



Hello and welcome to the Relationship Management monthly report for April 2017 for the Midlands.

We hope you find the report useful and encourage you to share it with your members and colleagues.

If you have any comments or suggestions regarding the future development of our monthly report, please let us know.

Thank you for reading.

The Midlands & Southwest team:

Rav Hothi - Head of Relationship Management
Midlands and Southwest
07816929749
Ravinder.hothi@lawsociety.org.uk

Sarah Richards - Relationship Manager
Midlands and Southwest
07875579012
Sarah.richards@lawsociety.org.uk

James Shepherd - Relationship Management
Executive
Midlands and Southwest
07580977099
James.shepherd@lawsociety.org.uk

News

- Events and training
- Presidents and Secretaries Conference 2017
- Excellence Awards 2017 nominations
- Brexit - the latest news and updates
- Probate fees - MOJ guidance
- Committee member vacancies
- Take a look at the CMA transparency toolkit
- The way you access Practice Notes is changing...
- Support for In-house solicitors

- Support from our Private Client and Competition sections

Features

- Profile on the Public Affairs team
- Profile on the Risk and Compliance Service

Out and about in the Midlands

Practice notes

- Access and disclosure of an incapacitated person's will
- Who owns the file?
- Making gifts of assets

Consultation responses

- Reforms to the Advocates Graduated Fees Scheme consultation
- Scope of VAT grouping
- SRA consultation on rule waivers
- Employment tribunal fees consultation
- Litigators' Graduated Fees Scheme consultation

Open Consultations

- Consultations for Government that you may be interested in responding to...



Breaking into Latin America

Mills and Reeve, 78-84 Colmore Row, Birmingham, B3 2AB 20 April 14:00-18:30

The event will benefit firms who may have aspirations to enter the LatAm market by providing intelligence on potential market access and growth sectors across the region.

The first half of the programme provides delegates with country overviews, including market activity and practise rights for foreign lawyers. Jurisdictions covered will be:

- Brazil
- Colombia
- Mexico
- Central America

The second session shifts the focus to growth sectors across the Latin American region as a whole, including:

- Infrastructure
- Shipping/Maritime
- Energy
- Insurance and Reinsurance
- Arbitration

[Find out more and book your place](#)

Private Client Section regional seminars: Inheritance and death: a tax update

Do not miss out on these practical seminars from our exceptional barrister speakers (Amanda Hardy QC and Sarah Harrison) covering probate issues including tax efficient wills, RNRB changes, HMRC guidance which will be held in London (4 April), Manchester (19 April), Birmingham (9 May).

These seminars are free for Section members.

[Find out more and book your place](#)

Compliance support forum for in-house lawyers

The Law Society, London 13 April, 13:30 - 17:00

Traditionally in-house lawyers have had a long-distance relationship with the SRA but this is no longer possible. The Legal Services Act 2007, and the SRA Handbook 2011, mean that in-house practice is of greater interest to the regulator than ever before and ignorance of compliance requirements is a risky position to sustain.

This forum provides an update on the in-house lawyer's current compliance position with discussions about common conduct and practising conundrums and suggestions for an appropriate and proportionate response. It also includes a review of changes of significance which have been suggested in the SRA's recent 'Looking to the future' consultation.

[Find out more and book your place](#)

Family Law and the five pillars of stress

The Law Society, London 8 June, 17:30 - 20:00

Life is not getting any less stressful and never has this been truer than in Family Law. Julian Hall, founder of Calm People, has written about this subject for the Law Society's Family Section website and will now bring it to life in this engaging seminar. Julian will talk about how stress affects us all, why we have it in our lives, where it may benefit us and offer us insights into how we attract it and manifest its presence in our own life and work. While this is a Family Section seminar no matter what area of law you work in, this subject and the five pillars will resonate with you. Why? Because this is about being human.

[Find out more and book your place](#)



Presidents and Secretaries Conference 2017

Don't forget to book your place at this year's Presidents and Secretaries Conference 5 and 6 May at Chancery Lane. Over 35 societies have booked so far!

New for this year, we are offering surgery sessions on Friday 5 May between 12:45 – 14.00. The surgeries are a fantastic opportunity to have a 10 minute 1-2-1 with a Law Society representative about a particular issue or concern you may have in relation to the operation of your local law society. Experts from the following Law Society departments will be available:

- Legal Policy
- Communications (inc press office, digital communications and social media)
- Public Affairs
- Practice Advice
- Relationship Management

Surgery slots have to be booked in advance. Please email events@lawsociety.org.uk by 21 April to secure your session.

This year, we have also commissioned a photographer who will be there for the two days capturing the conference. Photographs from the conference will be made available to you for use after the event. Further details on how to do that will be sent to you.

