



# Work Programme 2022/23

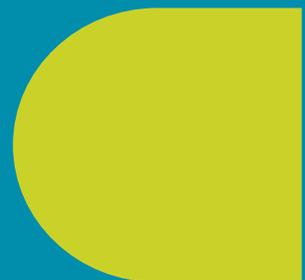
April 2022

## **Our vision**

**A market where everyone can access legal services that meet their needs and where consumers are placed at the heart of regulation.**

## **Our remit**

**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.**



# Foreword

Introducing last year's work programme, I emphasised the need for a collaborative approach across the legal sector, in particular to tackle the issues of access to justice and financial support for legal services, delays in complaints resolution, difficulties in establishing comparative data on prices and quality, and the need to reduce inequalities in the level of service



offered to BAME communities and others. Such collaboration has indeed been in evidence, and I was pleased to see active listening and discussion leading to action being taken. This includes, for example, the decisions by the Ministry of Justice to bolster court and judicial capacity, and to increase budgets for legal aid and other support services for litigants in person and legal advice organisations; and by the SRA to extend the Solicitors Indemnity Fund, and to review the options for ensuring appropriate consumer protection in this area in the longer term.

This year we will continue to advocate firmly for the interests of all consumers and would-be consumers of legal services to be put at the heart of the decision-making of all those who govern, regulate and provide legal services. We will focus in particular on strengthening the monitoring and evaluation of regulatory policies; on highlighting how regulators can modify their approaches to become genuinely consumer-focused; and on ensuring that the specific impact of their policies (and of the behaviours of legal service providers) on ethnic minority and vulnerable consumers is properly measured and enhanced.

I sense a genuine will among regulators, representative organisations and others to continue the improvements that have already been made, despite the challenges posed by budget squeezes in a difficult economic climate. Making services work better for users need not be expensive, provided common sense and consumer insight is properly applied.

*S Chambers*

Sarah Chambers

Chair, Legal Services consumer Panel

# Context for our work

This is the Legal Services Consumer Panel's second year into a three-year strategy that is aligned with the Legal Services Board's strategy for the sector: a strategy to ensure that regulation delivers fairer outcomes, stronger confidence and better services to consumers.

As a statutory body charged with advising and challenging the LSB, we are keen to work with the sector to deliver these goals. The Panel itself has no power to enforce, command or direct activity and it has limited resources to commission research. But it can and should advise, encourage, and support the work of others, or occasionally advise against some activities.

The Panel's adopted strategic objectives are highlighted below with a focus on what is most important to us over the lifespan of our strategy.

## *LSCP's Strategy for 2021-24 at a glance*

Our strategic objectives over the next three years

### **1. Fairer Outcomes**

*Reducing unmet legal need*

### **2. Stronger confidence**

*Ensuring high quality legal services and consumer focused regulation*

### **3. Better Services**

*Empowering all consumers to obtain high quality and affordable services*

# Our aims for 2022-23

## Continuation of key projects

Over the years, the Panel has achieved its goals by being persistent and prioritising issues until we begin to observe progress and achieve our aims. Our work around the need for open data in legal services started over nine years ago, many years before Approved Regulators mandated for transparency on price and service level information. Likewise, our advocacy for better consumer segmentation started in 2016, and is now just yielding results with Approved Regulators beginning to embrace consumer segmentation for better regulatory policies and interventions.

Our key aim over the next year is to complete the projects we started in 2021/22 and use their outputs to influence the oversight regulator and the Approved Regulators. Following through on existing projects, being satisfied that they are fully completed, and using the outputs to influence regulators is fundamental to how we operate and to our success.

The Panel will also focus much of its resources on contributing to the LSB's workstreams, advising and providing challenge as needed.

## Monitoring and evaluating regulatory policy

In 2021/2022, the Panel started a workstream on monitoring and evaluating regulatory policy. We are concerned that there is opaqueness and insufficient focus on this important regulatory tool.

The Panel is keen to highlight the importance of monitoring and evaluating policies in building confidence and trust amongst stakeholders, ensuring that regulatory policies deliver expected outcomes, and that these policies are not having unintended consequences. Equally important, we want to be assured that the effects or benefits of regulatory policies are reaching all the intended segments of consumers, and not inadvertently having a negative impact on some of them.

Although better monitoring and evaluation is an area the Panel has advocated for in response to numerous consultations, this is the first time we have dedicated resources to producing a paper and emphasising our concerns through case studies.

In 2022/23, we will continue this strand of work by hosting a roundtable event drawing on experience from other sectors, with a focus on the culture and metrics needed for success.

## Consumer focused regulation

In our 2021/22 Work Programme, the Panel said a consumer-focused culture does not permeate legal services regulation. The Panel has consistently noted the paucity of good quality consumer research, the slow pace of change in the provision of key information to consumers (effective price and quality indicators for example), and the reduction in consumer protection or proposals to reduce it without due care, as evidence of a sector that is not sufficiently consumer focused.

