

ACTIVITY REPORT: JULY-SEPTEMBER 2011

Overview

The period saw a change of chair. Elisabeth Davies started her term on 1 August and has held introductory meetings with key stakeholders and done her first speaking and media engagements.

The major output this quarter was publication of the Panel's advice on will-writing, which called for this to be made a reserved activity. The report achieved wide coverage in the online and some print editions of national newspapers and the trade press. In addition to the LSB's decision to open a statutory investigation, the report has already led to commitments by trade associations to make changes to their voluntary codes and by the Law Society relating to strengthening initial education and ongoing training for solicitors in this area.

There has been good progress in other projects. We have established a partnership project with the SRA and Action on Hearing Loss to learn the experience of deaf consumers. Research funded by the SRA is being commissioned and meetings have been held with third sector and provider organisations active in this field. MVA Consultancy were appointed to conduct a mixture of qualitative and quantitative research to explore small charities' understanding, attitudes towards, and experiences of legal services. The advice on voluntary quality schemes is also at an advanced stage with the first draft of a report completed. I am pleased to report that the scheme operators selected for the exercise have been cooperative in working with us.

The Panel met once in this period. The meeting in July agreed our response to the BIS consultation on the consumer landscape and received guest presentations from the SRA about their new consumer affairs function and from the Council of Mortgage Lenders on lender panels.

Update on planned projects

Project	Activity
Price comparison websites	Project methodology agreed and interviews underway
Quality schemes	First draft of report completed, on course for November publication
Small charities	Fieldwork underway, research report due in October
Special bodies	LSB/Panel agreed to take forward collaborative project team approach in development of a discussion paper
Will-writing	Advice to LSB published on 14 July

Update on unplanned work

Our response to the BIS consultation on the consumer landscape review emphasised the benefits of retaining expert consumer panels embedded within sectoral regulators. It also covered other issues affecting legal services consumers, including proposals on: consumer information, education and advice; the future of the OFT's approved codes regime; and enforcement of consumer law.

There were two other consultation responses. We indicated in-principle support for the BSB's proposals around relaxing the rule that prohibits barristers from accepting instructions from clients under the Public Access Scheme, although the response noted concerns that: the review appeared to be driven by professional demand rather than a risk assessment; and the consultation period was very short. The second was a short response to the Law Commission's consultation on reforming consumer redress for misleading and aggressive practices, using our will-writing report to highlight an area where firms are in breach of general consumer law but consumers do not have a private right of action and must rely on public authorities to take enforcement action.

Future activity

The Panel's advice on voluntary quality schemes is due to be published in November.

We will receive a research report from MVA Consultancy on small charities as consumers, which we will publish with a short commentary before the end of 2011.

Consultation activity will include a substantive response to the LSB's discussion paper on the boundaries of regulation. We will also submit an interim response to the LSB's call for evidence on will-writing, probate and estate administration. This will include an analysis of complaints about authorised persons to the Legal Ombudsman. Our response will be an interim one because we are encouraging the LSB to commission research with recent users of probate and estate administration services to identify any consumer detriment case for introducing further regulation.

The fieldwork for our other live projects – on price comparison websites and the partnership project focused on deaf consumers – will be completed and report drafting begun. The Panel will also commence development of its work programme for 2012-13.

Paul Munden will represent the Panel at the Legal Futures conference in October when he will speak on the perspective of small businesses as consumers of legal services.

Steve Brooker
September 2011