



Annual Report 2019

June 2019

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1 About us

Our purpose

- 1.1. The Legal Services Consumer Panel is a central feature of a regulatory framework in England and Wales, which is designed to transform the legal services market around the needs of its users.
- 1.2. Created by the Legal Services Act 2007 (The Act), we are an independent arm of the Legal Services Board (LSB). As a permanent, discrete champion for consumers, we have an essential responsibility to ensure that regulators are able to consider and act on the user perspective, putting the consumer interest at the heart of regulation.

Our vision

- 1.3. A market where everyone can access legal services that meet their needs, and where consumers are placed at the heart of regulation.
- 1.4. Our remit is to represent the interests of the many different consumers of legal services, including small businesses and charities. A core emphasis is on the needs of vulnerable consumers.

How we work

- 1.5. The Panel provides high quality, evidenced-based advice and

challenge to the LSB and front-line regulators, in order to help it make decisions that are shaped around the needs of users. We do this within a very limited budget.

- 1.6. The Panel's geographic remit is England and Wales. The Panel will remain alert to any differences in needs and tailor our policy advice accordingly.

Who we are

- 1.7. The Panel is made up of eight lay members whose appointments are approved by the Lord Chancellor. Our members' varied experience and expertise include: charitable, private and public sectors; advice provision; consumer research; trading standards; technology; and complaints handling. Panel members are not able to be practising lawyers. More information about the Panel members can be found on our website [here](#).

Our approach to regulation

- 1.8. We support regulation which creates the right balance between access to justice and consumer protection. We will challenge and support regulation to enable consumers to benefit from high quality services.

2 Chair's Foreword



- 2.1. I am delighted to present my first report as Chair of the Consumer Panel, which I joined in April 2018. It has been a busy and interesting year, at a time when the challenges facing consumers of legal services, particularly those on low incomes, are as hard as they have ever been, and the opportunities presented by new technology are beginning to show some intriguing opportunities as well as potential new problems.
- 2.2. As is clear from the numbers in Part 6 of this Report, the Panel has very limited resources and must therefore focus ruthlessly on those issues, and in a manner, where it is likely to have most impact. Finding and disseminating evidence on what matters to consumers, and how they experience the legal services market in practice, is consistently the most important thing that we do. That is why we spent virtually all of our discretionary budget on our Tracker Survey, which is now in its 8th year.
- 2.3. Our 2018 Survey presented a rich picture of how consumers choose and use legal services, including some worrying statistics about the decline in access to free legal services (including legal aid), and no improvement in the propensity of consumers to shop around. As with previous versions of this Survey, the evidence it contains is used and quoted extensively by regulators, academics and others active in this sector. That is important, but it would be better still if the approved regulators and professional associations were to devote more of their own time and resources to researching consumer experience and the impact of their policies on those who use the services they regulate or provide.
- 2.4. Our other significant influencing tool is direct engagement with the LSB, regulators, professional associations, government departments and other stakeholders. This is what I personally have spent most of my working time on in the past year, supported very actively by other panel members and the secretariat. Details of this engagement are in Part 5 of this Report. To supplement this face to face engagement, we seek to influence through press releases and informal blogs by panel members on issues which we feel particularly strongly about; for example in the past year this has included a blog by Cathy Gallagher on advice deserts which has been followed up by the Law Society.
- 2.5. We conducted a stakeholders survey towards the end of the year, and were encouraged to find out that the majority of our stakeholders believe the Panel is impartial, our research is

rigorous, the work we do is relevant to our stakeholders, and we understand legal services consumers.

- 2.6. To gain maximum impact from our resources, we think it is important to follow through on our efforts to influence individual issues and hold the regulators' feet to the fire, rather than flit from subject to subject. So we have continued to focus on the transparency agenda set by the 2016 CMA Report. There have been a number of successes: the CLC abandoned its proposed voluntary requirements in place of a mandatory rule change; the ICAEW have assured us that its quasi-voluntary approach will be closely monitored, and strengthened if it does not lead to significant change; the SRA have now undertaken to publish aggregated complaints data; and LeO are now scoping a piece of work to assess how it might publish Ombudsman decisions in full. Outside the transparency agenda, we have also secured some substantive successes from our continued focus on a number of consumer protection issues, including the move made by BSB and SDT to a civil standard of proof.
- 2.7. Our plans for next year are set out in the companion document to the Report, the Panel's Work Programme for 2019/20. Our three-year strategy was published in our 2018. My personal ambition for the coming years is that we make a clear and sustained impact on the behaviour of regulators and providers in this market, putting the needs of consumers, especially vulnerable, at the heart of their work. I would particularly like to see them, supported by Government, making a significant impact on access to justice for vulnerable and low income consumers, in part through the enthusiastic and intelligent take-up of new technology. If this can be done within a simpler, more consistent and

more transparent framework of regulation, that would be a great bonus.

