



Minutes

Legal Services Consumer Panel meeting

Date: 28 October 2020

Time: 14:00-17:00

Venue: Online due to the covid-19 pandemic

Present:

Sarah Chambers	Chair
Lisa Davis	Member
Owen Derbyshire	Member
Paul Crook	Member
Liz Owen	Member
Mark McLaren	Member
Adam Cooper	Member
Lola Bello	Consumer Panel Manager
Laurentiu Ciocan	Consumer Panel Associate
Chloe Clynshaw	Legal Services Board (Minutes)
Prof. Stephen Mayson,	University College London (Item 8)
Mark Neale, Director General	Bar Standards Board (Item 9)

Item 1 – Welcome and apologies

1. The Chair opened the fourth online meeting of the Legal Services Consumer Panel ('The Panel') and welcomed those present to the meeting.
2. David Abbott was not able to attend and had sent his apologies.

Item 2 – Declaration of interests

3. None.

Item 3 – Minutes of 16 September meeting

4. The Chair presented the minutes from the 16 September meeting which had been agreed via electronic correspondence.
5. The Secretariat gave an update on the introductory meeting it had with Shelter Cymru and a follow up meeting with Law Society in regard to the advice deserts project. The Secretariat also confirmed that there will be a follow up meeting with Shelter England. A proposal will be presented to the Panel following the Shelter England meeting.

The Panel noted the minutes from 16 September 2020.

Item 4 – Matters arising

7. All matters arising were acknowledged.
8. The Panel was updated that a date for an introduction meeting with the new HMCTS Deputy Director for User Experience and Insight, Lauren Van Staden is pending.

Item 5 – Chair’s report and members’ updates

9. The Panel discussed the Chair’s Report and the following points were raised in the discussion:
 - The Panel briefly discussed the meeting with Elisabeth Davies, OLC Chair. The Panel were reassured by Elisabeth’s approach.
 - The Chair gave an update on the LSB Strategy Development Summit confirming it has been a positive exercise.
 - The Secretariat updated the Panel on its policy meeting with the Law Society on a few topics, Advice Deserts and quality indicators being amongst the issues discussed.

Item 6 – Projects update and consultation responses

10. The Panel Associate presented the projects update and the upcoming consultations and the Panel discussed the following:
 - Owen shared that he had a meeting with Lawtech/Tech Nation – sandbox initiative linking up investors and Lawtech providers.
 - The Panel Associate gave an update on the unbundling project, confirming that a draft paper was circulated and a meeting with the working group was impending.
 - The Secretariat informed the Panel that the LSB had approved the Solicitors Qualifying Examination (SQE).

Action: The Panel Associate to circulate the LSB press release on the SQE and send an update on the LSB strategy meeting.

Item 7 – Away Day ideas

11. The Chair announced that the Panel Away Day will take place online due to the covid-19 pandemic. The Chair invited the Panel members to share ideas on the structure and form of the day. Possible ideas include:
 - Inviting regulators to share their ideas on what the Panel should focus on
 - Analysing key stakeholders’ agendas, the wider horizon, including the impending CMA report.
 - Exploring implementation as a standalone theme.
 - Revisiting the Panel’s Stakeholder and communication strategy.

Action: The Secretariat will draft a skeleton agenda and plan for the Away Day and circulate it with the Panel.

