

Minutes

Legal Services Consumer Panel Meeting

Date: 20 September 2011

Time: 11:00 – 15:00 pm

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

Present:

Elisabeth Davies	Chair
Jeff Bell	Member
Graham Corbett	Member (Items 6-13)
Emma Harrison	Member
Paul Munden	Member
Neil Wightman	Member (Items 8-13)
Steve Brooker	Consumer Panel Manager
Alanna Linn	Consumer Panel Associate
Julie Myers	Legal Services Board
Mehrunnisa Lalani	Solicitors Regulation Authority (Item 7)
Richard Silver	Solicitors Regulation Authority (Item 7)
Jennifer Bourne	Council for Mortgage Lenders (Item 8)

Item 1 – Welcome and apologies

1. The Chair welcomed the Legal Services Consumer Panel ('the Panel'). The Chair noted apologies from Karin Woodley and advised that Graham Corbett and Neil Wightman would be arriving late.

Item 2 – Declarations of interests

2. No declarations.

Item 3 – Minutes of the 20 June 2011 meeting

3. The Chair presented the Draft Minutes for the 20 June 2011 meeting.

The Panel approved the Minutes of 20 June 2011.

Item 4 - Matters Arising from the Minutes

4. Item 9 – The Chair advised that a meeting with the Legal Ombudsman (LeO) (Elizabeth France and Adam Sampson) was scheduled for 22 September. The Consumer Panel Manager advised that he had provided input on LeO's user questionnaire and would be visiting their offices in October to view data on probate and estate administration.
5. Item 11 – the Chair noted that the Financial Ombudsman was consulting on naming firms when publishing its final decisions and that this should increase pressure on LeO to adopt such an approach

The Panel noted the matters arising.

Item 5 – Chair's report

6. The Chair presented her report covering recent meetings, speaking engagements and press coverage.
7. In addition to the written report:
 - The Chair led discussion on ways of working together, including usage of SharePoint. The Panel noted that reminders about input deadlines from the secretariat were useful, and agreed to use SharePoint to collaborate on upcoming consultation responses.
 - The Chair attended the LSB's strategy session on 14 September. The Chair advised that the session covered the future vision and scope for work for the LSB. The LSB's Corporate Director, Julie Myers, stated that Panel input into the LSB's next business plan would be welcome.
 - The Consumer Panel Manager provided an update on referral arrangements, noting that the Government has recently announced a ban on referral fees in personal injury cases.

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

Item 6 – Members' updates

8. Jeff Bell advised that, due to a date change, he was unable to attend a meeting of the Legal Ombudsman's Stakeholder Forum in July. However, his input on the Final Report was provided in advance and he was planning to attend the next meeting in October.
9. Graham Corbett advised that a meeting with Margaret Doyle, member of the Office for Legal Complaints Board, was scheduled for Monday 26 September to discuss the expected outcomes in complaints resolution.

10. Paul Munden noted that he was scheduled to give a presentation on small business consumers at the upcoming Legal Futures Conference.
11. The Consumer Panel Associate noted that she had attended the first meeting of the Legal Education and Training Review Consultation Steering Panel in place of Neil Wightman.

The Panel noted the members' update.

Item 7– SRA Consumer Affairs – Guest Speaker

12. The Chair welcomed Mehrunnisa Lalani, Director of Inclusion and Richard Silver, Policy Officer from the Solicitors Regulation Authority (SRA), both of whom work on the SRA's consumer affairs function.
13. Mehrunnisa outlined the role of the SRA's new consumer affairs function and its plans. Key points included:
 - The SRA's consumer engagement has previously been quite ad hoc; the new consumer affairs unit should make engagement more coordinated as well as more embedded across the organisation. The Panel's Consumer Impact Report helped to inform the SRA's consumer affairs function.
 - There were three key elements to the SRA's approach to consumer affairs function: information, engagement, and empowerment.
 - A key challenge was how to use intelligence from consumers in risk-based regulation. A new online public network was being set up with the BSB and ILEX IPS to help obtain consumer views.
 - The SRA would like to collaborate with other regulators, LeO and the Panel, building on the SRA's project with the Panel on deaf consumers. Such focused research and activities should help build a greater understanding of consumers.
 - The SRA was establishing a national disability advisory forum, building on its experience with a locally-based advisory group.
14. Subsequent discussion raised a number of points, including: the importance of using project outputs to influence the profession; the potential value of the SRA having its own consumer panel; the challenge of getting meaningful engagement through the online public network; and the scope for joint work on diversity.
15. Panel members noted the importance of the SRA's new approach to consumer affairs and welcomed its forthcoming empowering consumers strategy document. The SRA representatives indicated they would welcome further engagement with the Panel.