Sarah Chambers

Chair



3 Equipping consumers with information

What we said we would like to see

- The publication of price and quality information.
- Consumers given better tools to compare providers.
- Consumers finding it easier to understand their rights, protections and routes to redress.

What we did in 2018/19

- 3.1. The legal services sector has come a long way since the publication of the Panel's Open Data report¹, which called for more regulatory information and transparency around price and quality indicators. A significant number of Approved Regulators have now mandated for price transparency in response to the Competition and Markets Authority's (CMA) recommendations.
- 3.2. In a relatively short space of time the Approved Regulators have intervened in a manner likely to positively influence the culture of the sector beyond the transparency agenda.
- 3.3. However, the Panel has not been complacent. We know that effective implementation of the remedies proposed by the CMA requires

tenacity, drive, focus and creative solutions from both the Approved Regulators and the Oversight Regulator.

- 3.4. We have therefore stayed close to the transparency agenda by responding to numerous consultation documents, including applications for Approved Regulators rule changes to the LSB. Our various responses have provided us with an opportunity to highlight gaps and insufficiencies in measures. For example, we wrote to the Bar Standards Board (BSB) to raise a number of concerns about their plans to restrict requirements for price transparency to Public Access Barristers, and within that group only to those working in the areas of immigration and family, as well as to chambers with 10 or more practising barristers.
- 3.5. Overall, we said and still maintain that the BSB's approach to price transparency does not give due consideration to the reality of consumer behaviour in a complex markets such as legal services. It presumes that consumers have the confidence, know-how, time and desire to contact multiple providers for pricing information.

¹ Opening up data in legal services, The Legal Services Consumer Panel, February 2016.

- 3.6. The LSB is aware of the concerns the Panel has raised about how some transparency measures have been implemented. Ultimately, we will raise this with the CMA in 2020 when it returns to assess how its recommendations have been implemented.
- 3.7. As noted above, the sector has moved in the right direction with regards to price transparency, but it is disappointing to see very little reference made in any of the consultation documents (responding to the CMA Report) to the development of quality indicators.
- 3.8. Our disappointment is compounded by the regulators' resistance to the publication of complaints data. We remain concerned that this area has not been given sufficient consideration.
- 3.9. The Panel is committed to supporting Approved Regulators in the delivery of the CMA's recommendation for appropriate quality indicators. To this end we hosted a roundtable on complaints data: one indicator of quality. The roundtable brought together cross-sectoral expertise and the objective was to learn, to be challenged and explore what might be effective in the legal sector.
- 3.10. At the roundtable we learnt that useful insight reports have been developed from complaints data in other sectors, and that this has been used to raise standards across respective sectors.
- 3.11. We also learnt that in the telecoms sector, the high profile nature of the publication of complaints data has provided an incentive for senior executives to engage with the data, understand it and improve services, as well as providing useful information for consumers.
- 3.12. Other regulators have also used the intelligence from complaints data to assess and target market risks.
- 3.13. One of the most significant declarations from an external expert at the event was that improved transparency from an Ombudsman, particularly upheld decisions rate, is potentially the most useful information to consumers. We are therefore pleased that the Legal Ombudsman is now considering our recommendation to publish Ombudsman's decisions in full. LeO is now scoping a piece of work on whether and how it might do this.
- 3.14. However, apart from the Solicitors Regulation Authority (SRA) which have given an undertaking to publish aggregate complaints data, and LeO, which is scoping a piece of work on Ombudsman decisions, we have seen little movement from other Approved Regulators.

Equipping consumers with information about the unregulated market

- 3.15. The Panel is keen to see a market where consumers find it easier to understand their rights, protections and routes to redress. For us this means a better understanding of the whole legal services landscape including what the unregulated sector offers. This also means wider access to redress for consumers

across the entire legal services market.

