



# **Routes to enforcement and report on activity in 2022**

## 1. Introduction

The Council for Licensed Conveyancers (CLC) is the specialist conveyancing and probate regulator. Everything we do is to deliver our fundamental purpose, which is the protection of the client and public interest. Our core functions are to:

- Protect consumers
- Ensure public trust and confidence in conveyancing and probate practitioners thereby ensuring their smooth functioning
- Achieve our regulatory objectives – therefore meeting the mandate set out for the CLC in the 1985 Administration of Justice Act which created the new profession of Licensed Conveyancers to provide competition and choice in legal services
- Provide a consumer focussed approach to the delivery of conveyancing and probate services

We do this through ensuring that:

- The most ethical and advantageous outcome for the client is achieved
- Our overriding principles are applied appropriately and consistently by individuals and practices
- Our codes are followed
- That laws pertinent to the legal transaction are adhered to by the individual or practice

Consumers, the general public and the regulated community want to see that any wrongdoing by individuals and practices regulated by the CLC is taken seriously and that appropriate enforcement and sanctions are applied.

CLC's approach to its regulatory mandate is unique – in that we use an assisted or managed compliance model. The responsibility is always on the regulated professional to ensure that they are working in the best interests of their clients. CLC aims to have a regulatory framework that enables firms to deliver the best outcomes for those clients. It is agile and takes a forward look to how regulation needs to develop and not only keep pace but be in advance of change.

But we also aim, through assisted compliance, to prevent potential harm to consumers by identifying breaches of the rules and rectifying any problem before there is any consumer detriment.

The CLC will always try to work with regulated individuals and practices to ensure that they are compliant with the CLC principles, codes and associated laws. CLC practices, through this approach, recognise the benefit of frankness and candour – averting more severe action where there is a true wish to remediate and the agreement to a risk based, time bound plan to do so.

Of course, if there is persistent non-compliance or actual consumer harm occurs, then we have to move to our disciplinary tools to secure rapid compliance or to take steps to remove the risk to consumers by intervening in a practice or suspending or removing an individual licence. Whether we become aware of compliance failings through our monitoring of a practice or individual self-reporting our first objective, wherever possible, is to agree a plan to achieve a swift return to compliance.

This is an approach to regulation that might be called ‘high-touch’ because of the close oversight of practices. However, it is both proportionate, risk-based and targeted while ensuring that practices are meeting the CLC’s expectations effectively.

If those we regulate are not open and cooperative with us, we will not be able to help them avoid consumer harm, and they will be much more likely to find themselves facing disciplinary action.

## 2. Compliance and enforcement

### **A proportionate approach**

The CLC takes a proportionate approach to determining remedies and will start consideration from the lowest level sanction as is regulatory best practice. The CLC has a wide range of mechanisms both formal and informal to create the platform for adherence to its designated standards, expressed through rules and guidance.

These rules and guidance are reviewed periodically to ensure alignment with best regulatory practice, new legislation or environmental changes. Recent examples include anti-money laundering, fraud protection, cyber-risk and sanctions. They may also reflect statements of regulatory practice from oversight bodies or emerging risks such as buyer funded developments.

We also take advantage of other levers which can be used to improve specific behaviours – a recent example is the introduction of a user element to recharging the levy paid to the Office of Legal Complaints which has improved awareness of complaints handling and added an incentive to lower the number of complaints referred to the Ombudsman.

The first step in most regulatory matters – except where immediate action is required, in response to actual harm having already occurred or there being an immediate threat to clients – is what we call ‘assisted compliance’. This means the CLC works with the practice to bring it back into line within a reasonable timeframe.

That timeframe is limited and requires a firm commitment by practices to put things right to a deadline agreed with their Regulatory Supervision Manager. Years of experience of the assisted compliance approach means we are now making more use of the other powers we have, such as warning letters and Enforcement Determination Decisions, to speed up the process where firms are not moving quickly enough. It is a more calibrated approach that delivers the consumer protection more quickly and proportionately than a referral to the Adjudication Panel could.

The enforcement tools available to the CLC fall into three broad categories:

1. Managed compliance
2. Informal sanctions
3. Formal sanctions

A number of factors go into the determination of which category the matter will fall into which will in turn determine the sanction that can be applied.

