

To:	Legal Services Board	
Date of Meeting:	25 March 2015	Item: Paper (15) 11

Title:	Draft Consumer Panel Strategy 2015-18 and Work Programme 2015/16	
Workstream(s):	All	
Presented by/ author:	Elisabeth Davies, Chair of the Consumer Panel Steve Brooker, Consumer Panel Manager	
Cover paper:	Julie Myers, Corporate Director	
Status:	Official	

Summary:

The Legal Services Act 2007 requires the Board to “*establish and maintain a panel of persons (to be known as the Consumer Panel) to represent the interests of consumers*”. In March each year, in accordance with a Memorandum of Understanding agreed in 2010 between the Board and the Consumer Panel, the Panel seeks the Board’s endorsement of an annual work programme.

Elisabeth Davies, the Panel Chair, will attend the Board meeting. She will present the 2015/16 work programme and, for the first time, a three year strategy for the Panel.

Annex A contains a background note from the Panel.

Annex B contains Consumer Panel’s draft 2015-18 Strategy and 2015/16 Work Programme.

The Executive has been involved in constructive discussions with the Panel about its programme. We agree that, when taken alongside the Board’s commissions to the Panel, it has the potential add value to our work.

The Board are reminded that the Consumer Panel is not a distinct legal entity and any spending decisions are made by virtue of budget delegation from the LSB’s Accounting Officer (CEO) and so must be in line with Managing Public Money norms, LSB financial controls and governance procedures.

Risks and mitigations

Financial:	The Consumer Panel has a small delegated budget which is managed in line with LSB financial controls.
FoIA:	Annex B – Section 22: information intended for future publication
Legal:	N/A
Reputational:	Individual reputational risks accruing to the LSB as a consequence of Consumer Panel positions are managed as and when they arise on the basis of ‘no surprises’.

Resource:

The Plan is based on the same resource planning assumptions as last year. Changes to the Panel secretariat team may impact on delivery in the short term and most delivery is planned for the last two quarters of the year. Any significant new work will need to be matched by explicit subtractions from or re-planning of the work programme. Should new Ministers wish to proceed with legislative reform this could result in a substantial reworking of the work programme.

Consultation	Yes	No	Who / why?
Board Members:		✓	
Consumer Panel:	✓		The Work Programme has the full endorsement of the Consumer Panel following its meeting on 25 February
Others:			

Recommendation(s):

The Board is invited to:

- a) discuss with Elisabeth Davies the Panel's strategy and 2015/16 work programme; and
- b) endorse the 2015/16 work programme.

Draft Consumer Panel Strategy 2015-18 and Work Programme 2015-16

Overall approach

1. The Panel has taken the opportunity of the LSB's strategic planning process to develop a three year strategy for the first time, in addition to an annual forward programme of work.
2. Our plans have been developed following a range of inputs. In particular, the third edition of our Consumer Impact Report provided evidence on the current strengths and weaknesses of the legal services market based on five years research data, and our 2020 Legal Services Report looked forward five years to identify future trends. The Panel held a strategy day to identify high level desired outcomes and priorities, and to consider feedback from interviews with some key stakeholders. Caroline Wallace and Chris Handford attended the strategy day to present the LSB's emerging plans. The Panel also reviewed the draft plans of the LSB, Legal Ombudsman and the approved regulators.
3. There is a high level of complementarity between our plans and those of the LSB. This reflects the fruitful engagement that we've had on the 2020 commission and other ongoing interactions. Since his arrival the LSB Chairman has placed emphasis on the LSB, Legal Ombudsman and the Panel working collaboratively whilst respecting our independent roles. The Panel is open to discussing how we might strengthen further these relationships; our work programme identifies a range of projects where we see scope for close engagement.
4. The strategy adopts a 1+3+1 approach to convey an order of priority. Our primary aim focuses on extending access to justice; then we have three further aims; finally, the legislative reforms aim is positioned separately to reflect the fact that what we can do directly to achieve this is far more limited than our other more outcome focused strategic aims. The aims are phrased in terms of outcomes that we wish to see achieved. These are not things which we alone can deliver, although we can contribute to each of them. Also, they are intended to be high-level and aspirational – they are goals to work towards over the next three years, and probably well beyond.
5. While this is a fresh strategy there is rightly a large degree of continuity with existing work. Our main focus is currently on access to justice issues and this will remain our core underpinning theme focusing on areas such as litigants in person and unbundling. We're also keen to build on the progress we've made in areas such as open data where partnership working has unlocked basic regulatory information but there is more to do.
6. The Panel's commitment to evidence-based policy development is as strong as ever. However, although our annual discretionary budget (£30,000) is sufficient to conduct our tracker survey (and cover other basic expenses) we cannot commission research beyond the tracker survey without additional funds. In the past the LSB has financially supported research linked to the advice it commissions and we've worked in partnership with the Legal Ombudsman and SRA. We will build on these partnerships, but next year we will also apply to external funding bodies for specific initiatives. The work programme includes some proposals and we've started preliminary discussions with partners. Partnership working more broadly is a key theme for us; building good relationships with the new senior leadership at our stakeholders will remain a key focus going forward.