- 3.16. There is a continuing need to ensure that consumers are aware of the differences between regulated and unregulated providers. This goes to the heart of consumer protection

Our Tracker Survey shows that regulators cannot afford to be complacent about transparency.

In 2017, for the first time, we included a series of questions about transparency in our annual Tracker Survey. In 2018 we asked users of legal services the same transparency questions and we found:

- Only 6% of consumers find price information on the provider's website.
- 63% of consumers have a conversation with their provider to determine the price.
- The percentage of consumers who are shopping around for legal services has remained stagnant in 2017 and 2018, at 27%.
- 24% of consumers say they do not have a wide range of choice when choosing a provider, compared to 28% in 2017.

and public legal education; two of the statutory objectives shared by all the Approved Regulators.

- 3.17. In the last year we have continued to urge regulators to take responsibility for highlighting the existence and differences between the regulated and unregulated sectors using the

new revamped consumer facing website, Legal Choices, as a vehicle for doing so.

- 3.18. We are pleased that the Approved Regulators now have some information about the unregulated sector on the Legal Choices Website. However, we continue to encourage them to publish relevant and pertinent articles about the unregulated sector on the website. We note some resistance as regulators would prefer to keep the site's focus on providers who contribute to the levy that funds the site, rather than those in the unregulated sector. However, as noted above, the Panel takes a whole market view of the consumer experience and journey. We are also of the firm view that the provision of neutral information about the unregulated sector contributes to informed decision making, improved competition and better consumer protection.

- 3.19. The Panel sits on the Legal Choices Steering Group charged with revamping the website. We have been involved in the positive proposals to redevelop the site under the leadership of the SRA. We have contributed to discussions around design and content. However, we find ourselves consistently making the argument for regulators to consider the journey consumers embark on when they enter the market, with little knowledge or understanding of the differences between the regulated and the unregulated market, and certainly little understanding of the differing consumer protection implications attached to various providers.

- 3.20. For Legal Choices to be successful, it must anticipate and guide consumers through the complex

maze of the legal services sector and this must include the provision of pertinent and evolving information about the unregulated market.

Over the next year the Panel will:

- Continue to support the Remedies Programme Implementation Group (RPIG) in its drive to ensure the CMA remedies are implemented effectively.
- Host a roundtable event on how to collate quality indicators in a meaningful way.
- Continue to make the case for clear information at the point of need to clarify the differences between regulated and unregulated providers.

4 Consumer protection

What we said we would like to see

- Consumers have adequate protections and routes to redress.
- Flexible and innovative service with proportionate consumer protection.
- Enhanced understanding of the different needs and experience of consumers.

What we did in 2018/19

- 4.1. Our tracker survey research² shows that consumers lack the confidence to complain about poor service and many discover significant gaps in redress when they try.
- 4.2. In past annual reports, we have highlighted gaps in redress for consumers of legal services. We have critiqued the fact that consumers who use unregulated legal services providers cannot seek redress from the Legal Services Ombudsman (LeO). Instead, they must use complaints procedures voluntarily set up by those providers, or opt to use the courts.
- 4.3. Over the years we have encouraged LeO to consider hosting a voluntary scheme for consumers who use unregulated providers. We accept that there are legislative and scheme rule constraints that make this difficult, but we do not think these challenges are insurmountable.
- 4.4. The Panel has also highlighted gaps in the range of third party complaints

LeO accepts. We have asked LeO to broaden the scope of these to no avail. In lieu of this, we have asked LeO to clarify, in a user friendly manner, which third party complaints it will or will not accept.

- 4.5. Overall, The Panel is keen to ensure that LeO delivers a comprehensive, responsive and cost-effective route to independent dispute resolution. In recent months there have been wider discussions about Ombudsmen schemes more generally. In 2019, the All Party Parliamentary Group on Consumer Protection (APPG) published a report calling for Ombudsman Reform to be referred to the Law Commission, and made a number of recommendations for change which could be made in the meantime.
- 4.6. In 2018, the Panel responded to the BEIS Green Paper on Alternative Dispute Resolution and we know that BEIS is likely to consult further on changes to the ADR landscape. We will continue to submit responses and engage with the consultation process.
- 4.7. The wider discussion and developments outside of the legal services sector make it an opportune time to assess how LeO can be better supported in its role. To this end, in 2018 we accepted an informal commission from the LSB to host a workshop to consider how Ombudsmen and ADR providers in

² LSCP, How consumers are choosing legal services, 2018.

other sectors perform similar functions for their users.

