

Minutes

Legal Services Consumer Panel

Date: 05 March 2014
Time: 13:00 – 17:00
Venue: One Kemble Street, London WC2B 4AN

Present:

Elisabeth Davies	Chair
Jeff Bell	Member
Andrew Foster	Member
Emma Harrison	Member
Frances Harrison	Member
Neil Wightman	Member
Catherine Wolthuizen	Member
Steve Brooker	Consumer Panel Manager
Harriet Gamper	Consumer Panel Associate
Ramandeep Bhatti	Legal Services Board
Julie Myers	Legal Services Board
Chris Kenny	Legal Services Board (Items 6, 7 and 14)
Caroline Wallace	Legal Services Board

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 apologies. The Chair welcomed Caroline Wallace, who will be joining the LSB as Director of Strategy on 6 May. The Chair also advised that Chris Kenny would be joining the meeting for a few items. The Chair recognised that this would be the last meeting for Neil Wightman, Emma Harrison, Jeff Bell and Paul Munden.

Item 2 – Declaration of gifts and hospitality

3. The Chair declared a lunch reception at The Faculty Office.

Item 3 – Minutes of 22 January 2014 meeting

4. The Chair presented the Draft Minutes for the 22 January 2014 meeting.

The Panel approved the Minutes of 22 January 2014.

Item 4 – Matters arising

5. Item 5 – Frances Harrison advised she had a lunch with Marlene Winfield (incoming Panel Member) to discuss repackaging.
6. Item 7 – The LSB has agreed to co-facilitate a session on comparison websites on 24 March bringing together approved regulators and comparison website operators to try to break the deadlock on this issue.

The Panel noted the matters arising.

Item 5 - Vulnerable consumers

7. Catherine Wolthuizen presented a paper on the Panel's future approach to vulnerability and invited the Panel to discuss the document and consider the recommendations.
8. The Panel supported the proposed approach in practice, which fits comfortably with what has been planned for the work programme. Points raised in the discussion include:
 - The Consumer Panel Chairs group is a good platform to further explore this work with other sectors
 - There needs to be a clear structure for the work on vulnerable consumers, for example following the model of equality impact assessments
 - The British Standards 18477 could be self-applied to the Panel's own work
 - Vulnerable consumers should be mainstreamed across our work programme instead of specific research projects as previously
 - In terms of new activities, the Panel could work with regulators to encourage them to develop their own vulnerable consumer strategies. The proposed toolkit based on BS18477 would assist with this

The Panel noted the paper and supported the approach in practice.

Item 6 – Draft work programme for 2014-15

9. The Panel Manager gave a short presentation on the Work Programme 2014-15.
10. The Panel suggested a few minor amendments to the work programme, but were content with the narrative in the Foreword and in the Overview section. The Panel endorsed the work programme content and work programme communications approach.
11. The Panel were also asked to consider how much of the Panel's time in the 2014/15 work programme should be invested in the will-writing area. The Panel agreed this is an important issue, but questioned what could be achieved in the time frame of the 2014/2015 work programme. Identifying a way forward for self-regulation is difficult given that overall we consider that the prospect of success for self-regulation is slim. Investing

significant resource would not be a good investment of time when our focus should rather be on reviewing the effectiveness of self regulation further down the line.

Therefore, our approach should be reactive: to assist where we can when asked, but not to seek a leadership role in 2014/15.

12. The LSB Chief Executive Chris Kenny joined the meeting to explain thoughts behind the LSB's commission for the Panel. The request, subject to approval by the Board, would invite the Panel to identify risks likely to face consumers in 2020 and how regulators might react appropriately to them.

13. The following points were raised by the Panel in the subsequent discussion:

- The Panel noted that this is going to be a challenging piece of work and potentially very broad, but one which will help to future-proof regulation
- External factors, some of which are unknown, such as the outcome of the next general election, could have a major influence on the legal services market and thus there is a large degree of uncertainty about the future
- As context, it might be useful to identify big trends that have emerged during the Panel's life to date and also what the surprises have been
- The Panel discussed the range of ways it might go about developing this work and the need for a further discussion on methodology
- The Panel should avoid presenting its findings in a too theoretical and academic way

Subject to some minor amendments, the Panel approved the work programme for submission to the LSB Board meeting on 26 March.

