



Research programme 2011/12

Introduction

The LSB uses research to develop the evidence we need to meet our regulatory objectives as set out in the Legal Services Act 2007. Our annual research priorities are designed both to meet short term needs for evidence and to build a long-run strategy to ensure effective regulation of legal services. We outline our approach to research at the LSB in our [Research Strategy](#).

In line with best practice¹, the LSB will continue to publish all specifications, reports and data for each report commissioned.

Delivering value for money

We recognise the importance of ensuring that our research programme delivers value for money and avoids duplicating work ongoing elsewhere within the profession or regulators. To ensure that we always strive to achieve these objectives we will be building on the output of our Regulatory Information Review to strengthen our process for identifying gaps in research. Where ever possible we will carry out research using LSB staff, but in the event that specialist resources are required we will carry out competitive tendering to commission research externally. For each project we commission we will follow a consistent four-stage process before commissioning:

1. Specify hypothesis for testing – These will be set out as clear tests for the research.
2. Gateway testing hypothesis – Is there existing data/research that can address the hypothesis being tested? Are Approved Regulators or Professional Bodies planning research that would address the hypothesis being tested? Has the proposed work considered the concerns and priorities of the Legal Services Consumer Panel?
3. Produce detailed research specification – Translate the hypothesis into a detailed research specification setting out a clear objectives and proposed methodology.
4. Market test specification – Once tenders have been received for any specification it is essential to retest whether they represent value for money given the hypothesis being tested and their relative importance.

Regulatory Information Review

We designed the Regulatory Information Review (RIR) to provide us with a comprehensive review of research literature, articles and data related to our Regulatory Objectives. The review is expected to be published in July 2011, with a full report assessing the literature and highlighting evidence gaps. Alongside the report, the LSB will be publishing the full database of over 600 publications linked to key areas for thematic analysis. We will also be publishing a geographical analysis of the supply and demand for legal services.

We hope that the RIR will provide a comprehensive analysis of the existing evidence base on regulatory matters in legal services. This should act as an important tool for policy makers and professional bodies in legal services, as well as for academics working in this field.

¹ For example see – “Good practice in the design and presentation of consumer survey evidence in merger inquiries”, Office of Fair Trading/Competition Commission, March 2011

Research Strategy Group

We initially set up an independent Research Strategy Group to provide independent challenge to our research programme and help us engage with wider research ongoing in the sector. Its initial year of operation has proved very successful, leading us to enhance the strength of the panel by inviting Mari Sako (Said Business School) and Nicola Power (Bar Council) to join the panel. Marrisol Smith has also joined the group as a replacement for Alexy Buck from the Legal Services Research Centre. A full list of the panel members is available on the [LSB website](#).

Research reports and data published will also be considered by the Research Strategy Group to ensure consistent high quality standards are maintained in our work. Where necessary, individual members will be asked to sit on research steering groups to provide additional support on an ongoing basis.

Research plans summary

	April	May	June	July	August	September	October	November	December	January	February	March
Segmentation Model (OXERA)												
Large corporate solicitors (CRA)												
Special Bodies (Frontier)												
Complaints (YouGov)												
Will writing (IFF Research)												
Aptitude testing (Dewberry)												
Global Education (Flood)												
Baristers Chambers												
High Street/Legal Aid												
Quality Literature Review												
Small Claims Lit Review												
Evaluation evidence												
Complaints (II)												

Research currently in progress

1. Market Segmentation

Segmentation model – OXERA have been commissioned to develop a segmentation model that identifies the gaps in evidence required to provide effective oversight of the frontline regulators. The project will:

- Develop a method of segmentation that can be applied to studies looking at legal services
- Identify specific approaches to filling evidence gaps

The project is expected to report in July 2011.

Market segmentation pilot 1: Large Corporate Solicitors – CRA have been commissioned to test the segmentation model focusing on legal provision by large corporate firms. Using a sample of firms from the Top 200 firms ranked by turnover, CRA have been carrying out depth interviews to explore the services provided and clients served. The project will:

- Test the segmentation model proposed in a specific area of the solicitors market
- Identify whether it is possible to propose groupings of large firms within the segmentation
- Report on the key features and regulatory risks posed by the large firms.

The project is expected to report in July 2011.

Market segmentation pilot 2: Special bodies – Frontier has been commissioned to test the segmentation model focusing on legal provision by Special Bodies². Frontier has been carrying out in-depth interviews with a mixture of special bodies to explore the types of provision and with their clients in order to understand the regulatory risks posed. The project will:

- Test the segmentation model proposed and its applicability to special bodies
- Identify the regulatory risks posed by special bodies
- Help inform future decisions on the scope of the regulation of Alternative Business Structures (ABS).

The project is expected to report in July 2011.

2. Education Review

We have commissioned two projects which are intended as inputs to the joint review led by the Solicitors Regulation Authority, Bar Standards Board and ILEX Professional Standards.

Global Education Review – John Flood from Westminster University has been commissioned to develop our understanding of legal education and training in other jurisdictions. The review will focus on four areas:

² Special bodies are defined within the Legal Services Act 2007, C. 27, Part 5, Sections 106-107

- A detailed analysis of the regulatory requirements for education and training in the USA and a sample of major European and Commonwealth countries
- The role and status of English and Welsh qualified lawyers in relation to cross-border transactions and disputes and the relative balance between brand, regulation, legal system and other factors in contributing towards the role and status of English and Welsh qualified lawyers
- The existing arrangements for the recognition of the English & Welsh solicitor and barrister qualifications in other jurisdictions and the extent to which they exempt individuals (fully or in part) from the regulatory requirements in relation to education and training in those jurisdictions (including EU framework for mutual recognition and other EU requirements)
- An analysis of key issues and challenges in relation to maintaining the international standing of the English and Welsh legal qualification in the context of possible reforms to the education and training framework.

