

Legal Services Board and Legal Services Consumer Panel Memorandum of Understanding

Introduction

The Legal Services Consumer Panel ('the Panel') was established by the Legal Services Board ('LSB'), in accordance with section 8 of the Legal Services Act 2007, to represent the interests of consumers. The Panel acts independently of the LSB. Its main roles are to advise the LSB on the interests of consumers and to scrutinise the effectiveness of the LSB's work on behalf of consumers.

This Memorandum of Understanding establishes the principles that both the LSB and the Panel have agreed to adopt in their dealings with each other. It supplements, but does not replace, the requirements set out in the statutory framework. This document is designed to facilitate strong working relationships, which will enable the Panel to provide high quality, evidence-based and timely consumer input to the work of the LSB. This document is also intended to clarify for third parties our respective roles and how we work together in pursuit of our common agenda to put consumers at the heart of the legal services regulatory framework.

Five key principles of the Memorandum:

- Consultation and advice – to engage early and throughout the policy making process, in open, full and frank dialogue, and making use of the best available evidence, on issues of relevance to consumers of legal services.
- Collaboration – to work together, where appropriate, in order to harness expertise and make efficient use of resources.
- Information exchange – to grant each other timely access to information about priorities, policy positions, project timescales and other matters required to conduct our work effectively, whilst at the same time recognising the need for proportionality and for respecting confidentiality.
- Communication – to respect the legitimate role of the Panel to comment publicly on matters affecting consumers of legal services, and to operate a mutual 'no surprises' policy where possible giving reasonable notice about key issues that each other puts in the public domain.
- Resources – to ensure the Panel has sufficient resources to discharge its responsibilities, and to avoid placing onerous requirements on each other.

Consultation and advice

Principle - to engage early and throughout the policy making process, in open, full and frank dialogue, and making use of the best available evidence, on issues of relevance to consumers of legal services.

The **Legal Services Board** undertakes to:

- Identify areas of existing and emerging policy and practice that have or may have an impact on consumers of legal services, seeking the Panel's advice as appropriate in such a way that enables timely and evidence-based input.
- Offer to consult the Panel throughout its deliberations on policies and practices with particular consumer impact well in advance of the final stage of the LSB's policy-making processes.
- Endorse an annual work programme for the Panel following consideration of a plan submitted by the Panel, and consider proposals for major ad-hoc initiatives during the course of the year not included in the annual work programme.
- Give proper consideration to all representations made, advice given and research carried out by the Panel in the development of its policy and practices. Where the Board disagrees with written representations made by the Panel, it will give its reasons in writing.
- Ensure that arrangements to allow the Panel reasonable access to the LSB Chairman and the Main Board are in place, including attendance by invitation to Board meetings to speak to relevant items.

The **Legal Services Consumer Panel** undertakes to:

- Consider all requests for advice from the LSB and give advice as appropriate depending on what the Panel considers are consumer priorities.
- Provide advice which makes use of the best available evidence, and in a timely way that enables the LSB to take account of the Panel's advice during its policy making processes.
- Provide advance notice of a proposed annual work programme, and proposals for ad-hoc initiatives during the course of the year not included in the annual work programme, to allow the LSB to give such proposals proper consideration.
- Clearly identify where representations are formally made under section 10 of the Act, or where advice is formally given under section 11 of the Act.
- Ensure that arrangements to allow the LSB reasonable access to the Panel Chair and the other panel members are in place, including attendance by invitation to Panel meetings to speak to relevant items.

Collaboration

Principle – to work together, where appropriate, in order to harness expertise and make efficient use of resources.

The **Legal Services Board** undertakes to:

- Minimise duplication of effort by exchanging information and, where appropriate, by coordinating and sharing responsibility for activities, for example through the shared undertaking of research.
- Provide early warning of policy initiatives.
- Discuss with the Panel draft terms of reference when preparing formal requests for 'advice' under the terms of the Act.

The **Legal Services Consumer Panel** undertakes to:

- Minimise duplication of effort by exchanging information and, where appropriate, by coordinating and sharing responsibility for activities, for example through the shared undertaking of research.
- Advise LSB staff of the most appropriate means of seeking input from the Panel.

Information exchange

Principle – to grant each other access to information about priorities, policy positions, project timescales and other matters required to conduct our work effectively, whilst at the same time recognising the need for proportionality and for respecting confidentiality.

The **Legal Services Board** undertakes to:

- Provide the Panel, both proactively and on request, with all information that it holds that the Panel reasonably requires to carry out its functions in a timely fashion, unless there are matters (such as a need to preserve commercial confidentiality or a legal or contractual requirement) that make it reasonable for the LSB to withhold disclosure.
- When appropriate, alert the Panel to the degree of confidentiality it expects the Panel to accord to (written and oral) information.
- Respect the confidentiality of any information provided to it by the Panel.
- Have regard to the proportionality of any information requests made to the Panel.

The **Legal Services Consumer Panel** undertakes to:

- Provide the LSB, both proactively and on request, with all information that it holds that the Board reasonably requires to carry out its functions in a timely fashion, unless there are matters (such as a need to preserve commercial confidentiality

or a legal or contractual requirement) that make it reasonable for the Panel to withhold disclosure.

- When appropriate, alert the LSB to the degree of confidentiality it expects the LSB to accord to (written and oral) information.
- Respect the confidentiality of any information provided to it by the LSB.
- Have regard to the proportionality of any information requests made to the LSB.

External communications

Principle – to respect the legitimate role of the Panel to comment publicly on matters affecting consumers of legal services, and to operate a mutual ‘no surprises’ policy where possible giving reasonable notice about key issues that each other puts in the public domain.

The **Legal Services Board** undertakes to:

- Where reasonable give the Panel sufficient prior notice of policies and practices of relevance to consumers that the LSB is putting in the public domain, including press releases and other media activity, and public documents.
- Consult the Panel Manager before referring to the Panel or its work in public documents and to allow, if appropriate, a pre-publication right to respond.

The **Legal Services Consumer Panel** undertakes to:

- Where reasonable give the LSB sufficient prior notice of policies and practices of relevance to consumers that the Panel is putting in the public domain, including press releases and other media activity, and public documents.
- Consult the Media and Public Affairs Manager before referring to the LSB or its work in public documents and to allow, if appropriate, a pre-publication right to respond.

Resources

Principle - to ensure the Panel has sufficient resources to discharge its responsibilities, and to avoid placing onerous requirements on each other.

The **Legal Services Board** undertakes to:

- Ensure there is sufficient capacity to support the Panel (within resource constraints), by providing an independent secretariat staffed by suitably qualified colleagues.
- Give the Panel access to shared services, such as IT systems etc.
- Ensure a senior member of executive staff (currently Julie Myers) takes responsibility for the relationship between the LSB and the Panel.

- Liaise with the Panel Chair in the process for the appointment and renewal of Panel Members.

The **Legal Services Consumer Panel** undertakes to:

- Seek value for money when procuring for expenditure authorised by the LSB, for example when conducting consumer research.
- Liaise with the appropriate senior member of LSB executive staff in the efficient running of the Panel's activities.

Review and distribution

This Memorandum of Understanding was signed on 14 January 2010. The Legal Services Board and the Legal Services Consumer Panel will keep this agreement under review. Either party may suggest amendments to the Memorandum.

The Memorandum shall be published online and made available in hard copy on request.

Signed by:



David Edmonds
Chairman, Legal Services Board



Dianne Hayter
Chair, Legal Services Consumer Panel