- 4.8. To inform this work we submitted a draft paper to the LSB highlighting the issues and questions to be explored. We are now working towards the commission, which is to deliver a workshop drawing on expertise from outside the legal services sector.

Market flexibility, innovation, and consumer protection

- 4.9. The Panel has seen a welcome regulatory drive towards the delivery of flexible services, including proposals to remove rules which may preclude service providers from innovating. We commend regulators for this vision. Change is necessary, but in doing so, regulators must take care to strike the right balance between access to justice and consumer protection.
- 4.10. The Panel has found itself increasingly challenging regulators on the need to minimise consumer confusion and to refrain from lowering consumer protection without justification or any corresponding benefits. This is exacerbated by what we often consider to be inadequate impact assessments, and little or no consumer research to support proposals. We have raised these points in numerous responses to consultation documents and we will continue to do so.

Balancing flexibility with consumer protection

- 4.11. In 2018/19 the Panel spent time considering and responding to the SRA's handbook reforms. Although we broadly supported the SRA's flexibility agenda we raised considerable concerns about the reduction in consumer protection which accompanied its proposal to

allow solicitors to work in unregulated firms and the creation of freelance solicitors.

- 4.12. The overall points we made in our various responses stand: regulators with competing objectives, e.g.

A recent consumer study by IRN Research found that more than half (52%) of consumers said they would be concerned that a freelance solicitor “*might not offer me the same consumer protection rights as a solicitor working in a law firm or other legal services provider*”.

flexibility versus consumer protection, must ensure that the right balance is struck. Regulators cannot pursue an unconditional flexibility agenda if this leads to an indefensible reduction in consumer protection. And the LSB must test, rigorously, the merits of these proposals by demanding thorough impact assessments and consumer research.

- 4.13. We have also been concerned with the inappropriate use of untested information remedies to address reductions in consumer protection. We will continue to raise these concerns with the LSB, and demand thorough testing and evaluation of these remedies.

Enhancing access to justice through increased technology

- 4.14. In 2018 the Panel considered the growing use of technology in the legal services sector. We welcome the arrival of new technology as a positive force with significant potential to change the way legal services are delivered.
- 4.15. We recognise that this change is mainly for the better, but these market forces also present new

types of risk which regulators must anticipate.

What we did in 2018/19

- 4.16. In 2018/19 we prepared a paper on technology. Our aim is to contribute to fresh thinking and ideas on how the legal services regulatory framework can enhance lawtech.
- 4.17. Our paper on technology provides a framework for assessing whether legal services regulation supports and promotes the development of consumer facing technology, while ensuring that there are adequate consumer protection in place to mitigate for careless or inadvertent harm.
- 4.18. We have used the consumer principles to highlight a checklist of criteria for regulators to consider when supporting the profession and consumers in developing and using lawtech.

Consumer Impact Report

- 4.19. In 2018, the Panel began work on the 4th edition of its Consumer Impact report. The Consumer Impact Report uses a basket of indicators approach to assess the direction of travel towards the Panel's vision. This edition of the report will assess traction towards a competitive market that delivers high quality advice, and a market where consumers are placed at the heart of regulation.
- 4.20. The report is designed to serve a range of purposes: to provide a regular overview of the progress of the legal services reforms, and more recently, progress towards the CMA's recommendations for improved transparency in the sector.
- 4.21. This work also helps to influence the future priorities of the regulators around consumer needs and issues which the Panel or others might investigate further. This edition follows the same format as the first

Proposed checklist for all regulators:

1. Can you incentivise providers to use lawtech in widening access to legal services?
2. Have you considered issues around consumer choice?
3. Have you taken steps to ensure:
 - a. consumers have access to plain English explanations of how legal technology arrives at particular conclusions.
 - b. the data inputted in AI systems is transparent, traceable and auditable?
4. Have you required any ongoing quality assessment of lawtech solutions?
5. Have you adapted the regulatory framework to deal with:
 - a. potential biases in the data sets
 - b. determining liability for non-clear-cut circumstances?
6. Have the existing redress mechanisms been adapted adequately to safeguard consumers?
7. Is the consumer interest represented at all stages of developing, testing, evaluating and monitoring the new technology?
8. Have you considered any regulatory barriers that might stifle innovation for the profession?
9. Are you using the CPD framework to support the profession in using lawtech safely and effectively?

three, although we have narrowed our focus to reflect current priorities.

