

Chief Executive’s Report to Council – Part 1

Author: Paul Tennant, Chief Executive

**Classification - Public
Freedom of Information**

Not applicable as this paper is public

Summary:

My Part 1 paper includes information that members should be aware of and may share with their constituents. Where possible matters are included here to assist you in your role.

The Strategy and Influence briefing (appendix 1) is attached to provide you with background information on the broad range of activity and engagement being undertaken by the teams within the Society.

The Member Experience briefing (appendix 2) provides a brief overview of the work being undertaken within the Member Experience directorate.

My part 2 paper covers progress being made against delivery of our business plan which can be turned white after discussions and subsequently shared with members.

Recommendations / Conclusions:

This paper is for: information.

Assessments. This should be either a summary of what is in the paper (cross-referenced to the relevant paragraph), or, if the issues are very straightforward, a full statement of the relevant position.

Financial:	There are no financial implications arising from the paper.
Risk:	The plans in this report are covered by the Strategic and Operational Risk registers in place throughout the Law Society.
E D & I	ED&I implications are considered as part of all aspects of our work particularly around culture as creating an inclusive and proactive culture is an important outcome for the Law Society.
Organisational Values	Details of the ongoing work to embed our organisational values are included within the paper.
Consultation	Executive Leadership Team.

1. Key Activities

In addition to the briefings at appendix 1 and 2, I would draw members attention to the following points.

a. Governance

Meeting and Appointments

We continue to conduct governance meetings virtually in light of the Covid-19 pandemic. We are grateful to policy advisory committees and others, and especially to committee chairs, for adapting so well to the new ways of working. Appointment interviews for vacancies on the Policy and Regulatory Affairs Committee (PRAC) were also held virtually and successfully.

In May, Council agreed to defer the Annual General Meeting (AGM) to 15 October. This in turn determines the timings for elections for deputy vice president (DVP) and for Council members, since their terms of office are determined by the timing of the AGM. The DVP elections have already been advertised and there is a list of declared candidates on whom detailed will be circulated in due course. It is planned to hold hustings remotely on 1 September, with elections to follow. Council elections are also deferred, and the process of inviting nominations began in early June so as to avoid an unnecessary hiatus.

IGR Compliance Preparation

IGR compliance work continues. Revisions to the committee application forms, Council nomination forms, and induction training have been implemented. An audit of staff in relation to the dual role issue has been conducted and a similar audit is being conducted in relation to Elected and Appointed Members. Training is being developed for Council members and others, including senior staff, and the all-staff induction has been updated to ensure awareness across the organisation. A set of General Regulation amendments to implement a number of matters to do with IGR compliance was agreed by Council in June (this also included the changes necessary to implement the move of the SRA to incorporated sub-entity status, subject only to the agreement between the Law Society and SRA Boards of some outstanding finance, accounting, and tax matters). We have spoken to the LSB and submitted our regulatory arrangements alterations application, and we do not expect any issues to arise. The Chair will update Council in his feedback later in the agenda.

b. Public Affairs

In May and June, the Law Society and its campaigns were mentioned 17 times in Hansard and 32 times in social media accounts linked to parliamentarians on issues including:

- Corporate Insolvency and Governance Bill;
- Divorce, Dissolution and Separation Bill;
- Domestic Abuse Bill; and
- Counter Terrorism Bill.

In the past months, we have held high-level stakeholder engagement on our priority issues with the following Government and parliamentary stakeholders:

- Lord Chancellor, Robert Buckland QC MP;
- Justice Minister, Alex Chalk MP;
- Professional and Business Services Minister, Nadhim Zahawi MP;
- Future Relationship with the EU Chair, Hilary Benn MP;
- Shadow Justice Secretary, David Lammy MP;
- Shadow Attorney General, Lord Falconer;
- Lib Dem justice spokesperson, Daisy Cooper MP; and
- Chair of the Housing, Communities and local government, Clive Betts MP.

The President made written representations to the Lord Chancellor, the Chancellor of the Exchequer and the Housing Secretary on legal aid firms, business rates and access to justice matters.

The President gave oral evidence to the EU Services subcommittee in the House of Lords on legal services and the future relationship.

This work has raised the profile of our Covid-19 work and secured the outcomes set out in the Covid section of this paper.

c. Digital

Website

The new website has been live in beta since late February. In line with best practice, traffic has been built slowly, but now a link from the old site is shown to all visitors, encouraging them to try the new site. This includes a significantly improved search function, redesigned content and a new navigation based on research with members. The new site includes Junior Lawyer, In-house and Small Firms content and these community microsites are now closed. This will ensure all relevant content for these audiences is accessible in one place, improving the member experience.

My Law Society

My Law Society (MLS) and practice notes launched in beta in late May. This is currently being tested with members and will be fully launched in early July. We plan to encourage existing MLS account holders to set a new password. Many existing MLS account holders had not validated their status as a solicitor. The new approach has a much simpler registration journey, so we anticipate generating better data from these members as well as from those signing up to a MLS account for the first time. This data will enable us to present tailored content, making sure we show content relevant to members in the future.

