

Consultation on RCCC and CPD Rules changes

Proposed changes to: the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 and Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education–Continuing Professional Development) Rules 2013

The New Zealand Law Society | Te Kāhui Ture o Aotearoa (Law Society) is asking the legal community and the public to provide feedback on proposed changes to the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (RCCC) and Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education – Continuing Professional Development) Rules 2013 (CPD Rules).

The objective of the proposed changes is to better address sexual harassment, bullying, discrimination, violence and other unacceptable conduct within the legal community. The changes are one part of the larger picture in improving the wellbeing and culture of the legal profession and making the legal community a safe and healthy place for everyone. They have been informed by the work and recommendations of the Law Society's Independent Regulatory Working Group chaired by Dame Silvia Cartwright, the 2018 Workplace Environment Survey and concerns and experiences courageously shared by many people within the legal community.

Your feedback on the proposed changes is valuable and will be key to developing robust and effective rule changes that support change within the profession.

This consultation paper provides background information on the proposed changes and a summary of each proposed change, together with commentary. Contributors to the consultation process are asked to share their feedback through a survey link included in this paper. A copy of the technical draft changes is attached to this paper.

Please provide your feedback on the proposed changes by **5pm 3 July 2020** by [completing the survey here](#)¹ and provide any additional feedback or queries to our dedicated email address at rulechangesfeedback@lawsociety.org.nz. Any feedback provided will be treated as confidential and a consultation summary will be prepared which does not identify individual contributors.

¹ <https://www.surveymonkey.com/r/WTVD286>

Background to proposed changes

The Law Society's Independent Working Group Report (Working Group Report), released in December of 2018, contained recommendations to enable better reporting, prevention, detection and support in respect of sexual harassment, bullying and discrimination and other inappropriate workplace behaviour within the legal community. The Working Group was chaired by Dame Silvia Cartwright. [A copy of the Working Group Report can be accessed here.](#)²

The Working Group's mahi, and the focus on implementing regulatory change, has been informed by the lived experiences shared by many within the legal community. The Colmar Brunton Workplace Environment Survey commissioned by the Law Society in 2018 (Survey) also provided in-depth information about the prevalence of this behaviour and the impact it has on those affected. [A copy of the survey can be accessed here.](#)³

The recommendations made by the Working Group included suggested changes to the Lawyers and Conveyancers Act 2006 (the Act) and RCCC to improve regulatory responses available to address behaviour of the type which was the focus of the report.

While the prospect of changes to the Act were initially considered, this was not possible. Substantive changes to the Act could follow the independent review of the structure and function of the Law Society which was announced in October of 2019. In the meantime, changes to the RCCC and CPD rules are being proposed in response to the Working Group's recommendations.

Proposed changes to the Rules

The Working Group identified keys areas for regulatory change to address serious conduct issues within the legal community. The proposed RCCC and CPD rule changes draw on the Working Group's recommendations for reform and aim to provide:

- ▶ Clearer conduct obligations;
- ▶ Clearer reporting obligations;
- ▶ Closer regulation of legal workplaces; and
- ▶ Obligatory education and training.

The proposed changes have also been informed by professional rules and regulatory obligations found in comparable jurisdictions. For example, the RCCC rules relating to specific conduct find parallels in the Uniform laws applicable to legal practitioners in Australia. The RCCC rules relating to confidentiality also share some similarities with the rules applying to Barristers in the United Kingdom. The RCCC rules relating to the scope of behaviour which is of professional concern and

2 https://www.lawsociety.org.nz/_data/assets/pdf_file/0007/129922/Report-of-the-NZLS-Working-Group-December-2018.pdf
[WG p ...] denotes specific references to the Working Group Report in this consultation paper.

3 https://www.lawsociety.org.nz/_data/assets/pdf_file/0009/122679/Report-28-May-2018.pdf

how it may be reported have also been influenced by a review of other regulated professions and sectors in New Zealand.

The changes proposed to the RCCC and CPD rules more specifically provide enhanced and improved rules in relation to:

- ▶ The conduct expected of all lawyers and employees of law practices;
- ▶ The obligations expected of those who manage and operate law practices;
- ▶ The obligations to report unacceptable conduct;
- ▶ Protections for those who report or experience unacceptable conduct; and
- ▶ The introduction of mandatory education aimed at reducing unacceptable behaviour.

Consultation Process

During the drafting phase, early consultation was undertaken with people working within the Lawyers Complaints Service and its Standards Committees, select Ministry of Justice officials and internal and external regulatory legal advisors. The Board of the Law Society and members of the Culture Change Taskforce also contributed to the process.