Item 8 – Independent Legal Services Regulation Review

12. The Chair welcomed Professor Stephen Mayson, Honorary Professor at the Faculty of Laws, University College London (UCL), who published the final report of the Independent Review of Legal Services Regulation in June.
13. The Chair invited Prof Mayson to share the reaction of key stakeholders to the report. Prof Mayson said there had been a range of positive and less positive views to the report. He said that the less positive views were not surprising, but they were based on the press release or the summary of the report and not on the full report.
14. Prof Mayson noted positive responses from some unregulated providers, who welcomed the proposal to join the regulated framework. He said the MoJ's public statement on the report was made at the Westminster Legal Policy Forum in September 2020.
15. On implementation, Prof Mayson said that he had both short and long term recommendations and that for now the focus may be on the short term recommendations. He was clear that there remained a role for specialist regulations and specialist regulators. There did not appear to be any momentum or immediate opportunity to create a single regulator in the short term. It was recognised that there were benefits to be derived from the centralisation and consolidation of data.
16. The Panel discussed the longer-term recommendation to have a single regulator. It was agreed that the restructuring of the legal framework would not be easy, but it is more a question of timing, when not if.
17. The Panel asked Prof Mayson how LawTech can promote access to justice, including how the regulators can encourage innovation. He said that regulators should allow and give space as much as possible for innovation and should focus mostly on protecting consumers. Prof Mayson also recommended bringing in other innovative players into the framework without jeopardising consumer protection.
18. Prof Mayson said that the legal services market would reach a point in its evolution where it becomes clear that the majority of incumbent regulated providers are not sufficiently entrepreneurial, innovative nor interested in developing tech solutions. Prof Mayson shared his thoughts on risk assessment within reserved activities; a number of current regulators that claim they take a risk-based and proportionate approach do not have any recognisable risk framework to support that.
19. The Panel expressed support for the idea of the public register of non-regulated providers. The Panel also discussed the capability of LeO to handle increased case load. Prof Mayson said that there are legislative vehicles that could be used to implement the short-term proposals of the report.

The Panel noted the update and thanked Stephen for his time.

Actions: To consider the Mayson recommendations for the Panel's three-year strategy - how to get greater clarity to inform our decision-making, consumer expectations and how they are met.

Item 9 – BSB presentation

20. The Chair welcomed Mark Neale and Ewen MacLeod from the Bar Standards Board (BSB). The Chair opened the discussion by asking for an update on the BSB's monitoring of price transparency.

21. Mark updated the Panel and said he hoped to get better evaluative data in 2021 including the impact on consumer behaviour. The BSB is seeking to understand what matters to consumers. This will feed into its work on transparency and the review of the code of conduct for barristers. The BSB plan to commission qualitative research as a part of this work.
22. Once the BSB know what matters to consumers that would be used to inform the comparison measures for barristers' chambers. Mark said that the BSB believed there was far more scope to devise measures for quality of service. The Panel stressed the importance of consumers also being able to get some information on technical quality through the development of some proxy metrics to assess this.
23. The Chair asked for an update on how the pandemic has affected the BSB and their response. Mark said that there was differential impact across the profession. There has been less pressure on the commercial and chancery bars and greater impact on the criminal and family bars. Many hearings have gone online, but online hearings covering family law had mixed feedback, e.g. family members have found engaging remotely difficult and found prejudice in accessing justice.
24. The Chair recognised LawTech as an opportunity to make legal services more accessible to a wider range of consumers. Ewen gave an update on discussions between the BSB and LawTech UK. A group had been set up specifically to focus on identifying regulatory barriers to innovation. He said that the BSB does not want its regulation to act as a barrier to innovation, but it is not being proactive in this area either. The Chair noted this was a different approach to the SRA who saw a role for themselves as being proactive in the law-tech space. She also said that practice guidance could be a good tool to help barristers make the most of the digital tools. It can be a guide to drive the quality of interaction with consumers and make it more efficient.
25. On Legal Choices, the BSB believed that there needs to be a wider strategy for the sector: the Legal Choices website itself did not amount to a strategy. The Panel agreed that the Legal Choice website itself was not a strategy but was an important component in delivering a strategy.
26. The LSCP recommended that the BSB assesses how the profession is treating different groups of consumers from different minority ethnic backgrounds. Mark said the BSB is determined to make sure the profession is representative of the society it serves. Mark also said that the BSB would soon agree an anti-racist statement making clear what steps well-conducted chambers should be taking in order to eradicate racial discrimination in the workplace.
27. Mark noted that the BSB had recently launched a reverse mentoring scheme bringing together senior barristers, junior barristers, and Bar students to allow colleagues to benefit from the insights of those from BAME backgrounds. The BSB had also published research on bullying and harassment in the profession, which appeared to be far more prevalent than earlier reports had suggested.

The Panel noted the update from the BSB and thanked Mark and Ewan for their time.

Action: The Panel agreed to have a follow up discussion with BSB on quality indicators early next year.

Item 10 - Draft agenda for 3 February meeting

7. The Panel noted the draft agenda for the 3 February 2021 meeting.

Item 11 - Any other business

8. None.