

CONSUMER/POTENTIAL CONSUMER ENGAGEMENT STRATEGY

Costs Lawyer Standards Board

Effective from: 11 October 2016

1. Introduction

The Legal Services Consumer Panel (LSCP) has identified its main objective as being “*placing the consumer at the heart of regulation.*” This strategy sets out the approach of the Costs Lawyer Standards Board (CLSB) in relation to consumer/potential consumer engagement. Reference herein to a Costs Lawyer is reference to a Costs Lawyer authorised and regulated by the CLSB.

2. Factors considered on forming this strategy

In considering consumer/potential consumer engagement the CLSB will ask itself the following to ensure cost/benefit:

- Why now?
- What is the issue?
- Who do we engage with?
- What is the right approach?
- What will we do with the outcome?

3. Costs Lawyer consumers

There are two consumers of Costs Lawyer services:

- Solicitor
- Non-Solicitor (lay consumer)

Analysis of the Costs Lawyer profession for 2015 evidenced that 72% of Costs Lawyers received instructions from 100% Solicitors, 86% of Costs Lawyers received 90% or more of their instructions from Solicitors and only 0.3% of Costs Lawyers received instructions from 100% lay consumers.

Due to the varying % mix of instructions to a Costs Lawyer, it is difficult to identify the exact % of annual lay consumer instructions, however the CLSB believes this is likely to be 5% or less. For 2017 practising certificates the CLSB proposes to ask Costs Lawyers the actual number of clients they represent, Solicitor or lay, so an actual number can be identified.

4. CLSB objectives on consumer engagement

Objective 1: To engage pro-actively with consumers and stakeholders to understand the needs and requirements of the consumer of costs law services and use that information for evidence based policy development.

Consumer/potential consumer: “To engage pro-actively”

To achieve this the CLSB will continue to:

- Monitor consumer complaints made to the CLSB and their outcome.
- Monitor consumer complaints made to the Legal Ombudsman and their outcome.
- Consider consumer/potential consumer feedback via the on-going survey on the CLSB website.
- Attend (Chair & CEO) the annual two day Costs Lawyer National Conference in London and address and engage with Solicitor consumers in attendance.
- Attend (Chair & CEO) the annual one day Costs Lawyer National Conference in Manchester and engage with Solicitor consumers in attendance.

Further, the CLSB will:

- Issue to all Costs Lawyers a consumer (client) questionnaire with a request they include the same with their client care letters. The questionnaire will ask the consumer to complete the same at the end of their instruction to their Costs Lawyer and post direct to the CLSB for evaluation.
- Request ACL establish a “pop up” on their website which will direct the viewer to the on-going consumer/potential consumer survey on the CLSB website.
- Request Legal Choices editorial panel establish a “pop up” on their website to a consumer/potential consumer survey.

Costs Lawyer: “To engage pro-actively”

To achieve this the CLSB will continue to:

- Ask the question “*how can the CLSB better regulate the profession*” on each Costs Lawyers annual application for a practising certificate.
- Engage with the Association of Costs Lawyers, the professions representative body.
- Engage with the Association of Costs Lawyers (Training), the professions authorised study provider to Trainee Costs Lawyers.
- Attend (Chair & CEO) the annual two day Costs Lawyer National Conference in London and address and engage with Costs Lawyers and Trainee Costs Lawyers in attendance.
- Attend (Chair & CEO) the annual one day Costs Lawyer National Conference in Manchester and engage with Costs Lawyers and Trainees Costs Lawyers in attendance.
- Write a regular column in the Costs Lawyers Journal signposting current issues.
- Issue newsletters to Costs Lawyers where considered appropriate and publish them on the CLSB website.

Stakeholder (others): “To engage pro-actively”

To achieve this the CLSB will continue to:

- Engage with the Legal Services Board.
- Engage with the Legal Services Consumer Panel (LSCP)

- Engage with the Legal Ombudsman.
- Engage with other parties e.g. MoJ and CMA.
- Consider LSCP reports and surveys e.g. annual tracker survey.
- Write a regular column in the Costs Lawyer Journal (which has a wider distribution than just Costs Lawyers) signposting current issues.
- Write articles for other publications as considered appropriate, and where permitted by those publications.
- Read current legal opinion in legal publications.