In February 2020, the Board approved the progression of the draft proposed changes. The draft changes were submitted to the Parliamentary Counsel's Office (PCO) in March 2020 for review. A finalised draft for consultation was produced by the PCO in May of 2020.

The draft proposed RCCC and CPD rules are now being released to the public and legal community for consultation. Consultation is vital to ensure that the proposed changes achieve their purpose and that they are subject to scrutiny by the people who will be directly affected by the changes.

Following consultation, the legislative framework requires any final changes to the RCCC and CPD rules to be approved by the Council of the Law Society and the Minister of Justice.

Proposed changes

This section provides a summary of the proposed changes and the technical details of the change. Commentary is also provided about the rationale underlying the proposed change.

Changes to Chapter 1

INTERPRETATION AND INTRODUCTION

RCCC 1.2

Changes are proposed to the 'Interpretation' section included in RCCC 1.2 including inserting specific definitions of *harassment*, *bullying and discrimination* and *violence*. This will be complemented

with new rules that make it clear that this conduct is not acceptable in the legal community. It is also proposed that a clear and simplified definition of 'law practice' is included.

Interpretation

behaviour includes the use of language (whether written or spoken), the use of visual material, and physical behaviour

bullying means repeated and unreasonable behaviour directed towards a person or people that may lead to physical or psychological harm

discrimination means discrimination that is unlawful under the Human Rights Act 1993 or any other enactment

entity means—

- (a) an entity operated by a partnership of lawyers; or
- (b) an incorporated law firm

harassment means—

- (a) intimidating, threatening, or degrading behaviour directed towards a person or group that may have a harmful effect on the recipient; and
- (b) includes repeated behaviour but may be a serious single incident

law practice means—

- (a) an individual lawyer practising on that lawyer's own account; or
- (b) an entity that provides regulated services to the public

sexual harassment means—

- (a) a request made by a person of any other person for sexual intercourse, sexual contact, or any other form of sexual activity that contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment; or
- (b) subjecting another person to behaviour of a sexual nature that is unwelcome or offensive to that person (whether or not it was conveyed to that person)

violence includes all forms of physical, psychological, and sexual abuse or assault.

RCCC 1.5

Obligations contained in the Schedule to the RCCC are to be incorporated into the rules themselves to emphasise that the preservation of the integrity and reputation of the profession is the responsibility of all lawyers, to ensure public trust and confidence. Inclusion of these obligations in the body of the rules also makes it clear that there can be a regulatory response when a lawyer's conduct does not meet these standards.

1.5.1 These rules set the minimum standards of professional conduct and client care that all lawyers are required to observe in order to maintain the reputation and integrity of the profession so as to ensure public confidence in the provision of legal services. The rules provide a reference point for discipline.

1.5.2 The preservation of the integrity and reputation of the legal profession is the responsibility of every lawyer.

Commentary

The Working Group concluded that a barrier to adequately addressing harassment, discrimination, bullying and other unacceptable workplace conduct in the legal profession is unclear conduct standards.

One of the issues it identified was the fact that the RCCC did not expressly state that sexual violence, sexual harassment, bullying and discrimination amount to breaches of specific RCCC rules. The Working Group also observed it was problematic that it was not clear how sexual violence, harassment, bullying and discrimination fitted within the statutory definitions of "unsatisfactory conduct" and "misconduct" that were in the Act [WG p 33].

The proposed RCCC changes include specific rules emphasising the connection between the professional conduct of every lawyer and public trust and confidence in the legal profession. The changes also incorporate definitions of behaviour which should be marked out as completely unacceptable in the legal community and should attract a regulatory response. These definitions are consistent with definitions found in other legislation. However, they have been drafted in order to ensure they are wide enough to capture all relevant conduct.

Changes to lawyers' reporting obligations

RCCC 2.8

Changes are proposed to the reporting obligations contained in rule 2.8 to improve the reporting of unacceptable behaviour in the legal community and to provide safeguards for those who report or support reporters and people who are subject to it. The removal of the reference to the report

being 'confidential' will assist in clarifying the process that will follow when a report is made. The proposed changes are also designed to include protections and exceptions for victims of the behaviour and make it simpler to understand when a report should be submitted.

2.8 Subject to the obligation on a lawyer to protect privileged communications, a lawyer who has reasonable grounds to suspect that another lawyer may have engaged in misconduct must make a report to the Law Society at the earliest opportunity.

