

Research

1. 'Mapping the Unregulated sector'
 - What do we mean by 'unregulated'?. This needs to be clarified so that it is clear whether it is 'unreserved' (who may be regulated by other sectors).
 - Who will be included under 'unregulated'?
 - How dynamic will the research be? Will changes that are happening to the sector be taken into consideration?
2. The draft plan does not make clear what our research priorities are, this would be useful in being able to judge our suggested research areas.
3. Some interrelated areas could be merged together e.g. Managing the unregulated sector, consumer experience of DIY law and Behavioural economics.
4. Best practice in diversity – the focus of this research will be key. This area has been covered extensively, has any thought been given to the role of universities (i.e. in their selection criteria or the information given to prospective students). There is also a case to do some more 'demand-side' research looking at what providers want.
5. 'Mapping the unregulated sector' and 'Consumer experience of DIY law' – there was concern that this seemed open ended and risked going beyond our boundaries by focusing on the un-regulated market – there would need to be a stronger case for this work if the regulators were going to pay for it. It was agreed that this will need tight definition but the point was also made that there was also harm to consumers and the market is the were regulating an area where regulation wasn't actually needed.
6. Equal pay research – what would the scope of this work be? Would it be narrow (employment income) or wider (benefits, equity and self-employment) and how do we intend to ensure that the data isn't biased because only firms with 'good' data will respond.
7. Overall there is a need to consider our definitions of our research projects and clarify as far as possible the scope of the work.

Work Programme

1. Cost and complexity – the experience of the Will Writing and Estate administration project has shown that system for analysing and judging what we have in place may contribute to the problem. The question that we ask should be refocused so instead we look for a check list of the protection that we want to see in place in an area, whether that protection is delivered by legal regulation or not.
2. Scope of regulation / general legal advice – Need to be clear about our definition of legal services, this is not always clear. However the Scottish experience of trying to define legal services points to a need for caution.
3. Complaints – there is nothing about the need to address conduct, rather than service, complaints. In light of the OFT report and Moorhead ethics report this could be useful. Especially picking up anxiety that LeO are not passing on conduct complaints.
4. Chairs forward – there is a need to look at the wording around ‘protecting legal titles’. It needs to be clear what is meant by this as there is a strong argument that there is a duty to the consumer to have these titles protected and enhanced. It needs to be clearer that this is in the context of a more complicated environment that no longer means that only people with a certain title can perform a job rather than someone who just has the correct skills and competencies.
5. The change in legal aid and the impact that this will have on legal services is not mentioned in the plan. For example there is a systemic risk with regards to immigration.
6. Scope of regulation – the intentions of this work needs to be clear, we should spell out why we are looking at this
7. Clarification was requested regarding the Q2 milestone for Education and Training – ‘Consider publishing policy criteria for education and training in light of initial view on why ahead from regulators’. It was explained that following the LETR report we would consider whether policy criteria would be an appropriate and useful response to the recommendations.
8. A request was made to include the milestone slide in the final version of the plan.