

Consultation on the LSB's approach to reviewing the performance of the legal services regulators

Introduction

The Federation is grateful to the Legal Services Board for the opportunity to respond to *Regulatory performance assessment - consultation on the proposed revised regulatory performance assessment process*.

The Federation's members are companies which employ in-house patent and trade mark attorneys regulated by IPReg (and which also use the services of private practice attorneys). Either way, Federation members are consumers of IP services provided by regulated persons. A list of members is attached.

The consultation

After the last full regulatory standards assessment undertaken in May 2015, the Legal Services Board acknowledged it was an appropriate time to review the framework to consider whether it operated in a risk-based, proportionate and targeted way which was clearly linked to the regulatory objectives and the better regulation principles and enabled them to have confidence and assurance about the regulators' performance. This review identified a number of opportunities for improvement.

In addressing these opportunities for improvement, and in developing the proposed model, they undertook extensive environmental scanning of review processes, and held conversations with UK regulators from other sectors about their approach to performance assessment. There are four elements to the revised process:

- regulatory performance standards
- evidence-gathering
- assessment process
- gradings

Through the [consultation](#) they are seeking views on whether the elements, and the framework as a whole, are fit for purpose and will achieve the intended aim of effective scrutiny and oversight of the regulators' performance.

Anyone who wishes to contribute to the consultation needs to make a [response](#) by 25 September 2017.

IP Federation response

The Legal Services Board (LSB) “oversees the regulation of lawyers in England and Wales” and “[holds] to account the eight regulators for the different branches of the legal profession” (of which regulators IPReg is one). The LSB is consulting on the process by which it assesses the regulators.

The Federation wishes to respond to just one of the consultation questions, namely -

7. Are there any other evidence-gathering approaches we should be using ...?

Our experience across a range of issues suggests that more evidence ought to be collected on the quality of regulators’ engagement with consumers and with the regulated community, and of their willingness to acknowledge ambiguities in their regulatory documentation and to remedy them. IPReg-regulated persons are, in our view, being left in unnecessary uncertainty as to what they may and may not do, and consumers suffer in consequence.

The Federation therefore considers (in the context of Regulatory Approach outcomes RA1 and RA2) that the LSB should contact representative organisations (including the Federation) every six months or so and ask for an assessment of the quality of engagement with the relevant regulator.

IP Federation
13 September 2017



IP Federation members 2017

The IP Federation represents the views of UK industry in both IPR policy and practice matters within the EU, the UK and internationally. Its membership comprises the innovative and influential companies listed below. The CBI, although not a member, is represented on the Federation Council, and the Council is supported by a number of leading law firms which attend its meetings as observers. It is listed on the joint Transparency Register of the European Parliament and the Commission with identity No. 83549331760-12.

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