

## Minutes

### Legal Services Consumer Panel Meeting

**Date:** 6 October 2010

**Time:** 11:00 – 14:00 pm

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

**Present:**

Dianne Hayter	Chair
Jeff Bell	Member
Graham Corbett	Member
Elisabeth Davies	Member (Items 6-12)
Emma Harrison	Member (Items 1-9)
Neil Wightman	Member
Karin Woodley	Member
Steve Brooker	Consumer Panel Manager
Alanna Linn	Consumer Panel Associate
Julie Myers	Corporate Affairs Director, Legal Services Board
Michael Stacey	Regulatory Project Manager, Legal Services Board (Item 9)

#### Item 1 – Welcome and apologies

1. The Chair welcomed the Legal Services Consumer Panel ('the Panel').
2. The Chair advised that Paul Munden had sent his apologies and that Elisabeth Davies would be arriving late.

#### Item 2 – Introductions and declarations of interests

3. Graham Corbett declared that he attended a dinner with the law firm Russell Jones and Walker at the Trade Unions Congress Conference.

#### Item 3 – Minutes of the 14 July 2010 meeting

4. The Chair presented the Draft Minutes for the 14 July 2010 meeting.

**The Panel approved the Minutes.**

#### Item 4 – Matters Arising from the Minutes

5. Item 7 - the LSB had issued its consultation on referral arrangements.

6. Item 8 - the Panel's submission on Outcomes-Focused Regulation had been provided to the SRA. Julie Myers advised that the LSB senior management team had met with the SRA senior management team.
7. Item 10 - the Consumer Panel Manager noted that the consumer engagement workshop was held on 16 July 2010. The Panel Manager advised that the Bar Standards Board (BSB) and the Solicitors Regulation Authority (SRA) are considering setting up a virtual consumer network.

**The Panel noted the matters arising.**

#### **Item 5 - Chair's report**

8. The Chair presented her report, covering recent meetings, speaking engagements and press coverage.
9. In addition to the written report:
  - The Chair asked Julie Myers to update the Panel on government plans. Julie Myers advised that although nothing was concrete, the clearest indication to date was that the LSB and Legal Ombudsman were not on the list of public bodies to be abolished. Separately, a speech by Justice Minister, Jonathan Djanogly, indicated strong support of ABS.
  - The Chair asked Julie Myers to update on progress in relation to independence and Approved Regulators (ARs). Julie Myers advised that a satisfactory outcome had been reached following discussions between the LSB and ARs, and a formal decision would be issued shortly. The Chair noted that commitment to independence by ARs was welcome, but the test would be how this is delivered in practice.
  - Julie Myers advised that the LSB had approved its Welsh language scheme.

**The Panel noted the paper and the additional items raised.**

#### **Item 6 – Members' updates report**

10. Panel members provided feedback on their meetings and panel work:
  - Emma Harrison advised she continued to be involved in the Ministry of Justice transition board for complaints handling. Emma noted a serious concern about a backlog of complaints developing at the Office of the Legal Services Ombudsman (OLSO), which the Panel agreed to monitor and, as necessary, write to the MoJ or to OSLO.
  - Jeff Bell attended the LSB complaints data workshop which included a presentation from the Legal Complaints Service (LCS) on lessons learnt. The Panel discussed the importance of interrogating the LCS data and

sharing lessons with the Legal Ombudsman. The Panel Manager advised that the Legal Ombudsman training for staff was quite extensive, and has included sessions on organisational processes, the stakeholder landscape, the main legal practice areas and ombudsman skills.

- Graham Corbett advised that he attended the TUC conference. He was still trying to arrange a meeting with union legal officers, which he anticipated would occur by the end of November 2010.
- Karin Woodley advised she was arranging meetings with voluntary sector organisations and charities before the December Panel meeting, particularly those with an emphasis on diversity or which had close linkages to consumers.
- Elisabeth Davies reported that the first Consumer Welfare Index External Advisory Group meeting had been held. This had helped to clarify their role and provided useful feedback on the project. The next meeting was scheduled for January.

