



The Law Society

Campaigner briefing

Lobbying your MP: conveyancing panel membership

January 2012

supporting
solicitors

Overview

This briefing sets out how you can lobby your own, or your firm's, constituency MP to raise concerns about the removal of conveyancers from the lender panels of the major banks. We have now updated this document to reflect the recent actions of HSBC which you may specifically wish to refer to. Your efforts will contribute towards the Law Society's lobbying at the national level to build a groundswell of support among MPs, who will then in turn call upon the government to exert pressure upon the banks to reconsider their approach.

Appendix 1 is the basis of a suggested outline letter for you to write to your local MP. It should provide a suitable format to aid you in setting out your concerns regarding the actions of the banks upon your firm, as well as requesting an early meeting with your MP to explain your concerns in more detail. However the most important thing is for your letter to be as personable as possible, reflecting the nature and circumstances of your firm's practice, and therefore please only treat the suggested letter as a guide.

You can find out who your local MP is, by entering your office's postcode into <http://findyourmp.parliament.uk/>.

The primary purpose of meeting your MP is to increase their awareness of the banks' decision to remove conveyancing firms from their lending panels and the effect that this has upon your firm as a local employer within their constituency. This can also be used as an opportunity to highlight how a consumer's freedom to choose their solicitor is restricted and the difficulties that vulnerable clients will face. While this has been an issue that has greatly exercised conveyancing practitioners and representative groups, it will not necessarily be on the top of a local MP's agenda, unless of course they have a legal background, or regularly speak on such issues within parliament.

Suggested letter

The suggested letter in Appendix 1 sets out the key issues you may wish to cover in your letter to your MP. The aim of the letter is merely to encourage them to meet with you, and therefore it should be kept to just one page if possible, two at the most, without too much technical detail. The substantive issues should be left instead to a one-to-one meeting.

You may be concerned at including any commercially sensitive information in your letter, for example regarding the amount of cross-subsidy between your conveyancing work and other legal practice areas. However, letters between constituents and their MPs are not subject to Freedom of Information requests as individual MPs do not constitute a "public body". Any subsequent letters from an MP to a Minister are potentially subject to FOI requests, but it is unlikely any MP will include such information in a letter to a Minister, and you can request this at your meeting.

Meeting your MP

When you have arranged an appointment to meet your MP, you should prepare a short list of issues you wish to raise. These could be based on the issues suggested in Appendix 1, but the key principle is to explain how the banks' decision will affect your firm and the local legal services market.

Some MPs are busier than others, and therefore some will only be able to dedicate no more than 10 minutes to hearing your concerns. That said a meeting set up at your firm's office will potentially give you longer, perhaps an hour. However, almost all MPs welcome the opportunity to speak to their constituents and local business within their constituency.

Meetings in Westminster can be hurried and difficult to schedule, but since most MPs keep Friday and weekends free for constituency business, it is more likely that they will be able to dedicate more time to meeting you at these times, and therefore potentially hold this meeting within the next month or so.

The following key points should be considered before any meeting:

- Don't presume knowledge – most local MPs will not be aware of the banks' actions.
- Explain your concerns regarding the banks' decision and the effect upon your firm's financial stability, and the resultant effect upon the provision of quality legal services locally.
- Encourage your MPs to write to the Secretary of State for Business, Rt Hon. Dr Vince Cable MP setting out the concerns you have raised.
- Suggest a follow up action between yourself and the MP – this could include the MP forwarding any response from the Minister; each of you agreeing to update each other on any future developments; and also perhaps meeting again.