### **Managed (assisted) compliance**

This may consist of an action plan or directions which are designed to remedy breaches and bring an individual or practice back into compliance with the CLC’s codes. To get to the action plan there will have been a period of discussion with the practice’s dedicated regulatory supervision manager (RSM). Critically the action plan needs to include specific actions and an agreed timeline to deliver it. The RSM will be in regular contact with the practice to check progress and a follow up visit will track that it is on course. In future years the monitoring regime will pick up whether compliance has been consistently applied. The action plan may also include matters such as attendance at appropriate webinars. In the future it is in the intention of the CLC to include the possibility of ongoing competence into action plans – you can read more about our plans for this on our website.

### **Informal sanctions**

These are sanctions which the CLC has developed in response to lower-level breaches and which improve the breadth of the remedies available to the CLC within our regulatory powers.

Notice Letter	Breaches of the principles, codes and laws may not be sufficiently serious to warrant formal sanctions but it is important that they are accurately recorded on the practice record. Notice letters are used when the CLC wishes to formally make a practice or individual aware that their action(s) or behaviour is not acceptable. The existence of a notice letter is also an indicator for formal sanction for a further breach.
Informal Reprimand	A Reprimand is a formal letter to a practice that informs them of the serious nature of a breach and puts them on further notice of action if it reoccurs. A reprimand is a public warning letter that is published on the CLC website and linked to the practices record.
Undertaking	An undertaking is a formal and legally enforceable pledge or promise to do something or to refrain from so doing. In certain circumstances, the CLC and one or more individuals may agree an undertaking to take or cease to take particular action. Depending on the nature of the undertaking it may be published.

Informal sanctions are only likely to be appropriate if the matter at issue is:

- An Isolated incident
- First incident of type
- There is a technical breach but no risk of harm to consumers
- Low risk of repeat
- Self-reported
- Action has already been taken to remedy

There are however times when further actions may become necessary. The CLC will consider taking more formal sanctions when any of the following circumstances apply:

- Persistent breaches of the CLC's overriding principals or codes
- Negligence
- Non-compliance through unawareness of CLC codes and legal obligations
- Dishonesty
- Actual harm or loss to consumers
- Not implementing compliance plans
- Repeat occurrences of low-level breaches
- A need to protect consumers
- Previous imposition of sanctions
- Reputational damage to the profession
- Intentional breaches
- Unwillingness to comply
- Lack of understanding of seriousness
- Attempt to conceal incident or behaviour
- Public sanction being required to deter behaviour of others

The purpose of taking further action is to:

- Protect the consumer
- To help foster and build trust by the public in conveyancing and probate practices by ensuring wrongdoing is acted on in a transparent, robust and proportionate way
- Ensure that high professional standards are met
- To maintain the quality of service provided to the public
- Deter others from similar behaviour
- Prevent recurrence of the behaviour

## **Enforcement**

The CLC watchlist is an internal document that tracks activity with firms that are under investigation or enhanced supervision, as a result of concerns that have come to light through general monitoring activity, inspection visits, consumer complaints or intelligence received. Firms that risk closure for financial reasons are also placed on the watchlist so that the Senior Management Team and RSMs can work closely together to protect consumers until the issues are resolved by recovery, managed closure or intervention.

The total number of firms on the watchlist stood at seven for most of the year, though there were changes over the twelve months as some firms were removed as their issues were resolved and others were added as new concerns were identified.

‘Resolution’ of an issue may mean that the practice has successfully addressed the concerns identified by the CLC and is judged compliant with our requirements. This can apply to requirements we put in place for the orderly closure of a practice. Alternatively, it may mean that they have failed to do so, and some form of disciplinary action must be taken. In the event of disciplinary action, short of a referral to the Adjudication Panel, there is an accompanying plan to ensure that the entity continues to work to address the CLC’s concerns. If they fail to do so, the matter will be escalated further as appropriate.

The watchlist is kept under regular review to ensure that the issues it records are resolved as quickly and efficiently as possible and to improve the clarity of reporting to the Senior Management Team and to the Council. The SMT reviews the Watchlist monthly and the Council at each of its quarterly, formal meetings.

The work of the RSMs in 2022 has ensured that the average time spent on the watchlist by any one firm has remained consistent with previous years. Issues are being resolved promptly by being very clear to practices about our expectations coupled with active management of practices which are required to resolve compliance issues. At the end of 2022, the average time spent on the watchlist was 12 months.

### **Formal sanctions**

These sanctions must be imposed either by the Adjudication Panel under the Administration of Justice Act 1985 (AJA) or the Courts and Legal Services Act 1990 (CLSA) or by the CLC under the provisions of the Legal Services Act 2007 (LSA).

