



Briefing note

Experiences of Black Asian and Minority Ethnic groups using legal services

January 2021

LEGAL
SERVICES
**CONSUMER
PANEL**

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Key findings

- Black Asian and Minority Ethnic (BAME) consumers shop around and use online services more than White British consumers and are less likely to use the same lawyer as before.
- BAME consumers are less satisfied with the choice on offer and find it more difficult to compare prices. They are also less satisfied with both the service they receive and the outcome of their matter than White British consumers.
- Compared to 2016, three times more White British consumers complain to the Legal Ombudsman than other ethnic groups.
- BAME communities are less likely to have a will in place compared to White British, especially those with a Black African and Pakistani background.
- Levels of trust in legal services providers remain lower among BAME communities (51%) compared to White British (68%).

Recommendations for regulators and representative bodies

We recognise that some of the findings in this report result from societal inequalities in earning power and education levels. However, there are several areas where the regulators can take action to ensure that legal services providers better serve all users.

There is likely to be scope for collaborative working across the different regulated communities. Thus, we encourage this wherever possible to maximise the impact of our findings.

Recommendations

- Consumer research should be undertaken to understand what drives the differences in choosing between ethnic groups – why are certain ethnic minorities less satisfied with choice than others?
- The need for regulators to identify accurate proxies of quality for consumers is evident: specialism is one of the most important choice factors among BAME consumers, especially as they are actively shopping around more.
- Regulators need to continue working towards more meaningful price and quality transparency given the limited availability of fixed fees in the areas of law BAME consumers are more likely to use.
- Representative bodies should consider ways to raise awareness in ethnic communities about the importance of preparing a will, particularly in the Black African and Pakistani communities.
- Regulators need to address the low levels of trust in lawyers across the population, but a part of this needs to focus on why BAME communities are less trusting, and what can be done to address this.

Introduction

In 2016, the Legal Services Consumer Panel (the Panel) published a report¹ highlighting the trends and the discrepancies in the knowledge and experience of BAME consumers² using legal services. The report compared the BAME consumers experience to White British consumers in England and Wales.

A lot has changed since 2016 within the legal services market and beyond. 2020 has been marred by the COVID-19 pandemic and the Black Lives Matter campaign that further highlighted inequalities that spans across the globe and the UK. We agree with the Legal Services Board's (LSB) assessment that progress, within the profession over the past 10 years³, remains slow.

Our Tracker Survey data⁴ shows that since our last assessment five years ago there remains a troubling disparity in BAME consumers' experience. BAME consumers generally feel less empowered and experience less positive or satisfactory services. It is telling that the disparity observed in the criminal justice system arguably occurs in other areas of law, *see Case Study I*.

A fundamental shift is required both in the supply side, i.e. the profession, but also in enabling more BAME consumers to access legal services.

Case Study I

In 2017, the Lammy Review investigated the treatment of, and outcomes for BAME individuals in the criminal justice system. The Review found that BAME individuals are disproportionately affected by the criminal justice system. For example, for every 100 white women handed custodial sentences at Crown Courts for drug offences, 227 black women were sentenced to custody. The Review also found that, among those found guilty, a greater proportion of black women and men were sentenced to custody at Crown Court than white women and men.

BAME consumers' access to justice

One of the most notable trends in the data is how BAME consumers access legal services and the areas of law they deal with. The type of legal problems they are likely to face tend to differ from those of White British consumers.

¹ [LSCP. Briefing note: experiences of Black and Minority Ethnic groups in legal services. November 2016.](#)

² The following ethnic groups are used in our research: Ethnically Mixed, Indian, Pakistani, Chinese, Black African, and Black Caribbean. Further information relating to weighted and unweighted sample sizes can be found under each report.

³ [LSB. The State of Legal Services 2020, November 2020.](#)

⁴ [Tracker Survey data.](#)

In 2020, the pattern remains slightly unchanged from observations made in 2016, see *Figures 1 and 2*. The slight change is an increase in the use of conveyancing services by BAME consumers from 15% to 28%.

