



Minutes

Legal Services Consumer Panel meeting

Date: 27 September 2017

Time: 13:00-17:00

Venue: One Kemble Street, London WC2B 4AN

Present:

Jane Martin	Chair
Andy Foster	Member
Cathy Gallagher	Member
Michelle Goddard	Member (Items 1-10)
Frances Harrison	Member
Mark McLaren	Member
Marlene Winfield	Member
Lola Bello	Consumer Panel Manager
Laurentiu Ciocan	Consumer Panel Associate
Ramandeep Bhatti	Legal Services Board (Minutes)
Neil Buckley	Legal Services Board (Item 10)
Sheila Kumar	Council for Licensed Conveyancers (Item 11)

Item 1 – Welcome and apologies

1. The Chair welcomed the Legal Services Consumer Panel ('The Panel'). Apologies had been received from Julie Myers.

Item 2 – Declaration of interests

2. Cathy Gallagher declared an interest in relation to item 10, which is linked to her work at the Law Centres Network.

Item 3 – Minutes of 28 June 2017 meeting

3. The Chair presented the minutes from 28 June 2017, which had been agreed via electronic correspondence.

The Panel noted the minutes from 28 June 2017.

Item 4 – Matters arising

4. The Chair presented the matters arising.

5. In relation to item number eight in the minutes, the Chair said we are awaiting the appointment of a new Chief Ombudsman before sending an invitation for the January 2018 meeting.

Action point: Holding invitation to be sent to Legal Ombudsman to attend Panel meeting in January or soon after 2018.

The Panel noted the matters arising.

Item 5 – Chair’s report and Members updates

6. The Chair said she had no update on Panel Member recruitment in the absence of Julie Myers.
7. The Chair informed Panel members about the decision of the Lord Chancellor not to accept the application of the Institute of Chartered Accountants in England and Wales as an approved regulator and a licensing authority for all reserved legal activities.
8. The Chair informed the Panel about the joint LSB/OLC event in Bristol on 23 November 2017. The event will follow the format of a panel led discussion, which will include the Panel Chair. The theme for the event is Trust.
9. The Chair informed the Panel that she acted as a judge on the selection panel for the Law Society’s Excellence Awards for customer service. She noted that it was positive to see firms engaging innovatively. An awards dinner was scheduled for 19 October, Mark McLaren will be attending in place of the Chair.
10. Consumer Panel Chairs across the regulated sector met with Baroness Dianne Hayter to discuss Brexit and consumer issues. There will be a follow-up meeting on 16 October 2017.
11. On 12 July, the Chair attended an introduction meeting at the Office for Legal Complaints’ Board meeting. On 11 September, the Chair met with Helen Phillips (Interim Chair of the LSB) for an introductory meeting. Both Chairs then visited the Legal Ombudsman for a tour of the Legal Ombudsman offices with Kathryn Stone, Chief Ombudsman.
12. On 19 July, the Chair attended the LSB’s strategy session and noted that the LSB’s Director of Strategy, Caroline Wallace, will be attending the Panel meeting in October. The Chair informed the group that she also had an introductory meeting with colleagues at the Ministry of Justice on 19 July.

Action point: Follow up with the LSB on the recruitment of a new Panel Member.

The Panel noted the update from the Chair.

Item 6 – Projects update

13. The Panel Associate presented the projects update.
14. The segmentation roundtable is due to take place on 15 November 2017. The secretariat informed the Panel that they were struggling to secure speakers and sought advice from their extensive contacts.
15. Cathy Gallagher informed the Panel that the Judicial Executive Board have formed a working group on McKenzie Friends.

16. Frances Harrison informed the Panel that the Bar Standards Board will be publishing their consumer toolkit in March 2018, but this will be immigration specific.

Action point: Michelle Goddard and Mark McLaren to speak to the Secretariat about possible speakers for the segmentation roundtable.

The Panel noted the projects update.

Item 7 – Consultation responses

17. The Panel Associate presented a paper on consultation responses.

18. The Panel noted the following live consultations:

- The LSB's consultation on Regulatory Performance Assessments,
- The BSB's consultation on Changes to the Public and Licensed Access Rules,
- The SRA's consultation on its Corporate Strategy document (2017-2020).

19. The Panel noted responses that have been submitted:

- The BSB's consultation on a new rule changes for barristers to declare a range of information about their practice to the regulator when applying for their practising certificate,
- The SRA's consultation on the Solicitors Qualifying Examination (SQE) regulations,
- The BSB consultation on Review of the Standard of Proof Applied in Professional Misconduct Proceedings.

The Panel noted the consultation paper.

Item 8 – Tracker survey

20. The Panel Associate presented a paper on the tracker survey briefing reports and plans for publication. The Panel were invited to discuss and sign off the briefing reports, and agree on the messaging for the press release.

21. The Panel discussed the emphasis and focus of the briefing reports. The Panel discussed the findings in both briefings and how they should be presented in the press release.