Follow up

Your work is essential to moving forward the Law Society's lobbying to help persuade the banks to reverse their decision. Therefore, it would be helpful if you could provide a brief report of your meeting, and the proposed follow up actions, to the Law Society's Public Affairs Unit who are co-ordinating the profession's lobbying of MPs and Ministers. Please contact: Richard Messingham, richard.messingham@lawsociety.org.uk or 020 7320 5858

Appendix 1 - Suggested letter

<<Name>> MP

House of Commons

London

SW1A 0AA

<<Date>>

Dear Mr/Ms/Sir etc <<Surname>>,

HSBC Conveyancing Panel Membership (amend as necessary)

Introduction

We suggest you open with the following key points

- You are a local solicitor based in <<Town>> within their constituency, providing conveyancing services (outline briefly any other services here which could be affected too) to their constituents.
- Set out that you are requesting an early meeting to explain your concerns at the results of the actions of the above named lender or lenders.
- Briefly explain the background to the matter and the potentially devastating effect on your business, on client's freedom to instruct a solicitor of choice and the effect on other work where conveyancing is ancillary to the work undertaken e.g. matrimonial conveyancing.

Your personal section

You could cover the following points in the personal section of the letter

- **About your firm**
 - The length of time your firm has been in the local community
 - The length of time your firm has been on the individual lenders' panels.
 - The number of staff you employ in the whole firm, and the number engaged in conveyancing work, both support and fee earners
 - Emphasise the fact that you have no claims or complaints by the lender/s (if appropriate)
 - Emphasise that you take risk management very seriously and outline briefly the type of procedures in place to combat fraud

- **Outline your concerns about the lenders' actions (non-HSBC)**
 - For example if lenders have removed the firm on the basis of low volume of transactions you could outline the following points
 - Lenders have failed to disclose the numerical criteria they are applying
 - It is difficult to 'appeal' such a decision as firms' do not know the lenders criteria and it is impossible to address unknown issues
 - State the outcome of any appeal and state any views you have on the lender's appeals process
 - Lenders appear to concentrate on quantity and not quality.
 - If lenders are not lending or their products are unattractive then how can firms generate transactions
 - Lenders have removed firms with immediate effect without any notice or warning and the effect that this has had on your firm (if applicable)
 - Any other concerns you may have
- **Outline your concerns about HSBC's actions**
 - HSBC has restricted its panel to 43 firms, which will not provide sufficient consumer choice
 - HSBC made no attempt to consult with the profession prior to making their decision
 - HSBC has employed a licensed conveyancer's firm, Countrywide to manage the panel
 - HSBC initially indicated panel members were required to be CQS accredited but it has now indicated that firms who are applying or preparing to apply for CQS will also be considered. There is little transparency about the application process
 - There is no appeal process
- **About your firm's practice and the effect of panel removal on your firm and on clients**
 - What percentage of your work is attributable to conveyancing
 - What impact (or potential impact) will the removal from the lenders panels have on your business.
 - The effect on ancillary work as some work such as a transfer of equity subject to mortgage can only be done by firms on the panel
 - Impact on business e.g. not being able to undertake work for existing clients, possible staff redundancies etc
 - If applicable, do you cross subsidise your legal aid department with fees from conveyancing work? Will removal from the lenders panels affect this?
 - What impact do you think panel removal will have on:
 - Your clients e.g. curtailment of their freedom to use the solicitor of their choice and not one on the lenders panel, access to justice, being financially penalised for choosing their own solicitor etc.

- Your staff
 - Explain up until now clients could use almost any solicitor but now clients will only be able to use panel firms. This will lead to a less competitive market in which consumers may end up paying higher fees
 - In the case of HSBC that it has to be questioned whether 43 firms will be provide sufficient access for clients, particularly those in rural areas, those with disabilities or those who wish to see their solicitor face to face
 - If you have concerns that the LBG, which is part publicly owned, is acting contrary to interests of the public, please indicate your views.
 - Other issues you feel are important to you

Closing paragraph

Close by explaining that:

- You would appreciate an early opportunity to meet with your MP to discuss the effect of the lenders' decision to remove from their panel on your business and on clients.
- You are keen to discuss ways in which you can support your MP in raising this issue within parliament and lobby the government through the Department for Business, Innovation and Skills and HM Treasury.
- You are happy to host at a meeting at your office (where you can be joined by your fellow partners), or that you're happy to meet them at one of their constituency surgeries.

Yours sincerely

<<Name>>

<<Position>>