain a higher rights of audience (HRA) certification
- Some parts of the profession have developed their own quality assurance frameworks - e.g. CPS and consumer feedback-based appraisal models
- There is some evidence of practitioners not maintaining competence or acting beyond it - e.g. criminal advocacy; land registry requisitions; will writing

4. Competence assurance in other sectors

What approaches can we learn from?



Questions for discussion

1. What characteristics or skills should be part of any competence framework?

2. Higher risk areas - what types of consumers, consumer problems or legal activities are more likely to experience quality issues?

3. What currently works well to assure competence?

4. What is the role of regulators, providers and individuals to assure ongoing competence in the sector?

Next steps



- Publish call for evidence – January 2020
- Wide engagement with regulators, the profession, representative and consumer groups and other industries
- Encourage input to the call for evidence
- Work with stakeholders to consider potential changes to policy framework
 - Individual meetings with AR/RBs
 - Potential consultation, depending on findings

Thank you

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