

Meeting: Legal Services Board

Date: 22 October 2019

Item: Paper (19) 47

Title: Draft plan for development of LSB strategy 2021-2024

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Status: Official

Introduction: Purpose of the paper

1. This paper asks the Board to discuss a draft plan for developing the LSB's next three year strategy, which needs to be in place by April 2021. A possible set of success criteria and workstreams are presented for comment, and a suggested high level activity plan is annexed.

Recommendation

2. The Board is invited to discuss the draft plan for developing the LSB's next three year strategy.

Timing

3. Preliminary work on developing the new strategy (for example, planning the approach to stakeholder engagement in more detail and populating a more granular project plan) will begin following the Board's discussion of this paper. We will bring a further developed plan to the Board's January 2020 meeting.

Background

4. During its September 2019 strategy and business planning session, the Board requested a draft plan for the development of its next three year strategy. This paper responds to that request and seeks to take into account the comments made by Board members during that session.

Proposed success criteria

5. It is proposed that the success criteria for this work are that the LSB has a strategy in place by April 2021 that:
 - is owned and signed off by the LSB Board

- has been developed on the basis of extensive stakeholder engagement, has been a successful vehicle for raising the LSB's public profile and advocating the LSB's policy positions and, to the extent possible, has buy-in across the range of stakeholders. In particular, we recognise that the process of developing the LSB's strategy is itself a significant opportunity for influencing and advocacy, and for setting out LSB's views and thinking on important issues such as access to justice and legislative reform.
- defines an agenda for legal services regulation as well as setting out a clear strategy for the LSB's work, which:
 - (i) is capable of effectively guiding the LSB's work during the three-year strategic period
 - (ii) defines the purpose/objectives of regulation and where it has been most and least successful to date
 - (iii) recognises and responds to the key challenges facing legal services consumers and the profession
 - (iv) identifies the interface between LSB's strategy and the strategies of the legal services regulators and OLC. Further, it explores the roles of these organisations and other partners in addressing the key challenges facing the sector, either independently or in collaboration with us and each other; and
 - (v) successfully integrates with the five-year policy objectives
- is accessible, clearly linked to our statutory regulatory objectives and provides a compelling narrative for driving change
- provides a practical framework for business planning for 2021/22 and the following two years, identifying specific key things we expect to achieve over the period as well as higher-level aspirations
- harnesses the views and experience of colleagues in a process that promotes genuine ownership and buy-in
- pays due regard to LSCP advice; and
- is evidence-based.

Proposed workstreams

6. In order to meet these success criteria we plan to pursue a series of linked workstreams, as follows:

- **Communication and stakeholder engagement** – extensive communication and stakeholder engagement throughout the process reaching beyond the 'usual suspects', to gather views and ideas but also to advocate, persuade and influence as our thinking crystallises into firm proposals. We will use the full range of communications channels and opportunities, including (but not limited to) digital channels, events, articles, conferences and speaking opportunities. We propose a kick-off event at the outset, a further event to test ideas before the formal written consultation process begins and a roundtable event during the consultation period. We will flag and test these proposals in the consultation on our 2020/21 business plan
- **Production of a 'state of the nation' report (this may not be its final title)** – both informed by stakeholder views and framing our conversations about our strategy with them, this will draw on evidence from a range of sources to shape an agenda for change. It will offer us a vehicle to

express views and hypotheses on big strategic issues such as national access to justice debates and legislative reform. We will learn from and (as relevant) draw on similar exercises undertaken by other regulators and will return to the Board in January with a worked up proposal to deliver this

