



## **Minutes**

### **Legal Services Consumer Panel meeting**

**Date:** 24 June 2020

**Time:** 14:00-17:00

**Venue:** Online due to the covid-19 pandemic

#### **Present:**

|                   |  |
|-------------------|--|
| Sarah Chambers    | Chair  |
| Adam Cooper       | Member   |
| David Abbott      | Member   |
| Lisa Davis        | Member   |
| Owen Derbyshire   | Member   |
| Paul Crook        | Member   |
| Liz Owen          | Member   |
| Mark McLaren      | Member   |
| Lola Bello        | Consumer Panel Manager                             |
| Laurentiu Ciocan  | Consumer Panel Associate                           |
| Chloe Clynshaw    | Legal Services Board (minutes)                     |
| Sidonie Kingsmill | Her Majesty's Courts and Tribunal Service (Item 8) |
| Steve Brooker     | Legal Services Board (Item 9)                      |
| Robin Geddes      | Legal Services Board (Item 9)                      |

#### **Item 1 – Welcome and apologies**

1. The Chair opened the second online meeting of the Legal Services Consumer Panel ('The Panel') and welcomed those present to the meeting.
2. There were no apologies.

#### **Item 2 – Declaration of interests**

3. None.

#### **Item 3 – Minutes of 29 April meeting**

4. The Chair presented the minutes from the 29 April 2020 meeting which had been agreed via electronic correspondence.

**The Panel noted the minutes from 29 April 2020.**

#### **Item 4 – Matters arising**

5. All matters arising were acknowledged.

### **Item 5 – Projects update and consultation responses**

6. The Panel Associate presented the projects update and the upcoming consultations.
7. Some Panel members had a follow up discussion with the Solicitors Regulation Authority (SRA) on the SQE further to the last Panel meeting. Owen believed the meeting was very useful and he was pleased with the SRA's stakeholder engagement.

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

### **Item 6 – Chair's report and members' updates**

8. The Chair and the Secretariat updated the Panel on their recent engagement with the SRA about the regulator's proposal to change its Compensation Fund arrangement. The Chair noted that the Panel's argument against the proposals remained, but the Panel was not fixed on all its positions should convincing evidence be presented, the Panel may alter its position in some areas.
9. The Chair updated the Panel about her recent meeting with Elisabeth Davies, the new Chair of the Office for Legal Complaints (OLC). Both Chairs discussed the overall changes they considered needed to be introduced to the Legal Ombudsman. Sarah said she offered her support to the OLC and expressed her view that a couple of months' "breathing space" should be given to see the effects of the new reforms. The Panel agreed to have a meeting with the new Chair in early October.
10. The Chair gave a brief overview of her recent interview with Legal Futures about the OLC. Her message was that it is important to keep monitoring their performance and be supportive of OLC to move in the right direction. The Chair said she expects to see a change soon, but she is also mindful that it can take some time to change things especially given the current pandemic.

**Actions: To organise a meeting with the OLC Chair in early October before the Panel meeting.**

### **Item 7 – LSCP Annual Report**

11. The Panel discussed the Annual Report for 2019/20. The following points were raised in the discussion:
  - There were some concerns raised about the pace of the work done by the LSB on quality indicators and the Panel agreed they would like to see more progress on this soon.
  - On price transparency there was a suggestion to reference Pittsford Consulting's research on conveyancing and highlight concern around compliance with price transparency. It was noted that this research was yet to be published. The secretariat agreed to contact Pittsford Consulting about their publication plan.
  - Panel members also made stylistic suggestions. They were reminded by the Panel Manager that the Annual Report will be presented to the LSB Board on 14 July 2020.
12. The Panel noted the update from the Panel Manager on the Annual Report.