Next steps

Once My Law Society is live and rolling out to members, we will then switch off the old website. We currently anticipate this will also be in July.

d. Learning and Development

The beta launch of 'Law Society Learning', our new Learning Management System (LMS), will continue over June and July. It's been released internally to Society staff, and the feedback received to date has been incredibly positive. The new LMS hosts completely new bite-sized eLearning modules, along with a fully digital risk and compliance accreditation. All content is also mapped to our new curriculum, which will make it easier for members to develop their own learning and professional development pathways. We've also been delivering webinars as digital alternatives to the face-to-face events that were cancelled due to Covid-19.

e. Policy Impact

Our policy work has been focussed on the impacts of Covid-19 for the profession and for the rule of law. We've continued to address the urgent issues, as well as looking forward to the longer-term impacts on members, their businesses, access to justice and the rule of law. Our business support work has focused on the accessibility of existing support measures for members and the need for additional measures to help members, not only to manage cashflow, but also reduce costs and / or supplement income. Successes include establishment of a part-time furlough scheme and extension of the period for which the furlough scheme will run. We've produced and contributed to guidance to support members with many aspects of running their business during the pandemic, including guidance on the return to the office and virtual execution.

We are starting to push the government for measures to help the longer-term recovery of the legal services sector. We are particularly concerned about the impact of the pandemic on the Legal Aid system and have been pressing officials and Ministers for urgent support for the sector, as well as progress on longer-term sustainability. We've contributed to several inquiries on the impact for the rule of law and access to justice, including the Women and Equalities Committee work regarding the impact on people with particular protected characteristics. We are seeking to influence the Government's evaluation of remote hearings, with a view to shaping future policy in this regard.

In addition to our Covid work, work on regulatory matters has continued, including influencing in relation to the SQE, engaging on the proposed economic crime levy, responding to publication of the Mayson report, and preparing to engage on the LSB's three-year strategy."

Conclusion

You can see from the above that there has been a great deal of activity across the organisation during the past month, and we will build upon this as we move into the third quarter.

Recommendations

This paper is for information and discussion.

Appendices

1. Chief Executive's Report to Council on Strategic Insight and Influence – Part 1
2. Chief Executive's Report to Council on Member Experience – Part 1

COUNCIL
15/07/2020

Part 1, Appendix 1 - Chief Executive’s Report to Council on Strategic Insight and Influence

Author: Louise Hanson

**Classification - Public
Freedom of Information**

Not applicable as this paper is public

Summary:

This paper provides an update on activities across the strategic insight and influence directorate, including an update on:

- Brand and Communications
- Policy
- Public Affairs and Campaigns
- Futures and Insight

Recommendations / Conclusions:

This paper is for: noting

Assessments. This should be either a summary of what is in the paper (cross-referenced to the relevant paragraph), or, if the issues are very straightforward, a full statement of the relevant position.

Financial:	There are no financial implications arising from the paper.
Risk:	This paper provides an update only on current activity.
E D & I	Inclusivity has been raised as an issue within the SQE. No other issues were raised in this paper.
Organisational Values	This paper focuses on clarity and excellence to provide Council with a detailed update on how we are working to achieve success, including information on what we have been working on and how successful we have been.
Consultation	Senior members across the Public Affairs, Policy, Futures & Insight, and Brand & Communication teams.

Introduction

This paper to Council provides an update on activities across the Strategic Insight and Influence directorate during the period from May onwards.

We continue to focus on the priorities established by Council in last year's business planning process. To that end we created plans to prioritise eight themes of work:

- Access to Justice and the Rule of Law
- Role of the Profession, Reputation
- Technology
- Civil Justice
- Regulation
- Brexit and the International Rule of Law
- Role of the Profession, AML
- Property

We have used these themes as headings to help Council identify how our activities are leading to outcomes on the agreed priorities. By the time Government announced their lockdown on 23 March we had established a Covid-19 Steering Group to develop a strategy to deal with the business and member impacts of the pandemic. The focus for many of the existing policy themes shifted to reflect the impact of Covid-19 on that particular issue.

Access to Justice and Rule of Law

Covid-19

Our access to justice work on the pandemic has focused on member safety and business support. We have seen several positive moves in relation to member safety. The protocol to ensure our members' safety in the police station has now been embedded in the Police and Criminal Evidence Act codes, to give the protocol added force. Courts are now required to complete and make available to users a "risk assessment" explaining how they have ensured their premises comply with Public Health England requirements. We are now working with HM Prisons and Probation Service on how face-to-face prison visits can be safely restarted, and with the judiciary and other stakeholders on increasing the number and type of face-to-face hearings that can be held in the courts.