- 4.22. We are grateful to the regulators who have engaged in this work. We now have a sounding board made up of representatives from regulatory bodies who have fed into the scope and development of this work. The Consumer Impact Report will be published in June/July 2019

Over the next year the Panel will:

- Host a workshop on consumer redress in legal services
- Host a Roundtable event to discuss our technology paper and advance discussions around the use of lawtech in legal services.
- Host a roundtable event to highlight the findings of our Consumer Impact Report.

5 Stakeholder Engagement

- 5.1. The Panel meets with key stakeholders regularly (often at CEO/Chair level) to discuss regulatory issues and share our concerns. This is a significant aspect of our ongoing work. And these meetings extend beyond legal services regulators to representative bodies of the professions, government departments and other consumer groups.
- 5.2. In 2018/2019, the Panel welcomed a new Chair, who has dedicated a considerable amount of her time to meeting and developing relationships with stakeholders.
- 5.3. The Chair has had several meetings with the Head of Legal Services at the Ministry of Justice. She has also attended regular meetings the Consumer Panel Chairs from financial services, aviation and telecommunication sectors.
- 5.4. The Panel was invited to join the Remedies Programme and Implementation Group (RPIG) which oversees the implementation of the recommendations of the 2016 CMA Report.
- 5.5. It is also important to emphasise that a significant aspect of our stakeholder engagement and influencing work takes place at our Panel meetings. In 2018 we welcomed to our meetings senior stakeholder representatives from the MoJ, CLC, ICAEW, SRA, LSB and LeO where we sought to understand, influence and input into a range of policy proposals or ideas.
- 5.6. The Panel has also met with Professor Stephen Mayson from the Faculty of Laws, University College London, to discuss his Independent Review of Legal Services Regulation.
- 5.7. Finally, the Panel has worked on delivering its work programme while responding and engaging with the LSB on its own programme of work. We typically do this by engaging with the LSB at a working level, during early stages of policy developments, right through to having board to board meetings.
- 5.8. Stakeholder engagement and attendance at events was a significant priority in 2018.

6 Transparency

Committed to transparency

- 6.1. The Panel is committed to transparency. Below we list details of our expenditure and outputs for the past year.

Expenditure

- 6.2. The Consumer Panel is supported by a small policy secretariat and is funded by the LSB as part of its annual levy on the approved regulators. Our budgeted costs for the year ending 31 March 2019 was £217,578 (see Table 1 overleaf for a breakdown).
- 6.3. Details of members' expenses are available on the Panel's website [here](#).

Attendance

- 6.4. The Consumer Panel held six formal meetings this year. The attendance of each Panel Member is outlined based on the number they were eligible to attend:

Sarah Chambers - 6/6

Adam Cooper 6/6

Andy Foster – 4/6

Cathy Gallagher - 6/6

Frances Harrison – 6/6

Marlene Winfield OBE - 6/6

Mark McLaren - 6/6

Dr Michelle Goddard - 5/6

Activities and outputs

- 6.5. A list of the Panel's activities can be found at the back of this document. This can be summarised as follows:
- Policy and research reports - 6
 - Consultation responses – 14
 - Speeches and presentations – 9
 - Ongoing committees/working groups – 5
 - Events hosted by the Panel – 1
 - News releases – 3
 - Blog posts – 6
 - Stakeholders met by members – 59

Table 1 – Breakdown of Panel expenditure in 2018/19

Category	2017/18	2018/19
Panel Fees and Secretariat	171,447	181,949
Research	41,075	33,654
Travel	3,221	1,888
Training	0	0
Subscriptions/office costs	136	12
Catering/room hire	65	75
Total	215,944	217,578

7 Consumer Panel's activities

Policy and consumer research reports

1 August 2018	Tracker Survey 2018 – Infographic on how consumers are choosing legal services
1 August 2018	Tracker Survey 2017 – Infographic on how consumers are using legal services
1 August 2018	Tracker Survey 2018: How consumers are using legal services
1 August 2018	Tracker Survey 2018: How consumers are choosing legal services
1 August 2018	Tracker Survey 2018 – data tables for recent users
1 August 2018	Tracker Survey 2018 – data tables for general public sample

