



Minutes of Faculty Office Senior Officers' Meeting

Held on Monday 15 June 2020 at 16:00 via video conference

Attendees: Morag Ellis QC, Master
Howard Dellar, Registrar
Ian Blaney, Deputy Registrar
Neil Turpin, Chief Clerk

Present: Charles George QC, Retired Master
Sue Goss, Accountant
Simon Foulkes, Consultant
Emily Fellows, Trainee Solicitor

The Minutes of the meeting held on 18 May 2020 had been circulated and were approved.

Morag Ellis was welcomed to her first meeting and congratulated on her appointment.

PART I - Ecclesiastical Matters

PART II – England & Wales Notarial Matters

6. Recruitment of Risk and Compliance Officer – update

The Faculty Office was still seeking appoint a Risk & Compliance Officer for September 2020. A total of 25 applications had been received and of those many looked promising. Deadline for submission was 22 June 2020 and shortlisting would occur after that. The initial interview was expected to be conducted via Zoom but it was hoped that some form of in-person interview could take place at the office. The Master was content for the Faculty Office to take the lead in the appointment process.

7. Consultation of Practising Certificate Renewal fees

A consultation document on the practising certificate renewal fees for 2020 was being produced. It was noted that the overall fee would remain the same but that 100% of the fee would be for the renewal of the certificate and there would be no contingency fee contribution this year due to the fund's now healthy balance. It was noted that only two disciplinary cases were in process for the present year which might call upon the fund.

8. Master's Audit Committee – update

The first meeting of the Master's Audit Committee ("MAC") was held on 3 June 2020. The meeting went well and there was good engagement from all members; Mark Craig (Chair), Nicholas Hatzis and Sandra De Lord. It was hoped that the MAC would assist the Faculty Office in meeting its transparency agenda.

9. Faculty Office company

There were no items outstanding on registering the company, although a back-log at Companies House was causing some delays in uploading certain information. The paperwork had been prepared to reflect the change in Master at Companies House and would be submitted by the end of the week.

The Master has powers of direction under the Articles of Association and it was therefore suggested that the Master be recorded as a person with significant control at Companies House. The Master agreed with this and reiterated the importance of being transparent.

It was suggested that "Faculty Office Company" be a standing agenda item to be considered at the end of the meeting to record any discussions had under any other headings.

10. KPIs – update

Following the approval of the KPI briefing paper at the last meeting, the KPI data on the Faculty Office website had been updated and will be incorporated into the new website.

11. Internal Risk Register – update

The Faculty Office internal Risk Register had been revised to enable the Faculty Office to better understand the internal risks to its undertaking. The Faculty Office would keep the Register "live" and would formally review it quarterly with the Master. The Risk Register was reviewed by the MAC at their first meeting and by Charles George, as Master.

It was hoped that the Master would be able to make suggestions and ask pertinent questions for the Faculty Office to consider and follow-up.

The Risk Register would be reviewed at the next meeting, which will be a quarterly meeting.

12. Covid-19 impact – update

The impact the Covid-19 restrictions might have on disciplinary hearings was considered. Howard Dellar had written to the Commissary to gain his advice on the matter and the Commissary's response was considered at the meeting.

It was reported that the Faculty Office had adapted well to working remotely, though the Office premises were closed until September 2020 at the earliest. The Special Marriage Licence administrator had been furloughed but it was hoped that she could begin work again before long.

Covid-19 was likely to have a negative impact on many notaries' turnover, in turn impacting the income the Faculty Office receives when practising certificates are renewed. Covid-19 appeared to be having little impact on those enquiring about qualification and the Notarial Practice Course was able to continue.

The Master asked questions about the wellbeing of Faculty Office staff as a result of Covid-19.

13. Inspections regime

A Zoom meeting with the inspectors had been held on 22 May 2020 and a consistent approach to remote inspections was agreed. The three inspectors had been given the list of 20 notaries, selected on a risk basis, to inspect in 2020. It was expected that remote inspections would begin shortly.