There are two separate regimes – one for Alternative Business Structures the other for Recognised Bodies. All such sanctions are publicised on the CLC’s website.

The CLC regulates:

- 1) Recognised Bodies and Licensed Conveyancers (**LCs**) under the *Administration of Justice Act 1985 (AJA)* and
- 2) Licensed Bodies (Alternative Business Structures (**ABSs**)) and non-LC role holders (employees/managers) within ABSs under the *Legal Services Act 2007 (LSA)*.

The first few steps are the same in all cases.

### **STAGE 1**

1. **Identification of non-compliance and initial investigations** – identification may occur via sources including a self-report, practice monitoring inspection, a complaint received from the general public or via intelligence received from another regulatory body or intelligence sharing organisation. The CLC via the Regulatory Supervision Managers (**RSMs**) or other intelligence

gathering, would obtain evidence and make early enquiries with the practice about the alleged non-compliance. Instances of qualifying non-performance are added to the disciplinary tracker for review.

2. **Decision to pursue** – the CLC Senior Management Team (SMT) and RSMs hold periodic meetings to discuss ongoing and any new potential disciplinary matters. At these meetings, we discuss the conduct and evidence relating to potential disciplinary matters and a decision is made as to whether the non-compliance can/should be managed informally or if not, to proceed with a formal disciplinary investigation.
3. **Disciplinary referral document** – a disciplinary referral is drafted when cases are to be referred to the Adjudication Panel summarising the points discussed and agreed by the RSM and SMT. This document summarises the issues raised, breaches to codes and legislation, aggravating and mitigating factors, a conclusion and proposed disciplinary outcome.
4. **Formal notification of investigation** – once a decision in favour of pursuing a formal disciplinary investigation has been made, the CLC (RSM) writes to the respondent/s to put them on notice that a disciplinary investigation into certain areas of our codes has commenced.
5. **Investigation** – the RSM will commence collating the bundle of evidence and formulating draft allegations. If further information/documentation is required, it will be requested by the practice during this step.

The next stage of the process differs depending on whether the case is brought under the AJA or LSA.

## STAGE 2

### A. AJA process for Recognised Bodies and Licensed Conveyancers

The AJA process (as set out in the CLC Process Map – Appendix A) is supported by the **AP Procedure Rules**. **Key elements include:**

6. **Allegations** – the draft allegations are either peer reviewed internally or in more complex cases, sent to external advisers for review and comment. The allegations are finalised and sent to the respondent by the CLC with a timeframe for responding (unless complex, the period provided is usually 14 days) and lodged with the Adjudication Panel Chair (Rule 17(2) AP Procedure Rules).
7. **Respondent's response** – if the respondent chooses to respond, the CLC will consider their responses and whether it is appropriate to amend or withdraw any allegations. The CLC may amend or withdraw allegations based on the respondent's response.

There is no requirement for respondents to respond prior to a case to answer decision being made and failing to do so does not preclude them from introducing evidence later and arguing their position at a hearing.

8. **Case to answer** – if there has been any amendment to or withdrawal of allegations, a final version of the allegations is agreed with the respondent and provided to the Chair of the Adjudication Panel seeking that a “case to answer” decision be made. If there is no amendment or withdrawal of allegations, a case to answer decision is made on the original allegations which were sent to the Chair.

The case to answer decision is usually made by a single Adjudicator (lawyer) appointed by the Chair who may request independent legal assistance in complex matters. At this stage it can be determined that the case should not go forward at all or that some allegations should not go forward.

9. **Referral** - any allegations for which the single Adjudicator considers there is a case to answer are referred to a differently constituted Panel for determination at a hearing. It is for the independent Chair of the Panel to convene the Panel and decide when it sits.
10. **Case preparation** – if a decision has been made that there is a case to answer, the matter now moves on to preparation of the case for hearing.
11. **Hearing** – the hearing takes place before a differently constituted Panel of (normally) three Adjudicators, one of which is usually the Adjudication Panel Chair. The Panel will provide its decision and sanction during the hearing and follow this with a written determination.

Since Covid, hearings have generally been held virtually but there is provision for a respondent to apply to the Panel for an in-person hearing.

In our experience hearings for straightforward and/or matters with few allegations would normally run for one day with hearings of complex, numerous allegations and/or multiple respondents requiring two or more days.

12. **Appeal or publication** – Following the decision of the Adjudication Panel the respondent has 28 days to appeal the determination, failing which, the determination will be published on the CLC’s website [here](#).