We are monitoring the longer-term effects of the pandemic on access to justice and the rule of law, and have so far contributed to inquiries by the Women and Equalities Committee on the impact on people with protected characteristics under the Equality Act, the Housing, Communities and Local Government Committee on homelessness and the private rented sector, and the Joint Committee on Human Rights inquiry on the human rights implications of the Coronavirus Act 2020.

We have also written to the relevant government departments to clarify the circumstances under which changes to the Mental Health Act 1983 would come into force, and to raise concerns about the stripping back of important safeguards for vulnerable children in the Adoption and Children (Coronavirus) (Amendment) Regulations 2020.

Covid-19 business support

Our business support work on the pandemic has focused on ensuring that the government support measures offered to firms are easily accessible and meet firms' needs to manage cashflow, reduce costs and / or supplement income. In addition, we have focussed on engaging with government to ensure that barriers to conducting transactions and ongoing work are minimised to ease income pressures on firms.

We have had numerous successes in relation to business support. The Government accepted our request for a new loan scheme to be made available for firms whose turnover exceeds £45m and are unable to access the Bank of England Covid-19 scheme. In response to our lobbying, the British Business Bank reduced its restrictive security criteria by not seeking guarantees for loans less than £250,000 and not taking security over an applicant's primary residence for larger loans.

On employment issues, the Government confirmed its extension of the furlough scheme, following our representations that it should be extended to support firms' cashflow during the lockdown. In addition, our request for a part-time furlough scheme was accepted and will be implemented from 1 July 2020. We also engaged with government on its return to the workplace guidance. To support members, we have produced guidance on furloughing and returning to the workplace, and are updating our guidance to reflect the part-time furloughing announcements.

Following our representations, we were pleased that the Land Registry announced that it was willing to accept Mercury signatures, and we engaged with the Land Registry, MoJ and SRA on additional guidance to supplement our practice notes on electronic signatures and virtual execution.

Unfortunately, on certain crucial issues (relating to legal aid firms and business rates in particular) we have not seen the further support from MoJ that we had argued for. As a result, we have stepped up our communications activity criticising the failure to provide support. This has focused in particular on pushing back against the use of misleading figures the MoJ has cited of claimed "support" that is available to legal aid firms. Elements of the advice deserts and criminal justice campaigns are being brought to this work to underpin the case that urgent support is needed. We continue to seek allies across Government and Parliament to put pressure on the Cabinet to act.

We lobbied on behalf of fee-paid solicitor judges, who had their sitting days stopped, but without any compensation for the loss of income this caused. As a result of our lobbying, the Government introduced a hardship scheme to provide financial support to those worst hit.

Criminal and Civil Legal Aid

One of the things we have pushed for in the context of the support legal aid firms need during the pandemic is the restarting of the pre-existing Criminal Legal Aid Review and work on civil sustainability. On 10 June, the MoJ announced a closing date for the consultation on the "accelerated items" under CLAR of 17 June. We submitted a short supplemental response to reflect the changed conditions.

We have had an initial meeting with officials to discuss how work on both CLAR and civil sustainability can be progressed.

We have engaged with the LAA on a number of changes resulting from, or accelerated by, the pandemic. Two controversial issues have been the introduction of a new fee to cover

work required by new processes in the immigration tribunal, and the decision to transfer the assessment of most legal aid bills from the Courts to the LAA. We consider the immigration fee inadequate, and have been liaising with the Tribunal, the LAA and other stakeholders to try to find a satisfactory solution. On the assessment of bills, we are challenging the lack of independence in a process where the paymaster determines what they consider a reasonable payment to be.

We were also able to influence government guidance to unrepresented applicants for domestic abuse injunctions, initially published without any mention of legal aid or of the additional support needed by those living in “lockdown” with their abuser and HMCTS updated the guidance in response. We continue to press for non-means tested legal aid for victims of abuse and greater flexibility around the evidence requirements.

The stay on possession hearings has been extended until the end of August, and the Law Society is currently in talks with the relevant bodies about making legal aid available for tenants once hearings restart.

HMCTS

The Court Service is conducting an evaluation of the rapid roll-out of technology as a result of the pandemic, with a view to learning lessons for the future both in dealing with any future emergency situation and in terms of which of the changes should become permanent. We are on a working group overseeing the evaluation.

Criminal Justice campaign

The Government review of RUI is likely to be on hold as a result of the pandemic.

International Rule of Law and Human rights

Our International Rule of Law work has continued during the Covid-19 crisis, and our international human rights policy adviser Marina Brillman has:

- drafted a statement on Egypt, which was delivered before the UN Human Rights Council at the adoption of Egypt’s Universal Periodic Review (UPR) report (to which the Law Society and TIMEP contributed with a joint stakeholder report);
- contributed to the CCBE Human Rights Award 2020 nomination for five Egyptian lawyers who are currently detained;
- worked on the outline for the research project on mass trials, to be carried out with Reprieve, IBA Human rights Institute, Law Society, and Guernica 37 International Chambers;
- collaborated on a UPR report on Nepal, jointly with Nepalese organisation COCAP;
- submitted input to Amnesty International’s paper on an HRD strategy, to be presented to the FCO; and
- contributed to the Azerbaijan report for the CCBE on potential admission as an observer.

