



## Minutes

### Legal Services Consumer Panel meeting

**Date:** 29 April 2020  
**Time:** 14:00-17:00  
**Venue:** Online due to the covid-19 pandemic.

#### Present:

Sarah Chambers	Chair
David Abbott	Member
Lisa Davis	Member
Owen Derbyshire	Member
Michelle Goddard	Member
Paul Crook	Member
Liz Owen	Member
Mark McLaren	Member
Lola Bello	Consumer Panel Manager
Laurentiu Ciocan	Consumer Panel Associate
Chloe Clynschaw	Legal Services Board (observing the meeting)
Julie Brannan	SRA (item 8 only)

#### Item 1 – Welcome to new Panel member and apologies

1. The Chair opened the first online meeting of the Legal Services Consumer Panel ('The Panel'). Apologies had been received from Adam Cooper.
2. The Chair welcomed the new Panel member, Lisa Davis, and invited her to give the Panel a quick overview of her background. Other members of the Panel, and the Secretariat, introduced themselves in return.

#### Item 2 – Declaration of interests

3. None.

#### Item 3 – Minutes of 4 March 2020 meeting

4. The Chair presented the minutes from 4 March 2020, which had been agreed via electronic correspondence.

**The Panel noted the minutes from 4 March 2020.**

#### **Item 4 – Matters arising**

5. The Chair presented the matters arising. One Panel member asked for an update on the research from Pitsford Consulting Ltd. The Secretariat said they were not aware of its publication.

**Action: Secretariat to check with Pitsford Consulting if they had published, or were still intending to publish, their research.**

#### **Item 5 – Chair’s report and Members’ update**

6. The Chair presented her recent meetings report and added that since she wrote it two other meetings had taken place. The first one was with Geraldine Newbold, CEO of Solicitors Disciplinary Tribunal. The Chair said it was a good introductory meeting and extended Geraldine’s invitation to the Panel to observe the online hearing on the Baker McKenzie case. The second meeting was with Matthew Hill, CEO of the Legal Services Board (LSB), which included a good discussion about the impact of Covid-19 on the legal sector, the last LSB Board meeting, and plans for the Legal Choices website.
7. **The Panel noted the Chair’s report.**

#### **Item 6 – Projects update and consultations**

8. The Panel Associate presented the projects update and the upcoming consultations.
9. Liz gave an update to the Panel on the recent developments on the LSB/LSCP public panel. For the benefit of the new Panel member, Liz explained the background of this collaborative work with the LSB. She explained that the public panel will serve as a resource for the regulators to have direct engagement with the public and consumers. This could help inform better policy development and implementation. Liz informed the Panel that an organisation had been selected and had now contracted to establish the public panel. She said that it had a wealth of experience in engaging with complex topics, including consumer issues and regulation. The main topics that the LSB will be using the public panel for over the next 12 months are its three-year strategy. It will also be used for work on quality indicators.

**The Panel noted the projects update and the future consultations.**

#### **Item 7 – The Panel’s thoughts about covid-19**

10. The Chair gave an update on the LSB’s proactive work in engaging with the regulators and the Ministry of Justice, which was welcomed by the Panel. The Chair agreed to send a supportive letter to the LSB to welcome their approach and offer to collaborate with them in future discussions.
11. The Panel noted the following concerns and issues for consumers around covid-19:
  - Some consumers (e.g. Citizens Advice clients) may be delaying seeking any help until advice services reopen physically. The Panel noted that this may exacerbate legal matters.
  - Digital tools can help make the delivery of online legal services more effective if some work is committed to raising emotional awareness when using these tools. Elements of best practice can currently be observed in the in the mental health sector.
  - The Panel noted that groups of consumers were facing a common challenge, generally infringements of consumer rights, were finding it difficult to get redress. In these

instances, digital tools around collective action or redress could prove helpful. The Panel noted the difficulties of putting collective action groups together and noted that there was some promising work developing in this area.

- The Panel said it picked up from the recent Chair's engagements with the regulators that some (regulators) appeared to be closer to their regulated communities than others. Therefore, the information passed on to the LSB by the regulators can have limitations. The Panel noted that it might have a role to play in filling the gaps to assist the LSB.
- Panel members raised concerns about delays to court hearings. The Panel agreed to invite the HMCTS to the June Panel meeting to learn more about how the delays, and the difficulties associated with remote hearings, were affecting consumers (especially vulnerable ones).

