

Understanding consumers' views of quality in legal services in England and Wales

Purpose

To gain an understanding using qualitative research of the way consumers perceive and judge the quality of legal services and the role of existing or potential future quality marks in assisting consumers to select legal services providers.

Background

The Consumer Panel is an independent arm of the Legal Services Board (LSB) created to provide high quality, evidenced-based advice to the LSB and others on the consumer interest in the regulation of legal services. The LSB has been set up to reform and modernise the legal services market place in the interests of consumers, enhancing quality, ensuring value for money and improving access to justice across England and Wales. The LSB will achieve this pursuing its regulatory objectives and providing regulatory oversight for the eight approved frontline regulators¹. This project is one part of broader quality assurance work being undertaken by the Panel and the LSB.

Quality is a difficult concept to define, and can encompass many aspects of a legal service, including client care, the legal outcome and the technical expertise required to get there. Understanding the quality of legal services is a significant challenge for consumers, who face an asymmetry of information and have little regular engagement with legal services. While consumers can often judge the quality of the client care provided, they are generally unable to assess the competence of the adviser either before or after the event, or judge whether the advice given is suitable for their circumstances. Assessing the quality of a lawyer is therefore difficult, with LSB research suggesting that most consumers rely on recommendations and/or previous experience to choose their lawyer (YouGov research December 2009²).

There is limited research on consumer expectation and experience of quality in legal services. Some studies have assessed the competence of advice provided in legal aid work.³ However, in the main, where researchers have looked at quality they have focused on simple outcome measures – speed of resolution, amount of settlement and consumer satisfaction. While these may be the important measures of quality, we are keen to understand whether these measures are the same ones consumers would use to determine whether their experience of legal services was 'good'.

A number of quality measures, quality marks and accreditation schemes exist for legal services (summarised in Annex A). The Approved Regulators are currently developing a new quality measure for advocates in criminal work – Quality Assurance for Advocates (QAA) – that is planned to be introduced from July 2011. While some of these measures are designed to help consumers, others are simply to help those within the industry to benchmark quality. Furthermore, they have been designed by lawyers, with little attempt to understand how consumers define quality, or what information consumers may want when seeking legal advice. Previous research by the Ministry of

¹ The Law Society, General Council of the Bar, Council for Licensed Conveyancers, The Institute of Legal Executives, The Chartered Institute of Patent Attorneys, The Institute of Trade Mark Attorneys, Association of Law Costs Draftsmen, Master of the Faculties.

² http://www.legalservicesboard.org.uk/news_publications/latest_news/index.htm

³ See Moorhead Richard and Richard Harding (2004) *Quality and Access: Specialist and tolerance work under civil contracts*, Norwich: Stationery Office and Moorhead R and Sherr A (2003) *An Anatomy of Access: Evaluating Entry, Initial Advice and Signposting using model clients*, Legal Services Research Centre (2003)

Justice suggests that consumers have very low awareness of existing quality marks and labels, as well as little knowledge of whether an advisor is a member of such schemes.⁴

Aims and Objectives

The Panel is commissioning this research to improve its understanding of consumers' experiences of legal services, with a particular emphasis on how they perceive and value quality. In particular, this research project is designed to capture three broad themes:

- What consumers understand and assume about the quality of legal service providers, and how this is factored into their choice of legal adviser.
- How consumers judge the quality of legal services.
- Whether consumers find it important and/or desirable to have specific quality signals in relation to legal advisers, or whether they expect or prefer 'others', such as regulators, to be checking this for them.

In relation to the third question, it is noted that research generally finds that consumers welcome more information, however in practice the provision of such information is found to have little impact on consumer decision making. Therefore, in examining these questions, we are interested in getting beyond typical consumer responses that the provision of more information is desirable in order to really understand what consumers assume about the quality of the legal service providers and the most useful ways of assisting them in making future choices in legal service providers.

Issues and scope

In order to explore the above themes, the research should examine the following issues:

What constitutes 'quality' for consumers of legal services?

- How do consumers define 'quality' in legal services – in terms of access, experience and outcome?
- How important is 'quality' relative to other factors, such as value for money, location, availability, etc?

How do consumers judge the quality of legal service providers?

- How do consumers decide on the quality of a lawyer, before, during and after receiving legal advice?
- For those who have used lawyers before, what aspects of past service do they find help them judge the quality of the future service they receive or look for?
- If they used a recommendation to choose their lawyer, what types of quality measure did they believe were implicit in this recommendation?
- To what extent do they consider there is a trade-off between price and quality (i.e. do they always go for the cheapest or do they also look for indicators of quality; and might they pay more for advice from a lawyer who they perceive as higher quality)?
- To what extent do consumers consider that price signals quality?

⁴ Ministry of Justice (2007) *Legal Services Market Study – Final Report*, November 2007

What assumptions (conscious or otherwise) underpin consumer quality judgements?

- To what extent is being a member of a highly qualified profession taken as a significant measure of quality?
- What quality assumptions (eg. expertise, qualification) do consumers make in relation to professional titles (eg. Solicitor, Licensed Conveyancer)? Do they make similar assumptions about all legal advisors, including those that may not actually be legally qualified?
- Do consumers prefer a 'specialist'? Do consumers associate specialisation with high quality?
- Do consumers assume or expect that professional regulation brings with it a degree of quality assurance?
- Does the presence of regulation impact on the degree of checking on quality that a consumer feels they should do?
- What assumptions do consumers make about the amount and type of checking that regulators do – generally and in terms of specialisations?

