

Law Society Council meeting 13 February – Report for members

Council met for the first time this year at Chancery Lane.

The focus of the discussion in the morning included some key policy areas such as Brexit, Employment Law and the SRA handbook. The afternoon focused mainly on governance developments and the business of the Law Society.

The Society works to influence for impact, promote the profession, support practice excellence, keep members up to date and as a companion at every stage of your career. Some highlights of the Council's discussions on each of these are reported below.

Influencing for impact

Brexit

The Society's work on Brexit was discussed. A neutral position on whether to leave or remain has been taken since our initial report before the referendum. Our recent focus has been on the fact that the proposed agreement does not currently address our concerns on the export of services.

We have also been clear that leaving with no deal will create problems for the public and the profession with regard to legal services. We have also flagged the potential economic impact in our reports, in a letter to the Lord Chancellor and in our influencing and media work. We are currently developing scenarios which demonstrate the potential impact on real people for public and profession.

Our focus has been on the potential challenge to market access and we are working with EU bars to unblock this. We are also liaising with the government on specific future trade agreements in the interest of our members.

Legal Aid

The Law Society's evidence and influencing work has impacted on the government's Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) review. We published a report in 2017 with our recommendations for the scheduled LASPO review. Out of 25 TLS recommendations:

- Eight have been achieved
- Seven have been partly achieved
- 10 more we are still working on.

This post-implementation evaluation represents the first time in over twenty years that we have seen government proposals to improve the system rather than to make further cuts.

The Ministry of Justice has accepted the case for changes in relation to the legal aid means test, exceptional case funding and early legal advice, and has committed to further work as to what those changes should look like. There are also to be specific changes immediately in relation to migrant children, special guardianship orders and the telephone gateway for discrimination, debt and special educational needs.

However welcome this further work is, the government must give urgent attention to amending the means test thresholds because the current levels are preventing families in poverty from accessing justice; and remuneration rates for solicitors undertaking this vital work must be reviewed for civil as well as criminal work, to address the medium term viability of the system. As a first step, they should be updated in line with inflation ahead of further work to make the system sustainable.

We support the government's proposal to improve access to justice through better use of technology. The proposed technology fund indicates a recognition that securing commercial funding for access to justice solutions continues to be challenging.

Employment Law

The success of the Society's work to lobby against tribunal fees was also noted by Council. Tribunal cases plummeted following the introduction of fees and the Society worked hard to put this issue on the agenda to secure access for justice for those who were being denied.

Our work to support members with a practice note on non disclosure agreements has also been well received, and plain English guidance for the public will follow.

We have also been active in contributing to the Taylor review and in putting forward proposals which will shape the Law Commission's work on a single employment jurisdiction

Probate

Council members all agreed to contact their MP regarding probate. The Non-Contentious Probate (Fees) Order 2018 was about to be put to a vote in the House of Commons.

The Law Society is strongly opposed to the proposals to raise the fees for grant of probate from the current flat figure of £215 (or £155 if done by a solicitor) to a sliding scale of fees rising to as much as £6,000 depending on the value of the estate. Within the first week of our campaign, over 1,800 people had used our on-line tool to contact their MP on the issue.

We have raised serious concerns that the proposals amount to a 'stealth tax' and a misuse of the Lord Chancellor's fee-levying powers.

Promoting the profession

A significant increase in media profile for the Society and the profession was reported to Council. Greater visibility on broadcast outlets such as the Today programme, Woman's Hour, Newsnight and numerous regional outlets contributed to a third more broadcast coverage than the same period last year. Topics were as diverse as access to justice and domestic abuse. Greater regional coverage is also on the agenda for 2019.

Indicators from the Society's "solicitors, here to help" campaign were also reported. The Society's member survey showed 81% of members gave 7 or more out of 10 to the importance of promoting the profession.

Supporting practice excellence

Whilst we are lobbying, we are also helping our members consider and plan for the implications of a no deal Brexit. We have published guidance in the potential impacts for our members on civil and commercial cooperation, data protection, family law, intellectual property, providing legal services in the EU and VAT. Guidance on the impacts of no deal is available for all members on the website. <https://www.lawsociety.org.uk/support-services/advice/articles/no-deal-brex-it-providing-legal-services-in-eu/> Roadshows, social media and the Gazette have raised the profile of this work, but we are also looking at other ways to get these important support materials in front of our members.

Career companion

Council were updated on work to consider how the Society best supports greater diversity and inclusion within the profession. A review of the Diversity and Inclusion Charter has been under way, supported by a working group from firms and a new modular, peer reviewed approach is being developed for piloting.

Plans for our international symposium on 20-21 June were noted. This two-day conference will bring together men and women from across the legal profession and other sectors to identify steps to achieve gender equality in the workplace, crucial to boost growth, innovation and productivity.

It will also mark the centenary of women being admitted to practise law in the UK and celebrate the successes of women in law globally.

Following the valuable insights gained from the Law Society's extensive research on women in leadership in law, this conference will take stock of the current position of women in the profession globally and provide attendees with practical tools for empowerment and overcoming obstacles. We will then invite participants to join a world-wide network of change makers working together for the benefit of our legal community.

The conference will include a mix of keynote speeches, panel sessions and practical workshops, led by a host of expert speakers and facilitators. Tickets can be booked on our website.

Future meetings

Council is continuing the practice of meeting over a weekend to focus on strategic matters for the Society and the profession, at the end of March. The next 'formal' Council meeting will be held on 29 May.