



## MINUTES DRAFT

### 29<sup>th</sup> Meeting of Legal Services Regulatory Authority – Minutes (FINAL)

**Date:** 18 November 2021

**Time:** 16:30 to 18:00

#### Attendees by video conference:

Authority Members	Executive & Secretariat	Others
Eileen Barrington	Brian Doherty (CEO)	Aideen Ryan (DAC Beachcroft)
Angela Black	Ultan Ryan (Secretary)	Brian Ormond (DAC Beachcroft)
Geraldine Clarke		
Joan Crawford		
Shane Galligan		
Dermott Jewell		
Sara Moorhead		
Simon Murphy		
Don Thornhill (Chairperson)		

#### Apologies:

Deirdre Malone

Deirdre McHugh resigned as Authority Member by letter dated 23 September 2021.

## Section 1 – Administration

### 1.0 General

#### 1.1 Agenda adopted.

Chairperson proposed that the presentation from DAC Beachcroft under Item 6.0 in respect of the audit of the LSRA's Complaints & Resolutions process be taken following declarations and approval of minutes. Authority agreed.

#### 1.2 Declaration of Interests on agenda items. None arising.

- 1.3 Minutes of Authority meeting of 9 September 2021 approved subject to minor amendment (typo).

## **Section 4 – LSRA Policy and Implementation** (Item 6.0 taken early)

### **6.0 Presentation from DAC Beachcroft on audit of LSRA Complaints & Resolutions Process**

- 6.0.1 Prior to representatives from DAC Beachcroft joining the meeting, the Authority discussed the context of its role and responsibilities and that of the LSRA Executive in respect of the audit and actions arising from recommendations.
- 6.0.2 The Authority agreed that the Part 6 (Complaints & Resolutions) function is a key and core function of the Authority. While recognising the operational role of the Executive, the Authority also recognised its own role in oversight on effective operation of the function, cost implications and compliance with the Act. The Authority also noted the responsibility of members to be in a position to respond to questions they may be asked about the operation of the LSRA, in particular in respect of the Part 6 functions.

DAC Beachcroft Representatives joined the meeting at this point.

#### 6.0.3 Presentation by DAC Beachcroft:

- Brian Ormond
- Aideen Ryan

DAC Beachcroft gave a presentation on the findings and recommendations arising from their audit of the operation of the LSRA's Complaints & Resolutions process.

- 6.0.3 Following the presentation, the Chairperson opened the floor to questions and discussion on the Report and its Recommendations.

DAC Beachcroft Representatives left the meeting at this point.

## **Section 2 – Governance**

## **2.0 CEO Report**

- 2.0.1 CEO provided updates on highlighted activity since the last Authority meeting:
- 2.0.2 COVID Update:  
LSRA maintaining a roster of staff on-site at premises. Priority site access is for the Complaints & Resolutions function.
- 2.0.3 Recruitment:  
Key recruitment activity will continue to end 2021 and into 2022. LSRA still operating within the DPER approved workforce plan and continuing to build resources to meet business demands. Strategic Workforce Plan to be developed to cover future needs of LSRA.
- 2.0.4 Risk Management:  
Risk Management update provided in report.
- 2.0.5 Other matters dealt with under separate agenda items.

## **3.0 Duly Authorised Register under 2015 Act**

Authority approved the revised version of the Duly Authorised Register which included staff changes.

## **4.0 FAR Committee Chairperson's Report**

- 4.0.1 The FAR Committee Chairperson (Angela Black) provided an update report to the Authority on the Committee's activities at its meeting of 12 November 2021. Updates as follows:
- 4.0.2 Risk 1 Finance (Levy and Cash flow):
- 4.0.3 Executive has engaged Petrus Financial Analysts to produce a report on the cash flow and funding implications over the next few years based on both the existing Levy Model and the amended Model.
- 4.0.4 Executive will engage further with Dept of Justice and DPER in respect of this modelling report and its submission in respect of the treatment of the advances received by the LSRA between 2016 and 2018 inclusive as establishment costs.
- 4.0.5 Risk 2 GDPR:
- 4.0.6 Executive will engage expert to undertake a GDPR compliance audit in 2022. Some work on policies and procedures have been undertaken in 2021 and additional resources will also assist in this key area.