14. Practice Authorisation – update

A draft Statutory Instrument sought from the Ministry of Justice ("MoJ") had been prepared and Ian Blaney was responding to some technical questions raised by the MoJ. Once a response had been given to all these questions the process was anticipated to move to the next stage.

15. Qualifications Board

The Qualifications Board met remotely via Zoom on 9 June 2020 to consider applications for certificates of exemption for enrolment on the Notarial Practice Course. The two additional lay members joined the Board for this meeting, achieving a lay majority on the Board which was required under the LSB Internal Governance Rules ("IGRs").

16. Advisory Board

The Advisory Board met on 3 June 2020. One item on the agenda was the impact of Covid-19 on the profession. A mixed report was given with some notaries ceasing work and others becoming very busy. The Board also discussed remote notarisation and the Faculty Office guidance issued on the matter. The Board considered the approach in Scotland, which sought temporary legislation to provide for remote notarisation but felt that such legislation was not needed in England and Wales.

17. Mayson Review

Professor Stephen Mayson published his review of the regulation of the legal profession on 11 June 2020. His conclusion was the suggestion of a single regulator with the appointment of title (eg "solicitor" and "barrister" being awarded by the professional societies). The report distinguished the notarial profession and anticipated that the Master of Faculties would continue to appoint and regulate notaries public but that any notary undertaking conveyancing or probate as a notary would need to be regulated by this single regulator. Query what would happen about the administration of oaths, also a reserved legal activity at present.

No legislative change was anticipated imminently but the report provided food for thought.

18. Article in *The Notary* – the new Master

The editor of *The Notary* requested that the Master write an article for the paper introducing herself to the profession. The Master agreed and Neil Turpin agreed to liaise further with the editor.

19. Disciplinary cases – update

Howard Dellar had written to the Commissary to request his advice on holding remote disciplinary hearings. The Commissary's response was considered in detail.

Rule changes would be needed to facilitate remote hearings. The Master expressed concern that a consensual only system might be abused by those wishing to unduly delay proceedings but felt it important that a system be built into the Rules to enable a notary to object on reasonable grounds to the holding of a hearing remotely. The Master agreed that a permanent change to the Rules would be preferable, to anticipate any second spikes or further outbreaks of Covid-19.

It was noted that there were two potential cases on the horizon both of which were potentially quite complex. Neither case was approaching a hearing date.

It was agreed that further clarification of the Commissary's suggested order be sought for the next meeting.

20. AML/OPBAS matters – OPBAS review update

The OPBAS review of the Faculty Office as a professional body supervisor was conducted on the 2 & 3 June 2020. The review seemed to go well and OPBAS were supportive of the improvements the Faculty Office had made and understanding of their resource restrictions. A further action plan was expected although another detailed supervisory review was not expected for at least another year.

The Master agreed that AML would remain a standing agenda item. The Master also asked for internal AML training (for which Ian Blaney and Neil Turpin would provide) and would seek external training on AML (the Faculty Office would make a recommendation).

21. Legal Choices & RPIG

Howard Dellar reported to the Master that the Faculty Office contributed £5,000 a year to Legal Choices and participated in its governance and operational matters. The Legal Choices website sought to provide the CMA approved transparency information to consumers. The Faculty Office confirmed their commitment to the project. Howard Dellar also participates in RPIG to discuss CMA matters with regulators.

PART III – Overseas Notarial Matters

22. Any other business

It was agreed that Brexit would be an agenda item at the next meeting.

23. Date of next meetings

Provisionally:

20 July 2020 at 16:00

14 September 2020 at 16:00

Going forwards a meeting held on the 4th Monday of every month at 16:00

Glossary

NotaryPro	Online system used to administer the regulation of the profession
LSB	Legal Services Board
OPBAS	Office for Professional Body Anti-money laundering Supervision
MAC	Master's Audit Committee
IGRs	Internal Governance Rules
KPIs	Key Performance Indicators
RPIG	Remedies Programme Implementation Group
CMA	Competition and Markets Authority
AML	Anti-Money Laundering