The Panel agreed to take a reactive role for the will-writing work.

The Panel noted the LSB commission and agreed to discuss methodology in May.

Item 7 – Fee-charging McKenzie friends

14. Frances Harrison presented the draft report on fee-charging McKenzie Friends for the Panel's approval.

15. The following points were raised by the Panel in the subsequent discussion:

- The likelihood of self-regulation working: on the one hand, this could be a challenge because there is no existing community of McKenzie Friends, but there is at least a good incentive for McKenzie Friends to self-organise and have an organised voice in debates about their future
- There is a risk of legitimising work that could cause harm. However, McKenzie Friends are generally doing valuable work and their existence is anyway a reality of the market – the focus of stakeholders and the Panel should be on raising standards whilst identifying the risks and promoting informed choice
- The grey area of what McKenzie Friends can and cannot do is a real risk and this is one area where action by the LSB is needed
- The Panel should proceed with producing a white label guide, in partnership with Law for Life, but this sort of initiative needs to be carefully policed

The Panel agreed the report, communications plan and ongoing advocacy proposals.

Item 8 - Accreditation schemes

16. Neil Wightman introduced the draft report on accreditation schemes for the Panel's approval.

17. The Panel discussed the draft report, points raised include:

- The potential value of accreditation schemes to help raise standards and offer consumers an easier route to redress
- The report needs to convey the message that while progress has been made, the majority of schemes still need to make many improvements
- Independent accreditation by third parties is starting to be considered by some schemes and this could usefully be pursued further
- We should avoid creating consumer confusion by diluting the message that the Legal Ombudsman is the single front door for complaints, but accreditation schemes need to be receptive to complaints in order to monitor members and raise standards

The Panel approved the draft report and communications plan.

In relation to ongoing advocacy, the Panel agreed to build on the work it has already done in this area to maximise impact, for example through bilateral meetings with scheme operators and with the Legal Ombudsman. However, after this the project should be closed and the need for further work reassessed in two years time.

Item 9 – Chair's report

18. The Chair presented her report, covering recent meetings and speaking engagements.

19. In addition to the report the Chair advised she had met with Sir Bill Jeffrey to discuss the Panel's response to his review of the independent criminal advocacy market.

The Panel noted the paper and additional item raised.

Item 10 – Members update

20. Catherine Wolthuizen advised she would be speaking on technology issues as part of a panel at the Westminster Policy Forum on 11 March 2014.

The Panel noted the Members update.

Item 11 – Projects update

21. Further to the paper, the Panel Manager advised that he attended the first meeting of the third-party complaints steering group on 27 February.

The Panel noted the Projects update and additional item raised.

Item 12 – Consultation responses

22. The Panel Associate presented the paper on consultation responses.

The Panel:

- **Noted the live SRA consultation on *Minimum financial strength rating for participating insurers, Training for Tomorrow: A new approach to continuing competence and Proposed changes to the registered European lawyers regime*. The Panel also noted the live LSB consultation on Appointments and reappointments to regulatory boards, the IPS Consultation on fines and the Commons Justice Select Committee, *Inquiry into the impact of LASPO*.**
- **Noted submissions made to the Legal Ombudsman’s consultation on its *Strategy and Budget 2014-18* and the SRA’s consultation on *Increase in fining powers*.**

Item 13 – Draft agenda for next meeting – 7 May

23. The Panel Manager presented the proposed agenda for the 7 May meeting.

The Panel agreed the proposed agenda.

Item 14 – Any other business

24. The Chair advised the Parliamentary Under-Secretary of State, Minister for the Courts and Legal Aid has agreed to meet with her.

25. The Chair expressed sincere thanks to founding Panel Members Jeff Bell, Emma Harrison, Paul Munden and Neil Wightman for their contribution to the Panel.