Action points:

- **The briefings will be amended in line with the comments made.**
- **Following this meeting the Panel will discuss if there is anything else that can be done to maximise the tracker survey.**
- **Translate the Wales policy briefing into welsh language.**
- **The Chair will sign off the press release.**

Item 9 – LSCP 3 Years strategy

22. The Panel Manager presented a paper on shaping the Panel's strategy for 2018-21. The paper asked the Panel to begin discussions about the direction it wishes its three year strategy to take.
23. The Chair emphasised the need to ensure that the Panel's strategy delivers maximum impact. The strategy should also aim for simplicity and clarity.
24. The Panel considered the content and presentation of stakeholders strategies and objectives. In the course of the discussion the following points were raised:
 - The strategy should focus on what's happening in the market, most importantly the implementation of the Competition and Markets Authority's (CMA) recommendations.
 - The Panel briefly discussed desired outcomes.
 - The Panel agreed it should shine a light on issues and hold approved regulators to account.
 - The Panel agreed to focus on what is in its powers to influence.
25. The Panel agreed the CMA report and remedies should be a key focus. The strategic aims should be re-prioritised, as discussed. The Panel will look at this again at the next meeting in October.

Action point: The Secretariat to present a synopsis of the points raised on strategy at the next Panel meeting.

The Panel noted the strategy paper.

Item 10 – LSB update

26. The Chair welcomed Neil Buckley, Chief Executive of the LSB.
27. The Panel discussed the Solicitors Regulation Authorities' (SRA) proposals to allow solicitors to practice in unregulated firms. The Panel noted the opportunities and risks. The Panel raised concerns about the limited economic analysis and impact assessment which it said was needed to justify reductions in consumer protection. The Chair reinforced the message highlighted in her recent blog post on the subject; the SRA should work harder at striking the right balance between market flexibility and consumer protection.
28. Neil Buckley noted the Panel's concerns, in particular the consumer protection aspect.
29. The Panel also discussed the CMA's transparency remedies and the regulators action plans. Neil Buckley noted substantive progress had been made and said regulators would be consulting at the end of September. The Panel said it was keen to see the implementation of the transparency achieve the intended outcome, and noted that it had concerns around consistency and the implementation of price transparency measures.
30. There was discussion around the Legal Choices website and the need for it have a clear purpose and role in order for it to be an effective tool for the consumer. Other than this website, the Panel questioned whether the approved regulators should be considering different ways in which they could deliver information to consumers.

31. The Panel emphasised the importance of consulting with consumer representatives and commissioning research/testing at an early stage. The Panel said the LSB should think about how to use regulation to ensure consumers have the core information they need.

The Panel noted the discussion with Neil Buckley.

Item 11 – Remedies Programme Implementation Group

32. The Chair welcomed Sheila Kumar, Chief Executive of the Council for Licensed Conveyancers (CLC). Sheila joined the meeting in her capacity as Chair of the Remedies Programme Implementation Group (RPIG).

33. Following its market study, the CMA recommended remedies to address consumer engagement, transparency and structural deficiencies. The group charged with overseeing the CMA's remedies is the RPIG.

34. Sheila provided the Panel with an update of the work of the RPIG. The following areas were explored in the subsequent discussion:

- Clarification was sought around the governance and funding of the Legal Choices website and whether the unregulated sector would feature on the website. Sheila said she would share the funding figures with the Panel. She explained the complexities around including the unregulated sector on Legal Choices website.
- The Panel said it was keen to see consistency, as far as is practicable around how the CMA's remedies were implemented. Sheila said this was also important to the group but noted that in some circumstances regulators were much more advanced in their programme of work to implement the remedies than others.
- The Panel reiterated its desire to see all the regulators consult about prescribing a minimum standard for price transparency. Sheila Kumar said some regulators are exploring whether to adopt prescribed minimum standards or voluntary guidance
- The Panel emphasised the importance of first-tier complaint data and said it would like to see this reflected in the consultation documents.
- The Panel questioned how RPIG is engaging with consumer groups. Sheila Kumar said a letter had been circulated to consumer bodies including the Panel. The Chair said the Panel had not received the correspondence. Sheila promised to resend the letter as well as the consumer group list. The Panel agreed to check if there are any gaps, or anyone missing from the list.

35. The Chair said she would like to be kept up to date on the developments re the Legal Choices website. The Panel said it will be responding to all the consultations on the regulators transparency measures

Action point: Sheila to resend the invitation letter.

The Panel noted the update from Sheila Kumar.

Item 12 – Draft agenda for October 2017

36. The Chair presented the draft agenda for the 25 October 2017 meeting.

Action point: Panel Members are to inform the Secretariat of any amendments.

Item 13 – Any other business

37. To manage input for consultation responses, Cathy Gallagher advised it might be helpful to collate Panel Members availabilities and have a timetable of responses required by December 2017.