



## FACULTY OFFICE

**Minutes of the Meeting of the Advisory Board held  
remotely via telephone conference  
on Wednesday 25 March 2020 at 11:00am**

**Present:** Mark Craig (Chair)  
Jonathan Coutts  
Michael Heap  
Elaine Standish  
Christopher Vaughan

**In attendance:** Howard Dellar, Registrar Faculty Office  
Ian Blaney, Deputy Registrar Faculty Office  
Neil Turpin, Chief Clerk Faculty Office & Clerk to the Board  
Emily Fellows, Trainee Solicitor in Faculty Office (minute taking)

### **PART I**

#### **1. Apologies**

There were no apologies for absence.

#### **2. Minutes of the last meeting**

The minutes of the last meeting of the Board held on 22 January 2020 were circulated and approved. A typo was noted at item seven paragraph two which should read "data" not "date".

#### **3. Matters arising not otherwise on the agenda**

##### Appointment of a new Master

Michael Heap gave a report to the Board on the progress of the appointment of a new Master of Faculties to replace Charles George upon his retirement in June 2020. Michael had been

appointed to a panel of six tasked with considering four shortlisted candidates. This was the first time the Faculty Office had had any representation on the panel.

Interviews were due to take place remotely on 30 March 2020. The Bishop of Chichester had been asked to prepare questions on ecclesiastical matters and it was expected that Michael would be asked to prepare questions on regulatory matters. Candidates had been told that they could phone Howard Dellar for more information on regulatory matters in advance of the interviews.

It was queried how the position had been advertised and noted that adverts had been placed in both the Church Times and the Times Legal. The Master of Faculties was, under Ecclesiastical law, an adjunct role to his/her appointment as Dean of the Arches. This made the appointment process entirely different from appointing a new regulatory CEO. It was confirmed that the LSB had been advised of this and appeared content with the process.

All members of the Board confirmed that they were content for Michael to continue in his position on the panel. The Chairman thanked Michael on behalf of the Board for his report and wished him well with the appointment process.

#### **4. Increasing the size of the profession**

It was reported that there were 42 year one students on the UCL course due to start in [September 2020] which was about capacity for the course. UCL had confirmed that the course was on track to run as usual despite the coronavirus preventative measures as it operated as a distance learning course. This year's exams were likely to be able to proceed as scheduled in June but would be examined remotely.

It was reported that due to the impact of the coronavirus little progress had been made on this item.

It was agreed that Howard Dellar and Mark Craig would circulate a paper on the matter to the Board by the end of April 2020 for the Board members to consider before the next meeting in June 2020.

**To publish before the next meeting - it was agreed that this paper would be published as a supporting paper at the next meeting.**

#### **5. LSB Call for Evidence: Ongoing Competence**

Neil Turpin reported that he had attended two meetings with the LSB regarding their call for evidence. The LSB were seeking evidence of how competency was defined across the legal sector and how regulators could be confident that professionals remained competent throughout their careers. It was noted that the LSB were only seeking evidence of how competency was currently defined and monitored and were not yet seeking suggestions for improvement.

The LSB were seeking to gather as much evidence as possible from all interested parties before considering whether the status quo was sufficient and what, if any, suggestions they might make across the sector. The LSB were particularly keen to obtain evidence from the FCO as a possible stakeholder in the ongoing competence of notaries. Christopher Vaughan agreed to send any figures he had to Neil Turpin after the meeting.

The Board noted that any response would necessarily include reference to CPE, inspections and the small number of complaints received each year. It was noted the Faculty Office did not currently have a definition of a "competent notary". The Board acknowledged that this would need to be considered further in future.

Christopher Vaughan agreed that all members of the Notaries Society could be sent the form to complete and return to the LSB and that the Society would also make a response focussed on the role of the Society in ongoing competence.

It was confirmed that the Faculty Office would be making a response on behalf of the Master and that this would be published on the Faculty Office website.

Any members of the Board with comments on the response were invited to send these to Neil by 15 April 2020.

**To publish – the LSB Call for Evidence: Ongoing Competence will be published on the Faculty Office website as a supporting paper.**

## **6. Internal governance rules update**

It was reported that the Faculty Office had submitted an application for a Certificate of Compliance. The membership of the Qualifications Board had been an issue for compliance due to its lack of a lay majority.

After careful consideration on the part of the Qualifications Board, the Master and the Faculty Office a satisfactory resolution was reached. The membership of the Qualifications Board was altered in the following ways:

- Two members resigned to become expert Advisors to the Board
- One member did not have his membership renewed and will be appointed to the Advisory Board as a new member
- One new lay member was appointed with experience in regulation
- An additional lay member was being actively sought.

The Faculty Office was content that the actions taken so far would be accepted by the LSB and that they have achieved compliance in all other criteria.

It was noted that the Board did not require a lay majority as it had an advisory role and did not carry out any delegated functions of the Master.

**Note – the application for a certificate of compliance will not be published as it contains information which may form part of an ongoing matter.**

## **7. AML/OPBAS matters**

Neil Turpin reported that OPBAS had recently published a report on the progress and themes of its supervision in 2019. The report confirmed that OPBAS were content with the strong progress made by all Professional Body Supervisors (PBS). It was confirmed that of the 14% of PBS which required directions from OPBAS the Faculty Office was not among them.

The Report also identified areas for further improvement including enforcement action, intelligence sharing and ensuring excellence in the quality of any guidance issued.

The Faculty Office were already taking steps to improve intelligence sharing. It was reported that the Faculty Office were seeking a free trial of SIS (an inter-organisational intelligence sharing arrangement) to evaluate its benefit to them as a small PBS. The Faculty Office was also a member of the Intelligence Sharing Experts Working Party.

Following the introduction of the Fifth Money Laundering Directive on 10 January 2020 the Legal Affinity Group were working on producing updated guidance for the legal sector. The Faculty Office are involved in its production and were seeking enhanced guidance for notaries within the sector wide guidance. The Legal Affinity Group were keen to get the guidance out quickly but refused to compromise on clarity or usefulness.

A new National Risk Assessment was expected in the coming year, which the Faculty Office would look out for.

The Government were keen to introduce an Economic Crime Levy to pay for enforcement and the processing of SARs. The Government were seeking £100mil from the legal sector. This proposal was due out for consultation soon. The Faculty Office would again monitor this and seek to limit the impact on the notarial profession.

**To publish** – the OPBAS report on the supervision progress and themes of 2019 will be published on the Faculty Office website as a supporting paper.

## **8. Any other business**

### Covid-19

Elaine Standish reported that the Notaries Society was producing a paper on questions frequently asked regarding the Coronavirus measures. These points were raised with the Board for their consideration on whether to advise the Master to publish guidance on the Faculty Office website.

It was agreed that guidance should be published on the Faculty Office website confirming that as regulator the Faculty Office considered these to be "exceptional circumstances" (as stated at Rule 21, Notaries Practice Rules 2019) and would consider any complaints received during this period pragmatically. It was noted however that notaries would need to apply a consistent approach and not pick and choose which clients they saw.

The guidance would also confirm to Supervisor Notaries that remote meetings would be appropriate given the current exceptional circumstances and restrictions on travel.

It was confirmed that the Faculty Office would seek to publish this guidance by the end of the week.

**Advice to the Master** - the publication of guidance on the Faculty Office website on Covid-19 for the Notarial profession formed part of the Advice given to the Master.

## **9. Date of next meeting**

The date of the next meeting was confirmed as 3 June 2020 and would probably be held via telephone conference.

## **PART II**

There were no Part II agenda items to be discussed.