If you, as a President or Secretary, are unable to attend the conference, please feel free to nominate someone else to take your place. Also, remember you can bring along a guest to the black tie dinner which promises to be a wonderful informal setting to meet other Presidents and Secretaries.

We look forward to seeing you in May. Please click [here](#) to view the full programme and book your place.



Excellence Awards 2017 - nominations are now open

The Excellence Awards bring together the best and brightest in the legal profession to celebrate and acknowledge exceptional solicitors, teams and organisations across England and Wales.

Individual excellence

We need your help to recognise the most exceptional individuals across seven categories, including Solicitor of the Year for both in-house and private practice.

Brightest firms

This year we are proud to announce two new awards: Law Management and Conveyancing Practice.

We want to hear about the most talented teams and individuals. Don't miss out on the opportunity to celebrate the very best in the legal profession. The deadline for nominations is **Friday 26 May**.

[Nominate now](#)

Brexit - the latest news and updates

As Brexit continues and article 50 is triggered on 31 March we thought it would be useful to keep you up-to-date on the latest articles on the issues.

Law Society event on the impact of Brexit on consumers and small businesses, read the article in full [here](#).

The UK's £25.7bn legal sector needs a deal from Brexit negotiations - read the article in full [here](#).

MPs back Law Society priorities for EU negotiations - read the article in full [here](#).

Triggering article 50 - [update](#).

[Article 50 in five questions](#)

Probate fees - MOJ guidance

In February, the Ministry of Justice (MoJ) announced it would be taking forward the new probate fees scheme. The Law Society responded to the consultation in April 2016.

Read more [here](#).

Committee member vacancies

Do you want to get involved and help oversee important decisions on particular areas of law that affect you and the public.

We are now accepting applications for membership on to a number of our specialist policy advisory Committees.

The closing date for applications is 12:00 noon on 10 April and should be sent to appointments2017@lawsociety.org.uk. Interviews will be held between 4 and 12 May 2017.

Details of the 59 vacancies can be found [here](#) and on [the Gazette online](#).

Take a look at the CMA transparency toolkit

The Competition and Markets Authority (CMA) published the final report on its legal services market study in December 2016. A key area of focus was price and service information for consumers.

The CMA recommended that the frontline regulators develop proposals to improve information transparency so that consumers can make more informed decisions. The Law Society has commented [on the interim report](#) and [on the final report](#).

The regulators have set up a group to oversee implementation, and [recently published minutes of their first meeting](#) held in January 2017. The regulators are working to publish details of their work by July, and release consultation documents by October 2017. We will continue to ensure the voice of solicitors is heard throughout this consultation process.

The Law Society has already been working on this issue and we recently published our Transparency Toolkit to help solicitors provide the best possible cost and service information to clients. [Take a look at the toolkit here](#).

If you have any questions on the CMA report, or feedback on the Transparency Toolkit, we want to hear from you. Please email us at regulation@lawsociety.org.uk

Links:

[CMA interim report on the legal services market study - Law Society response](#)

[Regulation of legal services in 2017](#)

[Minutes of the legal services Remedies Programme Implementation Group meetings](#)

[Price and service transparency toolkit](#)



The way you access Practice Notes is changing...

From 1 June, you will need to register for My Law Society to access practice notes.

My Law Society is free to register, takes just a few minutes and is open to members and non members. Over 10,000 people have already registered. Sign up at [My Law Society](#).



To coincide with our workshop/surgery sessions at this year's Presidents and Secretaries Conference, we are profiling some of the teams who will be available to offer help and support. This month, we are delighted to include profiles on our Public Affairs team and Risk and Compliance Service.

Profile on the Public Affairs team

The Public Affairs team manages the organisation's relationship with external stakeholders in England and Wales, in Brussels and internationally.

They oversee the Society's influencing work and engage with senior policy-makers on behalf of the solicitors profession. Building relationships and partnerships with stakeholders is key when engaging with policy-makers, and they provide strategic advice on how to engage with external stakeholders who impact the political environment.

The Director of Public Affairs is Robert Khan and he is supported by a management team made up of the heads and managers of the different teams and an executive adviser.

Westminster Public Affairs team

The Westminster Public Affairs team is based in Chancery Lane and carries out the following functions:

- Lobbying and influencing Whitehall and Westminster on the priority issues of the Society including Brexit, access to justice, human rights, regulation, and others.
- Campaign management and development on justice and legal issues affecting the profession or the justice system.

- External stakeholder engagement and overall coordination of the Society's high influence/high interest stakeholders.
- Thought leadership programme management and delivery - including the delivery of flagship conferences and events and the Opening of the Legal Year.
- Presidential Year Plan, its management and delivery.