## **B. LSA process for Alternative Business Structures and non-LC role holders**

The LSA process is supported by the CLC’s [Licensed Body \(ABS\) Licensing Framework \(ABS Framework\)](#) and is as follows:

5. **Warning Notice** – the CLC drafts a Warning Notice which is provided to the respondent and outlines the action we intend to take, why it is considered necessary and when the Warning Notice will come into effect. The draft Warning Notice is either peer reviewed internally or in more complex cases, sent to external advisers for review. These are then



sent to the respondent with a timeframe for responding (unless complex, the period provided is usually 14 days).

- 6. Response** – if the respondent chooses to respond, the CLC will consider their responses and whether it is appropriate to amend or withdraw any of the allegations and sanctions proposed in the Warning Notice.

Should a respondent choose not to respond, the CLC may reserve the right to object to any attempt to adduce evidence in any appeal against the sanctions imposed in the Enforcement Decision Notice (Step 7 below).

- 7. Enforcement Decision Notice** – the CLC issues an Enforcement Determination Notice which outlines the sanctions which have been imposed on the respondent.
- 8. Appeal or publication** – If the respondent chooses not to appeal the sanctions imposed by the Enforcement Determination Notice comes into effect and is published on the CLC's website. Alternatively, the respondent may appeal to the Adjudication Panel against the measures imposed by the Enforcement Determination Notice within 28 days of receiving the Enforcement Determination Notice.

## Sanctions

There are a range of formal sanctions including:

- termination of licence
- revocation of licence
- permanent disqualification
- disqualification for a period of time
- conditions on licence which restrict the work that can be carried out or the way the way the work is carried out
- suspension of licence
- formal reprimand
- financial sanction.

More detail of the formal sanctions available to the CLC can be found in the [CLC handbook](#)

## Interventions and managed close downs

The CLC has the power under statute to resolve to close a practice when breaches are so significant that the thresholds for intervention in the AJA are met.

Whereas often there is a process of escalation through the enforcement tools, intervention may happen as a direct result of regulatory intelligence if the tests are met.

The CLC did not intervene into any practices during 2022.

RSMs worked with six practices during the year to ensure an orderly closure or merger with another practice thereby protecting clients' interests by ensuring that live matters continued to be dealt with

effectively during the transition period, or were passed to other practices and arrangements were made for file storage as required by our regulations.

### 3. Oversight

Disciplinary interventions are an important aspect of the regulatory process. Disciplinary action can have significant cost and reputational ramifications and it is important that the senior management team is kept informed of developments once the regulatory decision has been taken. Cases are logged and tracked through the disciplinary tracker.

Further the non – executive Council of the CLC receives regular reports at its quarterly meetings (and by exception if needed) against a range of indicators through reporting on key performance indicators. These are also published on the CLC website.

#### **Adjudication Panel**

In the 12 months from August 2022 the Adjudication Panel heard nine substantive cases, including two hearings which lasted at least five days.

The [decisions of the Adjudication Panel](#) are published on the CLC website at the end of any appeal period. They are also indicated against the online record of any individual or practice with a link to the full decision. Any disciplinary determination made against an individual or firm will remain listed on the CLC website for the duration of any suspension, disqualification, or other sanction, subject to a minimum of two years from the date of publication.

The Chair of the Adjudication Panel, which is independent of the CLC, submits an Annual Report to the Council, including an overview of cases presented to the Panel, specific learning points (where applicable), their view of the operation of the Panel and plans for the forthcoming year. The Chair publishes a periodic report on the work of the Panel. An example of that is to be found [here](#).

### 4. Conclusion

We firmly believe that the proactive assisted compliance approach is the most successful in reducing the risk of harm, rather than dealing with the consequences when things have gone wrong. Assisted compliance is not about simplifying or lowering standards of consumer protection. It is about us helping the practices and individuals that we regulate to meet our expectations and the requirements of the law. We can also describe it as helping practices deal with issues before they cause harm to the client or public interest. It is an intensive approach to regulation that focusses on the prevention of harm to clients. Risk can be mitigated but not removed. If there is persistent non-compliance or if actual harm has occurred, then the CLC moves swiftly to use all the disciplinary tools at its disposal.

The Chair of the CLC, Dame Janet Paraskeva, has recently reiterated the CLC’s approach stressing that its success depends on open and honest engagement by the regulated community.

At the same time, we have worked on ensuring that when we do have to take regulatory action – and this is only small numbers relative to the number of practices and set in the context of the huge number of transactions CLC lawyers handle – we use the most appropriate of the range of regulatory interventions we have at our disposal.

