



Action Plan to implement the CMA's recommendations on information remedies

The CLC welcomed the CMA's Market Study on Legal Services and we hope that the regulators will work together as necessary to respond positively to the very useful and specific recommendations made by the CMA in its report.

Our Chief Executive, Sheila Kumar, is chairing the Remedies Programme Implementation Group that brings all of the front line regulators together. The CLC is committed to delivering its own Action Plan as set out over the following pages.

Some elements – especially the changes to the Legal Choices website - require joint action by all regulators and we are doing all that we can to ensure that progress on those is as smooth as possible.



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High Level Outcome	Current and planned actions by the frontline regulator	Timings for each action with key milestones	Review Date
<p>1. Action: to deliver a step change in standards of transparency to help consumers</p> <p>(i) to understand the price and service they will receive, what redress is available and the regulatory status of their provider and (ii) to compare providers</p>			
<p>Current Actions</p>	<p>The Council is fully committed to the principles of transparency and regularly reviews its disclosure and publication provisions to assess whether changes are required for any reason.</p> <p>Currently, CLC Practices are required to provide clients:</p> <ul style="list-style-type: none"> (a) With detailed estimate and terms and conditions on which instructions are accepted, and to invite clients to accept these in writing (CLC Estimates and Terms of Engagement Code at http://www.conveyancer.org.uk/CLCSite/media/PDFs/Estimates-and-Terms-of-Engagement-Code.pdf) (b) With signposting to the Compensation Fund administered by the CLC (also in CLC Estimates and Terms of Engagement Code) (c) With information about any referral agreement, the client’s entitlement to choose another provider and the value or cost to the CLC practice of that agreement (Disclosure of Profits and Advantages Code at http://www.conveyancer.org.uk/CLCSite/media/PDFs/Disclosure-of-Profits-and-Advantage-Code.pdf) 		



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	<p>No CLC Practice is entitled to provide legal services unless it has current Professional Indemnity Insurance in place (minimum cover of £2 million per claim). The standard terms require PI insurers to provide run off cover of £2 million aggregate for 6 years at no additional cost at point of closure.</p> <p>CLC has participated in co-commissioned client care research and is reviewing its existing practice rule on client care letters in the light of this.</p> <p>Information is already provided on customer journeys and expectations on Legal Choices and on practices' own websites.</p> <p>As part of the customer insight work, CLC is working with its practices to determine next steps and to continue to socialise the recommendations from the CMA report</p> <p>CLC Practices must have processes in place for resolving service complaints and for signposting clients to the Legal Ombudsman (CLC Complaints Code at http://www.conveyancer.org.uk/CLCSite/media/PDFs/20150911-Complaints-Code-draft-amendment-v1-1.pdf)</p> <p>CLC has already engaged with the regulated community to raise awareness, both through</p> <ul style="list-style-type: none"> • A consultation exercise • And through attendance at conferences and roadshows <p>Though those we have spoken directly with representatives of more than half of the firms that we regulate and informed a far greater proportion.</p> <p>In January 2017 the CLC launched a secure badge scheme for use on CLC firms' websites. The CLC provides each firm with a unique piece of code that provides a CLC secure badge for the firm to display</p>	<p>Q4 2017</p> <p>Will be reviewed as part of the Legal Choices development plan</p> <p>Q3 2016 and ongoing</p> <p>January 2017 through to June 2017 (phase 1)</p>	
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	<p>online. The CLC can monitor use of that code to ensure there is no unauthorised use of the secure badge.</p> <p>Consumers can click on the badge to see information about the regulated firm on the CLC’s website.</p> <p>The Council decided to make this mandatory for all firms and we aim to have all CLC firms using the scheme by the end of June 2017. The Scheme will be enshrined in a change to the Handbook later this year.</p>	<p>January – October 2017</p>	
<p>Planned Actions</p>	<p>Review of inspection visits to firms and the format and content of annual regulatory returns firms must make to the CLC.</p> <p>Agree with LeO (and others) a schedule for availability of data in format usable to inform service dimension of transparency to aid consumer choice.</p> <p>Formal consultation on transparency In addition to the publication of an online consultation document and questionnaire, we will engage the regulated community and other stakeholders through webinars and further small group discussions to build on those we undertook in February 2017. This will include discussions with potential solution providers. We will also look to secure coverage for our proposals in the legal press. The consultation will include details of how the transparency proposals may be taken forward, scenarios and models and phasing options.</p> <p>Review of current rules Review current rules and guidance to determine whether any changes to the regulatory arrangements are required to the CMA recommendations. An extended programme of consultation will be required whether or not a formal rule change is necessary.</p>	<p>To inform September 2017 consultation</p> <p>TBC depending on LeO IT and other projects</p> <p>September 2017</p> <p>Rule change timetable dependent on other regulators of conveyancing and</p>	<p>Prior to September 2017 consultation</p> <p>Jan/Feb 2018</p> <p>Jan/Feb 2018</p>



