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CONSUMER PANEL CALLS ON REGULATORS TO TIGHTEN CONTROLS ON THE QUALITY OF LAWYERS

Following a study of consumer perspectives on quality in legal services, the Legal Services Consumer Panel is calling on regulators to tighten quality controls and give consumers more information about the performance of lawyers.

The Consumer Panel's research finds that consumers assume all lawyers are technically competent and are subject to more regulatory controls than is the case. This means that quality considerations do not strongly influence consumers' choice of lawyers and people erroneously consider that all legal services are of proven standard.

Despite a proliferation of quality badges, consumers do not use or want quality marks in legal services. However, the Panel found that quality schemes can be useful when their use by bulk purchasers and intermediaries drives up standards for all.

The Consumer Panel's specific recommendations include:

- Strengthening continuing professional development requirements
- Opening a debate around more far-reaching ways of ensuring competence, such as licensing by activity and periodic reaccreditation
- Publishing complaints data
- Reviewing the robustness of existing quality marks
- Helping consumers to distinguish between regulated and unregulated lawyers

Dr Dianne Hayter, chair of the Legal Services Consumer Panel, said:

“Consumers use lawyers at critical points in their lives, so poor quality legal advice can have grave consequences. However, consumers lack the expertise to judge professional competence, so they must put their trust in regulators to ensure they receive good advice.

“Regulators need to shift from reacting when things go wrong to actively ensuring that professionals are competent at all stages of their careers. Strengthening CPD requirements is a necessary first step, but the time is now

right to consider more far-reaching options, including licensing by activity and periodic reaccreditation.”

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For more information, contact Steve Brooker, Consumer Panel Manager, on 020 7271 0077. The full report is available on our website: www.legalservicesconsumerpanel.org.uk

Notes to editors

1. The Legal Services Consumer Panel was established under the Legal Services Act 2007 to provide independent advice to the Legal Services Board about the interests of consumers of legal services in England and Wales. We investigate issues that affect consumers and use this information to influence decisions about the regulation of legal services. The Panel started work in November 2009 and this is our second policy report.
2. The Legal Services Act ('The Act') provides for the creation of the Legal Services Board as the oversight regulator for legal services in England and Wales. The new regulatory regime enacted by the Act became fully active on 1 January 2010.
3. The Consumer Panel's report is based on new qualitative consumer research undertaken by Vanilla Research, which involved 10 focus groups. This independent report is also published on our website.
4. The report follows a formal request for advice by the Legal Services Board made on 1 July 2010. The Legal Services Board's letter is also published on our website. The Panel was asked for advice about:
 - a. The way that consumers perceive and judge the quality of legal services (both in selecting providers and retrospectively once they have received the service).
 - b. Consumers' perceptions of the validity and utility of existing or potential future quality marks (for example Law Society accreditation schemes or Queen's Counsel) in assisting in the selection of legal services providers – both in relation to “traditional” face-to-face services and through online or other new access to justice routes.
 - c. How consumers might want to see such schemes develop in future and how they think quality assurance schemes should relate to regulation (for example should some be mandatory for those undertaking particular types of work).