**Actions: The Chair to add her Foreword and Panel members to send in amendments to the Annual Report.**

## Item 8 – HMCTS presentation

13. The Chair welcomed Sidonie Kingsmill, Customer Director at Her Majesty's Courts and Tribunals Service (HMCTS). Sidonie gave a short presentation on the modernisation of the courts and the impact of Covid-19.
14. Sidonie set out the objectives for transforming the experience for court and tribunal users and noted the response to the challenges of the pandemic. She noted the following points:
  - The justice system was designed around the judiciary, rather than citizens.
  - There was a need for courts to evolve from the use of paper-based systems and poor IT infrastructure, which tended to drive over reliance on physical hearings to move cases forward.
15. Sidonie said that the reforms pre-Covid-19 revolved around improving the user experience and assisting staff with relevant training. However, the reforms will look different post-Covid-19. Sidonie made the following points:
  - 'Hybrid Hearings' will be the new default that can assist with levelling the user experience and access to support in separate environments. The Panel welcomed that the transformation of HMCTS services is done proportional.
  - Consumers would be given a choice of channels for hearings.
  - The Covid-19 outbreak had resulted in a reduction in some types of hearings.
  - Urgent cases had proceeded as normal with an emphasis on social distancing.
  - Research has been undertaken around use experience of remote hearings and there are issues to consider and address.
  - Feedback from judges on remote hearings has been mixed. The convenience of digital hearing has been seen noted as useful, yet exhausting. It was also noted that remote hearings intruded into the private spaces of judges.
16. Sidonie emphasised that there would continue to be a focus on proportionate and user focused reforms. Panel members welcomed the presentation and made the following comments:
  - Panel members noted their concerns about mixed user experience of remote hearings and the backlog of cases. Sidonie noted these concerns.
  - She said the backlog could be eased with more funding which would enable more sitting days and allow judges to do more work. In the absence of funding, HMCTS is prioritising the "worst cases" on probate, domestic violence, employment, possession hearings, etc, and replacing some of the older systems in employment tribunals. This has improved the speed of the work.
  - The Panel noted the importance of ensuring that positive outcomes are also captured during this period. The Panel also noted the importance of paying attention to the management of hearings and how much focus is on the whole user journey. Sidonie agreed that the user journey is also a focus for HMCTS, and they are considering the process and the outcomes.
  - The Panel considered the main worries and concerns facing HCMTS, including the need for data capture to be systematised to offer faster evaluation in civil and family matters, and the need for justice to be executed in a timely manner. Sidonie agreed and expressed noted these areas as needing improvements. She

observed that the lockdown has accelerated the data capture and the use of technology in adapting to new ways of working.

17. The Chair thanked Sidonie Kingsmill for her time.

**The Panel noted the update from the HMCTS and thanked Sidonie for her time.**

**Action: If necessary, to have a follow up meeting to be arranged for the Panel Manager and Sidonie.**

#### **Item 9 – LSB update on quality indicators**

18. The Panel welcomed Steve Brooker, Head of Policy Development and Research, and Robin Geddes, Regulatory Policy Manager from the LSB.

19. The LSB was invited to give an update on quality indicators and a summary of the next steps. Steve broker noted the following:

- In April, the LSB's Board approved a Statutory Policy Statement on consumer engagement which will set out the expectations around transparency in general.
- The LSB's Policy Statement would pull together the various strands of transparency that were included in the CMA's report: price transparency, quality indicators, signposting to redress and regulatory status. The Policy statement would be the starting point for regulatory performance measurement in the near future.
- The Panel expressed concern about the pace and strategy for delivering on quality indicators.

20. The Panel discussed the link between on ongoing competence and the work around the LSB issued a call for evidence and the LSB expected the CMA to publish their findings in January 2021. The LSB was aiming to be in close alignment with the work of the CMA on quality indicators.

21. The Chair referenced a proposal made last year in which the Panel led an introduction to quality indicators. The Panel stated the proposal about conveyancing was wider than just the discussion that happened at the roundtable in October 2019, referring to the conversation being a 'regulator-wide' approach to quality indicators. The LSB emphasised concerns about whether the recommendations from the Council for Licensed Conveyancers (CLC) will be about specific indicators or entirely different highlights, and the LSB expressed their desire for alignment with the CMA. The Panel expressed frustration regarding the three-year delay and considered that communication could have been better between the LSB and the Panel over the past six months on this topic.

22. The Panel raised questions about what work was being done on Legal Choices by the LSB. Steve explained that the LSB was not part of the governance arrangements of Legal Choices, but that it had accepted a recommendation from the CMA to monitor the progress that the regulators were making on market transparency, which included consumer information. The SRA and CLC were having bilateral conversations with each of the regulators to find a resolution. The LSB said that a Governance Board meeting is to be arranged soon. The LSB have communicated publicly that it will be carrying out a review against their regulatory performance framework. The Chair suggested that the LSB and the Panel remain in close communication over the next few months as work progressed.

23. The Panel welcomed that the LSB want to progress their policies independently of the CMA's timing to publish their review of their recommendations and the process of the

LSB testing the policies develop over the summer on quality indicators with its Board, alongside the Consumer Panel and the public panel in autumn.

24. Alongside this, the Ministry of Justice had received an outstanding recommendation from the CMA regarding redress and some limited reforms to the Legal Services Act. This proposal would require all businesses offering legal services to be brought within the jurisdiction of the Legal Ombudsman and would require primary legislation. The Panel noted these points, agreed there remained an issue around redress and reserved activities.

25. The Chair thanked Steve Brooker and Robin Geddes for their time.

**The Panel noted the update from the LSB and thanked Steve and Robin for their time.**

**Actions: The Chair to have a discussion with LSB Chief Executive, in the week commencing 29 June to discuss ways to push for movement.**

#### **Item 10 – Diversity**

26. There was not enough time for the Panel to address this topic properly. The Panel agreed to have a separate meeting over the summer given the importance of the Panel's work on diversity.

**Action: Schedule an hour-long discussion regarding diversity over the summer.**

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

27. The Panel noted the draft agenda for the September meeting.

#### **Item 12 – Any other Business**

28. None.