The Panel noted the presentation and agreed to:

- **Arrange a visit to the SRA in late 2011 to develop joint work on diversity; and**
- **Explore future projects with the SRA on vulnerable consumers.**

Item 8 – Insurance – Guest speaker from Council for Mortgage Lenders

16. The Chair welcomed Jennifer Bourne, Senior Policy Adviser at the Council for Mortgage Lenders (CML). Jennifer gave a presentation on lenders panels and the CML's views on accreditation schemes. Key points included:

- Lenders' solicitor panels are the list of solicitor firms that a particular lender is willing to use. The size of lender panels has been decreasing, with a contributing factor being mortgage fraud.
- Concerns around mortgage fraud has increased the degree of vetting that lenders undertake. The Financial Services Authority has also been pushing for increased checks.
- Some lenders use a model of separate representation, where consumers use their own solicitors and the lenders also use their own. This can increase costs and delay for the consumer.
- CML sees value in accreditation schemes such as the Law Society's Conveyancing Quality Scheme, but it was unlikely to be the sole basis for entry onto a panel.
- Where membership of schemes such as CQS is made mandatory, this would only apply to solicitors; licensed conveyancers should still be able to seek panel membership.

17. Subsequent discussion raised a number of points, including: the challenge of maintaining consumer choice, whether consumers have the right to complain and seek redress when things go wrong with the lender's lawyer, and how lenders and the CML consider the consumer journey.

The Panel noted the presentation and agreed to obtain the findings of the CML's upcoming consumer survey.

Item 9 – Projects Update

18. The Consumer Panel Manager presented a progress report on current work programme projects.

19. In addition to the written paper, the following points were made:

- The Consumer Panel Associate noted that the consumer research for the vulnerable consumers pilot project on deaf consumers was to be commissioned shortly.
- The Consumer Panel Manager noted he met with the Department for Business, Innovation and Skills (BIS) to discuss the price comparison websites project and advised that the Panel lead for this project would be Graham Corbett.
- The Consumer Panel Manager noted that the LSB may commission consumer research on probate and estate administration services subject to available funds. Given the findings would not be available before the 4 November it was agreed that the Panel would submit an interim response to the LSB's call for evidence.

The Panel noted the paper and agreed that similar updates would be useful on a quarterly basis.

Item 10 – Consultation responses

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

The Panel:

- **agreed to the draft response to the BIS consultation on empowering and protecting consumers, subject to some minor amendments.**
- **noted that input for a response to the LSB's consultation on the scope of regulation would be sought via SharePoint.**
- **noted the letter sent to the Law Commission in response to their consultation on reforming consumer redress.**
- **noted the letter sent to the Bar Standards Board in response to their consultation on the public access scheme.**
- **noted that a letter would be sent in response to the Bar Standards Board's consultations on Continuing Professional Development.**

Item 11 – Meeting dates for 2012

21. The Consumer Panel Associate presented the proposed meeting dates for 2012.

22. A number of Panel members were unable to attend on the proposed dates and it was agreed that a new set of dates would be prepared.

The Panel agreed that the Panel Associate would prepare a revised set of dates.

Item 12 – Any other business

23. The Consumer Panel Manager gave a brief demonstration on the use of SharePoint.

Item 13 – Draft Agenda for next meeting – 26 October

24. The Consumer Panel Manager presented the proposed agenda for the 26 October meeting.

The Panel agreed the proposed Agenda.