



Minutes

Legal Services Consumer Panel meeting

Date: 27 April 2016

Time: 13:00-17:00

Venue: One Kemble Street, London WC2B 4AN

Present:

Elisabeth Davies	Chair
Cathy Gallagher	Member
Michelle Goddard	Member
Frances Harrison	Member
Philip Marsden	Member
Marlene Winfield	Member
Lola Bello	Consumer Panel Manager
Stephanie Chapman	Consumer Panel Associate
Ramandeep Bhatti	Legal Services Board (Minutes)
Steve Brooker	Legal Services Board (Item 9 only)
Jenny Pickrell	Ministry of Justice (Item 7 only)
Kathryn Stone	Legal Ombudsman (Item 8 only)
Rhiannon Walpole	Legal Ombudsman (Item 8 only)

Item 1 – Welcome and apologies

1. The Chair welcomed the Legal Services Consumer Panel ('The Panel'). Apologies had been received from Andy Foster and Julie Myers.

Item 2 – Declaration of interests

2. No declarations.

Item 3 - Panel minutes – 24 February 2016

3. The Chair presented the minutes from 24 February 2016, which were agreed via electronic correspondence.

The Panel noted the 24 February 2016 minutes.

Item 4 – Matters arising

4. In relation to Item 5 in the minutes, the Chair advised that Panel Work Programme 2016-17 had been approved and published.
5. In relation to Item 7 in the January minutes, the Chair advised a paper on segmentation had been deferred to June to give time for the working group to meet, and agree the appropriate course of action.
6. In relation to item 8 in the minutes, the Chair advised that she and the Panel Manager met with the Chris Handford, Director of Regulatory Policy. He confirmed the SRA would soon be consulting on their Handbook.
7. In relation to Item 13 in the minutes, the Chair advised an invitation has been sent to Martin Coppack to attend the September meeting.

The Panel noted the matters arising.

Item 5 – Annual Report 2015-16

8. The Chair presented the Draft Annual Report for approval.
9. The Chair asked Panel Members to check biographies and formal tables for accuracy and inform the secretariat of any changes outside of the meeting.
10. Panel Members suggested changes to some sections of the report.

In line with suggested changes, the Panel approved the Draft Annual Report 2015-16, which will be presented to the LSB Board on 26 May.

Item 6 – Panel leads and working style

11. The Chair introduced a paper setting out a proposal for panel leads and working groups to deliver the 2016/17 work programme.
12. The Chair advised that this is not an exclusive model and will evolve over the course of the year and Panel Members have the opportunity to get involved on other projects.
13. In relation to the project including McKenzie Friends, Cathy Gallagher declared her interest as Pro Bono and Solicitor regulation lead at the Law Centres Network, and it was agreed she would not be named as a Panel lead for this project.

The Panel agreed the Panel project leads and revised process for responding to consultations.

Item 7 – Jenny Pickrell, Ministry of Justice

14. The Chair welcomed Jenny Pickrell, Head of Legal Services Policy at the Ministry of Justice (MoJ).
15. Jenny gave an outline of the impending MoJ consultation on independence of the regulatory and representative bodies in the legal services market. This has been proposed to address market issues and reduce regulatory burdens, as well as create a better functioning market for consumers. The MoJ propose to consult soon.
16. In the subsequent discussion, Jenny said that historically there had been limited responses from consumer organisations. The Panel emphasised the importance of engaging with consumer groups during the consultation period. Panel members highlighted the resource constraints on consumer organisations and suggested that the MOJ could draw from learnings of how other sectors have successfully engaged with consumer groups or representatives. In this respect, Panel members highlighted the FCA's secondment policy; it gathers intelligence and knowledge by sending its own staff to consumer organisations and takes on their employees. Jenny agreed that the MoJ need to think innovatively about how to engage with consumer organisations. Panel members also suggested that a more successful way of engaging consumer organisations may be to hold an event. Jenny said the MoJ has limited resources. The Chair suggested that the Panel could explore facilitating such an event in the future.
17. There was a discussion around the scope of the impending consultation. Jenny said the consultation will focus on the specific question of full independence between the Regulators and representative bodies. She said the CMA review will explore wider issues, and that these issues along with the wider regulatory framework and landscape would be a subject of another MOJ consultation in 2017 (tentatively)
18. The Panel noted its support for full independence. Panel members said that although the consultation under discussion is intended to be narrow in scope, consideration may be need to be given to some details e.g. where Education and Training sits.
19. The Group discussed the Judicial Executive Board's consultation on McKenzie Friends. The Panel said it welcomed the attention the judiciary was giving to the topic and it was particularly pleased to see recommendations from its 2014 report being explored and ideas taking forward.
20. The Chair of the Panel said it was currently developing its position on the JEB's response, but emphasised that the starting position for the Panel is its 2014 report, especially as there is little or no new evidence since the publication of that report. The Panel agreed to keep the MOJ up to date on its position and views.
21. Jenny said the MoJ is keen to have continuous dialogue with the Panel.
22. The Chair said the Panel Secretariat will liaise with Jenny about organising a possible consultation event for consumer organisations and a face to face session with the MoJ will be scheduled after the Panel have drafted a response to the JEB consultation.

