

Sent by email only to consultations@legalservicesboard.org.uk



14 February 2020

Dear Sir/Madam

Consultation: The LSB's draft Business Plan for 2020/21

The Legal Services Consumer Panel (the Panel) welcomes the opportunity to respond to the Legal Services Board's (LSB) draft Business Plan for 2020/21.

The Panel's response is confined to the questions asked in the document. We hope you find our comments useful, but more importantly, we hope that they influence the final draft.

Reflections on the consultation questions.

Q1 - Have we identified the most relevant developments in our external operating environment?

We believe the LSB has identified most of the relevant developments in the external operating environment. Our response to question two however identifies concerns around advice deserts which we want the LSB to reflect on. Beyond this, we welcome and support the LSB's plans to engage extensively with stakeholders in the development of its strategy for 2021 and beyond. The LSB must get this engagement right, not least because the next strategy is intended to serve as a strategy for the whole sector. While the Panel fully endorses and supports a sector wide strategy, it would be more important than ever to develop a strategy that addresses the concerns and needs of the diverse range of consumers in the legal services sector. Therefore, the Panel would like to see increased consultation and engagement with free advice groups, charities and other hard to reach groups. The insight and intelligence from these groups would be essential for honing a strategy that reflects the disparate needs of the sector.

Overall, our annual Tracker Survey¹ shows that the market is still not responding sufficiently to consumers' needs. The LSB's own Legal Needs Survey² shows that shopping around amongst consumers is at 21%. And our own tracker survey shows significant numbers of consumers are silent when they are not satisfied with the service they obtain, 37%. And year after year our survey shows a disparity between the experiences of consumers from a White background and those from a Black and Ethnic Minority background. It is becoming increasingly clear that engagement has to be broader, and in some areas, solutions must be tailored.

¹ Annual Tracker Survey, Legal Services Consumer Panel, 2019.

² Legal Services Board and Law Society's Legal Needs Survey, 2019.

Q2 - What do you see as the key priorities/issues to be addressed by legal services regulation?

A key issue for the Panel is access to justice. The Panel's annual tracker survey of 2019 found a decline in availability of free services, and a reduction in funding from legal aid, trade unions and employers from 11% down to 5%. There is a worrying gap between those with access to funds and those without. Equally concerning, the LSB's own Legal Needs Survey highlights the fact that a high number of consumers may not be aware that their problem is a legal matter to begin with. We believe the LSB and other regulators must prioritise 'awareness' in any future strategy. While the Legal Choices Website offers a good medium for this, regulators must also do more with those who support consumers (charities, advice and consumer groups) to raise awareness.

The Panel is also concerned that even where there is free legal advice or the resources to pay for some help, those needing help may not be able to find a specialist. We have highlighted our concerns around advice deserts³ in housing or welfare benefits. We believe this is another area the LSB must explore and consider.

Another of the strands in the Panel's vision for the future of the legal services market is that consumers receive legal advice from a diverse and competent workforce. We recognise that the sector has made significant inroads at entry level, where new entrants are more ethnically diverse than the population as a whole and there is a gender balance. However, there is evidently more work to be done; social mobility must not be overlooked for example. We would like to see a clearer and tighter focus on the solutions and if possible, a re-evaluation of the current diversity outcomes, to assess whether they are robust enough or continue to be fit for purpose. A truly outcomes-based regulatory requirement would prioritise those areas where action could lead to service improvement

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

As noted above, the Panel believes that the LSB must be proactive and creative when consulting with consumer groups, charities, and advice groups. Effective engagement must also be designed around these groups' capacity to engage. Sometimes this may mean hosting standalone events for such groups, so they also feel empowered to contribute. And to ensure that their voice is not lost in the clamour for attention by dominant stakeholders.

The Panel would like to strongly endorse the LSB's progressive attitude towards the establishment of a public panel. The investment in such a panel has the potential to be invaluable to a sector in need of the public voice. We are pleased to be collaborators on this piece, and strongly believe that the insight and intelligence gathered from such a panel would improve regulation.

³ <https://www.legalservicesconsumerpanel.org.uk/blog/disappearing-lawyers-are-advice-deserts-stoppable>

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?

The Panel considers this to be a coherent plan that has immense potential to focus the sector's attention and resources on the right priorities. We also see potential for a more effective and efficient regulatory landscape with this approach.

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?

The Panel agrees with the area of focus over the next one year. Our only thought is that this is a vast plan for a year with no ranking in priorities. Therefore, the LSB may want to consider prioritizing its plans.

Q6 – Do you have any comments on our proposed budget for 2020/21?

The Panel considers the budget increase of 3.3% to be modest and indeed necessary for the additional work outlined in the consultation document.

Q7 – Please identify any elements of our business plan that you think present an opportunity for more detailed dialogue and/or joint working between your organisation and the LSB.

The Panel believes that there is an opportunity for the Panel to contribute and collaborate on all the workstreams identified.

I hope you find these comments helpful. Please contact Lola Bello, Consumer Panel Manager, with any enquiries.

Yours sincerely,



Sarah Chambers

Chair

Legal Services Consumer Panel