Justice in Wales

Our response to 'Making Justice Work In Wales' welcomed the Thomas Commission's long-term vision for the future of justice in Wales and noted that as the body of Welsh law grows, it is important that due consideration is given to the distinct needs of the Welsh public and the legal profession in Wales as they seek to ensure their businesses remain vibrant and sustainable going forward.

The overarching recommendation of the Thomas Commission is that justice be fully devolved to Wales. The Law Society therefore reasserted its belief that any further devolution of justice functions to Wales must be accompanied by an adequate commitment to funding from UK Treasury (i.e. a full Barnett consequential of spending in England) and meaningful intergovernmental collaboration with the legal sector to ensure its success. The ability of solicitors in Wales and England to practise across the border must be maintained without restriction, and the current single regulatory framework for solicitors across Wales and England should be preserved. The Law Society is also concerned with promoting the single jurisdiction on the world stage and the reputation of Wales and England as a global legal centre, whilst recognising the unique circumstances of Welsh law.

The Law Society therefore called for a holistic, coordinated and non-partisan approach to system planning and delivery; one hitherto impeded by the jagged edge of Wales' devolution settlement and political impasse.

The response also highlighted the impact on justice in Wales of legal aid deserts and of the unprecedented pace and scale of court closures. As at March 2019, Wales was home to 27 active HM Courts and Tribunals Service sites, down from 43 in 2015, while the number of magistrates' courts fell from 36 in 2010 to 14 in 2018.

Role of the Profession

Judicial Diversity and Solicitor Judges

In May, we successfully held the first on-line Pre-Application Judicial Education (PAJE) workshop. PAJE is a joint initiative with the Judicial Appointments Commission, the MoJ, the judiciary and the professional bodies to provide practical support to applicants for judicial office from non-traditional backgrounds. Applicants have access to online materials and attend a series of four workshops. Lockdown was introduced part way through the Spring series of workshops. There was significant doubt as to the practicality of holding the event online, but thanks to sterling work by our policy and web teams, along with the presenters, we were able to hold it, and got very good feedback from presenters and attendees.

Technology and the law

We are analysing the LawTech section of the Mayson report and Simon will participate in a roundtable discussion on this theme led by Mayson and the LSB.

COVID App and LawTech adoption

We have engaged with the Centre for Data Ethics and Innovation (CDEI) and the Information Commissioner Office (ICO) on the track and trace Covid-19 App and test and trace protocol. We are writing to Sir Jonathan Montgomery offering support from our subject matter experts.

We have published an OpEd in the Times support of the LawTech Sandbox (led by the LawTech Delivery Panel) highlighting the importance of technology for business continuity during lockdown.

Cybersecurity campaign

As part of our Covid-19 response, we developed a new campaign on cyber security and business continuity.

This campaign is in support of the Home Office and National Cybersecurity Centre's #cyberaware campaign. We launched our campaign following the Home Secretary's reports that cases of fraud and scams have increased significantly since lockdown.

The aim of our campaign is to:

- help prevent fraud in the legal sector and keep consumers safe (in the public interest);
- help members safely deliver legal services online; and
- help members embrace the use of legal technology to adapt to change.

Campaign materials are available [here](#), and include online training for members through a series of webinars, sixty second tips videos and our [cybersecurity toolkit](#). The materials received over 800 views through Professional Update in the first few days.

LawTech and Ethics

A virtual roundtable took place to discuss the draft report on LawTech and Ethics. It was attended by senior representatives of Norton Rose, Hogan Lovells, Clifford Chance, Luminance, Thomson Reuters and the World Economic Forum, and chaired by the President. The group agreed that a set of principles on LawTech and practice was needed and that the Law Society would be well placed to take this work forward. We will soon be presenting a discussion paper on LawTech and ethics to PRAC.

Technology in Wales

The TLS Wales Office has submitted a proposal to Welsh Government to establish a LawTech Sector Group in Wales. The reason for doing so is to ensure work in this area provides members with effectively planned and delivered LawTech solutions across the sector in Wales.

It is the hope that a newly established LawTech sector group for Wales, potentially hosted by TLS Wales, could tackle impediments to, and identify catalysts for, growth. This will lead to:

- increased technological innovation in the legal sector;
- further promotion of the use of Welsh law and the jurisdiction of Wales and England;
- ensuring ethical issues surrounding LawTech are fully considered;
- providing opportunities to legal professionals to learn about and use LawTech in their work; and
- promotion of electronic dispute resolution.

Civil Justice

In April, the MoJ announced, following extensive lobbying, that the reforms to whiplash claims and changes to the small claims limit, then scheduled for implementation on 1 August, would not be implemented until at least April 2021.

Work in this area has largely focused on monitoring the impact on members of the pandemic and identifying areas where lobbying or support is required.