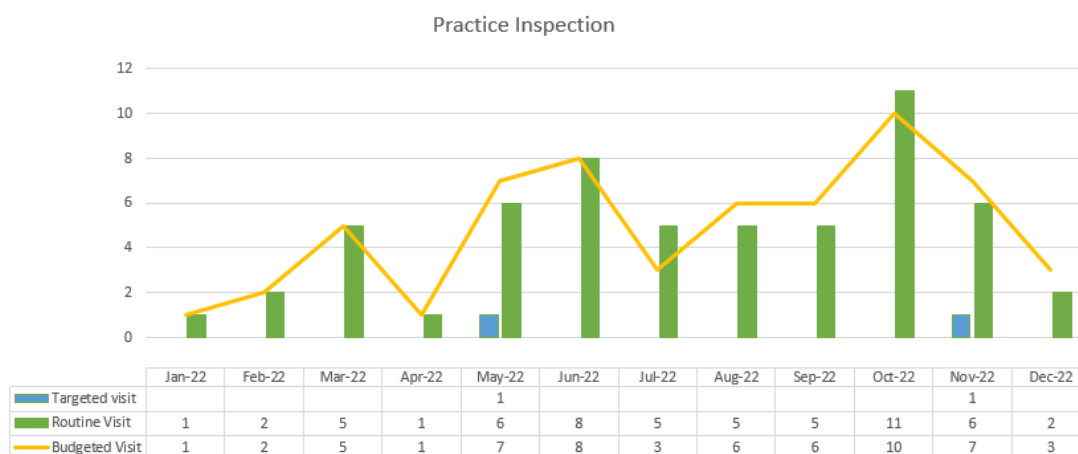
Further, we have intensified our monitoring and inspection of firms, with our RSMs in regular contact with practices to head off any potential problems. Our RSMs are also supported by a new cadre of more junior regulatory supervision officers to deal with lower-level compliance work.

The insight gained from monitoring is fed back to practices via our RSMs to help raise standards of practice as well as informing the development of new policy and compliance support materials. Further, our annual [Risk Agenda](#) utilises all of these insights and sets out practical advice and actions that practices can take to avoid the same problems.

## 5. Review of activity for 2022

### Monitoring and Inspections

The inspections conducted in 2022 are summarised below:



57 routine Inspections were conducted in 2022. The three-year compliance trend is summarised in the table below.

Outcome of completed Inspections			
	2020	2021	2022
Compliant	2	1	15
Generally compliant	24	29	24
Non-compliant	26	18	20
<b>Total</b>	<b>52</b>	<b>48</b>	<b>59</b>

The table below summarises the number of practice inspections undertaken against the budgeted plan:

Inspection plan	Q1	Q2	Q3	Q4	Total
Budgeted inspections	8	16	15	20	59
Actual inspections	8	16	15	20	59
<b>Variance</b>	-	-	-	-	-

The table below summarises the type and outcome of inspections completed during 2022.

	January	February	March	April	May	June	July	August	September	October	November	December	Total
<b>Inspections summary</b>													
Routine inspections	1	2	5		6	4	4	4	4	5	6	2	43
Targeted Inspections					1						1		2
New practice inspection				1		4	1	1	1	6			14
<b>Total</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>7</b>	<b>8</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>11</b>	<b>7</b>	<b>2</b>	<b>59</b>
Overall Compliant			1	1	1	1	1	1	1	5	3		15
Overall Generally Compliant			2		3	5	2	2	4	3	3		24
Overall Non-Compliant	1	2	2		3	2	2	2		3	1	2	20

The table below shows a breakdown of the compliance categories where inspection reports are rated as non-compliant:

Compliance level: Non-compliant				
Inspection Report Category	Incidence of non-compliance			
	2019	2020	2021	2022
AML & CTF Code	33	22	14	27
Accounts Code	15	7	2	8
Conflicts of Interest Code	8	8	2	4
File Review Purchase	7	7	4	10
Disclosure of Profits & Advantages Code	9	4	3	4
Standard Documents	10	3	0	6
File Review Sale	6	4	7	3
Management & Supervision Code	6	2	2	3
Complaints Code	2	3	1	2
File Review Will	4	1	0	0
Financial analysis	2	0	0	0
File Review Probate	0	0	0	0
File Review Remortgage	0	0	0	0

The categories with highest incidence of non-compliance are AML & combating terrorist financing (CTF) Code, File reviews Accounts code and Conflicts of Interest Code. A further

breakdown of the common findings in relation to these three categories are detailed in the below.