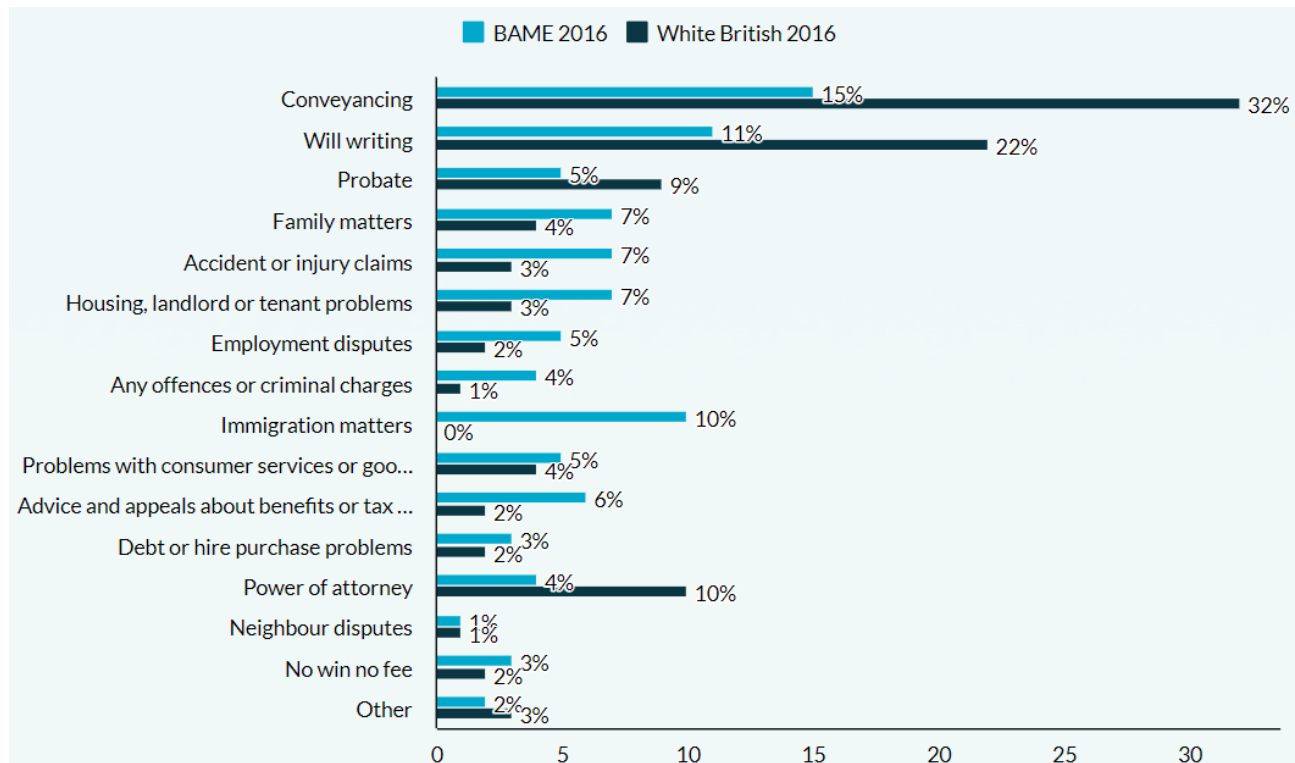


Figure 1. Areas of law used by BAME and White British consumers in 2016

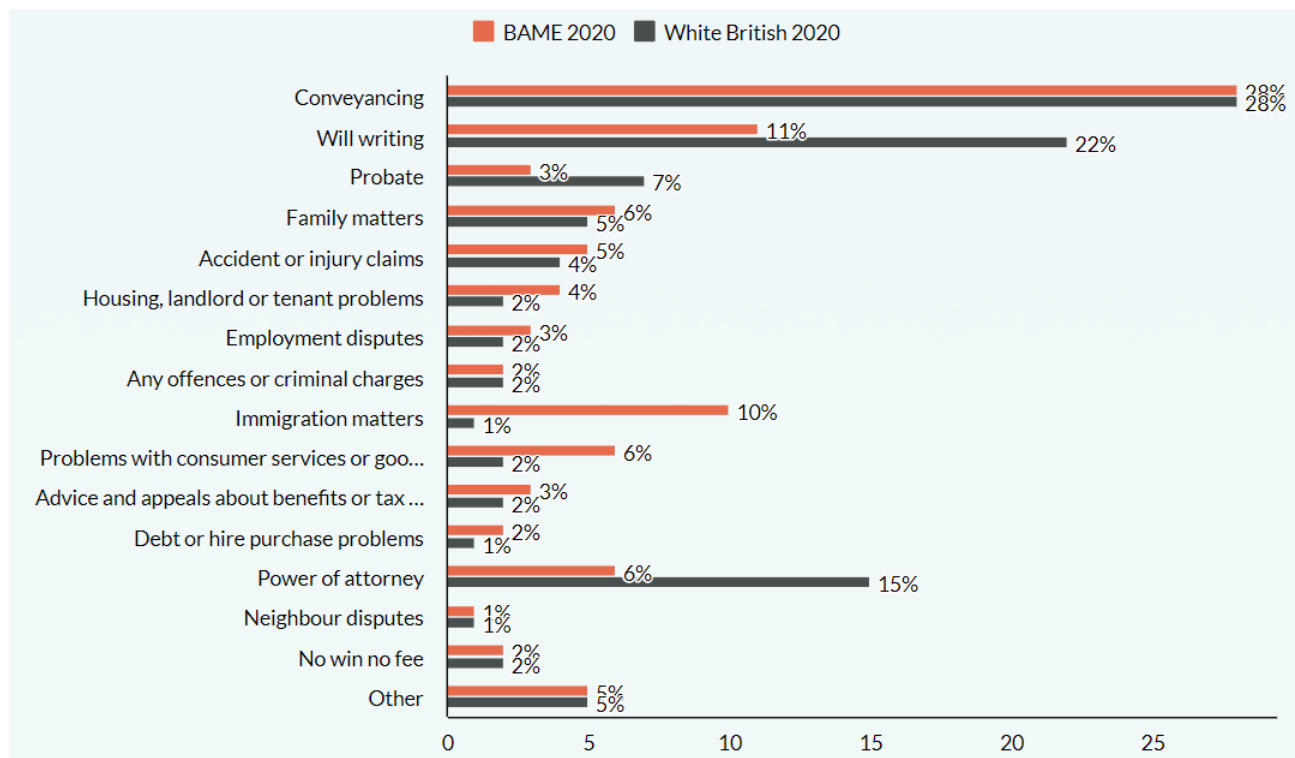


Figure 2. Areas of law used by BAME and White British consumers in 2020

BAME consumers are more likely to deal with areas of law that are less transactional and provide less of an element of choice in terms of actively selecting a legal professional or another provider, e.g. immigration services, employment disputes or housing problems.

It is worth noting that the areas of law BAME consumers access, are likely to have an impact on other elements of the service, such as billing methods and funding sources, and in turn their experience. We will address this later in this report.

BAME consumers tend to be savvy

We considered how empowered BAME consumers are in the legal services market. Generally, higher levels of shopping around and greater choice satisfaction are signals of empowerment.

While both BAME and White British consumers find it fairly easy to compare services, BAME consumers tend to be more proactive, shop around and use online services more. They are less likely to have used the same lawyer as before, see *Figure 3*.

We noticed there are variations in how different ethnic groups shop around. In 2020, Pakistani (58%) and Chinese consumers (46%) shop around the most, while White British consumers (28%) shop around the least, see *Figure 4*.