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	<p>Gain the agreement of CILEx Regulation and the SRA to the template for a quote generator for conveyancing.</p> <p>On protections and regulatory status we will continue to work with insurers to determine the extent to which more information can be made available as recommended in the CMA report, alongside consideration of how to make information on professional indemnity insurance and the interplay between this and the Compensation Fund more customer friendly. All entities regulated by CLC are already required to make that clear in their client correspondence and also to signpost to LeO. What more might be done to raise the profile and understanding of what it means to be CLC regulated is already under review as part of our strategy and marketing activities and the customer view of that information will become part of our suite of information documents. We are also engaging with LeO.</p>	<p>on the outcome of consultation</p> <p>Q1 2018 post analysis of consultation responses</p> <p>Ongoing – will form part of September 2017 consultation</p>	
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2. Promotion of the use of independent feedback platforms to help consumers to understand the quality of service offered by competing providers			
Current Actions	<p>On <u>online comparison sites</u> CLC accepts the CMA suggestion that there is scope for regulators to provide guidance to legal services providers on how to engage in collating online reviews and responding to comments publicly. So far, we have dealt with this in webinars and answered queries from the regulated community on how to engage. We actively encourage those we regulate to seek feedback for example through our practice workshops, and test through various facets of the regulatory programme.</p> <p>A wide range of data is already made available to third parties in a format they might be able to use to populate comparison websites.</p>		
Planned Actions	<p>Whilst accepting our own role the CLC also sees a role for the representative bodies here (and the Law Society’s practice note on protecting online reputation is referred to in the CMA report). We are therefore taking this issue forward with a variety of representative and trade bodies.</p> <p>We will continue to engage with providers of feedback and comparison platforms and encourage and facilitate them in speaking directly to those we regulate to build understanding and demystify.</p> <p>As Legal Choices develops this will also be a vehicle for building consumers understanding.</p> <p>We will keep under review our transparency guidance and what we make available especially in the light of developments under High Level Outcome 1 above.</p>	<p>Q2 2018 for guide to be in the field</p> <p>Through 2017/18</p> <p>Q3 2018</p>	<p>Annually thereafter and in line with best practice changes</p>



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3. Facilitation of the development of a dynamic intermediary market through making data more accessible to comparison tools and other intermediaries			
<p>Current actions</p>	<p>CLC has a publication policy which is kept under regular review and is actively seeking to be more transparent across a range of information. We make available in real time data about the regulated community for use by potential clients, clients or suppliers who wish to check the details of a firm’s regulatory status. We also publish periodic updates in manipulable formats for use by intermediaries.</p> <p>The CLC’s publication policy presumes that information will be published or made available on request unless there is a need for confidentiality as set out in the limited number of exemptions to that policy. Thus we publish on our website the dates and matters before the Adjudication Panel and the Panel’s findings. The dates, agendas, key papers and minutes of Council meetings are also published as well as our Annual Financial Statements (which follow International Financial Reporting Standards) and Annual Report. We also make public the findings of research that we undertake into the regulated community such as the Annual Regulatory Return.</p> <p>Over a number of years CLC has actively engaged with a range of potential providers to achieve access to the information they hold which could reduce the regulatory burden and enhance our regulatory effort as well as potentially be an input into consumer choice. A concerted effort is required by all the relevant players to move the data sharing debate on.</p> <p>Many of the data sets referred to by the CMA in its report are already available and discussions continue with others e.g. the Legal Ombudsman, HM Land Registry and HMRC who are key players for this action and for 1 and 2 above.</p>		



