

To:	Board	
Date of Meeting:	30 November 2011	Item: Paper (11)79

Title:	Legal Services Consumer Panel Advice – Voluntary Quality Schemes
Workstream(s):	Workforce development
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Status:	Unclassified

Summary:
This paper updates the Board about the advice received from the Legal Services Consumer Panel (‘the Panel’) about voluntary quality schemes in legal services. A further paper to the January 2012 Board will provide a view and recommendations based upon this advice.

Risks and mitigations	
Financial:	N/A
FoIA:	N/A
Legal:	N/A
Reputational:	N/A
Resource:	Resource is currently considered sufficient

Consultation	Yes	No	Who / why?
Board Members:	✓		David Wolfe and Barbara Saunders
Consumer Panel:	✓		Discussion with Consumer Panel Manager
Others:	N/A		

Freedom of Information Act 2000 (Fol)		
Para ref	Fol exemption and summary	Expires
Para number	Exemption (e.g. s22) and justification.	N/A / Date
Para number	Exemption (e.g. s36) and justification.	N/A / Date

Recommendation(s):
The Board is invited receive the report, “Voluntary quality schemes in legal services” - advice from Legal Services Consumer Panel

LEGAL SERVICES BOARD

To:	LSB Board		
Date of Meeting:	30 November 2011	Item:	Paper (11)79

Legal Services Consumer Panel Advice Voluntary Quality Schemes

Background

1. In May 2011, we requested advice from the Panel about voluntary quality schemes (VQS) in legal services, to inform our work on the future development of approaches to quality. The key objectives were to understand the characteristics of such schemes, and to measure a selection of schemes and provide a view about whether they give consumers confidence in the quality of the participating providers.
2. The Panel undertook a review of existing voluntary schemes to :
 - Draw upon consumer research and best-practice in self-regulation to identify the characteristics that VQS must have to give consumers confidence that they are a robust and reliable indicator of a good legal services provider, and
 - Using these characteristics as criteria measure a selection of existing schemes against them and provide a view about whether, as currently designed, each operates in a way which is likely to give consumers confidence in the quality of participating providers.
3. The Panel's advice to the Board, based on their review, is attached (**Annex A**).

Findings of the Review

4. The Panel identify ten essential characteristics that VQS need to demonstrate in order to enjoy consumer confidence were identified, and describes them under three headings:
 - a. Scheme operation, such as entry requirements and ongoing competence checks;
 - b. Consumer information and feedback, such as consumer-facing publications and complaints processes; and
 - c. Scheme development, such as review processes and lay input.
5. Thirteen schemes were selected to provide a range of scheme operators and legal areas of activity (**Annex B**). Many were found to perform well on entry requirements, re-accreditation and having systems in place to deal with poor practice.
6. However, it was noted that few checks were made of technical competence, and that schemes were not validated by any external party when they commenced and nor was re-accreditation on an individual basis common. Also, the Panel note that there is little lay input into the design and operation

of schemes, or use of consumer feedback. They therefore conclude that there is little no proof that schemes are delivering consistently on their quality claims.

Summary of Recommendations

7. The Panel offer advice to the LSB framed within a vision of a legal services market where everyone can access high quality and affordable legal services to meet their needs. The Panel believes that VQS have the potential to contribute toward this vision by helping consumers to make informed choices, but recognise that, to do so, awareness of the schemes needs to be raised and consumers must have justified confidence in using them.
8. The Panel advise that:
 - a. Scheme operators should undertake a detailed self-assessment against the essential characteristics set out in the report. In particular that there are four main elements of schemes which need attention:
 - Measures that assess actual competence should be used to ensure ongoing competence;
 - Clearer consumer information, which should be made more easily available;
 - Lay input and consumer feedback should be included to a greater extent into scheme development and review; and
 - Data should be collected, analysed and published to validate scheme claims and inform ongoing review processes.
 - b. Regulators should collect data on scheme membership and examine how membership of credible schemes could be recognized within risk-based regulation.
 - c. Scheme operators and the LSB should consider the advantages and drawbacks of developing an independent accreditation scheme for Voluntary Quality Schemes.

Next Steps

9. The Board is asked to receive the advice from the Panel.
10. Whilst referred to in part in a separate paper to the Board **(11(80))** on approaches to quality, a further paper will be provided to the Board in January 2012 to provide a more detailed view on the advice of the Panel and recommendations for next steps. We will informally seek views from ARs, scheme operators and consumer groups over the coming weeks to inform that paper.

10.11.11

List of Annexes:

- Annex A – Legal Services Consumer Panel Advice paper
- Annex B – Assessment of selected schemes