

Understanding the needs of legal services consumers with hearing loss

Purpose

To gain an understanding, using qualitative research, of how people with hearing loss experience legal services, including:

- the factors that can make individuals particularly vulnerable
- the extent to which having hearing loss can contribute to adverse outcomes when obtaining legal services; and
- good practice and where improvements are needed.

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.

People often purchase legal services at times of stress. Therefore, no matter how experienced a consumer may be, their individual circumstances may make them vulnerable. A range of factors, including physical and mental ability, language skills, financial constraints, or other personal situations, can directly contribute to a consumers being at risk of disadvantage. If legal service providers cannot understand and respond appropriately, people may not access the legal services that they need.

The Panel's 2011-12 work programme identified a need for studies into whether the needs of vulnerable consumer groups are being met. The first study will act as a pilot and focus on the experiences of people with hearing loss. This research will be a central component of this pilot.

The Panel is partnering with Action on Hearing Loss (formerly RNID) and the Solicitors Regulation Authority (SRA). The SRA is a frontline regulator of legal services, and is seeking to understand the outcomes people from different groups experience when they use solicitors and other lawyers, in order to identify regulatory improvements that could be made.

Aims and Objectives

The Panel, the SRA and Action on Hearing Loss are commissioning this research to improve their understanding of how consumers with hearing loss experience legal services and the impact having hearing loss can have on the outcomes of obtaining legal advice.

Hearing loss covers a range of circumstances, including people who have been born profoundly deaf and people have been fully or partially deafened due to a single event or for ongoing medical reasons. The successful researchers are expected to consider the full hearing loss spectrum,

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.

including the extent to which the different types of hearing loss change an individual's needs and experiences.

This research project is designed to consider four themes:

- What circumstances contribute to people with hearing loss being vulnerable when purchasing legal services
- Do these circumstances result in adverse outcomes when using lawyers? If so, how?
- Whether the legal and communication support needs of the above group are being met?
- If not, what practical steps could be taken by the profession and regulators to improve their access to legal services and avoid any adverse outcomes.

Issues and scope

In order to explore the above themes, the research should examine the following issues in relation to people with hearing loss:

- What are their legal needs?
- Where do they access legal services? Why do individuals choose a particular law firm/ legal service over other ones, and what are the criteria they look for in making this choice?
- Are there specific circumstances/factors/business practises that make accessing legal services, and obtaining a satisfactory outcomes, better or worse? Why?
- What have been the experiences of different individuals?
- Are there common themes in these experiences?
- What changes could improve access to legal services or help avoid adverse outcomes?
- How, if at all, do the above issues differ depending on an individual's type and extent of hearing loss?

A preliminary survey is being undertaken with Action of Hearing Loss service users and networks to help identify the key issues. The final results of this survey should be known by the end of September and will be shared with the successful researchers in order to support the development of a detailed discussion guide.

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 focus should be 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 experience of choosing a lawyer in the previous two years 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.

Whilst recognising that the population of potential participants is likely to be small, the researchers should try to incorporate the views of consumers in England and Wales in metropolitan and rural areas as much as possible. We welcome the views of the researcher on the most appropriate sample frame for this research. To assist with recruiting sufficient numbers, participants in the preliminary survey have been asked to indicate whether they would be interested in participating in further aspects of this project.

Given the diverse communication needs of people with hearing loss, we expect the successful researchers to be able to understand the communication support required to help ensure the greatest possible participation, and would welcome views on how this will be delivered and the most appropriate research methods. All tenders should include the costs anticipated for communication support.

Tender Evaluation Criteria

The project will be subject to the standard terms of contract used by the LSB and the partner organisations for this project. 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 fieldwork.

A presentation of the results at a launch event in early 2012.

The LSB and the SRA 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 October 2011. Tenders should set out dates for completing key milestones such as fieldwork, analysis, and report writing. Interviews with shortlisted consultants will take place on 3 and 4 October. The final results should be submitted to the LSB by Friday 16 December.

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 30 September 2011