

Dear all,

As we find ourselves at the end of week 12 of the coronavirus crisis, we know that significant steps are being made to ease lockdown and return to some sort of normality. I have put together a brief overview of what the Law Society has been doing throughout this time to support our members, and to flag what is coming down the track in the near future.

Should you have any questions and would like to contact me directly, please feel free to do so at beth.quinn@lawsociety.org.uk

At the onset of lockdown, we had four main priority areas:

1. Looking after our members' safety: pushing for adequate safety measures to be introduced in courts, prisons and police stations; and to ensure members weren't suffering regarding the execution of their work
2. Helping members keep their businesses going: urging government and other agencies, such as the Legal Aid Agency, to take action to address the difficulties likely to affect our members; still working to ensure businesses will stay afloat
3. Helping members stay compliant: identifying where the crisis would affect our members' ability to comply with particular rules ensuring regulatory obligations were able to be met in challenging circumstances
4. Protecting the rule of law: seeking to ensure that measures were put in place to keep the justice system functioning and the public safe.

Government Support and lockdown

At the onset of lockdown there was a lot of information and support released by government. We were aware, however, of some gaps that affected the profession, and worked hard to ensure that these gaps were filled.

Business continuity

We created a [business continuity toolkit](#) to help members strengthen their business and consider relevant support in a easily digestible format. This toolkit is made up of:

- [Coronavirus Job Retention Scheme: Guidance for law firms](#)
- [top tips for firms to preserve their cashflow](#)
- [an online tool to determine your and your firm's eligibility for government support measures](#)
- [video-insight from managing partners and senior leaders on how to weather the storm](#)
- [business support measures for small firms](#) (flow chart)
- Financial resilience [blog](#)

Lobbying the Treasury, Ministry of Justice (MoJ) and BEIS and engaging with the SRA

Simon Davis, President of the Law Society, has held daily calls with the MoJ, weekly calls with the Department for Business Energy and Industrial Strategy, and ongoing conversations with the Treasury, the Department of Health and Social Care, the Ministry of Housing, Communities and Local Government, HMRC and others.

Simon also had conversation with the Chair of the Justice Committee in Parliament and gave oral evidence as part of its inquiry on the impact of Covid on legal services and the justice system. He also has had regular contact with the Shadow Lord Chancellor and Shadow Attorney General.

Engagement with the SRA

We have been working closely with the SRA to ensure solicitors are able to meet their regulatory requirements during this time.

We have pressed the SRA to:

- make it clear that it will take a proportionate approach to enforcement taking into account the current working arrangements during the crisis
- produce guidance on issues causing particular problems to members, such as CCD & ID checks, confidentiality, account rules and supervision
- find a suitable way forward for the treatment of trainees and those planning to sit exams this year
- support firms with PII renewal difficulties to be given more time to resolve issues by lengthening the Extended Indemnity Period and Cessation Period.

The Legal Services Board has

- introduced a fast track approvals process for changes to regulatory arrangements that may become necessary as a result of the current crisis.
- begun to build-up a set of common sector issues emerging from the crisis to help identify any regulatory challenges that need to be addressed. This has included the relaxation of some regulatory requirements.

Successes

Following these representations, and the work of the Society, we secured a number of positive developments for the profession:

- Convinced the MoJ and the SRA to allow oaths relating to commercial transactions to be sworn via videolink (although appropriate record keeping will help if the oath's validity is later challenged)
- Persuaded the Land Registry to accept Mercury signatures, following our feedback on the difficulties of obtaining wet signatures in the current circumstances
- Ensured that the majority of trainees and students can still sit their exams, despite the SRA's initial intention to suspend these
- Lobbied the Government to amend the proposed emergency coronavirus legislation to allow hearings under the Extradition Act 2003 to take place temporarily via a live

link, as well as ensuring the Government understood the need for a sunset clause in the legislation.

