

ACTIVITY REPORT: JULY – SEPTEMBER 2010

Overview

The LSB has requested the Panel's advice on will writing. The Panel contributed to a scoping workshop with stakeholders and issued a call for evidence with responses due by 15 December; this achieved wide coverage in the legal and third sector press. In addition, the Panel has asked the public to send examples of problems with will writers through communications channels including Age UK, moneysavingexpert.com and Which?

A priority is to assist the approved regulators in developing robust capabilities for consumer engagement. A well attended workshop was held in July with two guest speakers: Philip Cullum of Consumer Focus and Harry Cayton of the Council for Healthcare Regulatory Excellence. The legal press has since reported a joint SRA/BSB initiative as a result of the Panel's event to explore the establishment of a virtual consumer network.

An informal expert advisory group has been appointed to assist with the Panel's flagship project to develop a Consumer Welfare Index. The members are senior figures who bring experience of law, research methods, outcome measurement and public affairs. The group held its first meeting, at which it discussed key strategic questions and risks, and the findings of a data review.

The Panel met once in full over this period, at which it discussed the SRA consultations on outcomes-focused regulation. The Panel made substantive submissions, which supported many aspects of the proposals, including the Risk Centre, the use of mystery shopping, the emphasis on vulnerable consumers and the new approach to conflicts of interest. However, it said the Handbook is disappointing because it is centred on solicitors rather than consumer outcomes, the language is not very accessible for lay people and the standards expected of solicitors are too low.

Update on planned projects

Project	Activity
Quality assurance	Consumer research phase completed
Consumer Welfare Index	Expert advisory group recruited and had first meeting; completed data review
Consumer engagement	Workshop hosted and note published
Price comparison websites	Project postponed to allow for will writing investigation
SRA consultations on OFR	Two substantive responses submitted

Update on unplanned work

The Panel issued a call for evidence in relation to will writing. The advice to the LSB will provide evidence on all of the different problems, both current and potential, experienced by consumers wishing to write a will. The investigation will seek to find out how widespread each problem is, or could be, why it happens and what the impacts are on the testator and their executors and beneficiaries. It will also consider whether existing consumer protections are capable of addressing any consumer harm or whether new solutions are needed, including what the advantages and disadvantages of various ways of regulating will writing may be for consumers.

The Panel responded to two other consultations: the Solicitors Regulation Authority application to the Legal Services Board on changes to its Professional Indemnity Insurance arrangements; and the ILEX application to become an Approved Regulator to award rights of audience and rights to conduct litigation to its Associate Prosecutor members.

Paul Munden has represented the Panel on the SRA's external reference group to support its client protection review. Emma Harrison has continued to represent the Panel on the Ministry of Justice's Transition and OLSO Closure Project Board.

Finally, the Panel has assisted the Legal Ombudsman in its preparations for opening by providing induction training to staff and commenting on draft leaflets.

Future activity

The Panel will publish its advice on consumer perspectives on quality in November. This will consist of original consumer research and a commentary setting out a proposed future agenda for work.

As part of the call for evidence on will writing, the Panel expects to hold a series of meetings and jointly commission mystery shopping with the LSB and funding partners.

The Panel is committed to operating transparently including by involving stakeholders in setting its priorities. It will hold a seminar providing stakeholders with an opportunity to contribute to the development of the Panel's next work programme and the Consumer Welfare Index.

The Panel will meet twice over the next period: in October it will discuss quality assurance and diversity; and in December it will hold a full day meeting to review its first year and start shaping its 2011-12 work programme.

The Panel expects to respond to the following consultations: the BSB's policy on regulating entities; the CLC's new rulebook; the Joint Advisory Group proposals on Quality Assurance for Advocates; the Legal Ombudsman's policy on publishing case outcomes; the LSB's policy on referral arrangements; and the SRA's final consultation on outcomes-focused regulation.

Steve Brooker
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