In our previous Work Programme we said that although we have been established chiefly to advise the oversight regulator, our effectiveness will be stifled if we do not also support Approved

Regulators to build the consumer voice effectively into their regulatory deliberations and observations. We see this work as having a dual purpose: we want it to feed into the LSB's performance assessment framework; and to influence Approved Regulators to embed consumers' interests into their activities, from policy development, implementation, evaluation and supervision right through to enforcement. This will help regulators to develop and implement better policies and enhance the oversight regulator's activities in this area.

In 2022/23 we will build on our preliminary desk research on consumer focused regulation and commission expert advice on how legal services regulators can improve in this area. The overall aim is to highlight best practice, draw attention to areas where the legal services sector falls short, and provide the sector with a strong guide or reference points.

This work will explore the feasibility of a benchmarking exercise against criteria such as:

- Vision and strategy
- Culture and values
- Governance arrangements
- Consumer protection from harm
- Protection of vulnerable consumers
- Transparency
- Complaint resolution
- Identifying risks
- Working with others

### **Ethnic minorities' experience of legal services**

In 2016 the Panel published a paper highlighting inequalities in how ethnic minority consumers are experiencing legal services. We drew on evidence from our tracker survey which consistently showed ethnic minority users to be less satisfied with legal services than consumers from a White British background. We remain disappointed that none of the regulators have explored our findings further.

Although regulators are putting resources into equality and diversity initiatives, for the most part these are targeted almost entirely at entry or progression in the profession. While a more representative profession will in time help minority ethnic consumers, more effort is also required by all service providers to address the specific needs of minority ethnic consumers.

In 2022/23, the Panel will publish qualitative research into the experiences of ethnic minority consumers who have used legal services in family or employment law in the last two years. The Panel wants this research to spur on further research into the disparities that we have noted, as well as to offer insights into areas that are less examined – family and employment law.

### **Improving our evidence base**

The Panel is keen to maintain its reputation for an evidence-based approach. This relies largely on our ability to commission research. We are acutely aware that our limited financial resource has meant that the only research we have been able to commission, on a yearly basis, is the tracker survey.

We are proud of the contribution the tracker survey has made to the sector; indeed we see it as a sector wide resource that provides crucial information about how consumers are experiencing legal services. While the findings of this research may not appear to be striking or transformative in and of itself, we have used the findings to lobby for seismic shifts in information provision, improved competition, and access to justice. More recently, we have begun to use our findings to highlight the disparity in satisfaction amongst ethnic minority consumers, highlighting the need for regulators to understand that even the positive changes over the last few years may not be having a positive impact amongst all consumer groups.

We have also used the findings of this research to highlight the opportunities and gaps that can be explored by providers to the mutual advantage of themselves and their clients. For example, we have used this research to highlight the low take-up of will writing services amongst consumers from ethnic minority backgrounds, and asked stakeholders to explore a targeted approach to encouraging those who need the security and certainty of a will to obtain one.

In the last two years, we have had the opportunity to conduct qualitative research alongside the quantitative tracker survey. Delving deeper into the quantitative data has given us greater insight which is helping us to shape our work and hone our focus. The Panel considers it important that we continue to do this, subject to the availability of financial resources. We see an opportunity to partner with Approved Regulators here. As noted above, the tracker survey is a sector wide resource available and used by all the Approved Regulators. The full data set is published and accessible to regulators and we offer the questionnaire in advance for input. While we have traditionally sought additional funding for the tracker survey from the oversight regulator, going forward, we will consider partnerships with others, particularly as this piece of work is at the heart of what regulators are charged to do, i.e. to regulate in all consumers' interests.

Our overall objective for 2022/23, subject to the necessary funding, is to fully review the questionnaire that sits behind the quantitative survey, retain what continues to be useful and to expand into new areas for better insight. Again, we would like to delve deeper into the real life experiences and issues facing consumers, particularly in these times of uncertainty.

### **Supporting (not initiating) in some areas**

The Panel's remit necessitates an acceptance that we are not best placed to start or initiate certain projects. In many instances, our role is to feed into policy development and ideas and to be vocal and active in areas that matter to the Consumer Panel. In this regard we acknowledge that policy solutions to issues around public legal education, diversity and the hardening of Public Indemnity Insurance are not in our gift. That said, we remain acutely interested in these areas and we will continue to feed into proposals to ensure that the interests of consumers remain at the forefront of regulators' minds.

