



The Specialist Property Law Regulator

## ***Code of Conduct***

### **Introduction**

This ***Code of Conduct*** is made in accordance with s.20 of the ***Administration of Justice Act 1985***; s.53 of the ***Courts and Legal Services Act 1990***; and s.83 of the ***Legal Services Act 2007***.

All individuals and bodies regulated by the ***CLC*** must comply with this Code and its associated ***regulatory arrangements***. In this Code “you” refers to individuals and bodies (and the ***employees*** and ***managers*** within them) regulated by the ***CLC***. You must not permit anyone else to act or fail to act in such a way as to amount to a breach of this Code.

The Code comprises ***Ethical Principles***, under each of which sit specific ***Outcomes***, which taken together will ensure you deliver positive ***outcomes for*** your Clients and the profession, particularly in relation to ***Ethical Principle 6***, for others you deal with.

To effectively secure the protection of, and the provision of choice for the consumer of legal services, you must at all times comply with the following ***Ethical Principles***:

1. Act with integrity, honesty and independence
2. Know each Client and understand their specific needs, treat them fairly, keep their money safe, and act in their best interests
3. Uphold the rule of law and public trust in the profession and legal services
4. Maintain high standards of professional and personal conduct
5. Collaborate openly and truthfully with regulators, ombudsmen, and other legal professionals;
6. Promote and support equality, diversity, and inclusion in practice and service delivery.

These are underpinned by ***Outcomes*** which must be complied with in order that the ***Ethical Principles*** are supported and delivered.

Disciplinary proceedings may be taken against you if the ***CLC*** believes there has been a breach of this Code, meaning that ***Clients*** do not receive the standard of legal services they should reasonably expect to receive. The ***CLC***'s response will be informed by the ***CLC***'s Regulatory and ***Enforcement*** Policies.

In exceptional circumstances the **CLC** may waive a provision, or provisions, of the **regulatory arrangements** for an individual, body or circumstance for a particular purpose, or purposes, and with the **conditions** specified in the waiver.

### ***Ethical Principle 1***

#### ***Act with integrity, honesty and independence***

You must deliver the following **Outcomes**:

- 1.1 ***Clients receive*** good quality information, representation and advice;
- 1.2 ***Clients*** receive a professional, honest and lawful service;
- 1.3 ***You maintain your independence.***

### ***Ethical Principle 2***

***Know each Client and understand their specific needs, treat them fairly, keep their money safe, communicate openly and truthfully with them and act in their best interests.***

You must deliver the following **Outcomes**:

- 2.1 ***Each Client's best interests are served within legal, ethical and regulatory bounds;***
- 2.2 ***Clients receive advice appropriate to their circumstances;***
- 2.3 ***Clients have the accurate, appropriate and useful information they need to make informed decisions and provide clear instructions;***
- 2.4 ***Clients are aware of any limitation or any condition resulting from your relationship with another party;***
- 2.5 ***Clients' affairs are treated confidentially (except as required or permitted by law or with the Client's consent);***
- 2.6 ***You consult Clients on key decisions in a timely way;***
- 2.7 ***You only recommend a particular person, business or product when it is in the best interests of the Client;***
- 2.8 ***Your accounting and banking arrangements keep Client money secure;***
- 2.9 ***Services are delivered in accordance with timetables reasonably agreed with the Client;***
- 2.10 ***You accept responsibility where the service you provide is not of the expected standard and provide appropriate redress for the Client where necessary;***
- 2.11 ***Handling of complaints takes proper account of Clients' individual needs, including those who are vulnerable;***
- 2.12 ***Complaints are dealt with impartially and comprehensively.***

### **Ethical Principle 3**

***Uphold the rule of law and public trust in the profession and legal services.***

You must deliver the following **Outcomes**:

*3.1 You act in the interests of justice;*

*3.2 You act in good faith towards Clients and other parties you engage with in the course of your practice;*

*3.3 You assist any Court or Tribunal or the CLC's Adjudication Panel honestly and openly as required and comply with any of their findings;*

*3.4 You refer Clients to appropriately qualified professionals for advice outside your areas of expertise;*

*3.5 You do not conduct yourself in a manner which may result in a breach of the law nor in any other manner which may bring the legal profession into disrepute.*

### **Ethical Principle 4**

***Maintain high standards of professional and personal conduct.***

You must deliver the following **Outcomes**:

*4.1 Clients are provided with a high standard of legal services;*

*4.2 Client matters are dealt with using care, skill and diligence;*

*4.3 Appropriate arrangements, resources, procedures, skills and commitment are in place to ensure Clients always receive a high standard of service;*

*4.4 Your skills and knowledge are up to date;*

*4.5 Personal conduct does not bring the profession into disrepute.*

*4.6 You administer oaths, affirmations and declarations properly.*

### **Ethical Principle 5**

***Collaborate openly and truthfully with regulators, ombudsmen, and other legal professionals.***

You must deliver the following **Outcomes**:

*5.1 You act in accordance with your legal and regulatory responsibilities, including responsibilities to Courts and Tribunals;*

*5.2 You are open and truthful in all your dealings with the CLC and other regulators, the Legal Ombudsman, HM Land Registry, the Probate Registry, HM Revenue and Customs, Lenders and other legal professionals, suppliers;*

*5.3 You comply promptly and fully with a CLC direction or request;*

*5.4 You comply promptly with any authorisation, permission or condition endorsed on your licence, Recognised Body Certificate or Licensed Body Licence;*

*5.5 You co-operate promptly with any CLC investigation;*

*5.6 You co-operate fully with any Legal Ombudsman investigation and comply promptly with any requests, requirements or findings they issue;*

*5.7 You co-operate fully with other regulators and ombudsmen and comply promptly with any requests, requirements or findings they issue;*

*5.8 As a CLC licensee operating in an entity regulated by another regulator you must comply with that regulator's regulations at all times.*

#### **Ethical Principle 6**

***Promote and support equality, diversity and inclusion in practice, service delivery and dealings with Clients.***

You must deliver the following **Outcomes**:

*6.1 The service is accessible and responsive to the needs of individual Clients, including those who are vulnerable [1];*

*6.2 No-one - Client, employee, colleague, job applicant, trainee or other party - you deal with is discriminated [2] against (whether directly or indirectly), victimised or harassed;*

*6.3 You promote and support diversity and inclusion in management and legal service delivery*

<sup>1</sup> a **Client** may be vulnerable because of a range of characteristics, including (but not limited to): basic skills: literacy and numeracy; complexity and confusion: difficulty of accessing and understanding large amounts of information; disability or other impairment; mental health issues; distress or sudden change in circumstances e.g. bereavement, divorce, illness or loss of employment; low income; age; caring responsibilities; limited knowledge of, or limited skills in, use of English; balance of power: lack of competition and or choice; or inexperience or lack of knowledge of a particular subject. Vulnerability can only be assessed on a case-by-case basis.

<sup>2</sup> On the grounds of age, disability, gender reassignment, marital and civil partnership status, pregnancy and maternity, race, religion or faith, sex or sexual orientation.