



LEGAL SERVICES
BOARD

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Dear ,

Covid-19 – Legal Services Board priorities and support to regulators

I know from conversations with many of you, and from discussions between our organisations, how hard you are working to contribute effectively to the country's response to the Covid-19 crisis.

In particular, I would like to commend all regulators on the advice and information that you are providing to the profession and the public online and over the telephone. We know you are experiencing a considerable increase in enquiries resulting from the impact from Covid-19 and that this is clearly consuming a considerable degree of resource. We appreciate that you are dealing with some issues which are specific to your area of the profession but that you are also dealing with common issues across all regulators. We would encourage you to share information and sign-post good advice from other regulators which should hopefully relieve the pressure on those of you with more limited resources.

In order, hopefully, to assist and support you and your teams, I wanted to set out the general approach the LSB expects to take during this period, and to provide some clarity about what we are likely to see as priority issues and activities. Before I do so, I should make the broader point that we will be pursuing even higher levels of flexibility and pragmatism than usual, and that where undue pressures arise in delivering against deadlines set by our work, it will always be worth an early conversation with us and we will dispose ourselves to be as helpful as we can be.

The first point I would seek to make – although you will need no reminder of this – is that regulation is carried out first and foremost in the interests of the public. In the current circumstances, there is a great deal of focus, quite rightly, on supporting businesses. It is important, however, not to lose sight of the public in general, and consumers in particular, as the response to the crisis continues to develop. Indeed, the term vulnerable consumer has taken on arguably much greater significance than it has ever had.

In a similar vein, you will all, as are we, be thinking about the role regulation has to play in supporting post-Covid-19 recovery. Again, it will be important for regulators to think of recovery in terms of the market's ability to meet the needs of society and large and consumers in particular. And those needs are likely to be amplified significantly in a wide range of areas.

Turning to specifics, as you know the LSB this week published its business plan for 2020/21 (and many thanks to you and colleagues for your contributions to its development). It is inevitably, however, a pre-Covid-19 plan. Nevertheless, it remains the central guide to our ambitions this year and we will seek to deliver as much of it as we can.

To provide you and your teams with some insight into how we will manage ourselves against this ambition, we will be adopting the following scheme of priorities, based on delivering our statutory obligations under the Act:

- 1 Statutory decisions, compliance with the Internal Governance Rules 2019 (IGR) and other core regulatory functions;
- 2 Oversight of Office of Legal Complaints and Solicitors Disciplinary Tribunal;
- 3 Regulatory performance oversight of regulatory bodies, including concluding our current IGR consultation; and
- 4 Our wider policy areas such as LSB strategy, ongoing competence, and technology where we are taking a more measured approach to our external engagement.

Much of our policy work is underway and we will flex our approach as described earlier to ensure that we can get the best out of each other.

Looking further ahead, we are also flexing the work on developing the next three-year strategy for the legal services market to consider how best to address the issues that the sector is likely to face when we enter the Covid-19 recovery phase. We will be turning our minds to considering the wider role that regulation might play in supporting economic recovery and reshaping services to better meet the needs of society and we will do that together with you.

We are also developing our own contribution to the Covid-19 response. Two early components of that response include:

- A fast track approvals mechanism for changes to regulatory arrangements that may become necessary as a result of Covid-19. This is in the process of being shared with all regulators and we expect it to be implemented very shortly. We have built on experience with preparation for no-deal EU Exit and colleagues will recognise elements of the new mechanism from that exercise
- We are beginning to build-up a set of common sector issues emerging from the crisis and we will continue to monitor the developing picture to ensure that we are able to support you as best we can in addressing regulatory challenges. Some emerging themes include:
 - a) Relaxation of some regulatory requirements such as on continuing professional development (CPD) requirements but also other regulations
 - b) Cancellation of exams with rescheduling or seeking alternative means of assessment
 - c) Deferring collection of practicing certificate fees
 - d) Areas of law where the current government guidance on social distancing and self-isolation, in particular, inhibits or prevents the delivery of legal services eg attendance to individuals in custody and in court, will writing requiring signatures witnesses; where wet signatures are required; where other in-person presence is required
 - e) Cancellation of events: rescheduling until later in the year or converting to online or teleconferencing.

We are encouraged by your rapid response to these and other issues and we are confident that pragmatic solutions will be found to ensure that consumers can continue to rely on regulation to protect their interests.

We will maintain contact with your teams and ensure that we share information swiftly to deal with any significant issues which may develop.

Finally, I have been very fortunate to have established relatively informal and very helpful discussions with some of you over the last few weeks. I would like to extend the opportunity to all Chairs and my office will be in touch over the next few days. I should add, however, that none of you should feel under any obligation to participate; but I would be delighted if you did.

I am sending a copy of this letter to your respective Chief Executives or equivalent.

Yours sincerely

A handwritten signature in cursive script that reads "Helen Phillips".

Dr Helen Phillips

Chair

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