- 4.0.7 In addition to the compliance audit, LSRA will engage expert to complete a Data Retention Schedule for all LSRA and LPDT activity in 2022.
- 4.0.8 Risk 3 COVID-19:
- 4.0.9 COVID Risk update provided in CEO report.
- 4.0.10 Risk 4 Cyber-Security:
- 4.0.11 Executive will seek to engage an expert audit of cyber-security for the LSRA. Options for procurement through OGP or OGCI to be assessed.
- 4.0.12 OAG Audit of 2020 Accounts:
- 4.0.13 Executive engaging with OAG to finalise certification. All queries up to date and OAG to revert.

## Section 3 – Finance

### 5.0 Financial Reports

- 5.1 **Management Accounts:** Management Accounts for period ended 30 September 2021 were noted by the Authority.
- 5.2 **Update on Amendments to the Legal Services Regulation Act 2015 and other matters:**
  - 5.2.1 The LSRA Executive engaging with Department of Justice (DOJ) and Department of Public Expenditure and Reform (DPER) in respect of the treatment of Section 32 advances received between 2016 and 2018 inclusive.
  - 5.2.2 Legislative Amendments – Levy Model:  
The LSRA executive continues to engage with the Department of Justice on the amendments to the Legal Services Regulation Act 2015 (Act) to be included in the Courts and Civil Law (Miscellaneous Provisions) Bill 2021.
  - 5.2.3 The General Scheme of the Courts and Civil Law (Miscellaneous) Provisions Bill was published in June 2021. The amendments sought by the LSRA, in relation to legal partnerships, Part 7 and Part 9 of the Act, were included.
  - 5.2.4 Depending on whether the legislative amendments are in place in time for the 2022 Levy process, the Executive will conduct its calculations accordingly.

Some modelling work has been undertaken with the financial analyst to determine timing for drawdown of Section 32 advances, levy timeframe and cash flow profile for the year 2022.

## Section 4 – LSRA Policy and Implementation

### **6.0 Update on Performance of Complaints and Resolutions Department (including presentation from DAC Beachcroft)**

This item was dealt with at the beginning of the meeting.

### **7.0 Update on Section 34 ‘Barriers’ Report**

7.0.1 In a letter dated 18 November 2020 the Minister for Justice welcomed the findings of the Authority’s report on Legal Education and Training and requested that the Authority undertake further research in relation to the economic and other barriers faced by newly qualified solicitors and barristers.

7.0.2 The CEO updated the Authority on progress. Phase 1 (Set-up) is completed and Phase 2 (Fieldwork) is at an advanced stage. Fieldwork phase actions include:

- Conduct appropriate public consultation and also consultation with professional bodies.
- Carry out interviews with range of stakeholders.
- Field work - quantitative surveys and qualitative interviews;
- Receive preliminary findings from surveys and qualitative interviews;
- Present preliminary findings to External Reference Groups and seek feedback.

7.0.3 Executive will look to provide a summary of findings to the Authority at its next meeting.

### **8.0 Update on Section 34(c) Report on the Profession of Conveyancer**

8.0.1 Section 34(1)(c) requires that the LSRA shall, “*following appropriate public consultation processes*” prepare and furnish a report to the Minister for Justice in relation to the “*creation of a new profession of conveyancer.*”

8.0.2 The LSRA has again developed a phased structure for this project and is working on the procurement of external experts to prepare an Economic Analysis Expert Report. Request for Tender documents issued on 12 November 2021.

- 8.0.3 A comprehensive literature review is also running in parallel to the other activities.
- 8.0.4 A call for written submissions was issued with a discussion paper on 8 September 2021 and the deadline for receipt of submission is 6 January 2022.
- 8.0.5 A further update on progress will be provided at the next Authority meeting.

**9.0 Update on establishment of the Legal Practitioners Disciplinary Tribunal (LPDT)**

The Authority was provided with an information note and update on the progress of establishment of the LPDT. The LSRA and LPDT are working on a Service Level Agreement between the two bodies to ensure that appropriate administrative and governance structures and supports are in place.

**10.0 Solicitors Professional Indemnity Insurance Regulations 2021**

Pursuant to section 13 (7) of the Legal Services regulation Act 2015, the Authority had provided consent to the Law Society in respect of the Solicitors Professional Indemnity Insurance Regulations 2021. This was initially completed by email and was ratified at this meeting. Resolution included at Appendix I to these minutes.

**11.0 LSRA Review of 2021 and Roadmap for 2022**

The CEO provided a Powerpoint presentation to the Authority setting out the activities of the LSRA in 2021 and providing a roadmap of planned activities for 2022.

**12.0 Closed Session**

**13.0 AOB**

No matters raised under AOB.