#### **Actions:**

- **The Secretariat to send a letter to the LSB on covid-19.**
- **To invite the HMCTS to the June Panel meeting to cover the issues of online courts and the impact of covid-19.**

#### **Item 7 – SRA presentation on the SQE**

12. The Chair welcomed Julie Brannan, Director of Education and Training at the Solicitors Regulation Authority (SRA). Julie gave a short presentation about the recent developments with the proposed Solicitors Qualifying Examination (SQE) and shared the following:

- The introduction of the SQE is being driven by two objectives - diverse pathways to qualifications, and high and consistent standards for becoming a solicitor.
- For aspiring solicitors, the SQE will offer fairness, choice, and greater flexibility in how one can train. The public will be able to trust that solicitors, no matter how they trained, are meeting the same high standards.
- Law firms will have a better guarantee of standards and could benefit from a potential widening of the talent pool. They will also have more flexibility to tailor their training in a way in which works best for their trainees and their business needs.
- Education providers will be able to use their own expertise to train SQE candidates effectively and can respond quickly to developments in legal services, such as legal tech, which do not fall within the SQE.
- The qualification is spread between SQE1 and SQE2. SQE1 covers the functioning legal knowledge (FLK) assessments testing the application of fundamental legal principles, substantive and procedural law mainly via multiple choices examination. SQE2 will cover the practical legal skills assessments using simulated role plays and written tasks.
- In terms of the timetable for delivering the SQE, Julie confirmed that the milestones put in place before the lockdown are still unchanged so far. She said that the SRA are waiting for the SQE to be approved by the LSB this year and then to be launched in autumn 2021. The new tests will be available in England and Wales.
- In March 2019, the SRA ran a SQE1 pilot with 318 candidates at 46 centres and concluded that it is possible to design a FLK assessment that is robust and

manageable. Following the feedback from the assessment, the SRA decided to reduce the FLK from three to two assessments having the same coverage and number of questions.

- In December 2019, Julie said they ran a SQE2 pilot with a smaller cohort of 167 candidates in two centres where they looked at uniform assessment versus several options, with findings due to be published this summer.
- Qualifying work experience (QWE) of at least two years will continue to be required, but may be undertaken flexibly at any time during the qualification process, not necessarily after SQE1 and SQE2. There may no longer be a requirement to cover three separate practice areas, and it can be undertaken in up to four different organisations. Experience of working in student law clinics, law firms, as paralegal and/or trainee may all count, provided it is signed off by a solicitor with knowledge of the candidate's work.

13. The Panel thanked Julie for her presentation and asked about the risks covid-19 poses to the implementation agenda. She said that the timetable is closely under review and the SRA team is working remotely, engaging regularly with stakeholders. She also said that most of the training providers can be ready by autumn 2021. She mentioned that there will be a long transition period during which applicants can choose between the current and new route. Julie said that the SRA are expecting to start with a relatively small cohort opting for the SQE.
14. The Panel asked about the cost and the diversity implications. Julie said that the cost is expected to be much lower than in the current system. The SRA will be assessing value for money.
15. The Panel wanted to know how the multiple-choice test can fully assess the skills for would-be solicitors and whether this type of assessment is consistent with other professions and jurisdictions. Julie said that would-be solicitors would be tested through multiple choice exams, written exercises, interviews, and role play but at different phases. Julie noted that the assessment is similar to how barristers are assessed or those joining medical school. Moreover, this type of testing is used in the USA for would-be lawyers.
16. Julie was asked about the efforts made to make the SQE test accessible and fair for BAME applicants and for those with a disability. She said that they have engaged with groups representing various communities (including BAME and disability) to make sure the exam is accessible and fair. Reasonable adjustments will be put in place for those with disabilities and each candidate will be assessed on individual basis. The SRA confirmed that Kaplan has experience with this. Kaplan will be appointing a Head of Equality and Diversity to ensure diversity amongst assessors and fairness for applicants. Technology and statistical checks will enable the SRA to minimise cultural bias.
17. On QWE the SRA said that they are working closely with universities so that students' experience from law clinics will be integrated with academic learning and promote good experience as well.
18. The Chair thanked Julie Brannan for her time.

**The Panel noted the update from the SRA and thanked Julie for her time.**

**Action: The Panel to have a follow up meeting with the SRA on the SQE.**

### **Item 10 – Tracker Survey**

19. The Chair and the Panel welcomed the summary of the qualitative research and the Tracker Survey results.
20. The Panel discussed how to get the best out of the data, drilling further into the sample, focusing on transparency, pricing information and highlighting discrepancies in how vulnerable consumers are experiencing the market. There were a few observations for the future on amending some questions and removing others which are no longer as relevant. Liz confirmed that she will share her thoughts on the reports in a follow up email.
21. The Panel noted the update from the Panel Associate.

**The Panel noted the update and thanked the Panel Associate for his time.**

**Action: to feedback the Panel’s comments to YouGov and Liz to email her thoughts on the Tracker Survey reports.**

### **Item 11 – Draft agenda for June meeting**

22. The Panel noted the proposed agenda for the next (virtual) meeting and agreed to start the meeting at 14:00.
23. The Panel agreed to ask the LSB to report on the setup of the public panel if HMCTS are not available.

### **Item 12 – Any other business**

24. The Chair asked the Panel Associate to circulate some possible dates for the Panel meetings for rest of 2020 and 2021.