“Understand the needs and requirements of the consumer”

To achieve this, the CLSB will continue to monitor consumer feedback through surveys, reports and other activities set out above will continue to be evaluated and disseminated throughout the CLSB.

“Use that information for evidence based policy development”

To achieve this, the CLSB board will continue to consider policy development identified as a result of the activities set out above.

Objective 2: To provide information to help consumers make decisions about costs law services and understand the standards they can expect.

“Provide information to help consumers make decisions about costs law services”

To achieve this, the CLSB will continue to:

- Maintain the CLSB website with up to date information and documentation.
- Maintain the register of Authorised Costs Lawyers on the CLSB website.
- Make disciplinary outcomes available to view on the CLSB website.
- Maintain the Costs Lawyer section on the Legal Choices website.
- Promote the use of the Costs Lawyer Mark of Regulation.

Further, the CLSB will:

- Issue a guidance note for use by a consumer on what a Costs Lawyer does and what a client can expect of them. This guidance note will be made available on the CLSB website.
- Provide a link on the Legal Choices website to the CLSB website.
- Create a new tab on the CLSB website providing even greater detail on what a Costs Lawyer does.

“Understand the standards they can expect by”

To achieve this, the CLSB will continue to:

- Maintain as relevant its guidance notes on client care letters.
- Require Costs Lawyers to file their complaints procedure with the CLSB each year when they apply for a practising certificate.
- Make the Costs Lawyer Code of Conduct available on the CLSB website.
- Make Costs Lawyer Practising Rules available on the CLSB website.

- Make Costs Lawyer Disciplinary Rules & Procedures available on the CLSB website.
- Make disciplinary outcomes available on the CLSB website.
- Ensure the explanation of the role of the CLSB remains up to date on the CLSB website.
- Ensure the explanation of the role of the Legal Services Board remains up to date on the CLSB website.
- Ensure the explanation of the role of the Legal Ombudsman remains up to date on the CLSB website.

Further, the CLSB will:

- Provide a link to the CLSB website through the Costs Lawyer section on the Legal Choices website.

Objective 3: Consult the consumer and other stakeholders on matters of regulation of costs law services and take into account their views.

Consumer/potential consumer: “Consult”

To achieve this, the CLSB will continue to:

- Post a news item announcing any consultation process on the CLSB website.
- Post the consultation paper and associated documents on the CLSB website.
- Highlight in the Costs Lawyer journal, which has a wider distribution than Costs Lawyers (provided editorial and publication dates permit this) when a consultation has been issued.

Costs Lawyers: “Consult”

To achieve this, the CLSB will continue to:

- Post a news item announcing any consultation process on the CLSB website.
- Post the consultation paper and associated documents on the CLSB website.
- Email the consultation paper and associated documents to all Costs Lawyers.
- Email the consultation paper and associated documents to all Trainee Costs Lawyers, where considered appropriate.
- Email the consultation paper and associated documents to the ACL, the professions representative body.

Stakeholders (others): “Consult”

To achieve this, the CLSB will continue to send the consultation paper and associated documents to all Costs Lawyers and where it is considered appropriate having regard to the matter being consulted upon, to, inter alia:

- Trainee Costs Lawyers
- Costs Judges
- The Law Society
- The Solicitors Regulation Authority
- General Council of the Bar

- Bar Standards Board
- Chartered Institute of Legal Executives
- ILEX Professional Standards
- Chartered Institute of Patent Attorneys
- Institute of Trade Mark Attorneys
- Intellectual Property Regulation
- Council of Licensed Conveyancers
- Master of Faculties
- Citizens Advice
- Law Centre Federation
- Legal Ombudsman
- Ministry of Justice

“take into account their views”

To achieve this, the CLSB will continue to:

- Record all responses on a Consultation Response Report (responder, date received and response made).
- Reply to the responder where a question has been posed under their response.
- Reply to the responder where the CLSB believes they have misunderstood the matter being consulted upon.
- Record CLSB comments following a response, where considered appropriate, on the Consultation Response Report.
- Send the Consultation Response Report to the CLSB board for consideration before any decision is made on that being consulted upon.
- Send the Consultation Response Report to the LSB on an application for their approval to change regulatory arrangements.
- Permit the LSB to publish the Consultation Response Report as part of the CLSB application.

5. Outcome and review

Actions and their outcome will continue to be reviewed by the CLSB board on an on-going basis to ensure they inform risk, drive policy and remain effective.