Action Points – Meeting of 18 November 2021	
Agenda Item	Action
1.3	<p><u>Minutes:</u></p> <ul style="list-style-type: none"> <li>• Minutes of 9 September 2021 approved subject to minor amendments</li> <li>• Secretary to arrange upload to website.</li> </ul>
3.0	<p><u>Duly Authorised Register:</u></p> <ul style="list-style-type: none"> <li>• Revised Duly Authorised Register under 2015 Act approved by Authority.</li> <li>• Update will be required for next Authority Meeting to reflect any staff changes arising in the interim.</li> </ul>
5.0	<p><u>Financial Reports:</u></p> <ul style="list-style-type: none"> <li>• Authority to be updated at next meeting on progress in respect of: <ul style="list-style-type: none"> <li>○ Legislative amendments in respect of Levy Model and Legal Partnerships (Courts and Civil Law (Miscellaneous Provisions) Bill 2021;</li> <li>○ Levy process for 2021 and 2022.</li> </ul> </li> </ul>
6.0	<p><u>Update on performance of Complaints and Resolutions Department:</u></p> <ul style="list-style-type: none"> <li>• Update Authority on Complaints statistics and processing;</li> <li>• Update Authority on Recommendations of DAC Beachcroft Report</li> </ul>
7.0	<p><u>Section 34 ‘Barriers’ Report:</u></p> <ul style="list-style-type: none"> <li>• Update on progress including summary of findings to be provided at next Authority Meeting.</li> </ul>
8.0	<p><u>Section 34(c) Report on Profession of Conveyancer:</u></p> <ul style="list-style-type: none"> <li>• Update on progress to be provided at next Authority Meeting.</li> </ul>
9.0	<p><u>Legal Practitioners Disciplinary Tribunal:</u></p> <ul style="list-style-type: none"> <li>• Update on establishment of LPDT to be provided at next Authority meeting.</li> </ul>

10.0	<p><u>Solicitors Accounts Professional Indemnity Regulations 2021:</u>  Resolution of Authority providing consent pursuant to section 13(7)  of the Legal Services Regulation Act 2015 formally confirmed. See  Appendix I to these minutes.</p>

**FINAL Minutes Signed**



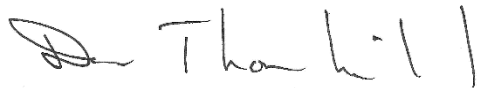
**20 January 2022**

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Ultan Ryan, Secretary

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Date



20 January 2022

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Don Thornhill, Chairperson

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Date



## Appendix I



### **Resolution of the Authority pursuant to section 13(7) of the Legal Services Regulation Act 2015 duly authorising the Chief Executive in exercise of function pursuant to section 201(a)(i) of the Act in respect of the Solicitors Professional Indemnity Insurance Regulations 2021**

**Proposed by:** Shane Galligan

**Seconded by:** Angela Black

#### Section 201:

Section 201 of the Legal Services regulation Act 2015 was commenced on 7 October 2019 with the other Part 13 commencements. Section 201(a)(i) amends section 26 of the Solicitors (Amendment) Act 1994, by the substitution of “The Society may, with the consent of the Authority, make regulations” for “The Society may make regulations”.

#### Section 26 of the Solicitors Act 1994 (as amended):

Section 26 of the Solicitors Act 1994, as amended, provides that the Law Society with “the consent of the Authority” may make regulations making provision for indemnity against losses arising from claims in respect of any description of civil liability incurred by a solicitor arising from their practice as a solicitor, by those working in a solicitor firm, and by a solicitor arising from their practice as a solicitor in a legal partnership, multi-disciplinary practice (“MDP”), or a limited liability partnership (“LLP”) within the meaning of the 2015 Act.

#### Solicitors Professional Indemnity Insurance Regulations 2021:

The Regulations relate to the Law Society making provision for solicitors professional indemnity insurance and are included in full at separate Annex I.

#### Resolution of the Authority:

The Authority has reviewed the Regulations and duly authorises the CEO, under section 13(7) of the Legal Services Regulation Act 2015 Act by way of this Resolution with performing the function of the Authority under section 26 of the Solicitors Act 1994 (as amended) and as amended by section 201(a)(i) of the Legal Services Regulation Act 2015 to consent to the making of the Solicitors Professional Indemnity Insurance Regulations 2021 as required.

**Signed by Secretary**

A handwritten signature in black ink, appearing to read "Alb. Ryan". The signature is written in a cursive style with a long, sweeping underline.

**Resolution passed on 28<sup>th</sup> October 2021**