Inspection Report Category	Common Findings
AML & CTF Code	<ul style="list-style-type: none"> <li>• AML policy and procedures not updated</li> <li>• AML and CTF training required for MLRO and staff</li> <li>• No record of AML and CTF training undertaken by MLRO and staff</li> <li>• No practice-wide risk assessment</li> <li>• Inconsistent approach to AML checks</li> <li>• Limited / ad hoc documentation on risk assessment</li> </ul>
File Review - Purchases	<ul style="list-style-type: none"> <li>• Insufficient AML source of Funds and Source of wealth checks</li> </ul>
Accounts Code	<ul style="list-style-type: none"> <li>• Bank reconciliations not prepared regularly</li> <li>• Unpresented items on bank reconciliations</li> <li>• Updating matter listing</li> </ul>
Conflicts of Interest Code	<ul style="list-style-type: none"> <li>• Practice acting on both sides of a transaction</li> <li>• Inadequate wording in Conflicts of Interest Policy</li> <li>• Client not informed of the relevant conflict issues and risks and unable to provide informed written consent</li> </ul>

The status of Accountants Reports received for the 2016 to 2022 financial years are summarised below:

Accountants Report	FYE 2016	FYE 2017	FYE 2018	FYE 2019	FYE 2020	FYE 2021	FYE 2022
Received - late	51	72	60	73	76	46	32
Received - on time	175	158	157	133	124	177	184
Not received - overdue	0	0	0	0	0	1	5
Not Received - closed	3	16	10	14	3	6	0
Not Yet Due	0	0	0	0	0	0	0
<b>Total Reports Expected</b>	<b>229</b>	<b>247</b>	<b>227</b>	<b>220</b>	<b>221</b>	<b>230</b>	<b>221</b>
Qualified reports	64	61	55	36	30	15	19
<b>Qualified rate (received)</b>	<b>28%</b>	<b>27%</b>	<b>25%</b>	<b>17%</b>	<b>15%</b>	<b>7%</b>	<b>9%</b>

All qualified reports are reviewed and logged immediately to determine what action needs to be taken. Action is dependent on the type of breach (significant or trivial), whether it was

accidental or negligent and whether it has been resolved. Action would include asking for further details or scheduling a targeted inspection.

The most common reasons for qualifications include:

- Bank reconciliations prepared late or incorrectly, and bookkeeping errors
- Receipt and payment made from client account in contravention of the accounts code
- Issues with the office side of the client account
- Issues with the sample of reconciliation statements selected.

## Complaints

The table below includes an analysis of complaints, received by the CLC against practices, to 31 December 2022. The CLC logs all complaints received and tracks overall trends and practices that have a high volume of complaints. Conduct complaints are referred to the practice’s RSM for further investigation if appropriate.