Are there quality signals, quality marks or other information that consumers use or would use?

- What knowledge do consumers have of quality marks and quality assurance schemes, in legal services and in other markets eg. food?
- Have they any knowledge or experience of quality marks in legal services? How do they help indicate quality?
- Would they use quality marks in legal services? If so, when and what would give them confidence that they are a reliable and useful indicator of quality (e.g. should lawyers have to sit an exam/be peer reviewed/assessed by the regulator to get them)?
- Does the type of organisation operating the quality mark matter in relation to trust by consumers, e.g. Government, regulator, membership body, commercial business?
- Have consumers used, or would they use, other information about the specific expertise of a potential legal adviser? eg. demonstrated number of years experience, accreditation, membership of specialist professional association etc

Research Approach

Given the nature of the information we are seeking we expect the successful researcher to use qualitative research techniques to explore consumers' views. The research should incorporate the views of consumers in England and Wales in metropolitan and rural areas, with a focus on individuals who use and actively choose a legal adviser for themselves, rather than have an adviser chosen for them by other lawyers (e.g. choice of barrister). In our view those consumers with recent experience of choosing a lawyer are likely to be able to understand the issues around choosing a lawyer better than those with no previous or current experience of looking for a lawyer. To deliver the greatest intelligence, the research should be focussed on the most common topics for legal advice: conveyancing, will-writing and divorce. These legal areas also provide examples of where: quality marks/accreditation schemes already exist (eg. Divorce and Law Society Family Panel); quality marks are absent (eg. willwriting); and legal services can be provided by non-lawyers (eg. will writing and divorce). Overall, we are interested in the views of consumers who have sought, or plan to seek, legal advice in these areas in either the last three years or in the next year.

We are also aware that consumer perceptions of quality can differ depending on the time elapsed since an event, and would be interested in ways of factoring this into analysis.

We welcome the views of the researcher on the most appropriate sample frame for this research.

Tender Evaluation Criteria

All projects commissioned by the LSB are subject to our standard terms of contract. Tenders will be evaluated on best value for money and will be assessed on the basis of:

1. Overall cost. Please include appropriate breakdowns
2. The extent to which tenders are clearly written and meet the specified objectives, present a sound methodology, identifying any potential problems, and proposing suitable solutions
3. Address outputs and ensure these are in line with requirements and the required timing of the project
4. Proposed team composition, expertise and management and the organisation's diversity policy

If the researcher proposes to use focus groups the tender should include costing for viewing at least one of the groups.

Deliverables

Output

The output for this research should be an executive summary and short report (no more than 50 pages) and the findings from the interviews.

A presentation of the results at a launch seminar in 2010

The LSB will retain ownership of the underlying data.

Project plan

Tenders should include a project plan and time schedule for the work that identifies the main task and key milestones that will be used to monitor progress. The plan should be accompanied by a resource profile, giving a breakdown of the resources in person days allocated to each task.

Duration

The research should commence in July 2010. Tenders should set out dates for completing key milestones such as information gathering, analysis, synthesis and report writing. Interviews with shortlisted consultants will take place on 7 and 8 July. The final results should be submitted to the LSB by Friday 3 September.

Legal Services Board Contact Details

Tenders with any queries about the research specification should contact:

Policy team: Alanna Linn 020 7271 0076

Research team: Alex Roy 020 7271 0060

Tenders must be submitted by 5pm on 5 July 2010

ANNEX A – Examples of existing quality marks and accreditation schemes for legal services

Law Society Accreditation Schemes

Tick sign recognising expertise in particular area of law:

- Children Law
- Commercial and Civil Mediation
- Clinical Negligence
- Criminal Litigation
- Family Law
- Family Law Advanced
- Family Mediation
- Immigration and Asylum
- Mental Health Review Tribunal
- Personal Injury
- Planning Law

More than 16% of solicitors belong to at least one accreditation scheme

Voluntary – but in some cases (e.g. police station work) accreditation is a prerequisite for carrying out publically funded work

Some schemes open to non-solicitors

Application/Assessment process – varies by scheme but includes some combination of written application form, references, interview & practical assessment

Association of Personal Injury Lawyers Kitemark

Usually a minimum requirement of five years experience in handling personal injury claims

Code of conduct & consumer charter

Includes solicitors, barristers and legal executives

Three levels of accreditation – senior litigators, fellows and senior fellows – although not compulsory, normally indicates at least 5, 10 & 15 years experience respectively.

Application/Assessment process - Written application and references

Avma – Action Against Medical Accidents – Clinical Negligence Accreditation

Solicitors can apply, and pay a fee, to be ‘accredited’ by AVMA in order to be listed in the ‘Find a Solicitor’ function. It is unclear what other checks are made.

Motor Accident Solicitors Society

Code of Conduct

LSC Community Legal Advice Service Quality Marks

General Quality Mark (GQM)

Specialist Quality Mark (SQM)

Quality Mark for the Bar (QMB)

Family Mediation Quality Mark (MQM)

Resolution

Family Law network

Code of practice

No assessment – simple application process

Lexcel- Law Society Practice Management Standard

Demonstrates:

- excellent client service
- cost efficiency
- minimum risks