

To:	Legal Services Board	
Date of Meeting:	18 March 2013	Item: Paper (13) 16

Title:	Consumer Panel Draft Work Programme 2013/14
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 2013/14 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 - Intended for future publication exemption (S22)
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 ambitious, but allows some unplanned time for reaction to emerging consumer detriment and unexpected additional work caused, for example, by a new LSB request for advice. 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 27 February
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 2013/14

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 2013/14 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. In reflecting on the last three years it raises questions as to not just *what* the Consumer Panel does but also *how* we do it. If the Consumer Impact Report casts a spotlight on the reforms, we have asked ourselves what the Panel's role is in working alongside the regulators to address the very problems and issues that we've highlighted.
3. The Legal Services Board's business plan for 2013-2014 has a strong focus on expecting the approved regulators to deliver on existing agendas. From a Panel perspective, we want to hold the regulators to account on behalf of consumers but we also want to provide some solutions and resources. Last year's seminar with the health regulators is a timely example of this – we still have some way to go when it comes to consumer engagement in legal services but we can learn from other sectors and the Panel can facilitate and bring the approved regulators together to make the most of this learning.
4. Our role as a broker and facilitator in 2013-2014 could be where and how we can add new value. To deliver on this good communication is essential and in the next period this will include facilitating a Regulators' Forum; regular updates via the e-newsletter which now goes out to over 250 stakeholders; and continuing to build on our regular programme of workshops and seminars as a means of sharing our research and getting input into our projects. Communication was a strong theme in the feedback shared as part of the Ministry of Justice's Triennial Review. We have listened and responded to this in 2012-2013 and we'll continue to do so in the future.

Strategic themes

5. The Programme also 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 in the market; and

- Enhancing the safety net – through improving quality assurance, better financial protection and redress, and consumer-focused regulators.
6. The Work Programme describes two main roles for the Consumer Panel. First, its core role is to provide advice to the Board and others on the reform agenda. This activity includes providing informal behind-the-scenes and formal public input on policy development and implementation activities. A second type of activity is where the Consumer Panel sets the policy agenda, by taking a lead role in developing policy including on issues where regulators are not active.
 7. This year the LSB has decided not to make any new formal requests for our advice in its Business Plan 2013-14. We welcome this decision which will give us more flexibility to respond reactively to the LSB's work programme and to proactively identify consumer issues that are not on its or the regulators' agendas. It also reflects the possibility of further work arising from last year's advice request on what regulators can do to help consumers choose and use legal services. The Board is due to consider the findings of the first phase of work on this project at its April meeting.
 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.

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. Of note, the Panel has decided to publish the Consumer Impact Report every other year from now on, with the next edition due in summer 2014. This decision reflects completion of the first phase of the reforms and the fact that we identified key trends and areas for action in the first two editions. Having shed a strong light on what the approved regulators haven't done, we now need to give them the time to make the relevant changes. Significantly, the Panel will continue to run the Tracker Survey every year in order to track trends and the impact of policy change and this will continue to inform our annual narrative and enable us to comment on and share data on the direction of travel.
11. The Work Programme is ambitious but we consider the delivery plan is achievable based on experience of previous years. There may be some flexibility in the second half of the year to take on new activities, although significant new work will need to be matched by explicit subtractions from or re-planning of the Work Programme.

Main activities

12. The Panel's planned main activities are listed below under its strategic themes:

Access for all consumers	Empowering consumers	Enhancing the safety net
Self-help tools research	Choosing and using: Part 2	Risk think-piece and financial protection review*
Self represented litigants	Accreditation schemes: progress report	Trust research and event
Asylum seekers research	Tracker Survey findings	Regulatory issues around self-help tools
Learning disabilities research*	Comparison websites*	Complaints handling*
Progress by regulators and Legal Ombudsman on incorporating BS18477*	Applying the consumer principles	General legal advice, LETR, will-writing and other reactive work*

* continuation of ongoing work

Resourcing

13. The Consumer Panel has a delegated budget of £41,000. In 2013-14, it plans 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, as it has done successfully in previous years with the SRA and Legal Ombudsman. However, external funding is proving increasingly difficult to secure and this means that further focused studies with vulnerable consumer groups can only be delivered if funding is forthcoming.

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.

Elisabeth Davies – Chair, Consumer Panel
Steve Brooker – Consumer Panel Manager

11.03.13