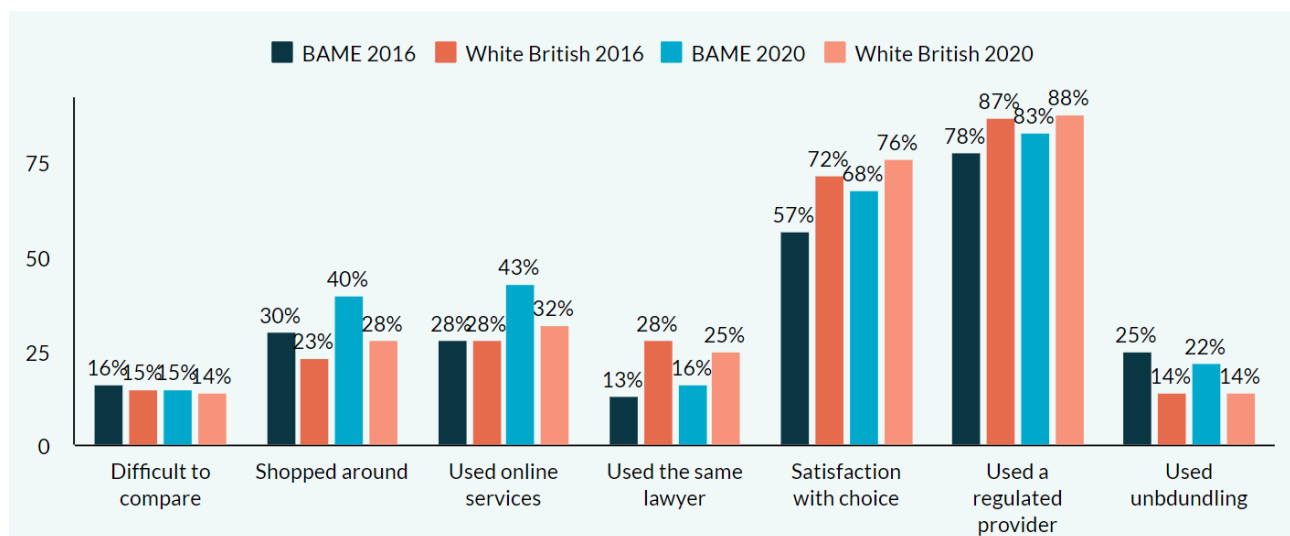


Figure 3. The difference in consumer behaviour for BAME and White British in choosing a lawyer in 2016 and 2020

BAME consumers are also more likely to search the Internet (12% in 2020 and 11% in 2016) or use a comparison website to find a provider (4% and 2% respectively). There are fewer White British consumers who search the Internet (9% in 2020 and 7% in 2016) and use a comparison website to find a provider (2% and 1% respectively). Additionally, BAME

consumers unbundle more; and in 2020, 22% of BAME consumers unbundled their services compared to 14% of White British consumers.

Despite higher proportions of BAME consumers shopping around, using online services and unbundling they are less satisfied with the choice on offer both in 2016 and 2020, see *Figure 3*. This can make BAME consumers feel less empowered in using legal services and access justice, especially when compared to White British consumers.

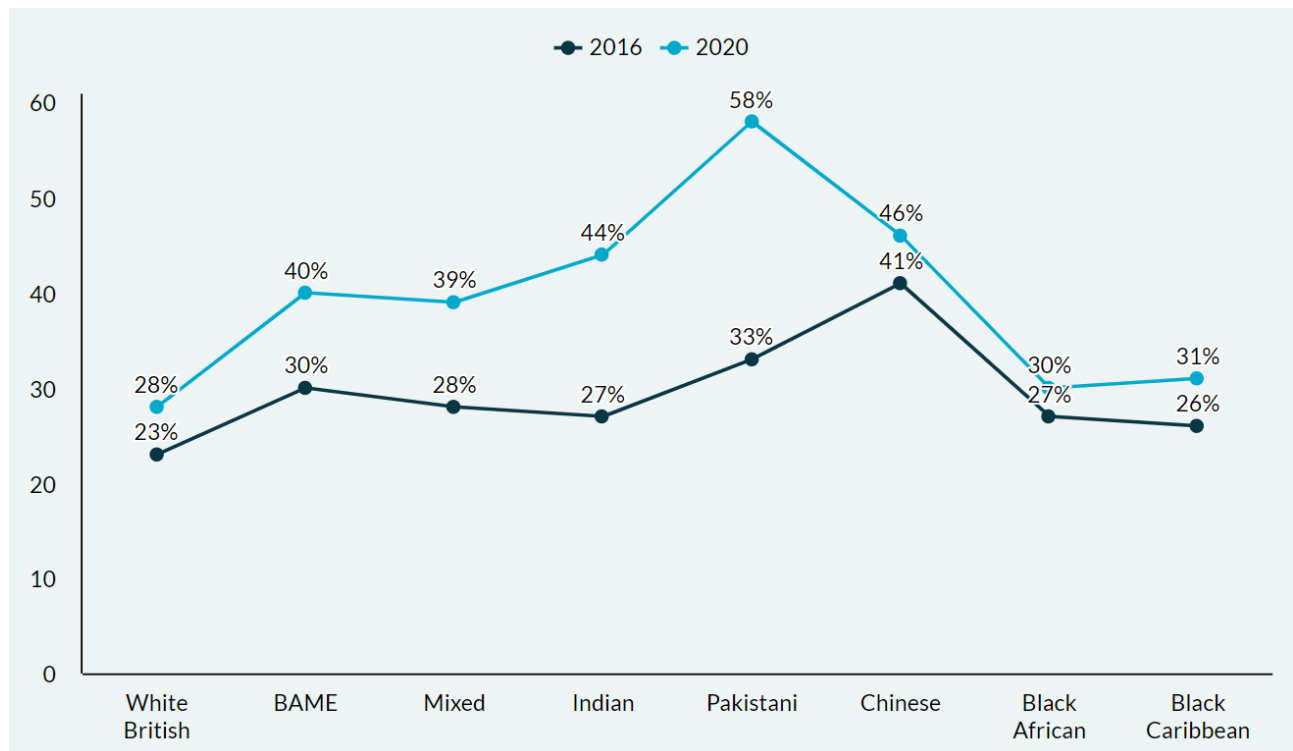


Figure 4. The breakdown of shopping around behaviour of BAME and White British consumers in 2016 and 2020.