This project is expected to report in September 2011

Aptitude testing literature review – Chris Dewberry from Birkbeck, University of London has been commissioned to carry out a review of the literature relating to the use of aptitude testing. The review will:

- Explore the use, effectiveness and impact of aptitude tests as a selection tool at various stages of professional qualification in legal services and other professional services sectors (both in England and Wales and internationally)
- Identify the key issues that we should consider when deciding whether to approve changes to regulatory arrangements which involve the introduction of aptitude tests.

The project is expected to report in June 2011

3. Improving access to justice

Testing the quality of will-writing – IFF Research has been commissioned by a joint team of the LSB, Legal Services Consumer Panel, Solicitors Regulation Authority and Office of Fair Trading. This research will be central to the analysis of the Legal Services Consumer Panel in their study of will writing. The research consists of three parts: a retrospective consumer survey, a provider survey and a shadow shopping exercise (following real consumers through the process of getting their wills). The research will:

- Provide evidence for the relative quality of wills in the regulated/unregulated sectors
- Assess consumers experience of sales practices
- Assess business drivers

This project is expected to report in July 2011

4. Ensuring effective redress for consumers

Understanding consumer complaints – YouGov has been commissioned to carry out a survey of dissatisfied consumers to understand reasons for dissatisfaction and their choices

whether to complain or not. The research distinguishes between first and second tier complaints and end satisfaction. The research will:

- Provide evidence for the impact of information of consumer satisfaction
- Assess existing compliance with new rules on complaints process transparency
- Identify additional issues for regulatory attention
- Provide a benchmark for future studies by Approved Regulators.

This project is expected to report in June 2011

Initial Research Plans – 2011/12

Our plans for new research in the coming year represent a continuation of the research programme from 2010/11 with the emphasis of our research programme moving to benchmarking and the collection of evidence to evaluate the impact of the Legal Services Act 2007 on the market. We will continue to be flexible in our plans, both allowing for changes in priorities over the year and the emergence of new topics requiring research. Our process for ensuring value for money will remain central to all decisions to proceed with research.

1. Market Segmentation

High Street/Legal Aid – We propose to commission research exploring the work of solicitors firms to improve our understanding of the types of services they offer and the types of customers served. This research will be part-funded by the Ministry of Justice who, alongside The Law Society, will help steer the research to ensure maximum value for money. The research will oversample firms carrying out legal aid work to allow more detailed analysis of this sub-sector of the market. The research will:

- Provide evidence for our evaluation of the Legal Services Act 2007
- Help understand the differential impact of market reforms on Legal Aid firms.

This project is expected to report in Q4 2011/12

Barristers – We are considering the need for research to improve our understanding of barrister's chambers. The Bar Council has recently increased the breadth and depth of their statistical and research analysis with an increased commitment to open publication of results. We will consider in the light of their emerging research programme the necessity for LSB research. We consider it important for research on the Bar to explore a number of issues, including:

- The nature of services supplied by barristers by type of legal activity and customer type
- The mix of services offered by individual barristers chambers
- The nature and source of referral arrangements used.

This project is expected to report in Q3 2011/12

2. LSB Literature Reviews

Quality – To support elements of our work programme focusing on the quality of legal services we will be carrying out a review of the available research literature. The review will focus on quality of outcomes for consumers in these terms:

- Technical quality of legal advice given
- Quality of the service as a whole.

This project is expected to report in Q2 2011/12

Small claims – We will review the available literature to improve our understanding of the potential impact of changes to the small claims court and moves to encourage Alternative Dispute Resolution (ADR). The review will draw together the proposed changes to ADR, incentives and the literature assessing consumer outcomes. In particular the review will consider:

- The likely impact of reforms on access to justice
- The wider impacts on access to justice in England and Wales.

This project is expected to report in Q3 2011/12

3. Evaluation evidence

We believe that we are likely to need additional, currently unavailable, evidence to support our planned evaluation of the impact of the Legal Services Act 2007 (see [Evaluation Plans](#) for further details). To develop the indicators envisaged in our evaluation plan we are likely to need a mixture of evidence from consumers, the profession and the judiciary. We will be assessing our evidence needs and prioritising spending in Q2 2011/12.

This project is expected to report in Q4 2011/12 with the publication of the first evaluation report.

4. Complaints

Following our initial benchmarking work on complaints, detailed earlier, we will be considering a follow up study looking at consumer experiences. Specific detail on the survey will not be finalised until we have a greater understanding of work planned by Approved Regulators. Particular aspects that may be considered include:

- Reasons why complaints have not been pursued
- Experience of first tier complaints handling
- Good practice from first-tier complaints handling in other sectors.

This project is expected to report in Q4 2011/12

Conclusion

Our Research Plan for 2011/12 builds on research commissioned in 2010/11, improving our processes to ensure that our research and policy programme benefits from synergies with evidence gathered by other organisations. Our research plans reflect our understanding of research needs over the coming year. Other priorities may emerge during the year that might require us to reprioritise, in particular the potential for research to support our work on reserved/unreserved activities (such as will writing) or on immigration services.

We welcome further discussion with about our research programme. Should you wish to discuss LSB research, please contact Alex.Roy@legalservicesboard.org.uk (020 7271 0060).