



## FACULTY OFFICE

**Minutes of the Meeting of the Advisory Board held  
remotely via video conference  
on Tuesday 1 December 2020 at 11:00am**

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

**In attendance:** Howard Dellar, Registrar Faculty Office  
Ian Blaney, Deputy Registrar Faculty Office  
Neil Turpin, Chief Clerk Faculty Office & Clerk to the Board  
Mili Bhanji, Risk, Compliance and Investigation Officer and Deputy Chief Clerk

### Part I

#### 1. Apologies

Mark Craig confirmed receipt of an email from Jonathan Coutts containing his apologies and contributions to the agenda items.

#### 2. Minutes of the last meeting

The minutes of the meeting held on 23 September 2020 were circulated and approved.

The Faculty Office confirmed that all items identified for publication at the last meeting had been uploaded on to the Faculty Office website.

Mark Craig confirmed that for good order this would be a standing item for future meetings.

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

##### Admissions KPIs (new notaries)

The Faculty Office previously reported that data was being actively collected on admissions so that publication of the KPIs could be made more efficient.

The Faculty Office confirmed that admissions KPI data for 2020 was on track to be published by the end of December 2020.

#### Additional KPIs

The Board was invited to share insight and ideas for additional KPIs and to submit these to the Faculty Office by 31 January 2021. The Faculty Office to send a reminder a few weeks in advance.

#### Updated Code of Practice (CoP)

The Faculty Office confirmed that no comments or concerns had been raised, although one individual currently on the UCL course requested a hard copy.

Elaine Standish confirmed she was due to convey her comments to the Faculty Office. She queried whether in the meantime it was possible to collate analytics through the Faculty Office website confirming the number of site visits. The Faculty Office to check with its IT team whether this is possible and to provide the data to the Board for discussion before the next meeting.

#### Gender Neutral policy

On behalf of Jonathan Coutts the Chair reported that the policy read well and was generally suitable for use. However, there was a consensus amongst the Board that more time was required for proper scrutiny and as such, this item would be considered again at the next meeting.

The Faculty Office confirmed that there was a more concise version, which will be circulated to the Board by 31 December 2020.

### **4. Faculty Office updates**

#### Practising Certificate renewals

The Faculty Office confirmed the following:

- 711 certificates issued
- Circa 12 reminders have been sent and a number of applications are still going through the system
- Approximately 730 renewals expected by April 2021
- Downward trend attributed to earlier retirements because of the coronavirus

This led to a discussion about NotaryPro, the online Practising Certificate application system and the Board reported that there were complimentary comments on the notaries discussion forum and how NotaryPro compared with other regulatory mechanisms.

Christopher Vaughan confirmed that from reports to him from Members of The Notaries Society NotaryPRO seemed to work well; but it would be helpful to create automatic alerts to notaries regarding the expiry of their Professional Indemnity Insurance cover and Fidelity insurance cover (provided by the Notaries Guarantee Scheme).

Christopher Vaughan, who is also the Secretary of the Notaries Guarantee Scheme confirmed that the Invitation for Membership Renewal of Notaries Guarantee to be sent out in December will include a reminder to Notaries to upload the evidence of renewal to NotaryPRO with a warning that if this is not done then their details will be removed from Find a Notary a consequence being that documents submitted for Legalisation will be rejected because the FCDO check the status of every Notary each time a document id is submitted to them.

Howard Dellar confirmed that the Faculty Office had carried out a further review of the renewal data and as a result more changes are planned for 2021.

### Diversity Data

The Faculty Office confirmed receipt of 100% returns of the diversity data questionnaire, which was collected through the Practising Certificate renewal process but is saved in a separate area of the system.

This data would be used to inform the Faculty Office in its future planning and will also be shared with the LSB.

The Faculty Office to forward analysis of the diversity data on completion.

### LSB Governance Review

Howard Dellar confirmed that the review was at its final stages. There had been 13 interviews, and the Faculty Office were waiting for the report and interview transcripts.

Mark Craig commented on the volume of work involved in this process and acknowledged how the Faculty Office and all those involved in the review had done an incredible amount of work.

The Board discussed how the LSBs regulatory plan keeps on increasing and at some stage there is a cost burden that will fall on notaries. Concern was also raised as to whether all frontline regulators were being treated equally in proportion to their size.

Howard Dellar confirmed he is meeting in January with Kate Wellington, CEO of the Costs Lawyers Standards Board, to think through these issues with smaller regulator.

### Advisory Board Lay membership

The Faculty Office confirmed that the lay membership advertisement was on the Faculty Office website and was also being published via another platform to encourage a wide range of applicants.

The Chair confirmed that this concludes the Board's advice to the Master on this matter.

## **5. LSB Action plan**

The Board noted the accompanying LSB return document and the Faculty Office is awaiting a response.

## **6. AML/ OPBAS**

The Faculty Office is working through the action plan agreed with OPBAS.

Every notary is currently assigned an initial risk rating of red, amber or green depending on the characteristics of that notary's work.

The next stage of the plan is to implement a more bespoke risk assessment where every notary that falls within the higher risk bands will be given a grade one to four based on a wide variety of factors including:

- what that notary discloses in their risk assessment
- their risk appetite information received by other means for example we are taking out a free trial of a nation sharing system SIS which may contain red flags

The main piece of work in the new year will be to complete an analysis of notaries' risk assessments and also find any themes or lessons that can be learned from what notaries are identifying as better risk patterns.

The Faculty Office has recently compiled a brief synopsis of some new regulations that have been approved on exiting the European Union and the incorporation into domestic law of various AML requirements and this will be added to the Faculty Office website.

#### **7. Notaries (Conduct & Discipline) Rules 2015 amendments**

Mark Craig shared Jonathan Coutts' suggestion to incorporate provisions allowing for a document only based system for uncontested cases, without the requirement to hold formal oral hearings.

The Board deliberated on the consultation responses and a discussion took place about a respondent's right to refuse and whether there was a need to withhold the identity of those notaries that had responded to the consultation.

The Faculty Office reported it would explore the possibility of executing these amendments using LSB's coronavirus exemption (Exemption Direction 149) whilst taking a detailed review of permanent changes.

#### **8. Enforcement policy**

By way of background the Faculty Office confirmed that this action formed part of the OPBAS action plan. The purpose of the policy is to codify how the Faculty Office deal with deficiencies when carrying out risk assessments and set out how the Faculty Office exercises its discretion.

The Advisory Board debated the policy and agreed for Ian Blaney to compile an audit note of the recommended changes for the Master's consideration.

#### **9. Faculty Office deficit reduction plan**

The Board considered the Faculty Office's reserves policy and deliberated several options to reduce the deficit and increase the Faculty Office reserves sooner.

#### **10. Any other urgent business**

There was none.

#### **11. Date of next meeting**

02 March 2021

01 June 2021

21 September 2021

07 December 2021