

Sent by email only to consultations@legalservicesboard.org.uk



26 February 2019

Dear Sir/Madam

### **The Legal Services Board's Business Plan 2019/20.**

The Legal Services Consumer Panel (the Panel) welcomes the opportunity to respond to the Legal Services Board's (LSB) draft Business Plan for 2019/20. We broadly support the LSB's focus, and in particular, we welcome the emphasis on the new five year policy objectives. We commend the objectives for being clear and ambitious. We also believe that these objectives have the potential to deliver improved regulation and better consumer outcomes.

The Panel's response is confined to the questions asked in the document. We hope you find our comments useful, but more importantly, we hope that they influence the final plan and subsequent ones.

### **Reflections on the consultation questions**

#### **Have we identified the most relevant developments in our external operating environment?**

We believe the LSB has identified the most relevant political and regulatory issues, but it is doubtful that it has drawn on the most relevant consumer insight. We note that there is only one mention of a consumer focused piece of research: the Panel's tracker survey. More worrying, the LSB has placed undue emphasis on one element of our research finding '*84% of consumers are satisfied with the legal services they receive*', indeed this is the only finding noted by the LSB. While we are delighted that the tracker survey remains a useful resource, its usage must fairly represent consumers' experiences. Overall, the tracker survey shows that the market is still not responding to consumers' needs.

Our survey shows that shopping around amongst consumers remains low at 27%. It shows that significant numbers of consumers are silent when they are not satisfied with the service they obtain, 35%. And year after year it shows a disparity between the experiences of consumers from a White background and those from a Black and Ethnic Minority background.

That aside, the Panel would have liked to see the LSB draw on insight from advisory groups and charities. Citizens Advice has a wealth of data that is accessible to other organisations. This data includes intelligence about legal services issues. In the Panel's opinion, it is crucially important that the oversight regulator demonstrates its

proactiveness in seeking insights from ordinary and vulnerable consumers or their representatives, particularly when forming ideas about its priorities.

### **What are your views on our proposed five-year policy objectives?**

The Panel believes that the LSB's five-year policy objectives have the potential to deliver good consumer outcomes.

We are in full support of the LSB's plans to explore whether regulators have the appropriate framework for the assurance of professional competence throughout the career of the people they regulate. This is at the heart of effective regulation and consumer protection. Therefore, we welcome the LSB's confidence in pursuing this agenda. We are also supportive of the LSB's decision to conduct a thematic review in the first instance. This initial assessment will provide a baseline understanding of current practices and gaps. It will also serve as an opportunity to build relationships with regulators who must endorse this workstream, as they will eventually be required to drive this agenda if it is to be successful.

The Panel is also supportive of the LSB's focus on technology. The Panel is optimistic that technology will enhance the way legal services are delivered. However, new market forces also present new types of risks which regulators must keep abreast of. Regulators must consider varying interests; competition, access to justice, and consumer protection to name a few things. The Panel therefore sees immense benefits in prioritising this important area.

The final objective focuses on Public Legal Education (PLE). The Panel observes that there are varying agendas and numerous players in this area already. At first glance it is difficult for the Panel to see how the LSB would add value. We are however reassured by the LSB's proposal to build its own knowledge around the range of organisations active in PLE, and engage with possible partners.

We note that the LSB's work around transparency has been subsumed into this PLE agenda. This approach is unfortunate because the Panel believes that the oversight regulator should concentrate on the information deficit already identified by the Competition and Markets Authority (CMA). We accept that citizenship education and building legal capacity is important, but there are a number of organisations already trying to do this, in comparison with those prioritising the regulatory and other pertinent information consumers need access to. The CMA's findings and remedies provided a catalyst for regulatory focus. We believe the LSB should remain focused on implementing the information deficits the CMA highlighted. We also say this because we know that the LSB's resources, both in monetary and human terms, are limited.

### **Do you have any comments on our proposed business plan and work for 2019/20? Are there any workstream you disagree with? Is there any work that you think we should pursue that is not currently included?**

The Panel does not disagree with any elements of the workstream proposed, except to note that the LSB's impact and outputs around PLE are ambiguous and overly ambitious for what the LSB can realistically contribute.

The Panel would have liked to see a focused project on transparency, especially around quality indicators, which remain poor across the sector. We accept that this

information is difficult to collate, contextualise and present; nonetheless, monitoring quality is a regulatory obligation. We have previously said that the LSB has a role to play in helping regulators consider these issues, particularly the smaller regulators. As such, we anticipated a proactive workstream around transparency.

**Please Identify any elements of our business plan that you think present an opportunity for more detailed dialogue and/or joint working between your organisation and the LSB**

The Panel believes that there is an opportunity for the Panel to contribute and collaborate on all the workstreams identified.

I hope you find these comments helpful. Please contact Lola Bello, Consumer Panel Manager, with any enquiries.

Yours sincerely,

A handwritten signature in cursive script that reads "S Chambers".

Sarah Chambers

Chair, Legal Services Consumer Panel