

Interim Chief Executive's Report to Council – Part 1

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**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 purpose of this report is to highlight specific issues/challenges we have addressed during Q1 (November 2021 – January 2022) and includes highlights from the Membership and External Affairs Directorate, a more detailed summary can be found in annex 1 of my part 2 CEO report. The highlights within this report enable Council Members to share the information more widely with their constituents. The Strategic Litigation Group update can be found in annex 1.

I would like to highlight a huge success by staff and members who were involved in two major consultations which the Ministry of Justice (MoJ) has recently announced - Criminal Legal Aid Review and the Means Test. I am immensely proud of the work that has gone into this and the collaborative effort between staff and our members. A more detailed summary can be found in section 1.2.

A major achievement in Q1 has been the Council and Board approval of the significantly delayed 2021-22 Business Plan and we are already working hard to ensure that the 2022-23- and 3-year plans are approved by Council and Board well before the end of this financial year. In addition, Council and Board have approved an updated Reserves policy.

Overall, the 1st quarter has been extremely challenging for the organisation with continuing change and uncertainty, as a result of Covid, affecting work patterns and recruitment. We were hopeful that we had now entered a period of stability with phased introduction of hybrid working arrangements. However, events in Ukraine have rightly commanded a significant proportion of our time in recent weeks. I am very pleased with the overall commitment by staff to embrace so much change albeit there is still much to do. I also think we have taken steps to build better relationships with both Council and Board and develop a more collegiate working relationship.

Recommendations / Conclusions:

This paper is for: discussion and noting.

Assessments	
Financial:	We have delivered a solid start to the 2021-22 financial year, and we expect to remain on track to achieve the full year Budget. We have implemented the first part of our new financial system and are now addressing the expected teething problems. We are still a long way from being the well-oiled machine that we would wish for, but we are heading in the right direction.
Risk:	There are significant risks in the operating environment for the Society. Where relevant they are highlighted in the paper.
ED&I	ED&I implications are considered as part of all aspects of our work and a number of specific matters are highlighted in this paper.
Organisational Values	Our values are reflected in each part of this paper.
Consultation	The Executive and Leadership Team have contributed to this paper.

1. Headlines

1.1 Ukraine Response

The Russian invasion of Ukraine, which began on 24 February after months of tension and a lengthy military build-up, has rightly dominated media and political attention across the world and, of course, in the UK. It has prompted a range of new sanctions, new legislation and the active consideration of new legal measures by the UK government on other issues that are associated with the activities of Russian interests in the UK. Of particular concern for the Law Society has been criticism of the profession and the negative association of our members and Russian clients, past and present.

This is a complex and fast-moving situation that involves our role as a leading international law society, our role in informing our members of new regulations, our relationship with government and our mission to defend the rule of law and our members interests, and the reputation of our profession.

Council members have been informed separately of:

- Our response to the unlawful invasion of Ukraine and communication with Ukrainian lawyers
- Defending the reputation of the profession – accusations of ‘professional enablement’ and SLAPPs
- Our response to the new UK sanctions regime and other government actions
- Our response signposting our members to pro bono support for Ukrainians and other philanthropic initiatives
- Our response in support of lawyers at risk.

We will continue to monitor the situation closely and support as we are able those directly impacted by the conflict and members.

A more detailed paper will be discussed under item 22 on the Council agenda.

1.2 Legal Aid Announcement

The Ministry of Justice (MoJ) has launched two major consultations. The first is on the back of the Criminal Legal Aid Review. The MoJ has agreed to implement a 15% increase almost across the board, as well as agreeing to structural changes to fee schemes that we have been pressing for, an advisory board, and some provisional ideas for grants for solicitors to take on trainees and to seek higher rights of audience.

The second is in relation to the means test. Four years ago, we commissioned Professor Donald Hirsch to report on the extent to which the means test failed to support those in poverty. On the back of his report, we persuaded the MoJ to undertake a review of the means test. We have been extensively engaged in that process, discussing details of how the changes might operate. The outcome is that not only have thresholds and allowances been substantially increased – in some cases more than doubling – the MoJ has also underpinned the changes with a philosophical approach of ensuring that the test is linked to objective measures of poverty.

It is the first time in very many years that the MoJ has talked about legal aid as something to invest in rather than something to be cut, or to be grudgingly funded in the face of threats from the Bar and we should be very proud of the long term pressure and campaigning the Law Society has led to get us to this point. Obviously, we have not got everything we want. On the

criminal legal aid proposals, we would have preferred an increase in rates immediately, rather than only later in the year after the consultation process. On the means test, we would like to have seen more passporting of those on Universal Credit, and more areas of law made non-means-tested. But overall, the two packages represent a very significant improvement. It is all the more impressive a result when you consider the broader political and economic environment we are currently working in.

This has been a massive team effort, involving in particular the policy, public affairs, media, Futures and Insights and member experience team. We owe special thanks to many of our elected and appointed members with whom we have worked closely over many years, drawing on their expertise and insight. We built an irrefutable case and found ways to express it simply. We reframed the narrative to show the impact of underfunding on the broader justice system, victims and witnesses. Our heat maps proved a really effective campaigning tool. We have created and seized lobbying opportunities, primarily through Sir Christopher Bellamy's review but also with Ministers and officials, Select Committees, APPGs and direct engagement with relevant Parliamentarians.

We have plans in place to highlight these proposals to our members; our public affairs and comms teams are at work continuing to push our lines. We managed to get good press coverage this morning, including on ITV News and in the Daily Mail, the Independent, the Evening Standard, This is Money, and a wide range of local and regional media. We intend to hold webinars for our members to explain the proposals to them and seek their views. We will now get to work on our responses to the consultations, which are due by 7th June. A massive team effort from our staff and members – well done to all involved.