Regulation

Mayson Review

On 11 June, Professor Mayson published a report '*Reforming Legal Services: Regulation beyond the echo chambers*', following a two-year independent review into the regulation of legal services in England and Wales.

The report concludes that the legislative framework under the Legal Services Act 2007 is outdated and not sustainable in the long-term, and proposes long-term recommendations for the reform, as well as short-term solutions that could be considered under the current framework.

Key long-term proposals include:

- a. A single, sector-wide regulator of legal services to replace the LSB and other frontline regulators.
- b. The single regulator to set the conditions for the award and removal of titles, but the professional bodies would confer or remove titles.
- c. Professional bodies able to promote and maintain higher professional standards than the minimum required by the regulator (subject to some constraints from the regulator).
- d. A full separation between the regulator and representative bodies.
- e. Title no longer the only route for entry into legal services regulation and delivery of high-risk legal services (currently reserved activities).
- f. All legal providers regulated to different levels depending on the risk to the public, determined by the regulator (before the event, during the event and after the event authorisation).
- g. Reserved activities reviewed and replaced with a requirement for prior authorisation open to all individuals meeting authorisation conditions, beyond the current title holders, and possibly scaled down to only advocacy and litigation.
- h. The Legal Ombudsman Service (LeO) to expand to all legal service providers authorised by the regulator.
- i. All professional titles to have the benefit of statutory protection.
- j. Professional privilege to be extended to those providers who are subject to before-the-event authorisation or during-the-event authorisation.

In response to the growing demand for legal services as the result of the Covid-19 crisis and the prospect of increased use of unregulated providers, Professor Mayson also calls for more immediate short-term solutions such as:

- The LSB to create a public register of unregulated providers delivering paid non-reserved activities. The LSB should also decide if any regulatory arrangements (under section 21 of the LSA) should attach to those who are registered.

- The jurisdiction of LeO to be extended to complaints against unregulated providers on the LSB register on the same basis as authorised providers.
- The registration scheme to exclude immigration advice and services, since all non-regulated immigration practitioners under the LAS 2007 are already regulated by the Immigration Services Commissioner.
- Paid McKenzie Friends to be subject to the registration scheme. The question of whether they should be given permission to address a court on behalf of a litigant should remain subject to judicial discretion and oversight.

Professor Mayson submitted the report to the Lord Chancellor, the Competition and Markets Authority, the Legal Services Board and other frontline regulators. However, the Ministry of Justice has recently indicated it has no appetite for a review of the Legal Services Act 2007.

In response to the report, we issued a press release arguing that in the current climate, legal services firms need more support, not the wholesale review of regulatory framework. We have also published a summary of the report's key findings and recommendations on our website.

We are engaging with PRAC on the report and any potential implications as well as engaging with wider stakeholders in the coming months.

LSB strategy

Prior to Covid-19, we had been engaging with the Legal Services Board (LSB) on the work they are doing to develop a three-year strategy for the legal services market (as opposed to a strategy just for the LSB). Due to Covid, this work was put on hold, but the LSB are now looking to re-engage with stakeholders over the coming months. The LSB's intention is to develop the strategy over the summer/autumn and then consult on it at the end of the year. We will be engaging with the LSB over the summer period, as this will be a good opportunity to help shape their early thinking. The LSB are looking for stakeholders to address the following questions:

- i. What excites you about the legal services landscape over the next, say, three years or so?
- ii. What worries you about the next three years? What are the big challenges still to be overcome? Who should be taking the lead on those challenges?
- iii. If you could change three things in the next three years what would they be?
- iv. What are you doing about these issues?
- v. How can we help and where can we work together?

We are working with PRAC and wider members to develop our position paper addressing the LSB's questions which will form the basis for our engagement with the LSB. In addition to stakeholder engagement, the LSB will be publishing a 'State of Nation' report in the autumn, which will be based on current evidence, assessing the conditions of the legal market to help inform the strategy.

LSB work on reserved activities

On 4 June, the LSB Board agreed for the LSB to undertake preliminary work to explore the potential for a review of reserved activities. The work is undertaken in the context of the development of the new strategy for the legal sector and looking at what further reform is possible using LSB's existing legislative powers.

Under section 24 of the Legal Services Act 2007 (the Act), the Board may recommend to the Lord Chancellor to add any legal activity to the activities which are currently reserved. Under section 26 of the Act, the Board may recommend that an activity should cease to be a reserved legal activity. However, a removal of any of the current reserved activities would require primary legislation.

In 2013, the LSB recommended to the Lord Chancellor to add will writing to the list of reserved activities, but the proposal was rejected by the Ministry of Justice (MoJ). The LSB will be holding exploratory discussions with the Ministry of Justice and the CMA in the coming months with a view to securing the resources necessary to undertake the review. The LSB will be looking to consult on proposals for undertaking the review in their annual business plan at the end of the year, with a view to the LSB Board making a final decision in March 2021.