Action Points

1. Panel Secretariat to explore a consultation event to feed into the wider MOJ consultation in 2017
2. Panel Secretariat to organise a meeting/teleconference with the MOJ post developing its position on the JEB consultation

The Panel noted the presentation from Jenny Pickrell.

Item 8 – Kathryn Stone, Legal Ombudsman

23. The Chair welcomed Kathryn Stone, Chief Ombudsman and Rhiannon Walpole, External Affairs Manager at the Legal Ombudsman.
24. Kathryn Stone gave an outline of how she was hoping to work with the Panel and the LSB going forward. She said LeO and the Panel have similar goals, and by working with the Panel she hoped to also develop a better relationship with the LSB Board. She felt there was a need to have a better shared understanding of what KPIs should look like, including the appropriateness of the timeliness measure. She also felt it was important to recognise that it may take longer to deal with cases involving vulnerable consumers.
25. Rhiannon Walpole advised that the Legal Ombudsman is now measuring customer satisfaction at various stages of the complaint process and not just at the end of the process. She said this change will help map where issues need to be addressed.
26. Kathryn Stone recognised that the Legal Ombudsman needs to know what it feels like to be on both sides of the complaint – for both consumers and lawyers.
27. The Panel highlighted the importance of empathy and complainants feel like they've been listened to.
28. Kathryn Stone said she recognised that the Legal Ombudsman needs to do better and improve data transparency. They are keen to use all the data they have and feedback to regulators and providers. In particular, they feel they need to do better at engaging and showing how improvements can be made on first tier complaints handling for example. Kathryn noted that LeO has been active webinars and social media.
29. The Chair advised a follow up meeting should be scheduled to discuss closer working over the KPIs and wider opportunities to work together more closely.

Action Points.

1. Secretariat to organise a follow on meeting to discuss Open Data recommendations and how to progress with the joint work around KPI's.

The Panel noted the update from Kathryn Stone and Rhiannon Walpole.

Item 9 – Price of legal services

30. The Chair welcomed Steve Brooker, Head of Research and Development at the LSB.
31. Steve gave a presentation on the findings of the LSB research on price of legal services, which was published at the beginning of April.

32. The Panel noted the importance of this work and expressed disappointment that only 17% of providers made their prices available. The Panel highlighted how the importance of price transparency was highlighted in its recent report on Open Data. It recognised that the driving force to really exact change on price transparency has to come from the front line regulators.
33. Steve said the LSB had responded to the Panel on its recommendations on Open Data, the Panel acknowledged the receipt of the letter and the Panel leads agreed to discuss the detail outside of the meeting.
34. Action Points:
1. Michelle Goddard and Phillip Marsden and the secretariat to discuss the recommendations and the LSB response to open data.

The Panel noted the presentation from Steve Brooker.

Item 10 – Chair’s report and members update

35. The Chair presented her report, summarising her activities for the month.
36. Frances Harrison said she and the Panel Associate delivered a vulnerability training session at CILEx Regulation on 26 April. She said the feedback was very good. The Chair advised that the Council for Licenced Conveyancers and Kathryn Stone at the Legal Ombudsman are very interested in a session like this.

The Panel noted the Chair’s report and the members update.

Item 11 – Projects update

37. Cathy Gallagher advised that further consideration would need to be given to the purpose of holding an unbundling workshop and, if it does go ahead, this should be scheduled in September and discussed over email.

The Panel noted the projects update.

Item 12 – Consultation responses

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

The Panel noted a response had been submitted to the SRA’s consultation on *Training for tomorrow: Assessing competence* and the LSB’s consultation on *updates to rules under s112 (first-tier complaints handling)*. The Panel also noted the SRA’s consultation on *Removing barriers to switching regulators*.

Item 13 – Draft agenda for 29 June 2016 meeting

39. The Chair presented the proposed agenda for 29 June 2016 meeting.

The Panel agreed the proposed agenda for 29 June 2016.

Item 14 - Any other business

40. The Chair reminded Panel Members that expenses needed to be submitted within the 3 month window.
41. The Panel Manager advised that all the regulators have now committed money to this Client Care research project. This is being billed as a joint project between the regulators and the Consumer Panel.