2.8.1 This rule applies despite the lawyer's duty to protect confidential non-privileged information.

2.8.2 If a report by a lawyer to the Law Society may breach the lawyer's duty to protect confidential non-privileged information, the lawyer should also advise the lawyer's client of the report.

2.8.3 This rule does not apply to—

- (a) a lawyer who has received information in the course of providing confidential advice, guidance, or support to another lawyer, including a member of a panel under a "friend" system, unless disclosure of the information is necessary to—
 - (i) prevent the anticipated or proposed commission of a crime or fraud; or
 - (ii) prevent a serious risk to the health or safety of any person; and
- (b) a lawyer who is a victim of the suspected misconduct; and
- (c) circumstances where a lawyer reasonably believes the disclosure would pose a serious risk to the health (including mental health) or safety of a victim.

RCCC 2.10

This is a new rule which specifically says that a lawyer must not victimise a person who, in good faith, makes a complaint or report to the Law Society. The definition of victimisation is wide and includes bullying, intimidating and professionally disadvantaging someone. The intention of the rule is to protect people who come forward with complaints or concerns about conduct and to mark out victimising behaviour as completely unacceptable in the legal community.

2.10.1 A lawyer must not victimise any person who, in good faith, makes a complaint or a report under rule 2.8 or 2.9.

2.10.2 For the purposes of this rule, examples of victimisation include (but are not limited to)—

- (a) unwarranted adverse employment-related actions;
- (b) unwarranted withdrawal of instructions;
- (c) bullying;
- (d) professional disparagement;
- (e) lack of professional co-operation.

Commentary

The Working Group identified that the ingredients for an effective reporting mechanism that addresses sexual violence and harassment, bullying and discrimination are:

- ▶ obligations on employers;
- ▶ appropriate exceptions;
- ▶ protections for reporters;
- ▶ processes in place to enable and support reporting;
- ▶ enforcement.

The proposed changes to the reporting rules incorporate the elements identified by the Working Group to promote wider reporting of harassment, sexual harassment and bullying conduct. The additional changes introduce protection for people who report unacceptable conduct, in an effort to limit the potential reprisal or adverse consequences that can occur for reporters. Removing reference to 'confidential' in the reporting provision clarifies that whilst the process is a confidential one and the privacy and confidentiality of people involved in the process is paramount, for a report to be investigated its contents will ordinarily need to be disclosed in order to comply with natural justice obligations.

Changes to the rule about 'terminating' lawyer-client relationships

RCCC 4.2.1

Changes are proposed to provide a pathway for a lawyer or a law practice to terminate a retainer with a client if the client engages in sexual harassment, sexual violence, discrimination, bullying and other unacceptable behaviour towards a lawyer or employee

4.2.1 [...]

- (f) behaviour by the client directed towards the lawyer or any person associated with the law practice that amounts to violence, harassment, sexual harassment, bullying, discrimination, or threatening behaviour.

4.2.5 For the purposes of this rule, **a person associated with the law practice** includes any barrister instructed by the law practice and any persons engaged or employed by the law practice.

Commentary

The Working Group report recognised that sexual violence, bullying, harassment and discrimination can (and does) occur by clients towards lawyers (including lawyers condoning the discriminatory behaviour of their clients directed at staff). The report also notes that a legal practice's obligations to its staff do not cease simply because the harasser is not an employee. However, legal practices have questioned their ability under the rules to terminate a retainer in such situations.

As they stand, the rules in relation to termination of a retainer are strict; a lawyer may only terminate a retainer by agreement with a client or if there is 'good cause'.

The Working Group considered that the rules must be clear enough to enable a legal practice to sever ties with a client when there is a real risk to staff. It said that legal practices must take 'immediate and proactive steps to protect their staff from the unacceptable behaviour of clients' and that lawyers should not point to the rules as an obstacle to this. [WG p 59–60]

The proposed changes are intended to provide a clear avenue for lawyers to end relationships with clients in appropriate situations when people working for the law firm are subjected to harmful behaviour.

Changes to Chapters 10 and 11 of the Rules

PROFESSIONAL STANDARDS – SPECIFIC RULES RELATING TO
HARASSMENT, BULLYING, DISCRIMINATION AND VIOLENCE
AND NEW REPORTING OBLIGATIONS FOR LAWYERS WHO
ARE RESPONSIBLE FOR OPERATING A LEGAL PRACTICE

Re-ordering of Chapters 10 and 11 and new rules

The proposed changes incorporate a re-ordering of chapters 10 and 11 to differentiate between general obligations which apply to all lawyers (Chapter 10) and specific obligations relevant to lawyers who are responsible for the operation and management of a law practice (Chapter 11). The proposed changes seek to set clear standards of what is expected of lawyers in their professional

capacity and should make it easier to differentiate between a lawyer's individual responsibilities as opposed to a lawyer's responsibilities when managing a law practice.