SRA business plan

The SRA has published a consultation on its Business Plan 2020-21 and budget with a response deadline of 26 August. In addition to the SRA's core work to protect the public and deliver effective regulation of law firms and solicitors, key areas of work set out in the 2020-21 business plan include:

- the planned introduction of the Solicitors Qualifying Examination;
- responding to the implications of the Covid-19 pandemic for the legal sector;
- increasing monitoring of anti-money laundering arrangements;
- understanding and supporting the adoption of technology in the legal sector;
- supporting the legal sector through the transition toward the UK's EU exit; and
- establishing an SRA office in Wales.

The consultation on the business plan takes place, in part, alongside the Law Society Group consultation on the level of the practising certificate fees for 2020/21, which runs until 10 July 2020. The SRA has therefore encouraged responses on the budget component of the business plan prior to 10 July. As part of this consultation, the SRA is also asking for views on its proposed principles for managing its Compensation Fund. We will be working with PRAC and wider members to respond to the consultation.

Economic Crime levy

Whilst attention has been on Covid-19-related issues for the past few months, we have continued our engagement with HM Treasury on the proposed economic crime levy. We have been pushing the Government to delay the publication of the consultation (which was intended to be published in the Spring) due to the impact of Covid-19. We are pleased that they have listened to our concerns and have delayed the publication until mid-July. We expect the consultation to run for at least three months.

As part of this, HM Treasury have been hosting sector specific roundtables with all the sectors that are due to be covered by the levy to help understand some of the sector specific issues associated with the development of the levy. Officials held the legal sector roundtable in early June with representatives from the Law Society, Bar Council, and Law Society for Scotland. Discussions focused on:

- the issues around the appropriate metric for setting the levy, with a particular focus on revenue;

- the best way to account for AML risk, looking at the number of SARs, the National Risk Assessment (NRA) or supervisor's risk assessment as potential measures; and
- the issues associated with introducing an exemption for small firms from paying the levy.

We will be using the consultation period to fully engage with members and ensure all firms are given the opportunity to feed into the development of our formal response.

Brexit and the International Rule of Law

Brexit

Negotiations on the future EU-UK relationship are ongoing but have been seriously impacted by the Covid-19 pandemic. The legal text of the EU proposal has been made available as have some of the UK texts. The Law Society has analysed the negotiation texts. The areas that the Law Society has been working on include legal services and mutual recognition provisions, level playing field, intellectual property rights, criminal justice cooperation.

We have submitted responses to the European consultations on the rule of law and we have been actively participating in the CCBE AML Committee.

We are pleased with the UK Government's ambition on mutual recognition of qualifications, but cannot give a holistic appraisal of the negotiating position until we have sight of the relevant annex dealing with legal services and any limitations (e.g. reservations) which individual member states may include in legal services. In previous free trade agreements, there have been a number of significant reservations on legal services which could create barriers for our members operating or seeking to operate in some EU countries. As there is a possibility that no future partnership agreement is agreed between the UK and EU, we are putting together plans to support the profession when it is more apparent whether an agreement will be forthcoming, and if so, its nature.

We have regularly briefed on the Private International Law Bill as it passes through the Lords, leading to several Hansard mentions. We are currently working to explore how the Lugano Convention and Hague Conventions will interact if the UK's application to accede to the Lugano Convention is accepted by the other parties. The President gave evidence to the House of Lords EU Services Sub Committee on the UK-EU negotiations on professional and business services, where he raised our priorities for legal services and the importance of the Lugano Convention.

In Brussels, we are working to highlight the benefits of the Lugano Convention to the EU institutions, EU member states and EU consumer / business representation groups, through a series of meetings and briefings. We remain concerned that if negotiations break down on the free trade agreement, other issues such as the Lugano Convention could also be sidelined. More broadly, the Brussels Office seeks to engage with EU stakeholders to gather intelligence on their views on our priority asks.

The negotiations will continue over the summer, both the EU and the UK have agreed to five negotiation weeks to continue from June. It is unclear at this point whether the negotiations will be on the politically contentious issues (level playing field, fish, governance and overall architecture of the agreement) or whether the negotiations can switch their focus onto details of the agreement. Without high level political intervention and concessions from both UK and EU sides, it is hard to see much progress being made.

International market access

Our international workstream has now largely pivoted to a digital focus due to the ongoing pandemic. We have seen TLS representation in online conferences in key target jurisdictions, most notably Russia, and digital strategy roundtables with members in Africa and the Ukraine.

We have been working closely with colleagues in government, in light of trade negotiations with Japan, to identify major barriers and key asks for a future free trade agreement. While not all barriers currently facing members in Japan can be addressed by an FTA, this has provided us with an invaluable opportunity to discuss these issues with our counterparts in Japan and raise awareness of the practicalities of doing international business.

The UK Department for International Trade released its public bundle on the UK's approach to negotiating with Japan on 13 May, available online. We are glad to see that professional services, particularly legal services, are specifically mentioned. The bundle further notes that "an FTA with Japan could allow professionals to move more easily and support recognition of professional qualifications, for example in accountancy and the legal profession."