Consultation responses

26 February 2019	CLC – Consultation on the CLC’s Customer Charter
26 February 2019	LSB – Consultation on the LSB’s Business Plan 2019/20
25 January 2019	LeO – Consultation on the Legal Ombudsman’s Business Plan 2019/20
21 December 2018	BSB – Consultation on the Bar Standards Board’s Rules on Transparency Standards
17 December 2018	Consultation on the Bar Standards Board’s strategic programme for 2019-22
9 October 2018	SDT – Consultation on making of procedural rules in relation to applications to the Tribunal.
30 August 2018	ICAEW – Consultation on the CMA’s Action Plan
28 September 2018	LSB – Submission on the SRA’s Handbook Application
22 September 2017	LSB – Consultation response on the LSB’s revised Regulatory Performance Standard
17 September 2018	BSB – Consultation response on proposed rules for the training framework for the Bar.
6 August 2018	CILEx Reg – Consultation on implementation of the CMA’s transparency recommendations
6 July 2018	BEIS – Consultation on Modernising Consumer Markets, Consumer Green Paper

29 June 2018	CLC – Consultation response on the implementation of the CMA's transparency recommendations
18 June 2018	SRA – Consultation response on PII and Compensation Fund proposals

Speeches and presentations by the Chair, Panel Members, and Secretariat

29 November 2018	LSB Board meeting in Cardiff – Presentation on the key issues of access to justice and innovation in legal services from the perspective of Wales.
17 October 2018	Cilex Regulation – Board Meeting Round table on legal technology and legal education
17 October 2018	Office for Legal Complaints – Board Meeting
12 October 2018	The Professional Paralegal Register – Paralegal conference
14 August 2018	Legal Futures – Interview
11 July 2018	Cilex Regulation – Board presentation on Panel's strategy to inform their strategy on consumer matters
3 July 2018	Cilex – Group Board Meeting
2 July 2018	Cilex – Board Meeting
5 June 2018	SRA – SRA Innovate event

Ongoing committees and working groups

Consumer Panel Chairs regular meetings
Legal Services Board Research Strategy Group
Legal Regulators Research Forum ³
Regulators' Forum ⁴
Remedies Programme Implementation Group

Events hosted by the Panel

5 July 2018	Contextualising Complaints Data Roundtable.
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News releases

6 November 2018	Minimise Consumer Confusion
16 October 2018	Mind the transparency gaps
1 August 2018	Consumers are not empowered enough to shop around

Blog posts

14 February 2019	Disappearing Lawyers – Are Advice Deserts stoppable? Cathy Gallagher
21 January 2019	Regulatory Performance– room for improvement for all. Sarah Chambers

³ A forum for all the legal regulators to meet and discuss the research each organisation is undertaking. It is focused solely on research.

⁴ A forum for discussion of common issues between regulators, LSCP, and LeO. This meeting is broader than research.

11 October 2018	Conveyancers4Consumers? Mark McLaren
4 September 2018	How do you choose a legal service provider? (Published on the Gazette UK) Sarah Chambers
22 August 2018	Towards the publication of complaints data Sarah Chambers
18 April 2018	Collateral benefits Frances Harrison

The list of the stakeholders the Panel has met throughout the year

The Panel also hosted a roundtable on contextualising complaints data where all the Frontline and Approved Regulators attended, including key organisation representatives.

Bar Standards Board
Bar Council
Chartered Institute of Legal Executives
CILEx Regulation
Council for Licensed Conveyancers
Competition and Markets Authority
Consumer Panel Chairs Group
Chartered Institute of Trademark Attorneys
Chartered Institute of Patent Attorneys

Citizens Advice
The Intellectual Property Regulation Board
The Institute of Chartered Accountants in England and Wales
Law Society
LawWorks
Legal Futures
Legal Ombudsman/Office for Legal Complaints
Legal Services Board
Legal Choices Steering Group
Master of Faculties
Ministry of Justice
Office of the Immigration Services Commissioner
Ombudsman Association
UKRN
Professional Paralegal Register

Research Strategy Forum
Remedies Programme Implementation Group (CMA Report)
Solicitors Regulation Authority
The Scottish Consumer Panel
State of Victoria Consumer Commission
Which?