- Finally, a key focus during 2014-15 was ensuring a successful transition following the recruitment of new panel members and embedding new working styles. This change is already bearing fruit through individual panel members taking lead responsibility for particular policy areas and undertaking more ambassadorial duties than previously. The Panel will continue to evolve its approach during the next twelve months.

Strategic themes and content

- The Panel's '1+3+1' strategy is built around five strategic aims that will provide the underpinning framework for our research and policy agenda during 2015-18:

ACCESS			
1	Extending access to justice for those who cannot obtain the services they need to resolve legal problems or are poorly served by the market		
3	UNREGULATED PROVIDERS Ensuring unregulated providers raise standards and offer access to redress	CONSUMERS Equipping consumers with the information and tools they need to choose and use legal services effectively	REGULATED PROVIDERS Improving the regulatory and complaints system so that it protects consumers and keeps pace with changing market risks
1	LEGISLATIVE REFORMS Securing legislative reforms to modernise the regulatory framework		

- Our draft Business Plan then sets out how we will deliver against these strategic aims in 2015-2016. Some key highlights of the work programme include:
 - Complete our joint research with the LSB on unbundled legal services and inform the shaping of a regulatory framework
 - Explore the feasibility of conducting the first ever quantitative survey on litigants in person
 - Research perceptions of fairness by those who use the Legal Ombudsman

- Research, with Queen Margaret University, good practice by consumer redress schemes in using complaints data to raise standards in the market
 - Continue training the regulators on our consumer principles toolkit
10. The LSB's Draft Business Plan contains three candidate projects where advice from the Panel may be commissioned. We continue to discuss these with LSB colleagues and we recognise the Board will wish to take account of stakeholder feedback in the consultation exercise. Depending on the outcome of the Board meeting, the final commission(s) will be inserted into the Panel's strategy and work programme document prior to publication.
11. The Consumer Panel is conscious of the need to ensure that our work is sensitive to any differences in the experiences of consumers in Wales and takes account of the devolved context. We have carried forward two objectives from last year: to ensure our remit and priorities are clearly understood across Wales; and to ensure we understand and can take account of issues specifically facing consumers in Wales. More specifically, we will continue to ensure that the consumer research we commission includes a robust Welsh sample; for example, the Tracker Survey includes a booster sample. Specific activities planned include seeking funding for research on the 'jagged edge' settlement to inform improved understanding of the unique risks for consumers in Wales of legal information websites.

Prioritisation

12. The Consumer Panel is not resourced to tackle the entire policy agenda, so we will continue to use clear prioritisation principles, questioning:
- Does it fit with our strategic objectives?
 - Is there evidence of significant consumer detriment, an emerging threat or an area that would benefit from fresh thinking?
 - Is consumer detriment likely to continue or increase?
 - Is the Consumer Panel best placed to carry out this work?
 - Is there a realistic prospect that our work will have an impact?
 - Are resources available to deliver the work effectively?
13. In addition, we have continued to apply similar criteria to help us make choices about the level of ongoing investment we should make in existing projects:
- Are there diminishing returns?
 - What is the appetite of allies/stakeholders?
 - What are the chances of success?
 - How does this fit with our other priorities?
 - If we don't continue with this, will others?
 - Is there evidence of ongoing detriment?
 - Are there developments in the wider external environment that will have a direct bearing/affect on this?

Resourcing

14. The Work Programme is ambitious but we consider it is achievable based on experience of previous years. Many of the projects can be re-scoped to take account of changing resource as required. Although the level of staffing support will remain unchanged, there

will be changes in personnel in both posts. Speedy progress has been made to fill both vacancies but clearly it will take time for new colleagues to get fully up to speed. Our emerging delivery plan takes account of this by anticipating delivery of most key outputs in the second half of the financial year. Key uncertainties include the scale of any LSB commissions and whether new ministers will wish to proceed with legislative reforms following the general election. Should this be the case, clearly the Panel will wish to engage fully in this process to make sure consumer interests are put at the heart of reform options. Any significant new work arising from this or other developments will need to be matched by explicit subtractions from or re-planning of the Work Programme.

15. The Consumer Panel has a delegated budget of £30,000. In 2014-15, we plan to repeat the Tracker Survey (c£18,000) – an omnibus survey which forms part of the evidence base for the Consumer Impact Report. As detailed above, we will explore opportunities to work in partnership with others as an alternative means of funding consumer research.

Next steps

16. The Consumer Panel plans to publish the Work Programme following publication of the LSB's Business Plan. This will be professionally formatted by the Ministry of Justice in-house design team. As set out in the MOU, the Consumer Panel will return to the Board with proposals for significant new areas of work should the need arise.

05.03.15