

## Minutes

### Legal Services Consumer Panel Meeting

**Date:** 16 February 2011

**Time:** 11:00 – 15:00 pm

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

#### Present:

|                  |  |
|------------------|--|
| Dianne Hayter    | Chair  |
| Jeff Bell        | Member   |
| Graham Corbett   | Member   |
| Elisabeth Davies | Member   |
| Emma Harrison    | Member   |
| Paul Munden      | Member   |
| Neil Wightman    | Member   |
| Steve Brooker    | Consumer Panel Manager                                   |
| Alanna Linn      | Consumer Panel Associate                                 |
| Julie Myers      | Legal Services Board                                     |
| Ruth Deech       | Bar Standards Board (Item 3)                             |
| Geoffrey Nice    | Bar Standards Board (Item 3)                             |
| Paula Diggle     | Bar Standards Board (Item 3)                             |
| Amanda Thompson  | Bar Standards Board (Item 3)                             |
| Edward Blades    | Department for Business, Innovation and Skills (Item 11) |
| Adam Richards    | Department for Business, Innovation and Skills (Item 11) |

#### Item 1 – Welcome and apologies

1. The Chair welcomed the Legal Services Consumer Panel ('the Panel') and noted apologies from Karin Woodley.

#### Item 2 – Declarations of interests

2. No declarations.

#### Item 3 – Guest Speaker - Bar Standards Board

3. The Chair welcomed the Bar Standards Board (BSB). The Chair introduced Baroness Ruth Deech - Chair of the BSB, Sir Geoffrey Nice -Vice-chair, Paula

Diggle - Lay member and Amanda Thompson - Head of Strategy and Communications.

4. The BSB Chair stated that she hoped this meeting would be the first of an ongoing relationship and gave a brief presentation to the Panel. Key points included:
  - The BSB is reforming its approach to consumer engagement but was mindful of not duplicating any activities being undertaken by the Panel.
  - A new consumer engagement model was being established. This would involve two key elements:
    - i. A revised user group - membership would be based on users who have expertise in specific fields.
    - ii. New consumer network – a voluntary virtual network to be established in partnership with the Solicitors Regulation Authority (SRA).
  - Complaints handling would be the first issue considered by the user group.
5. Subsequent discussion raised a number of points, including: the need for a clear vision and objectives for the consumer network; the importance of having sufficient resources; the challenge of presenting information to consumers in a clear and targeted way; and the question of how consumer network input would influence the BSB.
6. The BSB representatives indicated they would welcome further engagement with the Panel and suggestions of additional groups to be included in the user group.

**The Panel noted the presentation and agreed to:**

- **provide its comments to the BSB in writing. This letter would seek further details on:**
  - **the user group, including the final membership list.**
  - **the consumer network, including the objectives, funding, and targets for recruitment, such as the anticipated number of members who would have used barristers.**
- **write to the BSB's user group to introduce the Panel and offer to provide any assistance.**

#### **Item 4 – Minutes of the 8 December 2010 meeting**

7. The Chair presented the Draft Minutes for the 8 December 2010 meeting.

**The Panel approved the Minutes on 8 December 2010, subject to the correction of a spelling mistake in paragraph 22.**

#### **Item 5 – Matters Arising from the Minutes**

8. Item 4 – The Chair advised that the Legal Services Ombudsman (LSO) would have around 600 outstanding cases when her office closes at the start of March 2011. The LSO's final report '*A successful conclusion and a strong legacy for the future*' was provided to Panel members.

9. Item 6 – The Panel Associate advised Panel members that a 6 month trial of Microsoft Sharepoint would be purchased to allow greater communication between meetings.

10. Item 7 – The Chair advised that the Consumer Panel Manager and Panel Associate would be meeting with Karin Woodley on Monday 21 February to discuss the next steps for the Panel's third sector work.

11. Item 11 – The Chair advised that the Office of Legal Complaints (OLC) Chair, Elizabeth France, had responded positively to having a joint meeting between the OLC Board and Panel. It was agreed that the Panel's 22 June meeting be brought forward to 20 June (a scheduled OLC Board meeting date) and be held in Birmingham.

**The Panel noted the matters arising and agreed to bring the 22 June Panel meeting forward to 20 June in Birmingham.**

#### **Item 6 – Chair's report**

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

13. In addition to the written report:

- The Chair advised that the consumer research on publishing complaints had been completed. The report finds broad public support for publishing complaints decisions, provided publication is 'fair'. Publication was scheduled for after the OLC Board meeting on 22 February.
- The Chair advised that the LSB and BSB had reached agreement on a process and timetable for the BSB having a lay majority.
- The Chair sought feedback on the Panel evaluation and Chair Appraisal process. Panel members agreed the proposed approach.