8 Terms of reference

Purpose

- 1 The Legal Services Consumer Panel ('the Panel') is established by the Legal Services Act 2007. The Panel contributes towards the achievement of the regulatory objectives by representing the interests of consumers of legal services. The Panel acts independently of the Legal Services Board ('the LSB') and the Office for Legal Complaints ('the OLC').
- 2 The Panel is deliberately comprised of members who are able to provide evidence of the experience of the wide range of consumers of legal services. The Panel will prioritise its work around those consumers who it considers are less able to give voice to their own interests. The Panel will have particular regard to the interests of consumers who may be in a position of vulnerability when using legal services.
- 3 The principal focus of the Panel will be on activities falling within the jurisdiction of the LSB and the OLC. However, the Panel will also have a remit on legal services matters that do not fall within the remit of the LSB or the OLC.
- 4 The Panel has an advisory role and does not have decision-making responsibilities. The key activities of the Panel are (in no order of importance):
 - (a) To help the LSB and the OLC to understand fully, and take account of the interests of consumers in its policy development and decisions;
 - (b) To respond to relevant consultations as appropriate;
 - (c) To carry out research, as agreed with the LSB, and gather other intelligence and

evidence to understand the consumer experience of the legal services market;

(d) To provide the LSB and the OLC with feedback from a consumer perspective on the effectiveness of its policies and practices;

(e) To help the approved regulators develop their own approach to consumer engagement to inform their work;

(f) To speak out publicly on behalf of consumers as appropriate in order to positively influence outcomes for consumers of legal services; and

(g) To maintain an overview of developments in the legal services market, and related developments affecting consumers in other markets, in order to best deliver the other activities listed above.

Procedure

- 5 Panel members are appointed by the LSB, with the approval of the Lord Chancellor, in accordance with Nolan principles, to represent the interests of consumers.
- 6 The Panel shall determine its ways of working, and may appoint sub-committees and make other arrangements for regulating its procedure. Sub-committees may include persons drawn from outside of the Panel, but all sub-committees shall include at least one member of the Panel.
- 7 The Panel and the LSB shall agree an annual programme of work for the Panel. The Panel may carry out such additional work, as agreed with the LSB, in response to developments in the legal services market.

- 8 The Panel shall ordinarily publish its representations, advice and research. However, it may choose not to publish its representations, advice and research if it considers that to do so would be likely to impact adversely on the interests of consumers.
- 9 The Panel shall publish the agenda and minutes of its meetings.
- 10 The Panel shall publish an Annual Report on its work.
- 11 The Panel and LSB shall review the Panel's terms of reference annually.

9 Biographies

Consumer Panel Members

Sarah Chambers (Chair)

Sarah is an expert in regulation, competition and consumer policy, with leadership experience at Board level. Sarah was formerly Chief Executive of PostComm (2004-2008), and has wide-ranging experience as a senior civil servant in various roles (Sarah was Director of Consumer & Competition Policy, Department of BIS – 2008-2011, and Director of Renewable Energy Deployment, DECC – 2011-2013). Until recently, Sarah was a Non-Executive Director of the Competition & Markets Authority, and holds a number of other public appointments, consultancy and trustee roles – including Commissioner of the Electoral Commission, Panellist at Judicial Appointments Commission and the Pensions Regulator; Chair of the Applications Panel of the Renewable Energy Consumer Code. Past appointments include: Member of the Civil Aviation Authority Consumer Panel; Member of the Qualifications Committee of the Bar Standards Board (2012-17), Independent Director, Payments Council (2014-15). Sarah is a Trustee of Greenhouse Sports, a charity which promotes the development of vulnerable young people in London through engagement in sport. .

Adam Cooper

Adam Cooper BA FCA is an experienced regulation and competition professional, with a strong record of senior leadership and delivery across the public and private sectors. He is

currently Director of Remedies, Business and Financial Analysis at the Competition and Markets Authority. Between 2016 and 2018 he was Director of Policy and Engagement at the National Infrastructure Commission. Previously he held a range of senior roles at between 2011 and 2016, Adam worked in a range of roles at Ofgem and the Competition Commission. His private sector experience includes time at Ernst and Young, where he qualified as an accountant, and at Abbey National plc.

Andy Foster

Andy is Business Development Director for Capita plc based in London. Andy has over 20 years' experience delivering local, national and international consumer protection strategies for Government agencies.