**The Panel noted the members' updates and noted their concern around any delays in remaining complaints being finalised at OLSO.**

### **Item 7 – Quality Assurance**

11. The Consumer Panel Associate presented the draft report.

12. The Panel supported the overall positions proposed in the draft report, but made suggestions to strengthen the core messages and recommendations. Detailed feedback on individual points was provided by each member. Key points raised in discussion included:

- Some weaknesses in CPD are self-evident: it is not linked to external appraisal, self-certified, no checking afterwards.
- There is a need to learn from other sectors, such as police, auditors, and healthcare
- There is a need to future proof quality assurance recommendations. They particularly need to work in the context of Alternative Business Structures.
- The outcome of legal advice is the key measure for consumers.
- Regulators need to be able to look consumers in the eye and be able to show that any lawyer they regulate is competent

#### **Action:**

The Consumer Panel Associate to prepare a revised version of the Report, incorporating the Panel's comments, for the Panel's review by email circulation.

#### **The Panel:**

- **Agreed to the substance of the quality assurance report, subject to amendments in the light of comments made;**
- **endorsed the proposed timeline for providing the report to the LSB and public release, subject to approval of final revisions.**

### **Item 8 – Will writing**

13. The Consumer Panel Manager provided an update on the will writing project and noted that a call for evidence had been issued which received good coverage in the trade and third sector press.
14. The Panel Manager advised that submissions were already being received from solicitors, will writers and consumers. A tender for consumer research would be released shortly. It was expected that the final report to the LSB would be completed by summer 2011.
15. Jeff Bell advised that he was seeking information for this project from Trading Standards regional teams.

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

### **Item 9 – Diversity**

16. The Chair introduced Michael Stacey, a Regulatory Project Manager at the LSB.
17. Michael Stacey gave a presentation of workplace diversity and the LSB's future initiatives in this area. The presentation noted that diversity was more problematic as lawyers progress through their careers. The LSB was proposing an approach to workplace diversity which comprised three main: leadership, research and data collection, and driving transparency at firm and chambers level.
18. The Panel welcomed diversity being a 'mainstream' matter for the LSB and supported the proposed work. Key points raised in discussion included:
  - Workplace diversity and diversity issues in access to the legal services were closely linked.
  - Socioeconomic diversity and disability needed to be considered alongside other characteristics that are normally given most attention.
  - There needed to be a business case made for firms to support diversity. The LSB needs to make clear to firms why they should be supporting this work out of self-interest.
  - There was a need to look at other professions, such as architects and learn from their experience.

- The LSB needed to be clear about what it would do with the statistics it gathers, how these would be used to make a difference and what 'success' in this area would look like.

**The Panel noted the diversity presentation.**

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

19. The Consumer Panel Associate presented a paper on consultation responses.
20. The Panel discussed how to respond to the LSB's discussion paper on referral fees. The Panel indicated it would prefer to assume a more advisory role on stakeholder responses, given the Panel's views were already known to the LSB.
21. The Panel discussed the practicalities of responding to the large number of consultations being released and agreed that in some cases responses will need to be prioritised. and The Panel might need to write to an organisation explaining why the Panel would not be responding in detail.

#### **The Panel:**

- **noted the submissions made to the SRA on outcomes-focused regulation;**
- **agreed to the proposed policy lines of the draft responses to the CLC on its new Code of Conduct and to the Joint Advisory Group on the Quality Assurance for Advocates scheme;**
- **agreed to consider a draft response to the Legal Ombudsman's consultation on publication of complaints data by email.**

### **Item 11 - Any other business**

22. None

### **Item 12 - Plans for All Day Panel Meeting**

23. The Chair sought views from panel members on the structure for the all day meeting scheduled for Wednesday 8 December.

**The Panel agreed that the December meeting would focus on: a review of the Panel's first year; the 2011-12 work programme; the Consumer Welfare Index; and the Legal Ombudsman's first two months of operation.**