

Minutes

Legal Services Consumer Panel Meeting

Date: 27 June 2013

Time: 13:00 – 17:00

Venue: Victoria House, Southampton Row, London WC1B 4AD

Present:

Paul Munden	Member (chairing meeting)
Jeff Bell	Member
Frances Harrison	Member
Neil Wightman	Member
Karin Woodley	Member (Items 1 to 9)
Steve Brooker	Consumer Panel Manager
Harriet Gamper	Consumer Panel Associate
Barbara Saunders	Legal Services Board
Ramandeep Bhatti	Legal Services Board
Adewale Kadiri	Legal Services Board
Bryony Sheldon	Legal Services Board

Item 1 - Welcome and apologies

1. The Chair welcomed the Legal Services Consumer Panel ('the Panel').
2. The Chair advised that Elisabeth Davies, Emma Harrison and Graham Corbett had sent their apologies.

Item 2 - Introductions and declarations of interests

3. In relation to Item 7, Barbara Saunders advised she had previously worked on some research for the European Consumer Unions.
4. The Panel Manager advised he had been appointed as an independent member of the Consumer Codes Approval Board.

Item 3 - Minutes of the 1 May 2013 meeting

5. The Chair presented the Draft Minutes for the 1 May 2013 meeting of the Panel.

The Panel approved the Minutes.

Item 4 - Matters arising

6. Item 5 – The Panel Manager advised he visited the Legal Ombudsman (**LeO**) offices on 18-20 June to identify from their database some case studies on third party complaints.

The Panel Manager would write up the case studies and share with the Panel leads. The analysis would then be published and this would be used to inform the work of a steering group which LeO would establish to take the work forward.

Item 5 - Chair's report

7. The meeting Chair presented the Chair's report covering recent meetings, speaking engagements and press coverage.
8. In addition to the written report:
 - The Chair invited the Panel's reaction to the Lord Chancellor's decision to reject the LSB's recommendations to regulate will-writing. The Panel were disappointed with the decision and agreed to discuss next steps at a future meeting.
 - The Panel Manager advised Elisabeth Davies and he had met with Jenny Pickrell at the Ministry of Justice to discuss the simplification review. She advised that officials expect to make recommendations to Ministers in late October/early November and to make an announcement around the end of the year.

The Panel noted the Chair's report.

Item 6 - Members' update

9. Jeff Bell and Paul Munden advised they met with Fran Gillon, LSB Director of Regulatory Practice on the morning of 27 June 2013 to discuss next steps following the publication of the financial protection arrangements report. Fran Gillon advised this was a good report and this would be presented to an informal session of the Board on 10 July.
10. The Panel Associate advised the learning disabilities report in association with Mencap and LSB was due for publication in July. The main message was to ask the professional bodies to develop guidance on working for clients with learning disabilities. She also advised the LSB would be writing to the approved regulators inviting them to demonstrate use of BS18477. The Panel is writing one of its factsheets.
11. Neil Wightman advised the LETR report had now been published, six months later than planned. He advised he wrote a blog for the Panel's website outlining the review was a missed opportunity, focusing particularly on reaccreditation.

The Panel noted the Members' update.

Item 7 - The consumer interest

12. The Consumer Panel Manager presented a paper on consumer interest.
13. Panel members agreed this was a very good and powerful paper. Points raised in the discussion include:
 - changes should be included to reinforce the idea that lawyers cannot exist without the consumers who pay their bills

- this paper could be used as standalone document and sections could also be extracted and used in future work Panel work
- the section on fairness should be expanded to take account of the principles of treating customers fairly
- case studies could be included to illustrate the different principles
- there are progressive voices within the judiciary and law firms who would agree with the Panel and we should make use of these.

The Panel approved the paper in line with comments made.

Item 8 - Behavioural economics

14. The Consumer Panel Associate presented a paper on behavioural economics in the legal services sector, commissioned by the LSB from Linstock Communications.

