



Minutes

Legal Services Consumer Panel meeting

Date: 29 June 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
Steve Brooker	Legal Services Board (Item 7 only)
Stephen Mayson	University College London (Item 7 only)
Emma Kelly-Dempster	Legal Services Board (Item 8 only)
Karen Marchant	Legal Services Board (Item 8 Only)
Jim Diamond	Costs Lawyer (Item 9 only)

Item 1 – Welcome and apologies

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

Item 2 – Declaration of interests

2. The Chair declared that she is soon to become a trustee of the Personal Support Unit, a charity that provides trained volunteers who give free, independent assistance to people facing proceedings without legal representation in civil and family courts and tribunals.

Item 3 - Panel minutes – 27 April 2016

3. The Chair presented the minutes from 27 April 2016, which were agreed via electronic correspondence.

The Panel noted the 27 April 2016 minutes.

Item 4 – Matters arising

4. In relation to Item 5 in the minutes, the Chair advised that the Panel Work Programme 2016-17 had been approved and published.
5. In relation to item 8 in the minutes, the Chair advised that she and the Panel Manager met with Chris Handford, Director of Regulatory Policy at the SRA. He confirmed the SRA would soon be consulting on their Handbook.
6. 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 – Consumer segmentation

7. Philip Marsden presented a paper on consumer segmentation.
8. Philip outlined the proposed approach for the Panel to adopt in relation to consumer segmentation. He set out how the Panel should seek to use segmentation on specific projects, in a simple and straightforward approach. Initial pieces of work could stem from the Tracker Survey, for example.
9. Panel Members agreed with the clear and pragmatic approach, which also reflected the Panel's available resources. It was recognised that this approach permitted flexibility, and could be used not just in relation to identifying vulnerable consumers but also those who were lacking in confidence or faced wider access issues.
10. There was broad support for the approach.

The Panel agreed the proposed approach and the secretariat will convene the working group to take the work forward.

Item 6 – Tracker Survey

11. The Panel Associate presented the key findings of this year's Tracker Survey and explained the narrative of the briefings, which ties in to wider Panel work.
12. The Panel noted the findings and suggested that a supplementary infographic may be useful in highlighting areas of change over the last six years the survey has been run.
13. The Panel Associate also set out a publication timetable for the briefings, as well as a plan for further pieces of work using the Tracker Survey data. The Panel discussed when the best publication time for this work would be, given the expected interim report from the Competition and Markets Authority (CMA). It was agreed that the Tracker Survey and

its narrative would be a useful response to this report from the CMA, and so it would be published afterwards.

The Panel agreed the briefings subject to minor amendments, and agreed a publication timeframe.

Item 7 – Legislative Reform

14. The Chair welcomed Professor Stephen Mayson and Steve Brooker, Head of Research and Development at the Legal Services Board (LSB) to provide an update on the LSB's work on legislative reform.
15. Steve Brooker began by setting out the context for the work, which was now understandably factoring the recent UK referendum result to leave the EU. He explained that the LSB was continuing its work and aimed to set the pace of change.
16. Stephen Mayson explained where the LSB Board had arrived in its thinking to the answer to six questions set out in a paper last July:
 - What should be the number, nature and presentation of any regulatory objectives?
 - What should fall within the scope of regulation? How should that be addressed?
 - Should regulation be focused on activities or the providers who carry them out?
 - How can the independence of legal services regulation from both government and representative bodies best be assured?
 - Does the regulatory framework need to give consumers a voice? If so, what is the best way to achieve that?
 - How should the legal services regulator(s) be structured?
17. The LSB Board's approach is to outline the principles it expects to see any future regulatory regime to be based around, with a focus on form following function. In discussions the Panel particularly focussed on the Board's approach to ensuring the consumer voice is heard.
18. The Panel welcomed the overview and made the following points:
 - The consumer voice can be captured through a variety of mechanisms, not just one, and it is important that this spectrum is incorporated in future plans
 - Any future regulatory models must be able to accommodate multi-faceted legal and social problems and ensure appropriate levels of protection as well as minimise consumer confusion.

The Panel noted the presentation from Professor Mayson and the secretariat agreed to follow up on discussions about communications with LSB colleagues.

Item 8 – Regulatory Standards, Emma Kelly-Dempster and Karen Marchant, LSB

19. The Chair welcomed Emma Kelly-Dempster, Regulatory Project Manager, and Karen Marchant, Regulatory Associate.
20. Karen Marchant gave an outline of how regulatory standards were measured by the LSB and the process that was undertaken this year. She went on to explain that following the evidence gathering, self-assessment by the regulators and reports from the LSB, they were now following up with action plans and hoped to publish these shortly.

21. Emma Kelly-Dempster gave the headline findings of the regulatory standards exercise, outlining that in general the findings were an improvement from the last round. She went on to talk about how this may look in the future, acknowledging that they were drafted some time ago and now need to take account of developments in monitoring and evaluation and oversight regulation

The Panel noted the update Emma Kelly-Dempster and Karen Marchant. The secretariat agreed to follow up in arranging to discuss how the Panel may want to be involved in developing a new regulatory standards framework.

Item 9 – Client Guide to Legal Costs, Jim Diamond

22. The Chair welcomed Jim Diamond, a costs lawyer and author of the Client Guide to Costs.
23. Jim outlined his motivations for developing the Client Guide and his work in producing *The Price of Law*, published by the Centre for Policy Studies.
24. The Panel noted the importance of price transparency and emphasised the importance of producing guidance that has been specifically designed for consumers to enable them to get the best information about costs. The Panel also drew attention to the fact that the majority of complaints which escalate to the Legal Ombudsman have an element of dissatisfaction around costs, a clear demonstration that there needs to be improved clarity in this area.

The Panel noted the presentation from Jim Diamond.

Item 10 – Chair’s report and members update

25. In response to the topics presented the Panel Chair led a discussion around the Panel’s response to the LSB’s work on legislative reform. The Panel discussed its views on some of the proposed positions and reiterated its support for a piece of work which was principled rather than prescriptive.
26. Given the Panel’s involvement thus far, it was agreed that a final paper, outlining the importance of ensuring the consumer voice is secured in any future regulatory framework would be submitted to the LSB’s next Board meeting on 14 July.

The Panel Chair agreed to draft a paper to submit to the LSB Board, and to email Mike Pitt ahead of submission.

27. The Chair did not present her report due to earlier discussions but offered to take comments via email on any specific points.
28. Andy Foster updated the Panel on his recent participation at the Modern Law conference in Manchester. He spoke about Power to the People, exploring how best to empower consumers with information and price transparency. Andy outlined that there was a degree of pushback on the notion of price transparency and suggested that the Panel developed a set of questions and answers on key topics such as this for future events.

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

Item 11 – Projects update

29. No projects update was given.

Item 12 – Consultation responses

30. The Panel Associate highlighted one consultation alone, from the SRA, and outlined that it would require a detailed and in depth assessment and response over the summer.

The Panel noted future work to be arranged in relation to the SRA consultation on looking to the future. The secretariat agreed to work with the Panel to ensure the best

Item 13 – Draft agenda for 28 September 2016 meeting

31. The Chair presented the proposed agenda for 28 September 2016 meeting.

The Panel agreed the proposed agenda for 28 September 2016.

Item 14 - Any other business

32. The Panel Manager advised that all the regulators have now committed money to this Client Care research project and that bids had been received, with work expected to begin in July.

33. Cathy Gallagher reminded the Panel that she, Marlene Winfield and Michelle Goddard are sitting on Civil Justice Council working groups, and that the first were set to meet this month.