

Minutes

Legal Services Consumer Panel

Date: 25 June 2014
Time: 13:00 – 17:00
Venue: One Kemble Street, London WC2B 4AN

Present:

Elisabeth Davies	Chair
Andrew Foster	Member
Cathy Gallagher	Member
Michelle Goddard	Member
Frances Harrison	Member
Philip Marsden	Member (Items 6-13)
Marlene Winfield	Member (Items 5-13)
Catherine Wolthuizen	Member
Steve Brooker	Consumer Panel Manager
Harriet Gamper	Consumer Panel Associate
Ramandeep Bhatti	Legal Services Board
Julie Myers	Legal Services Board
Kate Webb	Legal Services Board

Item 1 – Welcome and apologies

1. The Chair welcomed the Legal Services Consumer Panel ('the Panel').
2. The Chair welcomed Kate Webb, who has recently joined the LSB as Regulatory Project Manager.

Item 2 – Declaration of interests

3. None.

Item 3 – Minutes of 7 May 2014

4. The Chair presented the draft minutes of the 7 May 2014 meeting.

The Panel approved the minutes of 7 May 2014.

Item 4 – Matters arising

5. None.

Item 5 – BS18477 guide

6. Catherine Wolthuizen presented the paper. The Panel recognised the ongoing value of this work.
7. Points raised in the discussion include:
 - The next draft should be shared with a specific regulator for comment, mirroring the approach used on the consumer principles paper.
 - The Legal Ombudsman could produce a thematic report on complaints about the treatment of vulnerable consumers or highlight evidence of consumer vulnerability in the case studies they publish.
 - The text needs to make more clearly the regulatory case for dealing with vulnerability and relate this to specific parts of the regulatory journey.
 - Information needs to be presented in a way that will help regulators deliver a better service to vulnerable consumers when they provide a service to consumers themselves, as well as when overseeing the regulated community.
 - Examples from other sectors such as health should also be considered.

Subject to changes in line with comments made, the Panel approved the paper.

Item 6 – Consumer Impact Report

8. Andy Foster presented the paper which included the underlying data for the next edition of the Consumer Impact Report to inform a wide discussion on the impact of the legal services reforms to date and to enable the Panel to give the Secretariat a steer on what the report's key messages should be.
9. The Panel used flipcharts to highlight key findings from the data focussing on each of the report headings in turn - Responsive services, Quality, Diversity, Complaints and Consumer-focused regulation. They subsequently identified the most important messages that should be highlighted in the report.

The Panel Secretariat would use the points raised by the Panel to produce a draft report for approval at the next Panel meeting.

Item 7 – Guest speaker: Robin Knowles QC

10. Robin Knowles QC, Chairman of the Civil Justice Council's (CJC) working group on litigants in person (LiP) gave a presentation on work around litigants in person. Numerous topics were covered by Mr Knowles, including:
 - This should be the start of the next chapter of closer engagement between the Panel and the CJC; getting help to people who need it is a shared objective.
 - There is more change happening now than at any time in the history of law.
 - Co-operation, collaboration and common effort in a resource light environment is needed to make the best of a really poor situation in relation to LiPs. The next phase should be a more strategic approach to build on the goodwill and initiatives to date and ensure limited resource is targeted at the most needy and deserving cases.
 - The Bar Pro Bono Unit has absorbed a 50% increase in demand; pro bono is part of being a lawyer and this ethos is alive and well.
 - Pro-bono is crucial, but there is more work to be done, for example there needs to be co-ordinated deployment of pro-bono engagement with universities.

- We need to respect that there will be a range of contributors that need to be encouraged.
- Public Legal Education is the beginning of spectrum, if the public can understand law better, there is a greater chance of connecting them to the right help. There is a range of help that can be provided to LiPs, for example basic written information through to the ability to access information online.
- The charging McKenzie Friend debate is highly charged – in Robin’s view McKenzie Friends should reach a quality threshold before assisting a client – this should apply outside of court as well as in the court room.
- The most important point about self-regulation of McKenzie Friends is that all of them are captured, otherwise it would be confusing for consumers and the courts.
- There should be a focus on unbundled services and the profession should be pushed on this matter in order to offer a viable commercial alternative to McKenzie Friends.

The Panel thanked Robin Knowles QC and noted the presentation and points raised in the discussion.

Item 8 – Chair’s report

11. The Chair presented her report, covering recent meetings, speaking engagements and press coverage.

The Panel noted the Chair’s report

Item 9 – Members’ update

12. Marlene Winfield advised she met with the Chairman of the Bar Council and Chief Executive of The Law Society. Both requested regular six-monthly meetings.

The Panel noted the Members’ update.

Item 10 – Projects update

13. Andy Foster advised he spoke at the Legal Futures conference on technology and legal services, where he talked about the opportunities of online legal services.
14. Catherine Wolthuizen advised she attended the access to legal services forum.

The Panel noted the Projects update and additional items raised.

Item 11 – Consultation responses

15. The Consumer Panel Associate presented a paper on recent and upcoming consultation responses.

The Panel:

- **noted submissions made to the BIS consultation on *Implementation of the ADR Directive*; the CLC consultation on *Publication of disciplinary information*; the SRA consultation’s on *Multi-disciplinary practices* and**

Changes to minimum compulsory PII cover and Compensation Arrangements Review.

Item 12 – Draft agenda for joint meeting with LSB

16. The Consumer Panel Manager presented the proposed agenda for the 29 September 2014 meeting.

The Panel agreed the proposed Agenda

Item 13 – Any other business

17. The Chair advised Panel Members that Chief Executive of the LSB, Chris Kenny will be stepping down in November 2014. The Chair also advised that the SRA had appointed their first lay Chair, Enid Rowlands, who will succeed Charles Plant from 1 January 2015.