We have also signed a confidentiality agreement with the Department of International Trade so that our International team obtains access and visibility on key negotiation documents in relation to non-EU FTA work.

Global Legal Centre

Global Legal Centre campaign messaging and targeting continues to be redeveloped to adapt to the way in which the courts and legal services are operating during Covid-19. We are currently gathering evidence to allow the campaign to continue during the pandemic, focusing on the speed in which the jurisdiction has adapted, and centred on the reliability and continued functioning of relevant UK courts and arbitration. This is aided by regular contact with the Ministry of Justice campaigns team, as well as other stakeholders such as the Bar Council and Chartered Institution for Arbitration.

Our international promotional activities have been significantly impacted by Coronavirus with the cancellation of English law days/weeks scheduled for the rest of the year. We are looking at developing digital content to complement our offer while also working on the translations in Mandarin, Russian, Arabic, Spanish and French of our updated (December 2019) Jurisdiction of Choice brochure.

After much debate, the UK government has applied to join the Lugano Convention on recognition and enforcement of judgment which was a key ask from the Law Society. The three participating EFTA Member States have indicated their support but the EU now needs to agree which will be a challenge due to the perception in some quarters (and which we dispute) that the Lugano Convention is a Single Market instrument.

Ongoing TLS activities

Brand and communications

Member Communications and website

We have begun communicating with existing My Law Society account holders about the switch to the new My LS. We are working toward switching off the old site by the end of June and will then begin a wider campaign to encourage registration. The new My LS dashboard presents information based on members' chosen interests.

The PC consultation is now live and runs until 10 July, the results will be reported to Council. Law Society messaging has emphasised our reduction in our part of the fee and references our wider Covid-19 support package. Our Covid webpages have nearly hit 500,000 pageviews as of 15 June.

Futures and Insight

Member Survey

The results of this year's Annual Member Survey were shared with the Board in May. Twice as many members claimed that they would be 'very likely' to speak positively about TLS (driving an uplift in our Net Promotor Score). However, overall satisfaction in 2019 was 46% (an 8% reduction from 2018) and has slipped back to the level last recorded in 2016.

Surveys to inform our COVID-19 response

During March to June 2020 the Futures and Insight team have conducted surveys with the 50 largest firms, the next 250 large domestic firms, small firms (with less than 4 employees), those with protected characteristics (D&I), and with the largest in-house legal departments to gain insights covering the whole profession. In total over 1,000 responses were received. Findings have been used to inform the work of the Covid-19 steering group which coordinates the response of teams across the organisation. In early June, we went out with a Pulse survey to gauge the satisfaction of members with our activities on their behalf during the pandemic. Full results will be available later in July.

Other projects

We are carrying out two key pieces of work on diversity and inclusion. The first is an update of a report we published in 2016, which will provide analysis of the profile of the solicitors' profession. The profile will be updated based on 2019 MI data (as reported in the 2019 Annual Statistics Report) and survey data. The updated report will also include a section on marital status and civil partnerships, not previously reported on.

Second, we have commissioned research to investigate the career experiences of BAME solicitors working in the legal profession. The study will set out the current state of play and context, looking at the evidence around diversity gaps and the potential contributing factors to this. The analysis will also summarise how government, regulatory bodies, legal firms, universities and support organisations are coming together to make BAME diversity and inclusion happen in legal firms and the support that is currently available. The review will be

informed by a series of virtual roundtables during the summer to ensure recommendations for action are practical and will lead to genuine change.

In-depth research with the largest 50 law firms has been completed and was shared back with participants in June. This will facilitate ongoing engagement with this segment of our membership. The research explored engagement with and perceptions of the Law Society, firms' priorities over the next three to five years and interest in the Law Society's seven themes of work. *Future Worlds 2050* has completed the desk research phase examining the multiple factors / drivers of change impacting society and the provision of legal services over the next 30 years.

We are now completing phase two which consists of carrying out 50 interviews with leading experts to build a plausible picture of the world in 2050 and, within that world, question the changing role of the law, of legal services and modes of service delivery. This will enable us to explore the associated implications in the nearer term for our members and for the Law Society to inform a strategic approach to preparing for change.

Horizon Scanning remains an ongoing activity and is currently focused on topics including: ['The Future of...'] Trade; Data; Payments, The Company; Privacy; Government; Collaboration. The intention is to compile findings into short reports to share and discuss with a range of stakeholders. The next report to be published will be on Digital Transformation and will provide an overview of the future of digital business. At present scanning is being run in parallel with a PESTLE (political, economic, social, technological, legal and environmental) analysis of the impacts of Covid-19 and how emerging signals of change might play out differently on the back of the current pandemic.

Publications

Findings from the [2019 PC Holder Survey](#) have been published, reporting on the use of technology, health and well-being, access to flexible working, workplace culture, social mobility and earnings. A supporting [technical report](#) was also published with details on how an online approach was trialled, to test response rates and to identify any potential response bias between online and telephone approaches. The LMS [Financial Benchmarking Survey](#) has also been published, providing insight into firm finances and guidance on how firms can use their accounts data to improve financial performance.

