

**Bar Standards Board  
Consumer Panel**

***Legal Services Board (LSB) Draft Business Plan***

1. The Consumer Panel of the BSB was set up to advise the Bar Standards Board, and other relevant bodies, on issues concerning users of the services of barristers. The attached Annual Report outlines our membership and role, by way of background.
2. We were delighted to have the opportunity to comment on the LSB's first draft Plan, and would like to make the following 10 brief points on its content.
3. *Firstly*, it will come as no surprise that the Panel gave a very warm welcome to the consumer-focus which infuses the document – from its opening sentence “we will reform and modernise .. legal services .. in the interest of consumers”<sup>1</sup>. We also welcomed the comments in the covering letter that the LSB must “make sure that the consumer is at the heart .. of all our activity .. [and] of the activity of the Approved Regulators .. [and] of legal services”. The Panel does not see the interests of consumers as over-riding those of, for example, public confidence in the legal system or the interests of justice, as both of these also serve the consumer. We noted that, if the LSB is able to achieve its objectives, it will undoubtedly serve the user of legal services well. The Panel particularly noted and welcomed three of the Plan's key themes :
  - Putting the consumer and public interest at the heart of regulation
  - Widening access to legal services for all consumers
  - Improving customer experience, and with swift and effective redress when things go wrong
4. *Secondly*, the Panel was particularly interested in hearing more from the LSB as to how it plans to ensure that this consumer-centredness is also embedded into the Approved Regulators (such as the BSB). As the paper says “Any regulatory regime must put the interest of consumers first”<sup>2</sup> and this will be as vital for the ARs as for the overarching LSB. It is our hope that the final business plan might spell out the mechanisms for ensuring this dissemination of the LSB's objectives into the ARs

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<sup>1</sup> Para 1, page 6.

<sup>2</sup> Para 20, page 8

5. *Thirdly*, the Panel welcomed the plans for the OLC to handle all complaints from consumers, but will be discussing with the BSB how it will ensure that most such complaints are dealt with in the first instance by the provider of barristers' services.
6. *Fourthly*, regarding the composition of the LSB Consumer Panel, the BSB Panel was concerned about the mention of head-hunters, which implied that those already known and "in the loop" would be approached, rather than – as it would prefer – those who are truly involved with, or representative of, the users of legal services. There was a worry that such recruitment could lead to the appointment of "the great and the good" rather than those with practical user experience. It was felt that those who actually used the service (who incurred expenditure on it and/or were affected by its outcome) should be able to input into the LSB's work by virtue of membership of the Panel, especially those who otherwise would be unlikely to be consulted or get a hearing.
7. *Fifthly*, the Plan states that the LSB Consumer Panel will advise the LSB<sup>3</sup>, but makes no reference to it having any such role of inputting into the ARs. The BSB Consumer Panel sees the role of a Consumer Panel as very different from, and no replacement for, independent regulation but that, without consumer input into regulation, the user voice risks getting overshadowed. Given that most of the day-to-day regulation will take place by the ARs, it is to be hoped that the LSB will encourage all the ARs to have similar panels or processes for ensuring effective consumer input to their work.
8. *Sixthly*, the Panel would ask the LSB to suggest to its Consumer Panel (once established) that it should work closely with any Consumer Panels of the Approved Regulators to enable the various panels to work as well together as the LSB and the ARs intend to do. We welcome the fact that the LSB Consumer Panel will have research capability and commissioning powers, and therefore hope that we will be able to feed in suggestions for areas which might be covered.
9. *Seventhly*, we hope the LSB will in time use its Consumer Panel to play a role in evaluating its success, from a consumer perspective, when such an exercise is undertaken. The Plan helpfully sets out what the LSB thinks will be different in 5 years' time (including new entrant providers, new ways of delivering services to consumers, and an improved consumer experience<sup>4</sup>) and it is against such outcomes that the LSB should be measured.
10. *Eighthly*, we were pleased to note that the LSB acknowledges that its Consumer Panel might decide to focus on domestic and small business consumers because larger

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<sup>3</sup> Para 52, p.15

<sup>4</sup> Paras 11-13, page 7.

private and public sector consumers have alternative ways to represent their interests, and that the LSB will make particular efforts to reach less accessible and confident groups, and target its research, consultation and communication strategies on this issue.<sup>5</sup> The BSB Consumer Panel welcomes this approach, which is something we have already urged on the BSB.

11. *Ninthly*, we welcome the statement that ARs need to understand what consumers need by way of the quality, quantity and cost of services, whilst recognising the great variety of consumers, with varying needs, knowledge of the sector, and expectations.<sup>6</sup> The Panel also noted that the LSB will publish a Stakeholder Engagement Strategy during 2009 and it looked forward to having the opportunity to comment on this in due course.
12. *Tenthly*, the BSB Consumer Panel welcomed the recognition within the Plan that “consumers turn to lawyers in what are often trying circumstances, including during personal relationship breakdowns, financial disputes and encounters with the criminal justice system – whether as victims or otherwise. A profession that is not reflective of the society it serves .. will not command respect and confidence – ultimately damaging the interests of consumers and providers”.<sup>7</sup> We look forward to seeing further details on the LSB’s plans to achieve a more representative profession.

*BSB Consumer Panel  
March 2009*

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<sup>5</sup> Paras 51, 54 and 56, p. 15

<sup>6</sup> Para 48, p.14

<sup>7</sup> Para 113, p.24