**The Panel noted the Chair's report and the additional items raised.**

### **Item 7 – Members’ updates**

14. Emma Harrison reported that her speech at the Law Society’s Bridging the Gap conference on 3 February had been the subject of significant debate. Emma noted that she had received positive emails from solicitors afterwards and thanked the Consumer Panel Manager for his assistance.
15. Neil Wightman advised that he and the Panel Associate had met with a researcher from Human Assets to discuss the Quality Assurance for Advocates project and that a meeting with the SRA to discuss the joint regulator education and training review was scheduled for Thursday 17 February.
16. Paul Munden advised that he attended an SRA reception on 25 January, and would be attending the next meeting on the SRA’s Financial Protections Arrangements Reference Group on 17 February.
17. Graham Corbett noted that he would be attending the Legal Ombudsman’s diversity workshop on Wednesday 2 March and that he is looking at the next steps for engagement with union legal officers.
18. Jeff Bell advised the Legal Ombudsman’s Newcastle workshop on publishing complaints had not been rescheduled and was therefore unlikely to occur.

**The Panel noted the members’ update.**

### **Item 8 – Terms of Reference**

19. The Consumer Panel Manager presented a paper on whether the Panel’s terms of reference should be revised.

**The Panel confirmed that its terms of reference remained appropriate.**

### **Item 9 – Will writing**

20. The Consumer Panel Manager presented an update on the will writing project.

Key developments since the paper included:

- The Legal Ombudsman had provided will writing complaints data from its first three months of operation. One in eight complaints related to wills and probate.
- Professor Stephen Mayson had published a research paper on which legal areas should be reserved. He found a strong consumer protection case for the regulation of will preparation. Copies of the paper were provided to Panel members.
- The shadow shopping research pilot was underway and full results were expected in May.

21. The Panel Manager noted that the Panel was scheduled to have a full discussion on its advice to the LSB on will writing at its June meeting.

**The Panel noted the update on the will writing project.**

#### **Item 10 – Consultation Responses**

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

23. Paul Munden provided an update on the SRA's client financial protection arrangements consultation.

#### **The Panel:**

- **noted submissions made to Legal Ombudsman's consultation on publication of decisions, to the BSB consultation on regulating entities and to the SRA's third consultation on its new handbook.**
- **agreed not to respond to the BSB's consultation on its revised code of conduct.**
- **agreed to review and approve electronically its response to the SRA's consultation on client financial protection arrangements.**

#### **Item 11 – Guest Speaker - Department for Business Innovation and Skills**

24. The Chair introduced Edward Blades and Adam Richards from the Department for Business Innovation and Skills (BIS). Edward Blades gave a presentation on the consume landscape review. Key points made included:

- The review was looking at four aspects on the consumer landscape: enforcement, advocacy, information provision and industry codes. Although proposed changes would be put forward in each of these areas, BIS emphasised that they were only proposals and not agreed policy.
- There were a range of organisations which could be consolidated with Citizens Advice, including the Legal Services Consumer Panel. Whilst some can be forced to join, others can only be identified and invited. No firm decision had yet been made.
- Alternatives to a full merger were also being considered.
- A consultation paper would be published, although the precise date was not confirmed. BIS was willing to meet the Panel during or after the consultation period.

25. The Panel discussed the proposals with the BIS representatives. A number of concerns were raised by Panel members, including: the benefits of the Panel model; the loss of a specialist consumer voice in legal services regulation; uncertainty about the transfer of the Panel's statutory powers; the practicality of structural changes and the potential for conflict if Citizens Advice were both a legal service provider and a campaigning body on legal services regulation.

**The Panel noted the BIS presentation and agreed to respond to the consumer landscape review consultation.**

#### **Item 12 – Work programme 2011-12**

26. The Consumer Panel Manager presented a paper on the Panel's work programme for 2011-12.

27. Panel members supported the draft work programme subject to a number of minor changes in tone, amendments to the delivery plan structure and wording. Panel members agreed that one theme for the chair's foreword to the work programme should be around measuring the impact of the Legal Services Act.

**The Panel agreed to the Consumer Panel Manager preparing a final version of the Work Programme in line with the comments provided.**

#### **Item 13 – Consumer Welfare Index**

28. Elisabeth Davies and the Consumer Panel Manager presented an update on the Consumer Welfare Index (CWI) project. Key developments included a revised skeleton document following the January Panel workshop and commissioning of the consumer survey. The need for a revised name was discussed.

29. The Panel Manager advised that next steps included a meeting of the External Advisory Group on 1 March, completion of the consumer survey by the end of March and document drafting and design.

**The Panel noted the progress on the CWI and approved the skeleton as a basis for data collection and drafting.**

#### **Item 14 – Any other business**

30. Following discussion at the last meeting, the Panel Manager proposed an option for increasing interaction between the Panel and LSB staff. It was suggested that lead Panel members meet with individual LSB project leads in the morning prior to Panel meetings.

31. Panel members agreed and suggested that a useful topic would be the regulation of third-sector bodies as special bodies.

**The Panel agreed that it would be useful to meet LSB leads on special bodies before the May meeting.**

**Item 15 – Draft agenda for next meeting: 4 May 2011**

32. The Panel agreed the draft agenda.