At Capita he is responsible for developing their local government portfolio by growing partnerships that help transform services, reduce operating costs and create social value. Andy was formerly Operations and Policy Director for the Chartered Trading Standards Institute during which time he was responsible for the commercial and policy output of the Institute. This included leading for CTSI on the consumer landscape changes which led to the creation of the consumer code of practice approval scheme and the national business education resource 'Business Companion'. In his spare time Andy volunteers for a number of

charitable organisations including the Princes Trust as a business mentor where he helps young people set up and grow their own enterprises.

Cathy Gallagher

Cathy leads on the delivery of Solicitors Regulation and Pro Bono Service development for the Law Centres Network of England & Wales. Through roles in local and central government and in new and existing Law Centres, she is experienced in promoting improvement in the quality, delivery and extension of public legal services.

Cathy delivered the start-up strategic management for the New South Wales Legal Assistance Forum, Sydney and the Asylum Seeker Support programme, Rochdale Council. Formerly a practicing solicitor, she worked as Principal Litigation Officer in both Commissions for Equal Opportunities and for Racial Equality.

Cathy has particular interest in the advantages of alternatives to the litigation process and recently gained a Masters in Dispute Resolution. She is a Trustee of the North West Legal Support Trust.

Dr Michelle Goddard

Dr. Michelle Goddard is currently Director of Policy and Standards at the Market Research Society responsible for promoting and protecting the research sector's quality standards. She also serves as the European Research Federation Director of Policy and Communication.

Michelle has 20 years of experience in consumer market regulation gained in a range of academic, policy and enforcement roles. Most recently she led on consumer advocacy in postal

services policy and research at Consumer Futures, the statutory consumer body. She was the first CEO of the Barbados Fair Trading Commission and held several senior policy advisory roles with Caribbean governments and agencies. A non-practicing barrister, Michelle also spent time as a consumer lawyer at Which? and as an Inquiry Secretary at the UK Competition Commission.

Frances Harrison

Frances Harrison is a consumer policy specialist with a range of roles. She is a member of the Board of the Motor Ombudsman, the Finance and Leasing Association's Lending Code of Practice Committee, and the Board of the Consumer Code for Home Builders where she also chairs the Disciplinary and Sanctions Panel. She is also the Independent Complaints Reviewer for the Registry Trust, the public register of county court judgments, tribunal wards and fines. In a voluntary capacity she is Chair of Brighton and Hove Citizens Advice, a trustee and volunteer for Brighton and Hove Emmaus which helps to relieve homelessness, and a policy adviser to the training organisation, Developing Youth Practice.

In her career, Frances has worked for the National Consumer Council as Head of Policy Research and Development, the National Association of Citizens Advice Bureaux as a Specialist Support Officer, local authorities where she managed consumer advice services, and more recently she managed the West of England branch of a charity working with excluded young people. She has also been the elected chair of Consumer Congress and the Institute of Consumer Affairs and has frequently

represented consumers on government working groups.

Mark McLaren

Mark is currently a council member of the Property Ombudsman. For nine years to Autumn 2015, Mark worked for Which? where he was directly involved in the work that led to all legal professionals and both estate agents and letting agents being required to join an independent redress scheme. At Which?, he also worked on a wide range of legal issues including reforms to the home buying process, private rented housing, will writing, power of attorney, consumer law reform as well as the Legal Services Act 2007.

Earlier in his career, Mark's previous roles included being public affairs adviser at Age UK, where he is now a pension fund trustee, and working in the House of Lords for a group of crossbench peers. He is now a freelance consumer policy and public affairs adviser.

Marlene Winfield OBE

Marlene has spent her career giving a voice to users of public services. She is on the Governance Board of a London-wide end of life care programme, Coordinate My Care. She is Vice Chair of the Thalidomide Trust and the Non-executive Director for Patient and Public Affairs on the Professional Record Standards Body for Health and Social Care. She was previously Director for Patients and Public in the Department of Health Informatics Directorate and Head of Policy Research and Strategy at the National Consumer Council. She was a lay member of the Civil Justice Council, the British and Irish Ombudsman Association Executive, and the National Information Governance Board. For 15

years she ran a support group that helped thousands of British women obtain compensation for injuries from the faulty Dalkon Shield contraceptive device. In 2000, she was made an OBE for services to civil justice reform.



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