The four teams carry out external stakeholder engagement, internal coordination, campaigning and lobbying and putting a range of thought leadership events and conference on the following issues:

- **Brexit:**
- **Access to Justice:** Lobbying on small claims/personal injury reform, Campaigning on legal aid deserts.
- **Human Rights and Legal Professional Privilege:** Lobbying on the implementation of the Investigatory Powers Act 2016, Business and human rights, including the Modern Slavery Act
- **Regulation:** External stakeholder engagement, thought leadership events on regulation..
- **Presidential Year Plan:**
 - The team support the President with the implementation of their [Presidential Year Plan 2016/17](#), including project managing presidential led events, thought pieces and speeches.
 - Future of legal services/technology and the law.
 - Campaign on pride in the profession.

If you would like to know more about the Public Affairs team you can contact your Relationship Manager or visit them at the Presidents and Secretaries marketplace.

Profile on the Risk and Compliance Service

The Risk and Compliance Service was established in 2008 to help legal practitioners stay up-to-date with all the regulatory obligations affecting them. Since then we have enhanced our membership service to keep you and your staff up-to-date with relevant news and features, including:

- New website content
- Monthly e-newsletters
- Four topical and inclusive webinars and
- Discounts on seminars, conferences and books.

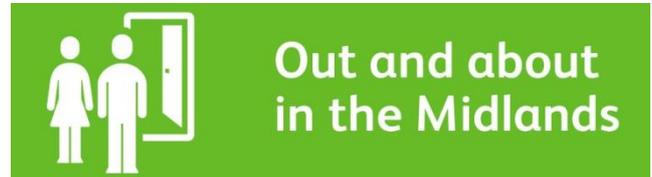
Our aim is to provide our members you with relevant information and valuable tailored advice across a range of regulatory challenges including:

- anti-money laundering,
- business continuity,
- client care and complaints handling,
- continuing competence,
- cyber security,
- data protection,
- outcomes-focused regulation,
- PI insurance, and
- compliance with the SRA Handbook.

Keeping up with your compliance obligations and safeguarding your business is crucial in the face of ongoing changes to the legal regulatory landscape.

The Risk and Compliance Advisory Service can provide you with more tailored advice, bespoke support and training, relevant to your firm and delivered face-to-face by one of our expert risk and compliance advisors.

We offer a highly trusted source of information and expertise and work with you to understand your current risk profile and to ensure you have what you need to implement any required mitigating measures.



We have had a busy March. President, Robert Bourns, hosted a managing partners lunch in Nottingham with a number of firms where issues discussed ranged from the implications of Brexit to business and the law. Robert also held a seminar at the University of Nottingham's Law School with law students, giving an insight on life as a solicitor and addressing a number of questions across a whole range of issues.

Vice President Joe Egan– in collaboration with Derby and District Law Society - also hosted a lunch with local members in March. The month also saw him attend and speak at Shropshire Law Society's Annual Dinner and present an award at Birmingham Law Society's Annual Awards. Staying in Birmingham, our Head of Risk and Compliance attended a meeting with a group of firms to cover a range of issues on risk and compliance.

Access and disclosure of an incapacitated person's will

This practice note is for solicitors and law firms who store wills.

What is the issue?

- Property and financial affairs attorneys and deputies owe a duty when making financial decisions, so far as is reasonably possible, to consider succession plans made by the person for whom they act. Having knowledge of the contents of the will and/or codicils(s) means that the attorney or deputy is in a position to act in the best interests of the person for whom they act.
- This guidance clarifies when a solicitor can disclose a copy of a client's will and/or codicil(s) to a property and financial affairs attorney or deputy in circumstances where the client has lost mental capacity.

[Read more](#)

Who owns the file?

The issue of which parts of a file are owned by the client and which by the solicitor is a live one for many firms.

This practice note is aimed at all solicitors and brings together information which has previously been distributed among several practice notes.

[Read more](#)

Making gifts of assets

This practice note is for solicitors who advise clients about transferring their assets to family or friends.

What is the issue?

- Clients might ask for advice about transferring property or investments to their next of kin, family members, or friends, before their death, as a means of planning for their future care. A solicitor could be implicated if they are found to have aided a client's deliberate deprivation of assets. Whether the client wishes to gift assets or to offer them at significant undervalue, you must advise them about the benefits and risks of doing so and clarify your role and responsibilities in the process.
- Some clients may receive advice from non-solicitor advice services that includes unjustified claims about gifting of assets to avoid the assets being considered for inheritance tax or care fees liability. You should consider seeking specialist advice if you feel it necessary to do so.

[Read more](#)



Reforms to the Advocates Graduated Fees Scheme consultation

The Law Society has responded to the Ministry of Justice (MoJ) consultation on reforming the Advocates' Graduated Fee Scheme (AGFS).

The response expresses our concerns that the proposals risk damaging the sustainability of the supplier base and do not promote compliance with ongoing initiatives such as Better Case Management.