1.3 Internal EDI

Our vision is that all staff feel valued, welcomed, and embraced through recognising and celebrating difference and togetherness. As part of our equality, diversity, and inclusion work, we've joined the 10,000 Black Interns initiative – a programme that helps to transform the horizons and prospects of young Black people by offering them paid work experience, training, and development. Joining the programme will help us to encourage diversity in the workforce, attract talent from underrepresented communities, promote an open culture of respect and dignity for all our staff and gain the necessary experience for future internship programmes. For the interns, the programme offers opportunities to gain invaluable work experience, grow both professionally and individually and helps them make future career decisions. Having received 120 applications, we've chosen five candidates who will join us as interns in June 2022 for six to eight weeks.

1.4 Hybrid Working

Ways of working are still evolving as COVID restrictions end. Where hybrid patterns have been effective and promoted inclusion, we will aim to retain the gains while enjoying the benefits of gathering together where face-to-face dialogue mostly adds value (e.g. in strategic discussion and planning). Looking at communication with and support for our members, the theme of combining electronic and in-person work to meet current needs is again evident. It is encouraging that the new strategy and in particular attention to the Professional Update newsletter and uptake of online learning appears to be enhancing our engagement, while travel and in-person visits by the President and Office Holders are resuming.

2 Member Experience and External Affairs highlights:

Member Communications and Content: We've started to see encouraging results from the new strategy. For example, with Professional Update, a newsletter that goes to over 150,000 members. December 2021 was the first time the monthly average open rate had hit the 25% target, which was followed again in January 2022. There has been a 59.4% increase in the number of members opening the newsletter in January compared to September (this translates to approximately 15,000 more members engaging with us).

Member Engagement and Services: During Q1 we held a virtual town hall meeting with local law societies, chaired by the President and Vice President, in relation to SIF/PSYROC. Forty local law societies registered to take part and the meeting was very well-received. A survey to local law societies closed on 17 January. Feedback was that we have produced very helpful information, engaged well and that societies look forward to receiving our response to the SRA consultation. In Q1 we sent the third edition of a digital bulletin specifically developed for local law societies,

Events: In Q1, the Events team held 27 events, with 8464 registered delegates, 4030 live views and 2562 on-demand views. Event satisfaction has remained high at 4.4 (out of 5). The Domestic Abuse Act webinar in December has been our most popular with 1061 registrations, 579 joining live on the day and 312 on-demand views.

Learning and Development: Accreditation's training content – including CQS and Immigration and Asylum - made a significant contribution to strong performance in Q1, as did content which diversifies our portfolio (such as the series of webinars on returning to the profession as a private law practitioner).

Frontline Member Services: The Library remained open to Members in the last lockdown. In the first quarter of 2021-2022 there were 379 Member visits. Of the largest 100 Law Firms, 41% have used either the Library document delivery service or our research service, 83% of these firms have used us more than once during this time.

International: On 7 December the Law Society hosted a webinar: "Brussels v. Hague: practical consequences of the UK exit from the EU for family law cases". Speakers examined the change of rules on divorce, maintenance and children matters like parental abduction and custody and gave practical advice on how to proceed. There were 361 registered to the webinar and 151 attended on the day.

Westminster Public Affairs:

a. **Human rights work:** On 14 December 2021 the Lord Chancellor Dominic Raab announced the Government's plans to reform the Human Rights Act and replace it with a "modern Bill of Rights".

The Government's proposals, set out in a consultation paper, include plans to remove the duty on UK courts to follow the case law of the European Court of Human Rights, introduce a permission stage for human rights claims, restrict the ability of foreign national offenders to challenge deportation orders under human rights law, and limit the extraterritorial application of the Human Rights Act, among others.

b. SLAPPSs and reputation of the Profession: We have been closely monitoring the debate in Parliament regarding strategic litigation against public participation (SLAPPS). Following the invasion of Ukraine by Russia, it is clear that there is now the political will to bring forward reforms in this area and a call for evidence was issued on 17 March.

c. APPG reconstituted The All-Party Parliamentary Group on Legal and Constitutional Affairs, to which the Law Society provides the secretariat function jointly with the Bar Council, was successfully reconstituted in December. This will provide a platform to shape debate in Parliament on issues of joint concern between the sector and parliamentarians. The forward programme for the APPG anticipates meetings focusing on the government's human rights reform programme.

d. Political stakeholder engagement: We have held productive meetings in recent weeks with the Lord Chancellor on judicial diversity, Legal Aid and Courts Minister James Cartledge following the criminal legal aid independent review and with the Permanent Secretary at the Ministry of Justice, Antonia Romeo. In October, Deputy Vice President Nick Emmerson gave an opening speech at a Department for International Trade roadshow on exports in Leeds. We held a meeting with Mike Freer MP, Export Minister, to discuss the government's recently published Export Strategy which placed a greater emphasis on the export of services.

Wales: In Q1 the Wales office continued with our rolling programme of meetings with Welsh Government Ministers and Officials: We were the driving force in ensuring the Law Council of Wales, as set out in the Thomas Commission review of Justice in Wales, has full representation for practicing solicitors. Wales Office is providing the secretariat to the Council and the head of Wales has been voted on as General Secretary to the Council, Lord David Lloyd-Jones has been voted in as the inaugural President. The inaugural meeting of the Law Council of Wales Executive Committee Group took place on 2 November.

Conclusion

You can see from the above that there has been a great deal of activity across the organisation during the past few months, and we will build upon this as we move into Q2. This paper is for information and discussion.

Annex 1 – Strategic Litigation Group Update