

Minutes

Legal Services Consumer Panel

Date: 07 May 2014
Time: 13:00 – 17:00
Venue: One Kemble Street, London WC2B 4AN

Present:

Elisabeth Davies	Chair
Andrew Foster	Member
Cathy Gallagher	Member
Michelle Goddard	Member
Frances Harrison	Member
Philip Marsden	Member
Marlene Winfield	Member
Catherine Wolthuizen	Member
Steve Brooker	Consumer Panel Manager
Harriet Gamper	Consumer Panel Associate
Ramandeep Bhatti	Legal Services Board

Item 1 – Welcome and apologies

1. The Chair welcomed the Legal Services Consumer Panel ('the Panel').
2. The Chair welcomed new Members: Cathy Gallagher, Michelle Goddard, Philip Marsden and Marlene Winfield, who all started their terms on 1 April 2014.

Item 2 – Declarations of interests

3. In relation to Item 8, Cathy Gallagher advised she was involved with work on the Low Commission.

Item 3 – Minutes of 5 March 2014

4. The Chair presented the Draft Minutes for the 5 March 2014 meeting.

The Panel approved the minutes of 5 March 2014.

Item 4 – Matters arising

5. Paragraph 8- the Chair advised she discussed the issue of vulnerable consumers at the Consumer Panel Chairs group meeting.

The Panel noted the matters arising.

Item 5 – Working styles and Panel leads

6. The Chair presented a paper on working styles. The arrival of new Panel Members is an opportunity to reflect afresh on current working practices and to scope how the Panel work together during and outside of our meetings.
7. Panel Members discussed how to work together as a Panel, the role of Panel leads and addressing any knowledge gaps and ongoing development needs.

The Panel noted the paper.

Item 6 – Annual report for 2013-14

8. The Panel Associate introduced the Annual report for 2013-14.
9. The Panel agreed the draft report subject to a few minor amendments.

The Panel agreed the draft report, subject to a few minor amendments.

Item 7- LSB commission

10. Philip Marsden introduced this item. The LSB is preparing to consult on its strategy for 2015-18, which is also the timeframe for the Panel's three-year strategy. To inform this, it has decided to commission advice from the Panel. The Panel were invited to discuss the methodology to deliver the LSB commission.

11. Points raised in the discussion include:

- This is a challenging project and time constraints do present genuine concerns around the nature of the advice we will be able to deliver. However, there is already a substantial body of work to build on and we must add value to what has been done. In particular, the existing literature lacked a strong focus on consumer vulnerability, which is the overriding theme of the Panel's current work programme.
- Market developments and political reforms could create new forms of vulnerabilities.
- The consumer principles are a useful prism through which to explore the issues.
- Using vignettes of types of consumers and how they might access legal services in 2020 could help bring the project to life.

- The Panel could consider developments outside of regulated legal services, such as the not for profit sector and local authorities, and draw in learning from sectors that have similarities with legal services such as health and financial services.
 - There is also existing research/work on wider demographic and consumer trends.
 - The Panel need to pin down the scope of this project and get a grip on the timeframe.
 - The Panel need to consider how consumers are changing and how legal services are changing – and how these two different areas will collide.
12. The Panel agreed which Members would form a working group to develop further the ideas discussed. It was agreed the Panel Manager and Philip Marsden would set-up a meeting with the LSB's Strategy Director to discuss the commission. It was also agreed that a facilitated discussion with stakeholders should be scheduled for June.

The Panel noted the paper.

Item 8 – Guest speaker: Amanda Finlay CBE

13. The Chair introduced Amanda Finlay CBE, Vice Chair of the Law Commission. Amanda gave a presentation on the theme of legal services at a time of austerity, picking up on the Law Commission's work and developments around litigants in person.
14. The Panel discussed the presentation, points raised include:
- A key issue that needs to be addressed is how to raise awareness of what consumers should expect when facing legal issues. We need to raise awareness of the substance of problems and awareness of complaints. There is wealth of information online but does it help consumers understand the actual problems?
 - Many changes will occur following the Legal Aid cuts and legal services reforms, but at the moment there isn't any evidence that suggests the ABS changes are helping those most in need. However, there are other developments in the delivery of legal services that may offer consumers a viable alternative, such as unbundling.
 - Litigants in person are a visible part of the system, but there is also a need to address the 'lumpers' – those who put up with things and do not get help.
 - While 'pull' techniques may be sufficient for those who are already empowered, 'push' techniques are needed to help more vulnerable consumers.
 - There are a lot of paid McKenzie Friends in the family market and the traditional market ought to find ways of competing more effectively.
 - Legal issues could be taught as life skills, there could be some form of legal education at school level.
 - The professional bodies in regulatory and representative capacity need to do much more to keep people informed about problems they face in their everyday lives. There are some relatively simple ways of improving things, for example by having links to websites such as Advice Now.
 - The work in public legal education should look at experience in other sectors such as food and nutrition and see how these sectors educate the public.
 - The role of trusted intermediaries is an important dimension to the debate.

The Panel thanked Amanda Finlay and noted the presentation and points raised in the discussion.

Item 9 – Chair’s report

15. The Chair presented her report covering recent meetings, speaking engagements and press coverage.

16. In addition to the report the Chair advised that the Ministry of Justice had published the outcome of its simplification review. There would be no fundamental re-think of the regulatory regime at this time.

The Panel noted the Chair’s report and additional items raised.

Item 10 – Members’ update

17. Marlene Winfield advised she is meeting with the Chairman of the Bar Council the week of 12 June.

18. Andy Foster advised he attended the Consumer Summit in Brussels on 31 March.

19. Frances Harrison advised she and the Panel Manager visited the ILEX Professional Standards Offices during the morning to hold a Consumer Principles workshop with board members.

The Panel noted the Members update.

Item 11 – Projects update

20. In addition to the written report:

- The Panel Manager advised a McKenzie Friends launch event was held in Wales on 1 May. He also advised two McKenzie Friends wish to develop self-regulation. The Chair, Frances Harrison and the Panel Manager would be meeting the Master of the Rolls to discuss McKenzie Friends on 23 May.
- The Panel Associate provided an update on the open data project. At the roundtable on 24 March there was a commitment from the regulators, however the Panel are still waiting for responses from some regulators. A follow-up meeting with LSB Chief Executive, Chris Kenny is scheduled in for 23 May.

The Panel noted the Projects update and additional items raised.

Item 12 – Consultation responses

21. The Panel Associate presented a paper on recent and upcoming consultation responses:

22. The Panel:

Noted submissions made to the Commons Justice Select Committee *Inquiry into the impact of LASPO*; the IPS' consultation on *finer*; the SRA's consultation on *Training for Tomorrow: A new approach to continuing competence*; the LSB's consultation on *Appointments and reappointments to regulatory boards*; the SRA's consultation on *Minimum financial strength rating for participating insurers*.

Item 13 – Draft agenda for 25 June 2014

23. The consumer Panel Manager presented the proposed agenda for the 25 June 2014 meeting.

The Panel agreed the proposed agenda.

14 – Any other business

24. The Panel Associate advised Panel Members that they are welcome to join the lunch and learn sessions along with LSB colleagues.

25. The Panel Associate also advised the Legal Walk is taking place on Monday 19 May at 4pm. Some panel members and the Secretariat would be walking.