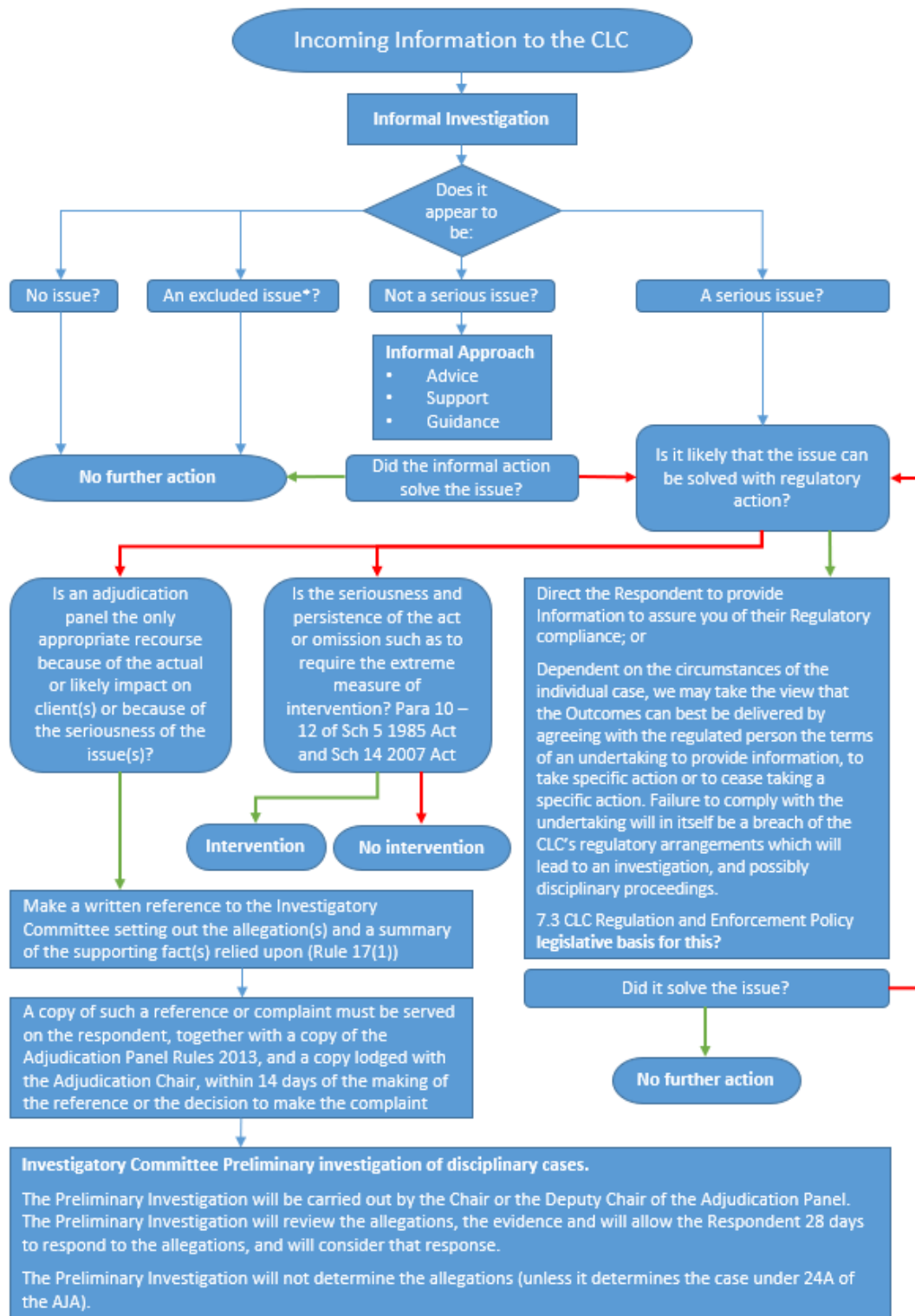
Completed Complaints	Q4					Completed YTD				
	<30 days	31-90 days	91-180 days	180+ days	Total	<30 days	31-90 days	91-180 days	180+ days	Total
Conduct	17	5	1		23	75	16	1	2	94
Third party					0					0
Service	33	7			40	71	13	1	1	86
Not Regulated					0					0
Negligence					0					0
<b>Total</b>	<b>50</b>	<b>12</b>	<b>1</b>	<b>0</b>	<b>63</b>	<b>146</b>	<b>29</b>	<b>2</b>	<b>3</b>	<b>180</b>
% of total (cumulative)	79%	98%	100%	100%		81%	97%	98%	100%	
KPI	40%	60%	100%			40%	60%	100%		

## Disciplinary

The table below reflects the disciplinary cases in progress and concluded as well as the time elapsed (under investigation) or time taken to finalise (completed).

Disciplinary Cases	1-3 months	4-6 months	7-12 months	13-24 months	25-36 months	>36 months	YTD Q2 2023
<b>Under Investigation</b>							
Conduct		1	4	2		1	8
Failure to comply with codes	1		1	3	1	2	8
Shortage on client accounts							
<b>Total</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>3</b>	<b>16</b>
<b>Completed</b>							
Conduct				12			12
Failure to comply with codes			2	5			7
Shortage on client accounts							
<b>Total</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>17</b>	<b>-</b>	<b>-</b>	<b>19</b>
<b>Outcome of Completed cases</b>							
Case proved				11			11
Case not proved							
No action taken			2	5			7
Notice Letter				1			1
Other							
<b>Total</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>17</b>	<b>-</b>	<b>-</b>	<b>19</b>