- **Internal engagement** – a process sponsored by the Board, engaging fully with colleagues and the LSCP at key milestones to benefit from the depth and breadth of experience that is available to us
 - **Establishing the evidence base** – drawing on insights from (amongst other things) the market evaluation exercise, research with consumers and providers, our stakeholder survey and our own and others' research and market intelligence. We will also draw on relevant comparative insights from other sectors and developments in legal services regulation internationally
 - **Financial implications** – the pay and non-pay resources required to deliver the LSB's work under alternative strategic scenarios will be established. This will be essential in determining the levy funding strategy necessary under the preferred scenario over the 2021-24 period. The new strategy will be aligned with a more robust approach to resource planning which will result in more transparency in how we deploy people on programmes and projects, and tighter scrutiny of and accountability for delivery, giving the LSB a solid foundation on which to base plans to fund delivery of our ambitions over the strategy period. While we will need to take account of MoJ expectations and wider political considerations, the announcement that HMT plan to undertake a multi-year spending review in 2020 aligns well with our plans. However, we do not yet have more detail on the key milestones and deliverables for that review.
7. Development of the strategy will be a core part of the LSB's 2020/21 business plan. An effective strategy depends on effective and thorough internal and external engagement. Clear, open and prominent internal and external communication will be critical to highlight opportunities for contribution and test emerging thinking on likely strategic objectives. This will include lots of opportunity for board members to engage with stakeholders on different platforms supporting our wider ambition to raise our communications profile. Detailed communications plans will be developed alongside the detailed project plan and will be implemented from the beginning of the project.
8. **Annex A** sets out an activity plan with timescales.

Next steps

9. We will bring a further developed plan to the Board's January 2020 meeting, which will include more detail on the nature and content of a 'state of the nation' style report. We will bring a finalised plan (taking into account stakeholders comments on our plans for developing our strategy, which will be set out at a high level in our consultation on the draft business plan) to the Board in March 2020 alongside the final business plan for 2020/21. As set out in the activity plan annexed to this paper, regular discussions with the Board will take place throughout the project.

Annexes**Annex A: draft high level activity plan**

Risks and mitigations	
Financial:	The extent of financial risk will depend on the decisions taken around the strategic direction of the LSB over this three year period. The public spending and MoJ context for any decisions taken about the desired scale and scope of the LSB's activities - and the implications for the LSB's budget and levy funding - over this period will need to be very closely aligned.
Legal:	Legal advice will be sought as the strategy emerges to ensure that it will not result in the LSB acting outside its powers.
Reputational:	Communication and stakeholder engagement is at the heart of our plans and is crucial to achieving the success criteria in paragraph 5. It is also important that the strategy is presented in an open and accessible format, so that the LSB's aims and intentions are clear and understandable, and that the LSB can be seen as a model of best practice in relation to the transparency of its strategic thinking.
Resource:	This work stream will be included in the LSB's draft 2020/21 Business Plan. It will be resourced with the involvement of colleagues at all levels of the organisation. The quantity and timing of work can to an extent 'flex' around other priorities given that the only fixed external milestone is that the final strategy should be published before the start of the 2021/22 business year.

Freedom of Information Act 2000 (Fol)		
Para ref	Fol exemption and summary	Expires
None	N/A	N/A

Annex A – Proposed high level activity plan

	Board/internal activity	LSCP	External activity
2019/20			
Sep	Board strategy session		
Oct	Board discussion on plans for strategy development	Discussions with secretariat about LSCP involvement	Start informing stakeholders via scheduled senior meetings and other opportunities about the work and take early readings about level of interest/key ideas
Nov	Add detail to plan for strategy development, including for embedded and high profile communications activity		Continue early contact with stakeholders. Flag (including via bespoke communications activity eg social media, press release) and test plans for development of strategy in consultation on the 2020-21 business plan
Dec			Continue early contacts with stakeholders.
Jan	Board considers fully worked up proposals	Attend LSCP meeting to discuss emerging plans	
Feb			
Mar	Board agrees finalised plans for developing the next strategy in light of stakeholder comment in the business plan consultation		Announce formal plan for strategy development alongside publication of finalised 2020-21 business plan
2020/21			
Apr	Colleague/LSCP/Board workshop to inform state of nation report	LSCP invited to this workshop	Kick-off event to announce plans and inform state of nation exercise Stakeholder engagement round 1: programme of dedicated meetings to gather ideas, concerns,

			hypotheses etc to inform state of nation report
May			Stakeholder engagement continues
Jun	Board asked to approve state of nation report		State of nation report published
Jul			
Aug			
Sep	Board strategy session		
Oct	Annual colleague away day		Stakeholder event to test ideas
Nov	Board asked to approve draft strategy and business plan for consultation	LSCP Board to Board	Consultation on draft strategy for 2021-24 and business plan 2021-22
Dec			Consultation period
Jan		Attend LSCP meeting to discuss proposals	Consultation period
Feb			Consultation event with stakeholders – also to cover business plan
Mar	Board asked to approve final strategy for 2021-24 and business plan 2021-22		Publication of final strategy for 2021-24 and business plan 2021-22