

# Council Report

**3 June 2020**

## **Introduction**

This was Council's first full meeting conducted remotely in the light of the current pandemic, and was very successful in allowing Council members to hear about the Law Society's extensive activities in support of the profession and the public over the last months, and to ask questions in order to hold office holders and the chief executive fully to account.

## **Consulting on the practising fee**

Now more than ever, we are very aware that we are spending members' money to support the profession, firms and individual members through challenging times for the sector and society.

We are now consulting members about a £3 million reduction in our part of the practising fee for 2020-21. This is a 10% decrease.

The Law Society receives around 30% of the practising fee. The largest portion (around 70%) covers the total costs of the SRA, part of the costs of the Legal Service Board and the Legal Ombudsman, the full cost of the Solicitors Disciplinary Tribunal, and certain levies under the Legal Services Act. Although we propose to reduce our portion by £3m, proposed increases elsewhere will result in a flat practising fee overall.

Our planned reduction is part of a package of support which equates to approximately £4m. This is made up of a reduction in the PC fee by the Society, driving down our operating costs by £3m, along with free training programmes and additional free to access webinars and support to help members deal with the challenges they and their firms will be facing. It also includes targeted direct support with accreditation discounts for conveyancing and criminal members particularly suffering at the moment. We have fulfilled our public interest role too, financially supporting charities focused on access to justice.

We will keep this support and assistance under review as the impact on the profession becomes clearer.

## **Pandemic support for members**

Council were updated about the significant work undertaken to support members through the initial stages of the pandemic and to look forward and plan for "the new normal".

## **Legal Aid and financial support**

Council heard that our work has focused on discussions with the LAA, member safety and broader business support for the sector.

We lobbied the LAA resulting in changes including the pausing of audit activity, and

agreement not to enforce contract provisions affected by lockdown. Acceptance of digital signatures and additional time to submit applications has also been achieved. Ongoing dialogue has been underway to raise further issues.

Tackling the triple whammy of cashflow, loss of income and future sustainability for the sector has been a focus of effort. This includes pushing for a relaxed approach to the standard monthly payments and pushing for a reduction in business rates and a reversal of the 8.75% fee cut 2 years ago. We are also pushing for the restart of the CLAR consultation with an immediate focus on the “accelerated items” consultation that was paused in March, and a swift return to addressing sustainability.

### **Member safety**

Member safety in police stations and courts has also been a focus. We worked on a protocol to permit solicitors to attend police interviews remotely by video and phone, changes to codes of practice are now being developed. We are continuing to raise safety issues as part of our ongoing dialogue with the National Police Chiefs Council, HMCTS and others. We have influenced the HMCTS national risk assessment, and tool for individual court risk assessments. We have also created a tool for reporting complaints ([link](#)) which is now live.

### **Remote hearings in the civil and family courts**

Remote hearings by default must not become “the new normal”, especially in the absence of robust data about how well these are working for different users, e.g. vulnerable/protected parties and litigants in person. We responded to the President of the Family Division’s rapid consultation on how remote hearings are working in the family courts, and the separate Civil Justice Council rapid consultation asking the same questions in the civil courts. We have also written to the President of the Immigration Tribunal with concerns about the Practice Statement issued at the start of the pandemic; the Tribunal has now confirmed that they will take a flexible, case by case approach, and a new practice statement is expected imminently.

### **Conveyancing**

Government regulations and guidance have focused on the residential market and we have too. We worked to provide a draft clause and related guidance for use where clients had already exchanged when social distancing was introduced. We launched further guidance and information for consumers as the regulations were amended to enable the market to begin to reopen. We have been working across the market on all of this.

Our conveyancing support has been amongst the most visited pages on our website. We are now looking at what can be learned from the crisis such as how the use of electronic verification, electronic and digital signatures could assist the conveyancing process.

## Wales

Council was due to be in Cardiff this month, but it met virtually instead. A message from Jeremy Miles, Counsel General for Wales, was played highlighting the work of the Society and Council members in Wales and the Wales committee, providing real value to members in Wales. The message highlighted the Commission on Justice's report and plans for a Law Council which the society will be involved with. A pledge to collaborate to reinvigorate rural and post-industrial Wales as a legal centre in the UK was also highlighted.

Council member Mark Evans and Head of our Wales office Jonathan Davies highlighted the work undertaken recently, including support to legal business in Wales, noting that covid-19 has demonstrated the different jurisdictions and the impact this has.

### **The relationship between the professional body and the regulator**

The Law Society, the independent professional body for solicitors, and the Solicitors Regulation Authority, as the regulator, have distinct yet complementary roles. We have agreed that now is the time to establish the Solicitors Regulation Authority as a distinct legal entity within the Law Society Group. This will mean that both organisations can focus on our respective roles while working together wherever appropriate.

The new arrangement will not only be more effective but create more transparency for the profession and the public about our roles and responsibilities. We plan that this change will come into effect during 2020. Council agreed changes to the Law Society's General Regulations which will bring these proposals into effect and deal with a number of other matters where we need to comply with the requirements of the Legal Services Board's new internal governance rules for the Law Society.

### **Going digital**

The new Law Society Website is now live, and we will begin encouraging members to sign up to their new My LS account in July. This will offer tailored content based on your interests.

Council and committee meetings will continue to be virtual, in order to focus on the task in hand, supporting solicitors and the public as they deal with the crisis.

President Simon Davis, vice-president David Greene, and deputy vice president I. Stephanie Boyce will remain in their current positions until the AGM, which Council agreed should be rescheduled to October. It is hoped that it may be possible to hold this face to face, though obviously decisions will be taken nearer the time on this. Elections of the new deputy vice president will happen alongside the AGM. The process for nomination of new Council members will commence in June but the elections only take effect at the AGM.

Nominations for Council elections will open on 11 June.  
Notice of the date of the AGM will be published in  
advance as required.

Next Council meeting - 15 July.



**The Law  
Society**