

BSB response to LSB Business Plan consultation

The BSB welcomes the chance to respond to the LSB's draft business plan and is grateful for the opportunity to have discussed the LSB's proposals at its recent stakeholder event. We have chosen not to answer all questions – where we have not done so, please assume that we are broadly content with what the LSB has proposed.

Q3 – What are your views on our current approach to market intelligence and how would you like us to develop this function going forward?

We note the LSB's suggestion that it might consider establishing “a standing panel of members of the public that we can listen to and draw on across a range of questions as part of our policy development processes.” We welcome the idea of widening public engagement and would find such a resource useful, if feasible. However, it may have its limitations. The needs of consumers may vary depending on their legal problem and their legal service provider and we would still need to consider how to access more vulnerable or difficult to reach members of the public.

Q4 – What are your views on our plans to move away from a strategy for the LSB towards a strategy for legal services and their regulation, highlighting gaps and opportunities across the market?

In principle, this makes sense and the LSB is well placed to take a strategic overview of the whole legal services market. However, each frontline regulator must reach its own conclusions about the strategic priorities for its segment of the market, given that the specific issues and priorities for each may vary. So whilst an overview from the LSB would be welcome, this should not fetter the strategies of the frontline regulators.

Q5 – Do you have any comments on our proposed business plan and work for 2020/21? Are there any workstreams that you disagree with? Is there any work that you think we should pursue that is not currently included?

We look forward to working with the LSB on the workstreams identified.

In relation to Strategic Objective 1, and continuing assurance of professional competence, we welcome the proposal to carry out research to fill gaps in the evidence base. It is important that this work is informed not just by public attitudes and expectations, but also by evidence of risk in the market that existing arrangements are failing to address.

In relation to Strategic Objective 2, and PLE, we agree that the LSB has a valuable convening role but we think it important to accept that the frontline regulators may each have a slightly different focus in delivering public legal education. The BSB view is that such work must be done in partnership with other organisations that are better placed to provide a valuable service directly to the public, for example.

On future approaches to enforcement, we understand that the LSB will seek legal advice on what is possible within the statutory structure of the Legal Services Act 2007, which we welcome. If this is to be a significant area of focus for the LSB there may be both capacity and capability issues to consider, which may have a significant budgetary impact. We think that the LSB should be mindful of proportionality and take account, wherever possible, of the assurance mechanisms that the frontline regulators already have in place, rather than duplicating those.

Bar Standards Board

14 February 2020