

# Notes from Business Plan Workshop

**12 February 2010**

**10.00 – 12.00**

## **General**

Business Plan needs to be clear that, when it mentions legal service providers, it refers to the entire sector not just to any new entrants. (This point was made with reference to the presentation given at the workshop, however it was considered equally relevant to draft Business Plan).

## **Draft Equalities Scheme**

Q: Why haven't the new areas (transgender etc) been included at this stage? The commitment to include these needs to be clearer.

Q: How is the scheme going to be disseminated to LSB staff and how far is it included in selection criteria for preferred suppliers to LSB.

A: LSB will consider whether policy statement needs to outline how we do this and in doing so will review best practice from other organisations.

## **Wales**

It was noted that:

- whilst the LSB is committed to engagement with Wales and Wales specific issues, there is no specific Welsh work stream as LSB intends to address issues within work streams ensuring an integrated approach;
- the LSB is developing its Welsh Language Scheme for consultation;
- the Legal Services Consumer Panel has a Welsh work stream; and
- when possible, research exercises ensure sample sizes are sufficient to be representative of Wales.

## **Regulatory objectives**

In discussion it was noted that:

- The limitations of LSB's access to justice remit needs to be clearer ie:
  - it isn't just about claimants but about defendants too;
  - that it is about improving access to justice through regulation.
- The LSB's commitment to look at reserved and non- reserved activity needs to be clearer;
- As regards the analysis of the regulatory objective relating to promoting and maintaining adherence to the professional principles, the LSB would need to consider the impact of non-authorized persons on an approved regulator's ability to promote and maintain adherence to professional principles. Should regulatory

remits be extended to stopping non-authorized people if required? Discussion suggested a view that there may be a statutory obligation on non-authorized persons in regulated areas, however this needs to be explored further.

### LSB's proposed questions for measuring impact

Points raised in discussion:

- The proposed questions were welcomed;
- It was hoped that they would lead to more openness and debate and to helping approved regulators share and determine the sort of data they should collect and hold;
- It was suggested that the questions should be used to focus research and avoid duplication;
- A note of caution was sounded that there may be a danger in posing such high level questions and that LSB would need to be more specific to get useful data from a consumer perspective;
- The questions did not address the tangible issues that the LSB will be dealing with as business as usual;
- There should be more detail in the questions to draw out whether approved regulators are regulating appropriately;
- They could lead to two types of research:
  - Long term baseline data so comparisons can be made over time;
  - Shorter-term research to answer specific questions.

### Discussion on work streams:

<p>2A : Consumer and public Interest</p>	<ul style="list-style-type: none"> <li>• Where is consumer education covered? There needs to be more interaction between the Public Legal Education network and LSB in order to increase the emphasis on consumer protection/helping consumers to help themselves.</li> <li>• Consideration of consumers in terms of reserved and non-reserved activity – do consumers know what is regulated and what is not?</li> <li>• It is not clear that consumer interest and public interest are going to be treated separately, LSB need to bear this in mind especially during this economic climate. The difference in emphasis should be clarified through individual work streams.</li> <li>• Do we know enough about consumers' legal needs?</li> <li>• It is hard to conduct research, as people do not know whether they have a legal problem.</li> </ul>
<p>2B: Widening access (ABS)</p>	<ul style="list-style-type: none"> <li>• The lack of data that baselines the profession now is an issue if LSB are going to assess success in meeting objectives by 2013.</li> <li>• This would also be useful for the Government.</li> </ul>
<p>2C: Complaints</p>	<ul style="list-style-type: none"> <li>• Plan does not make clear that LSB will have a role in overseeing conduct complaints.</li> <li>• Concern about how LSB were going to ensure that there were no</li> </ul>

	<p>mixed messages to consumers during transition from LCS to OLC.</p>
<p>2D: Excellence in Regulation</p>	<ul style="list-style-type: none"> <li>• Core business of LSB has not been reflected in hierarchy and prioritisation of Business Plan – not enough emphasis on ‘business as usual’.</li> <li>• How does the LSB intend on engaging with smaller approver regulators e.g. how will the support needed by new approved regulators impact on LSB resources?</li> <li>• There was a discussion about ‘protection of title’. Could this be considered as part of reserved/non-reserved work?</li> </ul>
<p>2E: Independence</p>	<ul style="list-style-type: none"> <li>• No comments made</li> </ul>
<p>2F: Workforce development</p>	<ul style="list-style-type: none"> <li>• No comments made</li> </ul>
<p>2G: Access to justice</p>	<ul style="list-style-type: none"> <li>• No comments made</li> </ul>