

To:	Legal Services Board	
Date of Meeting:	26 March 2014	Item: Paper (14) 12

Title:	Consumer Panel Draft Work Programme 2014/15
Workstream(s):	Corporate governance
Presented by:	Elisabeth Davies, Chair of the Consumer Panel chair@legalservicesconsumerpanel.org.uk
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Status:	Protected

Summary:
The Consumer Panel's proposed Work Programme 2014/15 is attached at Annex A . The Board is asked to endorse the Work Programme, as set out in the memorandum of understanding between the Board and the Consumer Panel.

Risks and mitigations	
Financial:	The Consumer Panel has a small delegated budget which is used to fund the annual tracker survey
FoIA:	Annex A – Section 22 – information intended for future publication
Legal:	N/A
Reputational:	Effective communication will be needed to ensure the Work Programme is seen by key audiences and that the Panel's priorities are seen as complementary to those of the Board.
Resource:	The Plan is based on the same resource planning assumptions as last year. Any significant new work will need to be matched by explicit subtractions from or re-planning of the work programme.

Consultation	Yes	No	Who / why?
Board Members:	✓		Barbara Saunders has seen the paper
Consumer Panel:	✓		The Work Programme has the full endorsement of the Consumer Panel following its meeting on 5 March
Others:			

Recommendation(s):
The Board is invited to: <ul style="list-style-type: none"> a) discuss the Work Programme's overall direction; b) endorse the Work Programme.

LEGAL SERVICES BOARD

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Draft Consumer Panel Work Programme 2014/15

Issue

1. The Board is invited to:
 - a) discuss the Work Programme's overall direction;
 - b) endorse the Work Programme.

Overall approach

2. As last year, the Consumer Panel's Work Programme for 2014/15 has been written to reflect and respond to the changes within the economy and society and the next phase of the legal services reform programme. This coming year we are emphasising our strategic theme of equality of access, and in particular the challenge of balancing access to justice with the right level of consumer protection.
3. The Panel continues to evolve its style of working. The regulators have told us they are struggling to keep up with the pace we have set and so we have committed not to start any major new policy initiatives during 2014/15. Instead, the themes of our approach are around less is more, maximising our impact by following through on recommendations in full and supporting the regulators with practical tools. Our consumer principles tool has been well received and we plan something similar around consumer vulnerability.
4. Change is another key theme for 2014/15: in the market, among the members of the boards of the LSB, approved regulators and Legal Ombudsman; and of course in the membership of the Consumer Panel as we say goodbye to four of our founding members and welcome four new faces. Managing the transition so that knowledge is passed on and new members can hit the ground running has been a key focus over the last six months. Building good relationships with the new senior leadership at our stakeholders will also be a key focus going forward.
5. The work programme document itself is in a shorter format than in previous years, reflecting that we no longer need to explain our statutory powers and role in so much detail. We have sought to capture our role and approach on a single page. Another new approach is to list the achievements we have banked in various policy areas before going on to explain how we intend to build on these. This reflects the commitment to follow through in full on existing projects and not to start major new initiatives.

Strategic themes

6. The Programme continues to be based on the Panel's three strategic themes:
 - Equality of access – by ensuring that all consumers, especially those in a position of vulnerability, have access to affordable and high quality advice;

- Unleashing consumer power – by giving people the information and tools to drive greater competition; and
 - Enhancing the safety net – through improving quality assurance, better financial protection and redress and consumer-focused regulators.
7. This year the LSB is proposing to commission advice on the strategic risks likely to face consumers in 2020 and how regulators might appropriately respond to these. At our meeting earlier this month, the Panel very much welcomed this initiative, which we see as a unique opportunity to future-proof regulatory policy. Since this work will be a key information source for the development of the LSB's next three year strategy, we are keen to make this a genuinely collaborative effort between the Board and Panel and we will be giving some early thought to the best way of achieving this.
8. 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 already planned for 2014/15 include speaking at a Law Society Wales seminar on our McKenzie Friends report and a joint presentation with the LSB at the Legal Wales Foundation Conference.

Prioritisation

9. The Consumer Panel is not resourced to tackle the entire policy agenda, so we will continue to use the prioritisation principles that we developed when we started work:
- 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?
10. In addition, this year we have developed 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?
11. The Work Programme is ambitious but we consider it is achievable based on experience of previous years. The outcome of the simplification review creates uncertainty; 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.

Main activities

12. The Overview section of the work programme document lists ten highlights of the year, reproduced below:

- Publishing the third edition of our flagship Consumer Impact Report and continuing our Tracker Survey
- Identifying the strategic risks likely to face consumers in 2020
- Pursuing the recommendations in our forthcoming report on fee-charging McKenzie Friends
- Commissioning research on unbundled legal services, in partnership with the Legal Services Board
- Producing a simple and practical guide for approved regulators to help them take account of consumer vulnerability
- Publishing innovative research commissioned with the Legal Services Board on online self-help tools and initiating a debate on the consumer agenda in online legal services
- Ensuring we reach a successful resolution on opening up the professional registers and unlocking data on the performance of lawyers to inform consumer choice
- Making real progress on third party complaints to the Legal Ombudsman
- Commissioning research on consumer expectations of getting redress, in partnership with the Legal Ombudsman
- Rolling out training on the consumer principles for approved regulators

Resourcing

13. The Consumer Panel has a delegated budget of £41,000. 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. We will also explore opportunities to work in partnership with others as an alternative means of funding consumer research. A joint research project with the Legal Ombudsman has been agreed. It is likely that fulfilling the LSB commission will require some additional resource.

Next steps

14. The Consumer Panel plans to publish the Work Programme in April following publication of the LSB's Business Plan. 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.

11.03.14