RCCC Chapter 10

It is proposed that the heading to Chapter 10 refers to 'standards'. The term 'standards' references what is expected of lawyers in relation to their professional conduct consistent with the overall obligations contained in the chapter.

Changes have also been proposed to the wording of Rule 10 to incorporate the changes to the heading to Chapter 10 and to better reflect the obligations set out in the chapter.

Chapter 10

Professional standards

10 A lawyer must promote and maintain professional standards.

RCCC 10.1

Changes are proposed to Rule 10.1 to remove the inconsistency of lawyers being required to treat other lawyers with respect and courtesy as opposed to treating all people they engage with in a professional capacity with respect and courtesy.

Respect and courtesy

10.1 A lawyer must treat all persons with respect and courtesy.

RCCC 10.2

A new Rule 10.2 has been proposed to reinforce the overriding obligation to maintain the reputation of the profession, to simplify its enforcement, and to be consistent with the obligations contained in rule 11 in relation to how a practice is operated.

Reputation of the profession

10.2 A lawyer must not engage in conduct that tends to bring the profession into disrepute.

RCCC 10.3

The proposed change includes a new rule that makes it clear that discrimination, harassment, bullying, and violence are unacceptable within the legal community and is designed to simplify enforcement for any breach.

Discrimination, harassment, sexual harassment and bullying

10.3 A lawyer must not engage in conduct that amounts to 1 or more of the following:

- (a) harassment:
- (b) sexual harassment:
- (c) discrimination:
- (d) bullying:
- (e) violence.

RCCC 10.14

A new rule is also created to reinforce the obligations to respond appropriately to requests for information from the Law Society as regulator.

Dealings with the Law Society

10.14 A lawyer must—

- (a) respond to inquiries from the Law Society respectfully and in a timely manner; and
- (b) act in a way that does not obstruct or hinder the regulatory functions of the Law Society.

10.14.1 Nothing in this rule requires a lawyer to breach privilege held by the lawyer's client that has not been waived by that client.

Commentary

The Working Group identified the difficulties created by unclear conduct standards as:

- ▶ Impeding the deterrence and detection of unacceptable workplace behaviour in the legal profession;
- ▶ Contributing to a lack of reporting of this type of conduct to the Law Society as regulator. [WG 'The need for clear conduct and reporting standards' p 33]

The Working Group recommended that a clear signal be given to lawyers that this type of conduct is unacceptable and that it is a professional disciplinary matter.

The proposed changes focus on creating clearer conduct standards. They provide greater emphasis on the collective responsibility shared by all lawyers to preserve the integrity and reputation of the profession that is referred to in the current schedule to the RCCC. This is achieved via a proposed rule which makes it clear a lawyer must promote and maintain a high standard of professional and personal behaviour and avoid any behaviour that may reflect adversely on the legal profession. Specific definitions of unacceptable conduct in RCCC rule 1.2 are also coupled with clear rules confirming anyone who engages in such conduct will have breached their professional obligations.

The proposed changes will also achieve consistency with regulation in overseas jurisdictions and other regulated professions in New Zealand.

Changes to Chapter 11

CLEAR RULES FOR LAWYERS RESPONSIBLE FOR OPERATING A LEGAL PRACTICE (LAWYERS PRACTISING ON OWN ACCOUNT) – INCLUDING OBLIGATIONS TO ENSURE WORKPLACES ARE SAFE AND APPROPRIATELY MANAGED AND NEW REPORTING OBLIGATIONS ARE IN PLACE.

RCCC 11

Changes are proposed to rule 11 to simplify the wording of the rule and to expand the obligations contained in the rule to apply to employees and people engaged by the practice, including summer clerks, volunteers, contractors and others who may be affected by unacceptable conduct at the practice.

Chapter 11

Proper professional practice

- 11 A lawyer practising on their own account must ensure that—
- (a) their law practice is administered in a manner that ensures that each of the following duties is adhered to:
 - (i) the duty to the court:
 - (ii) the duty to persons engaged or employed by the law practice, including all persons who perform legal and non-legal services (whether paid or otherwise) at or for the law practice whether under a contract of employment, under a contract for services, as a volunteer, or otherwise:

- (iii) the duty to existing, prospective, and former clients; and
- (b) the reputation of the legal profession is preserved.

