

ACTIVITY REPORT: JULY – SEPTEMBER 2013

Overview

The Panel made a substantial submission to the Ministry of Justice Simplification Review. We said the existing regulatory framework does not provide a sustainable model in the long term to offer consumers the best system of consumer protection or support a competitive market place. Based on current evidence, we indicated that a single independent regulator was the Panel's preferred model to replace the current arrangements. We argued consumers should also have guaranteed access to the Legal Ombudsman for resolving disputes about all legal services transactions.

Our joint research with the LSB and Mencap on consumers with learning disabilities was published. The research found that a lack of experience in dealing with people with learning disabilities means lawyers often struggle to provide this vulnerable client group with the specialist support they need. We called on the professional bodies to produce guidelines for lawyers on serving these clients.

We published real case studies revealing a range of situations where the Legal Ombudsman is currently unable to investigate complaints because the people losing out are not the lawyer's client – known as third party complaints. The Legal Ombudsman had to turn away approximately 2,184 such complaints in 2012-13. It is now establishing a steering group to take this work forward.

The Panel met once over the summer period – an unscheduled meeting to discuss our responses to the Simplification Review and the Legal Ombudsman's discussion paper.

Update on planned projects

Project	Activity
Accreditation schemes	Due to start in Q3
Complaints	Draft of Legal Ombudsman benchmarking report completed; third party complaints case studies published; submitted response to Legal Ombudsman discussion paper on widening its jurisdiction
Consumer Impact Report	Completed in Q1
Consumer principles	Report completed, due for publication soon
Diversity	Learning disabilities research published
Financial protection	Completed in Q1, LSB considering advice
Litigants in person	Scoping completed and initial focus areas identified
Self-help tools	Research specification developed with LSB
Trust event	See Q1 report – Law Society withdrew support for project

Update on unplanned work

Our consultation responses in this period:

- Ministry of Justice call for evidence on its Simplification Review
- Legal Ombudsman consultation on widening the scope of redress
- Advice to LSB on IPReg 's licensing authority application
- Supplementary advice to LSB on ICAEW's applications to become an approved regulator
- APPG enquiry on the treatment of vulnerable victims

Elisabeth Davies posted a blog on the need to strengthen the independence of regulation from the legal profession in light of the Law Society's submission to the Simplification Review. This also highlighted the issue of access for comparison websites to raw data on the Solicitors Roll, which the Law Society is withholding in order to protect its own commercial interests.

Meetings/attended events: presentation to Conveyancing Association conference; presentation to LFS Conference, Oxford Consumer ADR Conference, Solicitors Regulation Authority on LETR.

Future activity

As requested by the Board, we will finalise our study to benchmark the Legal Ombudsman against comparable consumer redress schemes. We are holding a joint event with UCL to consider some of the wider issues raised in the report in light of the ADR Directive.

As requested by the Board , we will start our review of the progress made by accreditation schemes two years after our report. We will issue a questionnaire to the schemes and invite them to make a self-assessment based on the criteria used in the previous study.

We will crystallise our plans on the litigants in person project and publish an issues paper targeted at potential partners and wider stakeholders.

We will continue our work with the LSB to jointly commission a research study on online self-help tools, using an innovative approach to examine online divorce services as a case study.

We will respond to the LSB's consultation on draft statutory guidance in relation to the LETR. Moreover, we are speaking at the CILEx Conference on the LETR.

We say goodbye to two of our founding Panel members as their terms of office expire. Two new Panel members are due to begin their terms on 1 November.

Steve Brooker
October 2013