[Read our full response](#)

Scope of VAT grouping

The Law Society has responded to HM Revenue & Custom's (HMRC) consultation on the scope of VAT grouping.

The consultation looked at whether to make changes to UK VAT grouping following decisions of the Court of Justice of the European Union (CJEU).

The main focus of the consultation looked at options around eligibility requirements for VAT group registration and the impact of policy changes following the CJEU decision in Skandia. It also looks at the interaction between VAT grouping and cost sharing provisions.

[Read the full response](#)

SRA consultation on rule waivers

The Solicitors Regulation Authority (SRA) sets the rules solicitors in England and Wales are required to comply with. The SRA recently consulted on proposed changes to the process by which solicitors can apply for these rules to be waived, along with plans to introduce criteria and guidance to develop its Innovation Space.

The SRA is proposing to replace two existing waiver policies - a general policy and a policy specific to the SRA Indemnity Insurance Rules 2013 - with a single policy. It has also proposed the introduction of a 'no enforcement rule' in specific circumstances where waivers are not possible.

The Law Society supports simplification of the waivers process in principle, as long as some key principles are met.

[Read the full response](#)

Employment tribunal fees consultation

At the end of January the Ministry of Justice published its long-awaited review of the impact of employment tribunal fees. It concluded that:

- users are contributing between £8.5 million and £9 million a year in fee income, in line with what we expected, transferring a proportion of the cost from the taxpayer to those who use the tribunal
- more people are now using Acas' free conciliation service than were previously using voluntary conciliation and bringing claims to the employment tribunal combined.
- Acas' conciliation service is effective in helping just under half the people who refer disputes to them avoid the need to go to the tribunal - where conciliation has not worked, most people go on to issue proceedings in the employment tribunal.

[Read our full response](#)

Litigators' Graduated Fees Scheme consultation

The Law Society has responded to the Ministry of Justice (MoJ) consultation on Litigators' Graduated Fees Scheme and Court Appointees, which proposes the following reforms to crown court work:

- Reducing the cap for claimable pages of prosecution evidence (PPE) from 10,000 pages to 6,000 pages.
- Reducing the fees paid for s38 court appointed advocates to legal aid rates.

Our response makes it clear that the case for introducing further cuts to criminal legal aid fees has not been made and that the proposals are a short-sighted 'quick fix' solution which will not address any other longer term issues relating to

the way litigators are remunerated, nor the problems within the LGFS.

[Read the full response](#)



Consultations for Government that you may be interested in responding to...

Review of Employment Practices in the Modern Economy

BEIS has commissioned RSA Chief Executive Matthew Taylor to lead an independent review into how employment practices need to change in order to keep pace with modern business models.

The wide-ranging review is looking at ways to ensure that the regulatory framework surrounding employment, and the support provided to businesses and workers, is keeping pace with changes in the labour market and the economy.

We do not take a view as to whether new business models are a positive or negative development. We are interested in how the employment law framework can be adapted to the modern economy and how the rights granted by Parliament can be effectively enforced.

Submission deadline

4 April 2017

[Find out more](#)

Amending the Valuation Tribunal for Wales Regulations 2010

The Welsh Government are consulting on proposals to reform the structure and organisational procedures provided for in the Valuation Tribunal Regulations 2010 to:

- remove unnecessary bureaucracy and simplify administrative procedures to allow the Valuation Tribunal for Wales to work more efficiently
- strengthen governance arrangements to ensure the independence and accountability of the organisation
- provide for future reforms to the business rates appeals process.

Submission deadline 16 April 2017

[Find out more](#)

Guidance on handling individual cases to protect children and adults at risk

The Welsh Government are consulting on guidance which provides advice on what should happen if an individual has concerns about the well-being or welfare of a child or an adult at risk.

Submission deadline 25 April 2017

[Find out more](#)

Guidance relating to supported accommodation

The Welsh Government are consulting on:

- statutory guidance landlords must follow when temporarily excluding a contract-holder under a supported standard contract
- non-statutory guidance to assist landlords and local authorities in carrying out their functions relating to extending the relevant period before a tenancy or licence for supported accommodation becomes an occupation contract.

Submission deadline 28 April 2017

[Find out more](#)

Fixed Recoverable Costs - Clinical Negligence

The Department of Health (DoH) are seeking views on the introduction of a system of fixed recoverable costs for lower value clinical

negligence claims. Under new plans, the DoH has limited its plans for fixed recoverable costs in clinical negligence claims to cases under £25,000, instead of for claims under £250,000. However, we remain concerned that fixing recoverable costs for victims of clinical negligence could deny them access to justice, unless the proposed scheme excludes complex cases and includes exemptions for unusual circumstances. It is also critical that fixed costs are set at a level which is sustainable for expert solicitors to continue to operate in this area.

Submission deadline 1 May 2017

[Find out more](#)