

Notes from Business Plan Workshop

12 February 2010

13.00 – 15.00

Regulatory objectives

Q: How will LSB develop the balance between compliance and good practice?

Q: How confident is the LSB of being alerted to non-compliance and poor performance

Q: Should the LSB play a more interventionist role ie how far should there be a proactive seeking out of answers?

Q: Will LSB rely on being alerted to problems and if it is confident in the 'early warning system' will it need to do less on an on-going basis?

In discussion:

- Some noted that problems might be missed if too much reliance on issues 'coming out in the wash'. A strong consumer protection element would be needed in relation to high street consumers, and on information assurance.
- In relation to approved regulator competition, approved regulator may indeed compete robustly but it might actually result in their competing on cost of regulation. LSB should regularly review approved regulators' policies.
- The restriction of reserved and non-reserved activity opens up the issue of consumer protection. In considering whether or not to make a currently non-reserved activity reserved, the LSB should start from the assumption that non-reserved activity is good until proven otherwise.

LSB's proposed questions for measuring impact

It was suggested that the LSB should make greater reference to Hampton principles and be more explicit about impact assessments.

Draft Equality Scheme:

It was suggested that not enough weight was given to the public duty to equality in equality scheme.

Discussion on work streams:

2A : Consumer and Public Interest	<ul style="list-style-type: none">• Has the Consumer Panel discussed introducing a kite-mark?• Could a kite-mark be discussed in relating to reserved/non-reserved activity
2B: Widening	<ul style="list-style-type: none">• Does lack of detail indicate that LSB foresees the work changing

Access (ABS)	<p>considerably?</p> <ul style="list-style-type: none"> • ABS rules should be the same for non-ABS, on the basis that all regulation should be outcomes-based. • Regulation of ABS signals the importance of understanding reserved/non-reserved. May be need to 'ring-fence' legal elements of large firms with much broader remit. • LSB will need to work closely with Legal Ombudsman to work out how complaints will be dealt with from ABS firms, before ABS goes live. • LSB needs to bear in mind regulatory competition. • Will there be niche LAs or will LAs have to do a broad spectrum? This is in thinking about special bodies.
2C: Complaints	<ul style="list-style-type: none"> • No comments
2D: Excellence in Regulation	<ul style="list-style-type: none"> • Is LSB able to give an indication of the issues that they will be looking at? • Should there be a collaborative look at regulatory objectives with approved regulators and what they mean in relation to regulatory reviews • Smaller regulators mentioned an interest in sharing good practice • LSB needs to be more explicit about the process that they will use to change policy
2E: Independence	<ul style="list-style-type: none"> • No comments made
2F: Workforce development	<ul style="list-style-type: none"> • Not enough weight given to education and development in relation to workforce development in the equalities statement
2G: Access to justice	<ul style="list-style-type: none"> • LSB must ensure that it is not replicating work being done by LSC/other bodies. • There was concern about the risk of underplaying what access to justice is.

Resources

There was support for projected budget and discussion/questions about how the Legal Ombudsman was funded.

Performance measures

Q: Could the LSB expand on its approach to measuring its own performance?

Additional questions

Q: What will the impact of a change of government be?

Q: Will there be fewer consultations in 2010/11?