- Secured amendments to the domestic abuse gateway to reduce the evidence requirements which helped victims of domestic abuse to get emergency injunctions during lockdown
- Economic crime levy consultation deferred to July

Along with other groups, we persuaded the British Business Bank and the Treasury to:

- Reduce its restrictive security criteria by not seeking guarantees for loans less than £250,000 and not taking security over an applicant's primary residence for larger loans
- Create a specific loan scheme for firms with turnover exceeding £45 million that are unable to access the Bank of England's loan scheme
- Extend the Job Retention Scheme, leading to the extension until October and the ability to have part-time furlough
- Provide an emergency support grant to the Law Centres Network, the Access to Justice Foundation and other frontline charities to continue their work through the Covid-19 crisis.

The Law Society have also been working hard to provide resources for our members:

[Practical framework for law firms and sole practitioners on return to the office](#)

We recently released [a framework for legal services](#) following the guidance released by the UK government regarding offices in England, which covered law firms and sole practitioners. In our guidance, we outline the most relevant points for legal services and the practical steps that firms need to take in terms of returning to the office.

We also released [employment law guidance for returning to the office](#) which is applicable to offices and other workspaces more widely, looks at the employment law and health and safety considerations employers will need to be aware of as employees return to the office, or continue to work from home. Topics included in the guidance include:

- Can firms be liable if an employee contracts COVID-19 at work?
- Can staff demand to come into the office or can a worker refuse to come into the office if they think it is unsafe?
- Is it an employer's responsibility to take in to account the risks involved in employees travelling to the office?
- Do employers need to make special adjustments for those the government deem to be particularly vulnerable to coronavirus?
- Do employers need to provide PPE?

- Can employers insist employees download the NHS app?
- Can employers ask workers to inform them if they have coronavirus?
- Are employers obliged to fund an employee's home office set-up?

This was part of our [safe return to the office: Toolkit for firms](#). There are a number of steps that firms need to take to reopen safely, and our toolkit provides practical resources to help members get ready for this return safely. These include:

- [Risk assessment template](#): this aims to support law firms in meeting the requirements set out in the government's guidance and our practical framework. Using this template is optional. It will not cover all scenarios and each law firm should consider its own unique circumstances.
- Covid-19 posters to display in offices (available in English and Welsh) re: [handwashing](#); [2m distance for common areas](#); [one person per lift](#); [one person in the toilet](#).
- Staffing decisions flowchart
- Article: What high street law firms should consider when returning to office working, including how to conduct the mandatory Covid-19 risk assessment. [Read the article](#)
- We partnered with the Institution of Occupational Safety and Health (IOSH) to support solicitors to return to the office safely, setting out four areas to consider: safe people, safe systems, safe workplaces, safe equipment. [Read IOSH's guidance](#)

In Practice

Cybersecurity

We have produced [four bitesize videos](#) on how you can keep you and your clients cyber-safe at the moment. These videos may be a useful reminder to all staff, so please do feel free to share these. The videos include:

- Our four commandments to stay cyber-safe when working from home
- Running a law firm? Three rules to follow on data protection during covid-19
- How to deliver legal services safely online
- Preventing fraud and scams

We have also released a few podcasts on topics relating to the delivery of legal services and being cyber safe:

- [How safe is Zoom, Teams and Webex](#)
- [Paid vs free versions of videoconferencing systems](#)
- [Multiple broadband users](#)

- [What type of COVID related scams, fraud and threats are most common?](#)
- [What steps can small businesses take to protect their work?](#)
- [What are the signs to spot these threats and how can the public be cybersmart?](#)
- [Is the new COVID tracing app safe?](#)

We have also updated our practice note on '[protecting your firm if you fall victim to a scam](#)'. The Legal Ombudsman (LeO) has also published [guidance for legal service providers on its approach when considering complaints during the COVID 19 pandemic](#).

Virtual execution of documents and e-signatures

This [page](#) highlights our position and provides examples of best practice to assist the membership. In addition, there are links to a couple of practice notes (execution of documents by virtual means, execution of documents using electronic signatures) which may also be useful. Please also see the following:

- Lexis Nexis [protocol](#) for virtual statutory declarations
- AML – The Legal Sector Affinity Group (of which The Law Society are a member) has published an advisory [note](#) on key AML risks and challenges in the current times.

Crime

We have worked with the Crown Prosecution Service (CPS) and the National Police Chiefs' Council (NPCC) on a coronavirus interview [protocol](#). We created an [interactive heat map](#) to show which courts in England and Wales are open, staffed or suspended. The risk assessments undertaken by HMCTS and the means by which poor practice can be reported are identified on this page.

