

Meeting: Legal Services Board

Date: 22 January 2020

Item: Paper (20) 02

Title: Development of the plan for the next three-year strategy

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Status: Official

Introduction: Purpose of the paper

1. This paper asks the Board to agree an updated plan for developing a three-year strategy for legal services regulation, building on its discussion in October 2019.

Recommendation

2. The Board is invited to agree the plan and discuss the proposals for: i) board deployment; ii) State of the Legal Services Sector Report.

Timing

3. Plans for developing the new strategy will be announced at the end of March alongside publication of the finalised business plan for 2020-21.

Background

4. During its September 2019 strategy and business planning session, the Board requested a draft plan for the development of its 2021-24 strategy. The Board considered a draft plan at its October meeting and asked the executive to bring back an updated plan for its January meeting.
5. An updated version of the activity plan is at **Annex A**.
6. In October the Board agreed some key principles behind our approach. These included that we would develop a strategy for the sector, not just for the LSB. As such the strategy would define a broad agenda for change and identify how a wide range of organisations can advance this agenda. Another core principle was extensive communication and stakeholder engagement reaching beyond

the 'usual suspects', to gather views and ideas but also to advocate, persuade and influence as our thinking crystallises into firm proposals.

7. The process of developing of a new strategy should identify the golden threads that will run throughout our work and underpin clear priorities for the sector. High-level priorities, such as addressing unmet legal need, will be stratified so that efforts are targeted on achieving greatest impact for those in greatest need. We will have built a compelling narrative that explains how a well-led regulatory system can make a positive difference, identifying our locus for intervention and what others can influence. The strategy should help to position LSB to be in the eyes of decision-makers as the 'go to' place for leadership on these issues. We will have defined our style of regulatory approach and pinpointed how we will make best use of the soft and hard tools at our disposal to advance our agenda.

Progress since the October Board meeting

8. The following milestones have been achieved since the October meeting:
 - The core project team is in place and a detailed project plan developed
 - A communications plan has been developed
 - A colleague workshop has been held
 - A desk review of 'state of the nation' style exercises has been completed
 - We are currently consulting on outline plans for developing the strategy as part of the consultation on the draft business plan for 2020-21 – a stakeholder event will take place on 20 January
 - Strategy development is on the agenda for the annual meeting of the Chairs of the regulatory bodies on 27 January
 - We are attending the LSCP's 29 January meeting to discuss our plans

Communications plan

9. A communications plan has been developed consistent with these principles articulated in paragraphs 6 and 7 above. Notable features of this plan, include:
 - Key messages – these should underpin all stakeholder conversations on the strategy. A crib sheet to guide these conversations has been produced
 - A programme of events – the first key event will be in May to launch the evidence compendium volume of the State of the Legal Services Sector Report, which we will use to stimulate an interactive discussion with 30-40 stakeholders on the opportunities and challenges facing the sector
 - Social media – including hosting scheduled chats to ask questions, encourage conversations and collect feedback
10. Public engagement is another key element of our approach. Subject to feedback on our business plan consultation, and a successful procurement exercise, we plan to use the public panel we are seeking to establish to hear from the public directly on their issues, concerns and priorities. This could work as an iterative process so that we go back to the panel again to test the draft strategy.

Board deployment

11. The Board will own a process makes best use of members' insights, experience and networks, and draws on the perspectives of stakeholders and colleagues.

12. We propose the following approach to help us achieve this:

- Make strategy development the key focus of the stakeholder engagement element of the June Board meeting in Liverpool. This could also be a focus of the planned October meeting in Wales, although the strategy should be well advanced by this stage
- Organise sessions where a series of stakeholders meet with a group of Board members sequentially on the same day. This could be organised thematically, e.g. on technology, diversity etc. It would be important to ensure these conversations are conducted in a collaborative spirit rather than have the appearance of formal select committee type hearings
- Board members to attend bilateral discussions, where relevant

13. We would welcome the Board's feedback on these proposals, in particular the merits of the stakeholder sessions with groups of board members.

State of the Legal Services Sector Report

14. In October, the Board agreed in principle that a key element of the strategy development process should be the production of a 'state of the nation' style report on the legal sector. Both informed by stakeholder views and framing our conversations about our strategy with them, this should 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.

15. Since then we have completed a desk review of similar exercises conducted by other regulators. This has identified the following key learning points:

- The analysis should sit within a clearly navigable and logical framework
- Key drivers of change should be identified to make sense of the findings
- Connect well-evidenced, key backward-looking findings to high-level future plans to address the issues identified
- Use simple language and be self-reflective and frank about the challenges facing the sector, which engenders trust
- Include quotes or contributions from citizens and sector leaders, which demonstrates meaningful engagement and brings the report to life
- Use a mixture of text and graphs/infographics – good design being key to an engaging and easy to read report
- Pay due regard to the devolved context in which the body operates

16. The Board gave a clear steer that the report should have two volumes: one containing the evidence and the other a narrative giving the LSB's views, both in

relation to the current state of the sector, and how it might look in the future – clearly linked to the evidence. As a way of promoting genuine stakeholder engagement with the issues, and sustaining interest over the duration of the project, we propose publishing the volumes in two stages. First, publish the evidence compendium in May. The starting point for this is the market evaluation exercise in the current business plan, which analyses the best available data on the sector’s performance against a series of indicators. We are already making good progress in assembling this report. The narrative volume would then follow in September, enabling us to produce a first draft of the strategy in October.

Next steps

17. We will announce the finalised plans for strategy development when we publish the 2020-21 business plan.

Annexes

Annex 1: Proposed high-level activity plan

| Risks and mitigations | |
|------------------------------|--|
| Financial: | The planned events will require a modest level of expenditure, which can be absorbed within the planned budget for 2020/21. |
| 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 are at the heart of our plans. 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: | A core team has been formed, but this work will be resourced with the involvement of colleagues in all parts 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) | | |
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| Para ref | Fol exemption and summary | Expires |
| None | | |

Annex A – Proposed high level activity plan

| | Board/internal activity | LSCP/OLC | External activity |
|----------------|--|---|--|
| 2019/20 | | | |
| Jan | Board asked to agree updated plan | Attend LSCP meeting to discuss emerging plans | |
| Feb | | | |
| Mar | Plans finalised taking account of feedback to the consultation on the 2020/21 business plan | | 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 Board approves evidence compendium (vol 2 of State of Legal Services Sector Report) Public panel exercise | LSCP invited to this workshop | Stakeholder engagement round 1: programme of dedicated meetings and possible sessions with a group of board members to gather ideas, concerns, hypotheses etc. |
| May | Public panel exercise | | Interactive event to launch evidence volume Stakeholder engagement continues Social media week |
| Jun | Board meeting in Liverpool | | Stakeholder event as part of Board meeting Public panel report |
| Jul | | | |
| Aug | | | |
| Sep | Board strategy session and asked to approve narrative volume of State of Legal Services Sector Report | OLC Board to Board | Publication of narrative volume of State of Legal Services Sector Report |
| Oct | Board reviews first draft of strategy Annual colleague away day | | Event linked to Board meeting in Wales Stakeholder event to test emerging ideas on |

| | | | |
|-----|---|--|--|
| | Consumer testing via the public panel | | a new strategy for legal services regulation |
| 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 Formal consultation event – also to cover business plan |
| Feb | | | Consultation period closes |
| 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 |