15. Panel members discussed the paper, the points included:

- the paper raised some important issues, a lot of which the Panel could potentially use to support its work
- there are aspects which the Panel may want to feed into its work, or which may be of interest to others, such as approved regulators
- the paper raised the possibility that behavioural biases could also be in play in organisations such as the approved regulators or the Legal Ombudsman
- this work should be applied and tested further

The Panel noted the paper.

Item 9 - The consumer landscape and working in Europe

16. The Panel Manager presented the section of the paper on the consumer landscape. The following points were raised during the discussion:

- the Panel could add value by identifying the cross-cutting themes from its work and raising awareness of these across organisations outside of the sector
- bringing chairs of consumer panels together was a good initiative
- at the same time there is a very specific job the Panel were set up to do and there is a risk of the Panel taking a wider representative role without additional resources. The Panel need to educate other consumer bodies about the parts of legal services it cannot cover due to its statutory remit
- Citizens Advice are updating their IT systems which would make it easier for external bodies to access their evidence and the Panel should draw on this material.

17. Frances Harrison presented the section of the paper on working in Europe. The following points were raised during the discussion:

- it would be beneficial for the Panel to be a European Consumer Organisation (BEUC) member. This could provide insight as to how others in Europe approach issues around consumer protection and enable us to influence legal services developments

- the Panel should be represented at the Consumer Summit, which provides an opportunity for European consumer bodies to learn from what each other is doing
- engagement in Europe could provide the opportunity to disseminate work more widely, for example the Panel could have some of its work quoted in EU publications
- the Panel is committed to a huge work programme over the next 12 months, with the government review creating further resource pressure, so it would be important to maintain a proportionate level of investment

The secretariat would explore the options with BEUC and present recommendations at the October Panel meeting.

Item 10 - Panel transition

18. The proposed list of Panel leads was agreed, as below.

Panel member	Panel lead areas
Elisabeth Davies	Overall responsibility for Panel's work Consumer Impact Report Restoring public trust Wales
Jeff Bell	Financial protection Legal Ombudsman and voluntary jurisdiction Will writing, probate and estate administration Complaints
Graham Corbett	Vulnerable consumers
Emma Harrison	Legal Ombudsman and voluntary jurisdiction Vulnerable consumers Complaints Restoring public trust
Frances Harrison	EU developments Consumer principles Rise in litigants in person
Paul Munden	Financial protection Small businesses as consumers Self help tools
Neil Wightman	Empowering consumers Review of progress by accreditation schemes Rise in litigants in person
Karin Woodley	Empowering consumers Small charities as consumers
New Panel Member 1 (October 2013)	Self help tools Vulnerable consumers Preparing for CIR 3
New Panel Member 2 (October 2013)	Ombudsman schemes and benchmarking Regulation of special bodies/small charities as consumers
New Panel Member 3 (April 2014)	Shadows – small businesses as consumers
New Panel Member 4 (April 2014)	Shadows – complaints Shadows – Legal Ombudsman and voluntary

	jurisdiction
New Panel Member 5 (April 2014)	Shadows - Review of progress by accreditation schemes
New Panel Member 6 (April 2014)	TBC

Item 11 - Consultation responses

19. The Panel:

- **Noted the live IPReg application seeking designation as a licensing authority**
- **Noted the live Ministry of Justice call for evidence: Review of the Legal Services Regulatory Framework**
- **Noted the government has published a Draft Consumer Bill of Rights**
- **Noted the submission made to the Ministry of Justice’s Transforming legal aid: delivering a more credible and efficient system consultation; and to the LSB regarding the CILEx application to become an approved regulator.**

Item 12 – Draft agenda for next meeting – 2 October 2013

20. If timings allow, an additional item – the Legal Ombudsman consultation – should be added to the 2 October 2013 agenda.

The Panel approved the Draft Agenda for the October 2013 meeting in line with changes made.

Item 13 – Any other business

21. It was agreed that the Panel would hold an additional meeting in August to discuss a draft response to the Ministry of Justice simplification review.