# Our aims for 2022/23

## What we want to achieve during 2022-23

- Concerted action by regulators and others to implement the recommendations we have made to secure fairer outcomes for ethnic minority and vulnerable consumers
- A stronger culture and practice of consumer-focused regulation across the sector, with regulators putting consumers at the heart of everything they do
- A stronger focus on the importance of monitoring and evaluating regulatory policies
- Better understanding of why there are high numbers of dissatisfied consumers who do not make a complaint in legal services
- More innovative, affordable, and flexible service provision across the sector to meet varying and emerging needs
- Support the full implementation and evaluation of the CMA transparency measures, including the development of appropriate choice tools
- A pro-active sector strategy to respond to the emerging opportunities and risks associated with the introduction of new legal technology
- A full review of our tracker survey

# Our workstreams for 2022/23

Over the coming year the Panel will continue key workstreams as noted above. We will reinforce this work by publishing reports as appropriate, for example on:

- How ethnic minority consumers experience family and employment law
- How consumers are experiencing legal services (briefings from our tracker survey)
- How regulators can be more consumer focused

Also, much of our work over the coming year will be in support of others' projects, in particular projects by the LSB. We will:

- Support the LSB in its drive to ensure the effective implementation of the outstanding CMA recommendations.
- Support the LSB's regulatory performance review by highlighting gaps in the monitoring and evaluation of regulatory policy and our assessment of the extent to which Approved Regulators are consumer focused.
- Support the LSB's review of Professional Indemnity Insurance and the Compensation Fund arrangements.
- Contribute to the LSB's review of first tier complaints handling and highlight the higher incidence of silent sufferers in legal services.
- Support the LSB's plans to embed clear principles to underpin effective disciplinary and enforcement processes.
- Contribute to the proposal to develop inclusive design principles and to make the case for a strategic approach to vulnerability and better measurement of outcomes.
- Support the LSB's research and work programme more generally.

In addition, we will use our convening power to:

- Encourage the regulators to adopt a cohesive and effective monitoring and evaluation framework by hosting a roundtable event.
- Encourage the regulators to be more consumer focused in all their activities by hosting a roundtable event.

# Maximising our impact

## Evidence based

As mentioned above, our ability to make an impact for consumers of legal services during the next three years will depend largely upon the quality of our evidence and our relationships with key stakeholders.

The Panel has carefully built its reputation on evidence-based policy, data and consumer insight. Our commitment to the tracker survey will continue over the lifetime of our current strategy.

We propose to boost the impact of our own limited financial resources by working with organisations who would like to partner with us in any aspects of research related to our objectives. We also look forward to working closely with the LSB in utilising the public panel.

## Influence decision-makers

Maintaining and enhancing our ability to influence decision-makers will remain at the heart of our strategy. As an advisory body embedded within the LSB, our value stems from being able to work collaboratively with LSB colleagues whilst maintaining our independence. Similarly, we have a close relationship with the Legal Ombudsman – sometimes working jointly and at other times providing external commentary, but always giving constructive challenge and support.

We will maintain strong relationships with a range of other stakeholders including government, regulatory and representative bodies, consumer organisations, the voluntary sector and others. We will continue to engage with these organisations through a variety of mechanisms both across our work and in support of individual projects.

# Measuring our success

## Focused on impact

The Panel's overriding purpose is to improve outcomes for consumers of legal services. From the time we were established, we have consistently and rigorously assessed the effectiveness of our contribution towards these outcomes.

Armed with the Consumer Impact Report<sup>1</sup> and our refined annual tracker survey, each year we ask the critical questions:

- What has changed for consumers?
- What has the Panel done?
- What should we do next?

Our success depends on the quality of our advice, the effectiveness of our partnerships, and on how we use statutory and other tools to influence those who make change happen.

## An effective Consumer Panel

The Panel uses six criteria as indicators of our effectiveness:

- We have intelligence that keeps us in touch with the consumer experience.
- We are respected for the quality of our advice which is timely, constructive and evidence based.
- We can demonstrate that our recommendations have influenced policy decisions.
- We are the first place that people go to learn the consumer perspective on legal services.
- We operate transparently by publishing our activities and involving stakeholders in setting our priorities.
- We deliver value for money.

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<sup>1</sup> [LSCP, Consumer Impact Report, March 2020.](#)

# About us

## Our purpose

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

## Our vision

A market where everyone can access legal services that meet their needs, and where consumers are placed at the heart of regulation. 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

The Panel provides high quality, evidenced-based advice and challenge to the LSB and Approved Regulators, in order to help them make decisions that are shaped around the needs of users. Within the Panel's geographic remit, England and Wales, we will remain alert to any differences in consumers' needs and will tailor our policy advice accordingly.

## Who we are

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, public and academic sectors; advice provision; consumer research; and complaints handling. Panel members are not permitted to be practising lawyers. More information about the Panel members can be found on our website here.

## Our approach to regulation

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.

## Budget

The Panel's full Budget is outlined below

- Salary (includes Secretariat & Panel) £162,281
- Employer National Insurance Contributions (includes Secretariat & Panel) £15,978
- Employer pension contributions (includes Secretariat & Panel) £15,515
- Research Tracker Survey £35,377
- Other research £20,000
- T&S various £500
- Catering / room hire various £1,000
- Subscriptions overseas subs £920
- **TOTAL BUDGET Consumer Panel 2022-23 £251,570**

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