Part 1, Appendix 2 – Chief Executive’s Report to Council on Member Experience

Author: Louise Hanson

Classification - Public Freedom of Information

Not applicable as this paper is public

Summary:

This paper provides an update on activities across the Member Experience directorate.

Recommendations / Conclusions:

This paper is for: noting.

Assessments. This should be either a summary of what is in the paper (cross-referenced to the relevant paragraph), or, if the issues are very straightforward, a full statement of the relevant position.

Financial:	There are no financial implications arising from the paper.
Risk:	This paper provides an update only on current activity.
E D & I	ED&I considerations form part of all our reviews of products and services, as we aim to make these accessible to all our members.
Organisational Values	This paper focuses on clarity and excellence to provide Council with a detailed update on how we are working to achieve success, including information on what we have been working on and how successful we have been.
Consultation	Senior members of staff across the Member Experience directorate.

Introduction

The Covid-19 pandemic has impacted our ability to deliver certain services and the income associated with those services. However, across the board, the teams have adapted, seizing opportunities to work differently, support members in alternative ways and reduce costs.

Member Experience Transformation programme

- Testing of the Beta version of the new website continued throughout June and the full launch of the new site expected in early July.

Member engagement

- To provide our members with appropriate and timely support throughout the Covid-19 pandemic, we needed to engage with members directly to understand their needs. Since 10 March 2020, we've had direct engagement with thousands of members via traditional routes, such as our support centre, practice advice and relationship management teams, as well as our elected and appointed members and office holders, but also in new and interactive ways.
- We've surveyed more than 1,000 member firms from large to small, in-house departments to sole practitioners to understand the challenges being faced by different segments of membership, and have engaged with those members about our responses. We have established response teams responsible for member enquiries and collaborative policy and content production, and we've engaged with expert members to develop policy in a responsive and agile way.
- The insight we've gained directly from members has enabled us to confidently identify priority issues affecting our members, understand our members' needs and proposed solutions in relation to those issues, speak with authority when influencing, with the weight of the evidence behind us, and bring issues to life for key stakeholders, with statistics and direct member experience at our fingertips.
- On Wednesday 10 June we issued a pulse survey to those members involved in the segmented surveys, to assess their views of the Law Society's response to Covid. This survey closed on Wednesday 24 June and the results are being analysed.

Events

- The Events, Learning and Development, Marketing and Commercial Sales teams have been working hard to create and produce an online offering for members in lieu of face-to-face events.
- 34 live online events are scheduled to run before the end of July; as of 16 June, 3,600 delegates had registered to participate with an average of 68% conversion rate from registered to live views. 8 podcasts have been created from cancelled face-to-face events.
- Presenters and attendees have commented on the increased quality of outputs, as the new platform being used (Law Society Learning) enables more interaction between presenters and attendees
- The Junior Lawyers Division will run the first virtual conference, replacing their annual conference, on 20 June.

The professional body for solicitors

- The Excellence Awards will be moved online and run as a series of ceremonies over a week. Submissions have decreased this year, and we have extended the deadline until the end of June to encourage more entries.
- Given that planning for Q4 events needs to start now, we have decided that, unless anything significant changes, we will not plan to run any face-to-face TLS events for the rest of 2020. This is partly because we don't know what social distancing rules will be in place but also because we don't anticipate an appetite from members to attend group gatherings for the remainder of this year.

Learning & Development

- Law Society Learning, the Learning Management System that will form a key part of our new members' education offer, was launched in early June to Law Society staff. We will have a series of launches across June and July to increasing numbers of key committees and members. All content – comprised of newly designed bite sized e-learning modules and a new, fully digital individual risk and compliance accreditation – will be free to members to road test throughout our beta period.

Accreditations

- Member communications regarding discounts to Criminal Litigation, Conveyancing Quality Scheme and Lexcel accreditations (to support members in the wake of Covid-19) went out on 10 June. As at 18 June, the team has granted more than 50 refunds to firms and individuals who qualify for the discounts but had already paid the full fee. We have also granted 330 extensions and successfully completed over 200 remote Lexcel assessments, gathering positive feedback from accredited firms.
- We have been working with training and assessment providers to move to remote training and assessment. This will ensure that members are able to continue undertaking the requisite training to apply for accreditation.

Gazette

- In July, the Gazette print edition will be ditching its plastic cover and moving to environmentally friendly paper.

Publications

- We re-opened the bookshop on 18 May. Marketing is focused on informing customers that we have reopened and on selling our backlist titles.

Corporate Income

- Overall, we are tracking closely to reforecast 2.
- We are doing better than expected on Forms income, thanks to more active client management.
- We successfully retained all our commercial client relationships throughout the crisis and, therefore, continue to exceed forecast.

The professional body for solicitors