APPENDIX A

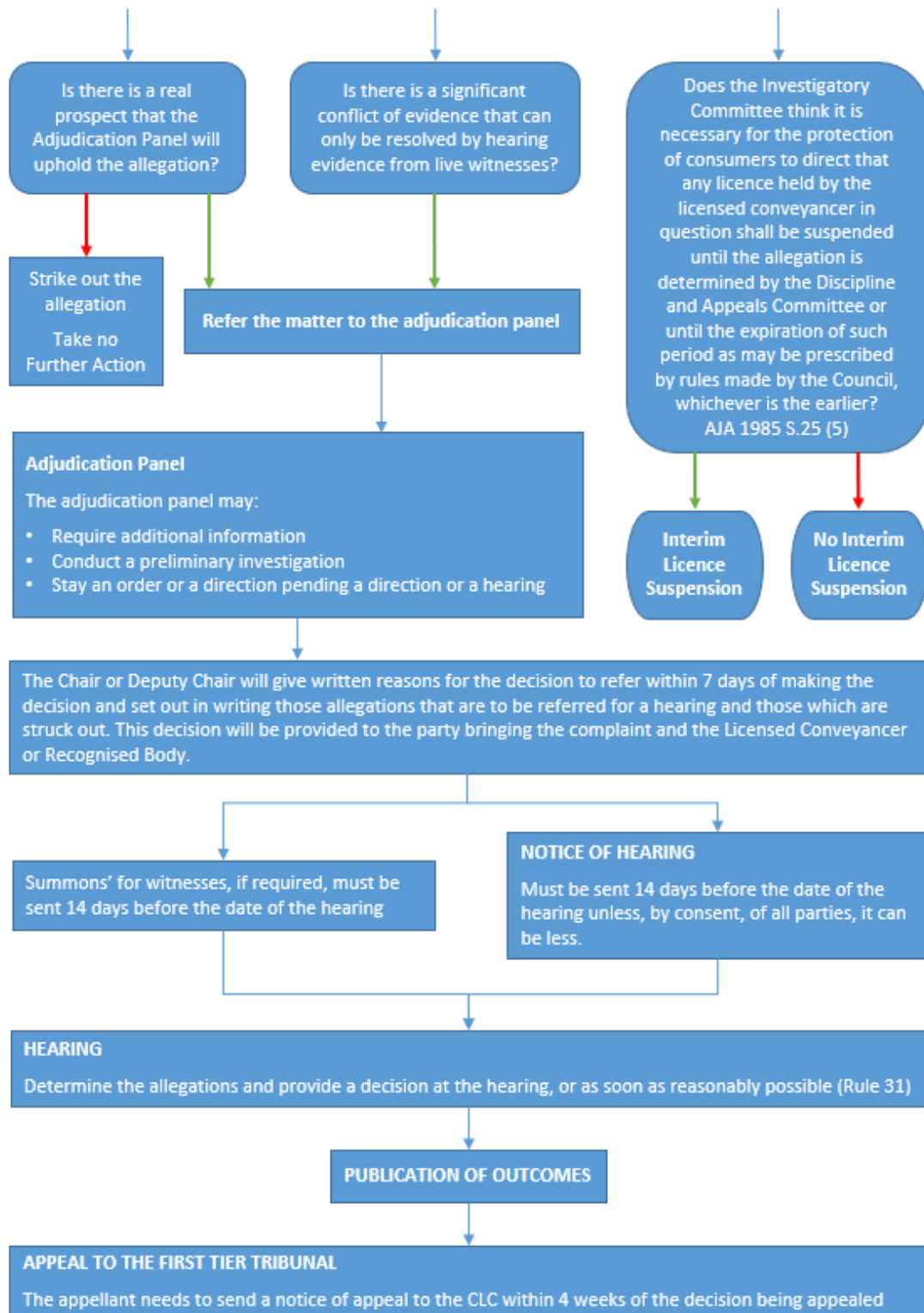


Continued on next page



APPENDIX A

Continued from previous page



## APPENDIX A

**\* (Excluded issues)**

- Conduct which does not relate to the provision of legal services regulated by the CLC;
- Disputes between an employer and employee;
- Partnership disputes, unless the interests of clients are adversely affected or there is a finding of a court or tribunal;
- Non-payment of fees incurred in the course of providing services regulated by the CLC, unless there is a judgment against the regulated person for non-payment relating to their legal practice;
- Allegations from lending institutions of a failure to hand over deeds or papers to which the lender is entitled, unless the lender has already made a successful application to the court;
- An isolated report of misconduct from a regulated person about a CLC Lawyer or CLC Body, unless there is an allegation of serious misconduct, or it is made on the instructions of a client, or is made to protect the interests of an identifiable client who has an interest in the outcome;
- Allegations of misconduct made more than 12months after the alleged misconduct could reasonably have come to light;
- Where there is a clear alternative legal remedy available which has not yet been pursued. Allegations of discrimination or dishonesty are not excluded.