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Sent by email only to peter.james@icaew.com

23 May 2021

Dear Mr James,

Consultation: ICAEW Medium term (3 year) legal services strategy consultation

The Legal Services Panel welcomes the opportunity to comment on ICAEW's amended medium term legal services strategy before it updates its business plan accordingly. It should be noted, however, that the Panel found it difficult to comment on the amended strategy without having the amendments highlighted in a meaningful way. Nevertheless, we have reviewed all the documents provided and endeavoured to provide our input.

Consultation question 1

Do you agree that this strategy supports the IRB's mission which is to strengthen trust and protect the public by enabling, evaluating and enforcing the highest standards in the profession?

As we stated in our initial consultation response to the earlier version of this strategy, it does appear to support the mission and we appreciate that the amended version does include an additional reference to trying to understand consumers. We reiterate, however, our stance that the mission and the regulatory objectives should be reflected throughout the strategy as the larger purpose behind the approach rather than maintaining high standards in the profession as an end in and of itself. For example, where the strategy includes work on "developing a long-term strategy for effective oversight of reserved legal services as regulated by ICAEW", it may be useful to refer to effective 'consumer-focused' oversight or include explicit reference to the relevant statutory objectives by stating them rather than a simple reference to section 1 of the Legal Services Act, 2007. In this way, the strategy can be a constant reminder of the end goals for ICAEW's legal services regulation

Simply put the Panel believes that if the strategy does not fully reflect the ultimate aims of strengthening public trust and protection of the public, along with the applicable statutory objectives, it will be very difficult to implement these aims into a more detailed business plan and individual projects. The strategy should be a constant reminder of what the IRB is trying to accomplish

Consultation question 2

Do you support the objectives set out in the ICAEW reserved legal services strategy?

The Panel supports the key objectives as the strategy sets them out but some minor additions (in all caps below) may sharpen the focus as follows:

- Ensuring PSD is best set up to deliver EFFECTIVE legal services regulation
- Ensuring regulated firms are delivering a good service TO THE PUBLIC
- Improving communications WITH PROVIDERS, STAKEHOLDERS AND CONSUMERS
- Ensuring collaboration IN LEGAL SERVICES REGULATION
- Contributing to a more diverse and inclusive culture IN LEGAL SERVICES
- Future development

In addition, the Panel find the additional detail that has been added to some of the objectives helpful in understanding what it aims to accomplish but as stated previously would appreciate further connections to the overall goals of strengthening trust and protecting the public. We also agree with moving the subobjective regarding transparency from the communication section to the delivering a good service section because at its core, transparency is in fact about enabling consumers to choose better services for themselves and thereby improving the level of service offered in the market generally. The Panel also notes the use of “price and service transparency” suggests firms should make prices and basic information about their services available. We would like to see commitment to moving beyond this basic level of information provision to also include transparency around quality indicators (which extend beyond making disciplinary information available) as well.

The Panel is also happy to see the addition of a subobjective centring on trying to understand the experience of consumers and how specific regulation measures are affecting them, however, we wonder whether it belongs under communication as it would inform much more than communication but effective regulation generally. Consequently, we feel this subobjective would be better placed under the first objective encompassing effective legal services regulation. We also feel that the commitment to fostering a culture change to promote a learning environment (made in the current reiteration of the business plan) would be another useful point to include under the first objective addressing effective legal services regulation.

Consultation question 3

Is there anything that you feel is missing or does not support this mission?

Like the Panel stated in its initial consultation response, it would be useful to ensure that consumer protection is robustly maintained at a time when the current hard insurance market is causing price increases in professional indemnity and other types of insurance generally. Maintaining current consumer protection schemes and activities is another function that may be named in subobjective 1(i) under effective legal services regulation. Protecting consumers builds confidence in the profession which must be safeguarded.

Consultation question 4

Do you have any general comments about this strategy or consultation?

The Panel feels that the addition of the background clarifies that this strategy will apply to all the reserved legal activities that members of the ICAEW can provide. It also gives useful context to help stakeholders evaluate the medium term strategy. We are pleased to hear that

progress has been made on having a lay Alternate Chair lead the IRB with respect to legal services regulation.

With regard to the consultation, it would have been very useful to highlight and explain the amendments that were made to the prior strategy that was consulted on last fall in order to allow stakeholders to make targeted and useful comments. We now understand that the business plan will be revised accordingly and look forward to additional detail fleshing out the activities being undertaken to carry out the three year strategy.

Consultation question 5

We aim to ensure that our activity and strategy will not result in a worse outcome or quality of service for anyone due to their background or life circumstances. Please tell us if you think any clients will be adversely impacted by our strategy, due to a protected characteristic (such as age, disability or race) or due to individual practicing arrangements?

The Panel encourages the ICAEW to think about diversity beyond whether adverse impact will occur to one group and focus on asking whether the strategy is meeting everyone's needs in the provision of legal services.

We appreciate the opportunity to provide input from our unique vantage point and are open to further discussions. We hope you find these comments helpful. Please contact Heidi Evelyn, Consumer Panel Associate, with any enquiries.

Yours sincerely,

On behalf of the Chair,



Paul Crook
Panel Member
Legal Services Consumer Panel