RCCC 11.1

Changes are proposed to move the current rule 11.3 forward to 11.1 and to simplify the wording of the rule to confirm it relates to the operation of the practice.

Supervision and management

- 11.1 A lawyer practising on their own account must take all reasonable steps to ensure that—
- (a) the operation of the law practice (including separate places of business) is at all times competently supervised and managed by a lawyer who is practising on their own account; and
 - (b) the conduct of all persons engaged or employed by the law practice is at all times competently supervised and managed by a lawyer who is practising on their own account.

RCCC 11.2

A new rule has been proposed to confirm each law practice must have effective policies and systems in place to protect employees and other people working for the practice and ensure that the workplace is a safe place for all.

- 11.2 A lawyer practising on their own account must ensure that the lawyer's law practice has effective policies and systems in place to prevent and protect all persons engaged or employed by the law practice from the effects of unacceptable behaviour, including—
- (a) harassment; and
 - (b) sexual harassment; and
 - (c) discrimination; and
 - (d) bullying; and
 - (e) violence.

RCCC 11.3

A new rule is proposed which would require a law practice to have a designated person responsible for discharging new reporting obligations designed to ensure unacceptable conduct by lawyers and employees is reported to the Law Society.

Designated lawyer

11.3 A lawyer practising on their own account must ensure that at all times the lawyer's law practice has a lawyer who is designated for meeting the requirements specified in rules 11.4 and 11.5. A lawyer designated for this purpose must be practising on their own account.

RCCC 11.4 to 11.4.3

A new rule has been proposed to establish new reporting obligations designed to ensure unacceptable conduct by lawyers and employees is reported to the Law Society.

Reporting and certification

11.4 A lawyer designated under rule 11.3 must notify the Law Society, within 14 days, if any lawyer or person engaged or employed by the law practice is issued a written warning or dismissed for conduct that amounts to 1 or more of the following:

- (a) harassment:
- (b) sexual harassment:
- (c) discrimination:
- (d) bullying:
- (e) violence:
- (f) theft.

11.4.1 A lawyer designated under rule 11.3 must notify the Law Society, within 14 days, if any lawyer or person engaged or employed by the law practice leaves the law practice, if, within the 12 months before leaving, the law practice had advised the lawyer or person that it was dissatisfied with, or intended to investigate, their conduct in relation to any of the types of behaviour referred to in rule 11.4.

11.4.2 A lawyer designated under rule 11.3 must certify to the Law Society annually, by a date prescribed by the Law Society, whether—

- (a) the law practice has complied with all of the mandatory reporting obligations imposed under the Lawyers and Conveyancers Act 2006; and
- (b) the law practice has policies and systems in place as set out in rule 11.2 and is complying with its obligations under the Health and Safety at Work Act 2015; and
- (c) the designated lawyer has complied with rule 11.4.

11.4.3 For the purposes of rule 11.4.1, person includes any person who ceases to perform legal or non-legal services for the law practice, including following the termination or expiry of a fixed-term contract, resignation, or otherwise.

RCCC 11.5

This rule relates to the complaints procedures a law practice must have in place for clients. It is proposed that the existing rule which is currently at RCCC 3.8 be moved to Chapter 11 to create rule 11.5, in order to group the obligations relevant to operating a practice together.

Complaints mechanisms

11.5 A lawyer practising on their own account must ensure that the lawyer's law practice establishes and maintains appropriate procedures for handling complaints by clients with a view to ensuring that each complaint is dealt with promptly and fairly by the law practice.

11.5.1 When a lawyer owns a sole law practice, the complaints procedure may include the reference of complaints to an independent lawyer for consideration.

11.5.2 This rule does not bind a lawyer whose status in a law practice is solely that of an employee.

Commentary

The revised Chapter 11 and proposed rule changes arise from the Working Group's recommendations in relation to *Closer regulation of workplace obligations*. The focus is on achieving safer and more inclusive workplaces, ensuring the obligations of lawyers who are responsible for legal workplaces are clear, marking out certain behaviour as unacceptable in the legal community and providing clear and effective deterrents.

As the Working Group observed, lawyers who are practising on own account are responsible for the safety of people who are employed by them or who visit their workplaces. The evidence is clear that this has not always been the case [WG p 48 and survey].