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<p>Planned Actions</p>	<p>There is work planned with other regulators to agree data sets that we will publish in a consistent format. This work has commenced in collaboration with all other legal regulators.</p> <p>Should a single digital register be agreed by all regulators, the agreement of datasets will be an enabler toward it.</p>	<p>Key dependency on OLC data transformation programme</p> <p>The mapping of datasets work has commenced in collaboration with all other legal regulators.</p>	
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4. Making better information available to assist consumers when they are identifying their legal needs and the types of legal services providers (both regulated and unregulated) who can help them			
Current Actions	<p>CLC has engaged with the creation and development of Legal Choices from its inception and has co-funded in line with an agreed funding model. We are currently reviewing content of the site prior to the planned content redesign. Legal Choices is actively promoted by the legal services regulators. All regulators are currently reviewing whether they could strengthen how this is promoted in a variety of media. CLC has an ongoing plan of active promotion of the site. CLC will continue to link through to it from the CLC website and is considering whether there is any gap area in which it could be referenced to build awareness and profile.</p> <p>We collaborate with the other regulators on research as appropriate – for example 2016's research into the use and client experience of client care letters – in addition to our own programme of research into the evolving market, business practice and consumer experience.</p> <p>Since publication of the CMA report recommending the development of Legal Choices considerable work has been taken forward to create the platform for the new stage that Legal Choices is about to enter.</p>	<p>To be completed prior to planned redevelopment of Legal Choices</p>	
Planned Actions	<p>Description of current and planned actions, including scope of action (i.e. types of provider/consumer/services affected)</p> <p>CLC is clear about its commitment to Legal Choices and the need for all the regulators who operate in the legal sector to commit resources to its development in order to optimise its chances of success.</p> <ul style="list-style-type: none"> CLC will primarily seek to achieve this outcome through reviewing and developing the content of Legal Choices. We are working with the other frontline regulators to 	<p>New governance and accountability mechanisms to be agreed by July 2018</p>	

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	<p>develop the content of Legal Choices and refine how we market it and engage with consumers. In doing so, we will, amongst other things, consider the CMA's detailed recommendations about content development and digital marketing.</p> <ul style="list-style-type: none"> • We are working in collaboration with those other regulators committed to the development of Legal Choices to develop a three year plan to significantly enhance this website. Part of this plan includes working with consumer groups to produce consumer journeys and content that will help the public and small businesses find the legal services they need. In order to ensure consumers have real choice, we need to consider how best to provide clear information about including what protections are in place and what the limitations to service are. We believe this will help consumers engage with the market and our aim is to reach 2-3 million users. We will also run campaigns to target high-risk and vulnerable consumers, supported by appropriate content. We will work with the relevant bodies in Scotland and Northern Ireland to make sure that consumers across the UK are well served. • In summary, the key objectives of Legal Choices development are to: <ul style="list-style-type: none"> ➤ increase consumer engagement in the legal market ➤ support other consumer empowerment measures like price transparency and complaints data ➤ have 2-3 million users over three years ➤ use appropriate metrics and indicators to evaluate how visitors engage ➤ trial, test, refine methodology for driving traffic ➤ research use and impact as we go • The CMA's December 2016 report challenges the regulators to make Legal Choices play “a major role in empowering legal services consumers”. We are conscious of the fact that reaching consumers on a large scale requires careful planning, along with a substantial commitment of energy, time, resource and budget. • The Legal Choices team will continue to engage with key stakeholders and plan to 		
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	expand our existing editorial board. The Legal Choices board will also establish a reference panel of consumer representatives with specialist expertise to provide a sounding board for the development of the website and its content.	Legal Choices anticipate establishing reference panel of consumer representatives by September 2017.	2020
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