

<b>To:</b>	Legal Services Board	
<b>Date of Meeting:</b>	23 March 2016	<b>Item:</b> Paper (16) 15

<b>Title:</b>	Final report on accessibility project	
<b>Workstream(s):</b>	Supporting increased accessibility of legal services (see <a href="#">Business Plan 2015/16</a> )	
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<b>Status:</b>	Unclassified	

**Summary:**

In the 2015/16 business plan the Board agreed to a project aimed at exploring innovations in other sectors that have made access to services simpler and less daunting for consumers.

This paper summarises the findings from this accessibility project and introduces a report on the project which is intended for publication.

**Recommendation(s):**

The Board is invited:

- (1) to note the findings from our explorations of other sectors and the report summarising these.
- (2) to delegate final sign off of the report to the Chief Executive and Chair.
- (3) to note the proposed follow up on this work.

**Risks and mitigations**

**Financial:** N/A

**Legal:** N/A

**Reputational:** Appropriate positioning of this report alongside the LSB's other work and existing requirements on approved regulators is important to prevent reputational damage.

**Resource:** N/A

Consultation	Yes	No	Who / why?
<b>Board Members:</b>	X		The Chair was briefed on progress and the proposed outputs on 9 February 2016.
<b>Consumer Panel:</b>	X		A paper was presented to LSCP and feedback sought and received by email. A teleconference took place with two panel members to discuss relevant approaches in other sectors.

<b>Others:</b>	The project involved significant consultation with bodies in other sectors to identify approaches to improving accessibility. Details of those consulted are included in this paper.
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<b>Freedom of Information Act 2000 (Fol)</b>		
<b>Para ref</b>	<b>Fol exemption and summary</b>	<b>Expires</b>
Annex A	Section 22: information intended for future publication.	N/A

## LEGAL SERVICES BOARD

<b>To:</b>	Legal Services Board	
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### Final report on accessibility project

#### Recommendations

1. This paper summarises the analysis from the accessibility project and presents a draft report on the project which is intended for publication.
2. The Board is invited:
  - (1) to note the findings from our analysis of other sectors and the report summarising these results.
  - (2) to delegate final sign off of the report to the Chief Executive and Chair.
  - (3) to note the proposed follow up actions.

#### Background

3. The accessibility project is one of a number of projects in the 2015/16 business plan which contribute to the strategic theme of tackling unmet legal need.
4. The business plan provided that the project was based on “supporting increased accessibility of legal services”. The stated aim was to explore innovations in other sectors that have made accessing services simpler and less daunting for consumers.
5. Other related projects include the affordability and open data projects, which target two of the most significant barriers that prevent consumers from accessing legal services: cost and lack of information.
6. It is evident from previous research, both commissioned by the LSB and by other bodies, that there are other factors preventing consumers from accessing services. However, prior to this project we had a limited understanding of what these factors were and how they might be tackled. The accessibility project was focused on improving understanding of these barriers from the experiences of other sectors and what they are doing to address them.
7. The project had the following objectives:
  - Improving understanding of non-financial barriers to accessing legal services.
  - Identifying approaches to tackling non-financial barriers to access from other sectors that could be applied to legal services.
  - Establishing lessons that can be learnt from other sectors.

- Informing a decision of the Board on next steps to tackle barriers to access over years 2 and 3 of the strategic cycle.
- Contributing to improved market understanding of accessibility issues, through publication of a report.

### Project phases

8. The first step for the project was to identify the main barriers that would be focussed on in our examination of other sectors. Reviewing the existing research we identified three potential barriers:
  - (a) Inaccessible language and communications.
  - (b) Lack of trust.
  - (c) Failure to cater for the needs of vulnerable consumers.
9. In practice, consumers' decisions will be influenced by many different factors. The evidence suggests that the above barriers are all relevant and contribute in some way to services being less accessible. Whilst the direct impact of each barrier is limited, in combination they all play a part in the existing high levels of unmet legal need.
10. Our research identified one other notable barrier which we decided not to pursue; this relates to consumers not identifying a service need and therefore not realising that they could seek legal advice. The potential approaches to addressing this barrier are likely to be focussed on public legal education, which is a significant issue in its own right. The regulatory objectives in the Legal Services Act 2007 include "increasing public understanding of the citizen's legal rights and duties" but in practice, the LSB's statutory powers place limits on our ability to effect change in this regard. Whilst the approved regulators could have a role to play in this, there are many other stakeholders who would need to be involved in tackling this barrier. For these reasons, it was deemed to be beyond the scope of this particular project.
11. Having agreed the three barriers to focus on, the project team undertook desk-based research, including reviewing a large number of research reports, policy statements and consultations in other sectors. This resulted in identification of a number of bodies who had relevant approaches to tackling the barriers to access that we were focussed on. The project team met with these bodies to develop our understanding of how they had approached their work and whether there was any evidence of positive impacts. In total, the project team met with nine bodies, mainly in the financial services and healthcare sectors.
12. This work resulted in the identification of a number of approaches to tackling barriers to accessibility that could be applicable to legal services. These can be grouped under five key themes:
  - (i) Encouraging or requiring disclosure of key information by providers.

