

**A RESPONSE BY THE FELLOWSHIP OF PROFESSIONAL WILLWRITERS AND  
PROBATE PRACTITIONERS**

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THE LEGAL SERVICES BOARD CONSULTATION ON THE LEGAL SERVICES BOARD  
DRAFT BUSINESS PLAN 2010/11

DATED: 18<sup>th</sup> February 2010

## INTRODUCTION

The Fellowship of Professional Willwriters and Probate Practitioners has been formed to act as a representative and regulatory body for its members. The Fellowship will be applying for approved regulatory status under the Legal Services Act 2007 for probate activities.

1. This response has been prepared by the President of the Fellowship, after consultation with the Chair of the Regulatory Board and members of the Executive Committee.
2. The Fellowship is pleased to be given the opportunity to consider the Legal Services Board (LSB) Business Plan, and provides it's considered opinion below.

### **Section 1 The regulatory context**

Opinion: Bearing in mind the Regulatory Objectives, the Better Regulation Principles, and the need to operate efficiently The Fellowship considers that the approach taken by the LSB as a regulator in its strategic planning is correct. The Fellowship considers that the questions highlighted in the business plan to enable the LSB to measure whether regulators are fulfilling their regulatory objectives are both appropriate and serve as a useful tool to all stakeholders.

### **Section 2 Our Work Programme**

Opinion: The Fellowship agrees that the work programme as proposed will provide an appropriate focus to underpin the regulatory objectives.

## **Section 2A Putting the consumer and public interest at the heart of regulation**

Opinion: Understanding consumer needs is of paramount importance. The Fellowship agrees with the development of a programme of independent research to compliment evidence gathered from existing sources and through communication with all stakeholders.

The consumer panel may need to consider how it will communicate its existence and purpose directly to consumers to ensure that consumers can become more confident in accessing the legal services market. Consumer education is needed as outlined in section 2F.

## **Section 2B Widening access to the legal market**

Opinion: The success of alternative business structures will depend on the final guidance on licensing rules which must ensure that the measures are proportionate. A first quarter milestone is therefore considered appropriate for this important work. The Fellowship agrees with the principle that ABS will enable the legal service market to become more diverse; offer choice to consumers and improve standards. The importance of this work outlined in the business plan is therefore deemed to appropriate.

## **Section 2C Improving service by resolving complaints effectively**

Opinion: The Fellowship considers this work to be of major importance as consumers' past experience of complaints handling within the legal services markets has been poor. Criteria for complaints handling by approved regulators needs to be of a consistent standard. Assessment and monitoring activities by the LSB are considered to be appropriate.

## **Section 2D Developing excellence in legal services regulation**

Opinion: The three strands of work under this work stream are considered appropriate.

In the area of considering applications from new bodies to become approved regulators, the rules need to be supported by firmer guidelines and procedures. The Fellowship welcomes the opportunity to be part of the

benchmarking process and will report back on the effectiveness, speed, rigour and proportionality of the LSB's process in due course.

The Fellowship agrees that the monitoring of regulatory performance will drive up standards within the legal services market. A proportionate and targeted approach to assessing approved regulators' regulatory arrangements in terms of education, training and consumer protection is deemed appropriate.

### **Section 2E Securing Independent regulation**

Opinion: The need for approved regulators to bring themselves into compliance by the end of 2010/11 is considered both reasonable and necessary. Approved regulators will require considerable support in their applications for practising fee approval under the Practising Fee Rules which appears to have been considered in the business plan.

### **Section 2F Developing a workforce for a changing market**

Opinion: The Fellowship agrees with the principles of promoting a legal workforce that is genuinely open to the widest pool of talent, will writers being a case in point.

Transparency of quality assurance measures by all approved regulators will lead to greater understanding of the services offered to consumers by legal service providers.

Education and training must be continuously assessed to ensure fitness for purpose to ensure that legal services are provided by qualified professionals. Fair access to education and training is vital in establishing a diverse workforce.

The Fellowship agrees with the activities outlined for 2010/11.

### **Section 2G Improving access to justice**

Opinion: Understanding the current barriers to the access of justice that may exist is considered vital work for the LSB to undertake. The Fellowship agrees with the idea of legal help lines; however, it considers that comparison websites are not the correct vehicle to help consumers decide from whom they acquire legal services. Comparison websites could not convey the

personal and professional specialist knowledge and advice that some providers may be able to offer.

### **Section 3 Demonstrating good value for money and good governance**

Opinion: The Fellowship agrees that continued consultation with approved regulators in how costs are recouped is essential. The resourcing of the Consumer panel is considered appropriate.