

Update on the Legal Services Consumer Panel Report on Regulatory Leadership on Access to Justice

Purpose: For information

Author: Head of Policy and Regulatory Standards

Approver: Director of Strategy and External Relations

Summary

On 2 April 2025 we attended the Legal Services Consumer Panel's (LSCP) formal launch event for its [Regulatory Leadership on Access to Justice Report](#) (the report). The foreword to the report notes that *'Access to justice is the ability of the citizen to be informed of their legal rights and position in law and to obtain competent and effective advice on legal issues and - where relevant - representation before courts and other authorities to obtain redress or hold authority to account. The report describes the lack of access to justice facing many in our communities, particularly the most vulnerable.'*

The authors have made 17 recommendations in the report and although they have endeavoured to offer pragmatic and implementable solutions, in fact, the preface to the report notes that *'Some recommendations are long-term and reach beyond the ambit of the possible based on the current regulatory framework. They have been included to promote policy engagement and debate, and to inform future aspirations including, where necessary, forming a catalyst for legislative change, further investigation or research.'* In other words, whilst they have proposed certain solutions, the report recognises that much would need to change for those to be implementable, most notable, statutory change.

This paper brings Council up to date on the steps the Executive has taken since the publication of this report to review and assess where the CLC stands currently against each of the recommendations and what opportunities there are for further action, if any, to promote access to justice and further the aims of the report.

At Annex A is a table outlining the 17 recommendations, the authors' proposals for implementation, and in the last column, the CLC perspective on the recommendations and where relevant, what we are currently doing and or potential opportunities for further action.

Access to justice is one of the Regulatory Objectives that the CLC aims to fulfil, however that given the nature of the circumstances that result in a Licensed Conveyancer, and to an extent also a probate lawyer being instructed, barriers to access to justice for consumers of services offered by CLC practices is of a different order and magnitude to that experienced by consumers of other forms of legal advice. Notwithstanding this, improving access to justice for consumers of probate and conveyancing services to the extent that they experience difficulties or barriers, is something the CLC has long worked to address and will continue to address. , and the table at Annex A provides further detail about how we are doing so and what further opportunities there may be.

Relevant Regulatory Objectives (ROs)

The 28 recommendations set out in the report primarily engage ROs 3 and 4 but also RO1, 2, and RO7. The ROs underpin all the CLC's regulatory, policy and monitoring activities and where the ideas

have been proposed in Annex A, consideration has been given to how those will enable us to fulfil all of the ROs.

RO1 - protect and promote the public interest

RO2 - support the constitutional principle of the rule of law

RO3 - improve access to justice

RO4 - protect and promote the interests of consumers

RO5 - promote competition in the provision of legal services

RO6 - encourage an independent, strong, diverse and effective legal profession

RO7 - increase public understanding of the citizen's legal rights and duties

RO8 - promote and maintain adherence to the professional principles

RO9 - promoting the prevention and detection of economic crime.

Relevant CLC Principal Risks

The report itself does not give rise to any direct risks for the CLC. However, to the extent that there are opportunities for the CLC to act on the recommendations of the report and do more to improve access to justice, it could be argued that the CLC may not be doing all it can to fulfil Regulatory Objective 3. As such, there may be a minor risk that an element of the strategy is not delivered should the proposed actions not be taken forward.

1. Loss of significant practice fee income caused by depressed market conditions, practice churn or practice closure
2. Unplanned increase in the cost of regulation to the point where expenditure exceeds income
3. Loss of any or multiple SMT members
4. The CLC is unable to attract and retain capable and competent employees due to uncompetitive pay or benefits
5. A major incident, either physical or cyber threatens the continuity of the CLC through loss of staff or infrastructure
- 6. Not delivering on the CLC Strategy**
7. Practices are not able to secure Professional indemnity insurance or terms are unaffordable or unacceptable to the CLC
8. Organisational performance and staff welfare risks in a small organisation

Financial impact

The costs and financial impact associated with addressing the opportunities identified in Annex A is something that will need to be assessed when or if those actions are taken forward. However, several of those actions fall within the current business plan which has been budgeted for, or are likely to carry little or no financial impact, though may require resourcing which we anticipate being covered by existing staffing capacity.

Diversity and inclusion impact

No differential impact identified from the report itself, however, the proposed actions may give rise to impacts which will be considered as and when actions are taken forward, and where relevant, mitigations put in place as part of the project delivery plan.

Communications requirements

There are no communication requirements.

Recommendations:

1. This paper is primarily for noting, given that we have either already taken several steps or are currently taking steps to address many of the recommendations (where the recommendations are ones we can act on of course).
2. Following this Council discussion, we propose to publish a statement outlining in brief the actions we are or will be taking in response to the recommendations in the report, is Council in agreement with this?
3. There are several recommendations in relation to which we have identified further opportunities to take further action. These are summarised briefly below, and we invite Council's views on the proposed actions. Specifically, are these actions appropriate to address the recommendation and should we pursue these:

Publication

Subsequent to the Council's discussion, and subject to approval of the above recommendations, it is proposed to publish a statement outlining the agreed actions that the CLC will be taking in response to the recommendations within the Legal Services Consumer Panel's report.