



The Society of Licensed Conveyancers

Response by The Society of Licensed Conveyancers to the LSB Consultation on its Draft Business Plan 2020/21

The Society of Licensed Conveyancers (‘the Society’) is the professional body representing Licensed Conveyancers and Licensed Probate Practitioners, as regulated by the Council for Licensed Conveyancers.

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

The Society agrees that you have identified the majority of developments in your external operating environment, and supports you continuing with your current strategic objectives.

Of particular interest to the Society are the areas of consumer engagement, access to conveyancing & probate services across England & Wales, increasing use of LawTech, poorly managed reforms within HMCTS especially in relation to Probate and the delays that has caused, improving the conveyancing process and ensuring reforms to leasehold titles are enacted, and improving the level of public legal education.

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

Some of these are covered by our response to Q1 above.

However, the recently published “Legal Needs of Individuals in England & Wales” survey reinforces and adds to the areas you include in your business plan such as improved access to justice, enhancing public legal education, and ensuring competence within legal services provision.

As to regulation the Society will welcome any initiatives that ensures a level playing field especially in relation to conveyancing and probate services.

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

The Society is not convinced by your suggestion of creating a ‘standing panel of members of the public’ that you can ‘listen to and draw on’. The Legal Services Consumer Panel is already in place and the regulators you oversee already undertake public-facing exercises and surveys.

The Society looks to you to take advantage of market intelligence already ‘out there’ and when appropriate, for you to commission relevant external research.

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 Society welcomes this suggestion, considering it better for you to broaden your scope and move away from a perceived insular approach to regulation. Regulation must adapt to a changing market place.

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 Society supports a number of the workstreams detailed in the draft business plan and, in particular, those activities that will arise from the findings of the ‘Legal Needs Survey’, engagement with the CMA review, and the proposed review of the types of non-regulatory and regulatory activities which regulators consider fall within permitted purposes.

The Society is not convinced by your proposal for ‘contingency planning for regulator exit’ within the business plan for the coming year. Since 2017, you have adopted a revised regulatory performance framework and we assume that that framework deals with such exits? In addition, we see no evidence-base requiring a review at this time. The consultation paper speaks of possible scenarios but provides no intelligence that any such exit is likely in the near future.

Of your ‘other statutory functions’ the Society asks that more attention is given to the OLC and LeO.

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

Simply, that, in light of our comments above, you determine whether even a ‘modest’ increase in your budget is necessary.

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 Society will be pleased to enter into dialogue with you especially in relation to consumer engagement, public legal education, prices research, LeO, ongoing competence and the use of technology in legal services provision.

Q8 – Please provide comments regarding equality issues which, in your view/experience, may arise from our proposed business plan for 2020/21.

The Society supports your comments in part 50 of the consultation paper. Some impact may arise. Again, the findings of the ‘Legal Needs Survey’ emphasises the importance of ensuring that all persons accessing legal services do so on an informed and supported basis.