- (ii) Using consumer research to develop guides or toolkits for providers on accessible language and communications.
- (iii) Developing simple, plain English guides explaining regulation to consumers.
- (iv) Developing logos or other visual representations for providers to use to denote regulation.
- (v) Embedding the importance of consumer vulnerability within the regulatory framework.

13. The meetings also provided an opportunity for the LSB to raise its profile and to develop relationships at the executive level with key stakeholders in other sectors.

### **Proposed output**

14. The project has delivered against its objectives of improving understanding of non-financial barriers to accessing legal services and identifying approaches to tackling these from other sectors. In order to share this understanding within the legal services market the next step is to publish a report summarising the findings. A draft report is included at Annex A for noting.
15. The report is drafted primarily for the benefit of approved regulators. The positioning of this report alongside wider LSB work is important. As opposed to creating new, specific recommendations resulting from this project, the proposal is for the outputs from the project to link into existing LSB work.
16. The report is based around the five key themes identified from our analysis. It is presented as a shared resource for the sector to complement and supplement existing initiatives. We state in the report that we hope that approved regulators will explore the themes, if they have not already, and feed any new learning into their own existing and planned initiatives. It also outlines how the themes identified will feed into future LSB work on regulatory standards as well as other work planned for 2016/17.
17. This approach has the following benefits:
- It provides helpful comparators from other sectors that should help inform the work of the approved regulators in this area.
  - It will not add additional requirements on approved regulators. Regulatory standards will remain our primary means of assessing regulators' performance in this area.
  - It recognises the fact that the project was outward looking and did not involve an in-depth assessment of existing and planned approaches that

approved regulators are progressing. This avoids the risk of recommending actions that some regulators may consider that they have already undertaken.

- It gives regulators an opportunity to demonstrate willingness to learn and improve.

18. In practice, the report will be embedded in future LSB activity as follows:

- Regulatory standards - we will continue to assess regulators' performance through our work on regulatory standards and this will incorporate some of the issues examined in the report. For example, how regulators are responding to consumer vulnerability (the fifth theme) will continue to be a feature of our assessment.
- Information remedies - the draft business plan 2016/17 states that we will request advice from the LSCP on the effectiveness of existing information remedies in legal services regulation and how these could be improved. It is proposed that we should request that the LSCP's advice be broad enough to cover the first two themes from the report. The LSCP's advice may provide the basis for targeted work in the future.
- Vulnerability research - the draft business plan also proposes research during 2016/17 aimed at improving understanding of how vulnerable consumers access legal services. This will seek to develop understanding of how to make improvements in relation to consumer vulnerability (the fifth theme from the report) and will provide a new platform from which to approach this theme.
- Section 112 Guidance - on 2 March 2016 we published a consultation paper concerning requirements we have set for regulators, under section 112 of the Legal Services Act 2007, for notifying clients of their right to complain. The consultation proposes some amendments to our guidance on this, including reinforcing the need for information to be communicated by providers in a clear and accessible manner, consistent with the first theme from the report.

19. In terms of direct follow up from the report, it is proposed that a letter is sent by the Chief Executive to the CEOs of all approved regulators alerting them to the report and encouraging them to review it for learning opportunities. The letter would inform approved regulators that the Project Manager responsible for the project will be in contact to offer a meeting to discuss the findings in more detail. This will provide an informal means of establishing whether the report is being reviewed and the themes are being considered.

20. It should be noted that as a result of delays to the timetable for the Individual Legal Needs Survey 2015, the project report does not contain references to this new data set. This is so that the report can be published in Q4 in line with the Business Plan milestone. The project team has been able to review the new legal needs data set to confirm that it is in alignment with the contents of the report. The new survey includes some additional questions which will add further depth to our analysis of the impact of the existing barriers, so it is proposed that we would publish a supplement to the report containing the new evidence, when it is publically available.

### **Next steps**

21. If the Board is in agreement with the proposed approach, the next step would be to publish the report. A communications plan has been agreed, which provides for publication on 30 March. A press release will be drafted with the Communications Manager to accompany publication. Publication would be followed by letters from the Chief Executive to approved regulators, as set out above.
22. Once the Individual Legal Needs Survey 2015 is published we will be able to publish a supplement to the report which includes analysis of the new data. It is likely that we will be in a position to do this from May 2016. Following publication of the supplement, work on this particular project would cease, although some ongoing interactions with approved regulators at Project Manager level will continue. As set out above, the themes will be progressed through existing LSB projects.
23. These proposed next steps are subject to discussions and decisions on the 2016/17 business plan.

11.03.16