The 2017 Women and Equalities Committee of UK House of Commons report on sexual harassment in the workplace concluded that regulators must take a more proactive role in tackling this type of behaviour. The Working Group believed that the Law Society as a regulator has a key role in this.

The Working Group was also of the view that closer regulation of legal workplaces is a way to achieve safer and healthier workplaces and to mark this type of conduct as unacceptable in the legal profession [WG p 49] and that an effective regulatory model must be in place so that the Law Society can more effectively monitor and regulate the management and professional duties of lawyers responsible for legal workplaces.

The Working Group said the rules relating to management and supervision of a legal practice could be clarified to specifically refer to the protection of staff and prevention of these types of behaviour [WG p 54] The concerns and events at the heart of the #MeToo movement in 2018 arose in part from inadequate oversight and systems to prevent unacceptable workplace behaviour, inadequate protection of staff from the consequences of it and failure to adequately address this behaviour when a complaint is made.

The proposed rules make the obligations clear for all lawyers who are responsible for operating a law practice (lawyers who are practising on own account). They are responsible for having appropriate policies in place to ensure that the workplaces they are responsible for are safe places for everyone. This is consistent with lawyers' wider legal responsibilities as employers.

A lawyer responsible for operating a law practice must also report unacceptable conduct within their workplaces. This reporting obligation recognises that harassment, bullying, discrimination and violence are squarely matters of professional and regulatory concern. The proposed rules are also consistent with obligations on other employers of professionals, such as School Boards of Trustees. Reporting mechanisms also address the concern expressed by the Working Group that serious conduct should not be dealt with 'in-house' by law practices but should be subject to an appropriate regulatory response.

Changes to CPD Rules

CPD rules 3, 4 and 6

Changes to rules 3, 4 and 6 of the CPD Rules allow for a mandatory CPD component to be introduced.

CPD rule 3 – Interpretation

3.1 In these rules, unless the context otherwise requires,—

[...]

(b) **activities** means learning which—

- is structured with identifiable aims and with outcomes relevant to a lawyer's identified learning needs as contained in his or her continuing professional development plan and record;
- provides an opportunity for interaction and feedback;
- is verifiable by documentation;
- is not part of a lawyer's usual day-to-day work; and
- includes any mandatory component as required by the New Zealand Law Society

CPD rule 4 – Continuing professional development requirements

4.1 A lawyer must comply with the following CPD requirements:

- (a) to develop and maintain a written CPDPR in accordance with rule 5; and
- (b) to undertake the required hours of CPD activities specified in rule 6 including any mandatory component as required by the New Zealand Law Society.

CPD rule 6 – Minimum hours of activities

6.1 The following are the minimum number of hours of activities required to meet the obligations set by rule 4.1(b):

- (a) for a lawyer providing regulated services in either a full-time or part-time capacity, a minimum of ten hours of activities each yearly period (including any mandatory component as required from the Law Society); and
- (b) for a lawyer not providing regulated services for the whole of a yearly period, the minimum number of hours of activities is adjusted in accordance with Schedule 1.

Commentary

The Working Group observed that "Effective education can be an important mechanism in preventing and reporting sexual violence, harassment, bullying, discrimination and other types of unacceptable behaviour. The regulatory framework provides opportunities to integrate education into every lawyer's professional life. In recognition of this, it recommended changes be made to the CPD rules for lawyers requiring a mandatory component of CPD to include training related to safe workplace culture, diversity and equality [WG p 99 onwards].

The proposed changes provide a mechanism for a mandatory component to CPD which would enable incorporation of training to address unacceptable behaviour in the legal community. The provision is intentionally broad to avoid an overly prescriptive approach and to enable targeted and effective education to be included in any mandatory component.

Conclusion

The Working Group concluded in its report:

A clear call for change has been heard and must be answered. The legal community must be a safe and inclusive place for everyone. An important part of the change required is the existence of a responsive regulatory framework and complaints process. This Working Group has examined how this can be achieved. It has focused on ensuring it is beyond doubt that this behaviour is a regulatory issue, people are able to come forward and are supported in the process and that levers in the regulatory framework are effectively used to prevent and deter all forms of this behaviour.

The proposed changes outlined in this paper are part of the work underway to answer the call for change. It is hoped that the changes proposed to the RCCC and CPD Rules provide an effective regulatory lever to address unacceptable conduct in the legal community. The Law Society looks forward to receiving feedback from the community which will provide a vital contribution to this process. Please provide your feedback by **3 July 2020**.