- [Press release: 120 criminal firms have collapsed with more to follow](#) – Law Society demands more from government proposals
- Press release (16 June) [Immediate action needed to save the justice system](#)
- [Courts and Tribunals planning and preparation](#) – provides advice and guidance for all court and tribunal users during the pandemic
- [Changes to the court and tribunal hearings during the coronavirus outbreak](#)
- [Cloud Video Platform \(CVP\) guidance](#) – how to join CVP for a video hearing
- [Rollout plans for CVP](#) – this sets out a timetable for when CVP is scheduled to be available at Crown courts

Legal Aid

- Criminal Legal Aid Review package – [summary of Law Society response](#)
 - [Read our response in full](#)
 - In addition we submitted a [supplementary response](#) in which we raise concerns about: the reduction in the value of the package due to the drop in activity in the system following the coronavirus outbreak

- The even more urgent need for additional support for legal aid solicitors

Conveyancing

We have worked collaboratively with the residential sector and professional organisation's representatives to produce pan-industry [guidance](#) for conveyancers advising clients on house moves. We also produced some [sector specific guidance](#) for conveyancers.

Probate

Update from our recent meeting with HMCTS is available [here](#).

Family

The Family Law Bar Association (FLBA) has put together a training video on remote access and paperless bundling for family law practitioners, available [here](#).

Professional Indemnity Insurance

We are aware that firms may be renewing their PII during the pandemic. To support you, we have compiled a list of possible [issues and solutions](#) for consideration.

SRA – Confidentiality

Updated SRA [guidance](#) on protecting client confidentiality whilst working remotely. The Law Society has posted a home working confidentiality blog on our website. Read it [here](#).

Trainees/ supervision

- We have updated our guidance on what to do if your [training contract is terminated](#).
- On employment status we have confirmed that: The SRA state that trainee solicitors are common law apprentices, which means that they cannot be terminated as part of a redundancy process. This gives them enhanced protections under employment law and you should have reference to the SRA's Authorised Training Provider information pack (2019 regulations).
- We have been working to provide guidance to trainees, primarily around furlough, redundancy and future prospects, which can be found on the Law Society's [Coronavirus advice page](#).
- We have also been working closely with the SRA, asking them to clarify arrangements for training and possible extensions as a result of furlough. [Clear information](#) is now available on their [webpages](#) as a result of this engagement.
- We have also [published a blog](#) on remote supervision, with tips and links to relevant guidance.

- More information available on [Apprenticeships](#)
- Mental health and wellbeing [resources](#)
- Pro Bono [guidance](#) and on [Law Works](#)

Tell your story: social media videos to show solicitors' work during the coronavirus crisis

We want everyone to know the great work solicitors have been doing during the coronavirus crisis. If you/your firm have gone the extra mile for your community or your clients during the pandemic and have a story to tell, capture it on a brief video using your phone and post it to social media using #SolicitorSpirit – we will promote the best ones to the public and the profession. If you don't use social media just send the video to corporatecommunications@lawsociety.org.uk

More info and guidance for recording your video [can be found here](#)

Practising fee consultation

- We are now consulting members about a £3 million reduction in our part of the practising fee for 2020-21. This is a 10% decrease. The Law Society receives less than 30% of the practising fee; the largest portion, over 70%, covers the total costs of the SRA, part of the costs of the Legal Services Board and the Legal Ombudsman, the full cost of the Solicitors Disciplinary Tribunal, and certain levies under the Legal Services Act. Although we propose to reduce our portion by £3m, proposed increases elsewhere will result in a flat practising certificate fee overall.
- The planned reduction is part of a package of support which equates to approximately £4m. This is made up of a reduction in the practising certificate fee by the Society, driving down its operating costs by £3m, along with free training programmes and additional free to access webinars and support to help members deal with the challenges they and their firms will be facing. It also includes targeted direct support with accreditation discounts for conveyancing and criminal members particularly suffering at the moment. We have fulfilled our public interest role too, financially supporting charities focused on access to justice.
- We will keep this support and assistance under review as the impact on the profession becomes clearer. The survey closes on 10 July 2020.