Transparency

In December 2016, the Competition and Markets Authority (CMA) published a report that assessed the legal services market. The CMA concluded that consumers' ability to make informed decisions was hindered by insufficient information on price, quality and service. In December 2020, the CMA published a review of the legal services market study carried in 2016 and has found some positive developments but concluded that further progress is needed.⁵

It is important therefore to consider whether the lack of transparency is exacerbating the issues BAME consumers are facing within the legal services marketplace.

⁵ [The CMA. Review of the legal services market study in England and Wales. 17 December 2020.](#)

Price

BAME consumers are more likely to find the price of their legal services on a comparison website or on the provider's website than White British consumers. This is positive because it means they do not have to speak to providers before obtaining the price.

However, consumers from BAME backgrounds have reported a sharper decrease in the ease of understanding the information on price since 2018 (when we started collecting this data), see *Figure 5A*. BAME consumers also experience slightly higher levels of difficulty in comparing prices both in 2018 and 2020, see *Figure 5B*.

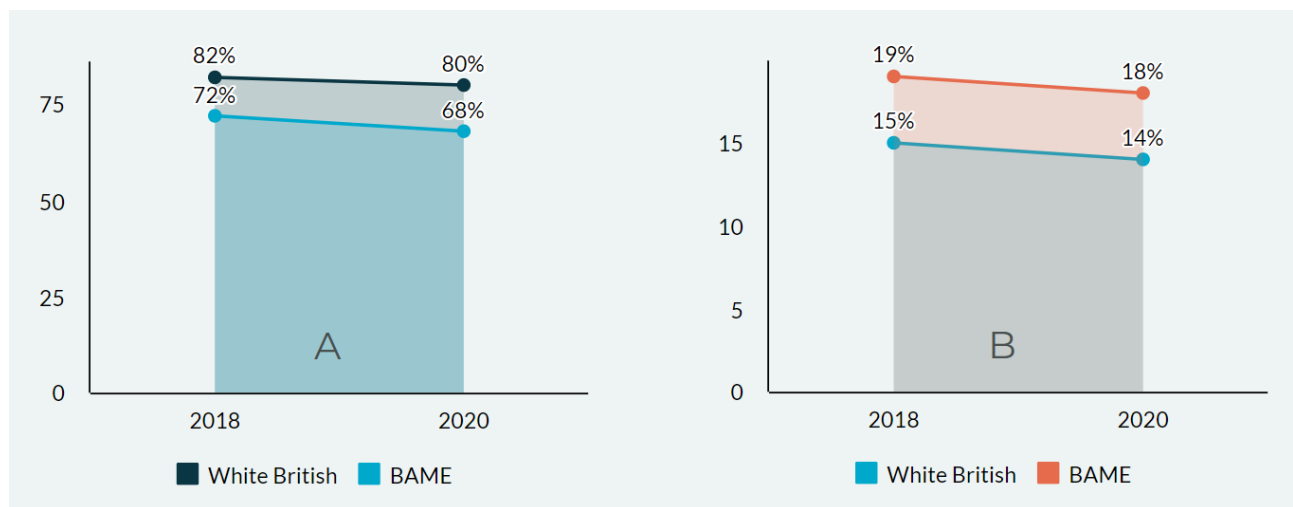


Figure 5A. Easiness to understand the information on price for White British and BAME groups in 2018 and 2020.

Figure 5B. Difficulty to compare prices for White British and BAME groups when shopping around in 2018 and 2020.

Quality

When shopping around for a provider, BAME consumers find it difficult to access information about the quality of services. In 2020, 22% of BAME consumers say it is difficult to find information about the quality of services, an increase from 20% in 2018 (when we started gathering this data). This contrasts with 16% of White British consumers who struggle to find information about the quality of services both in 2020 and 2018.

Service

The CMA has recommended that legal services providers should publish a description of their services on their websites, which might include: details of different staff who deliver services, a timeline showing when key stages of the work will be completed, and any factors that could affect these. The data indicates that there has been limited progress towards this goal, affecting both BAME and White British consumers.

When shopping around for a provider in 2020, 42% of BAME consumers could not recall seeing information on services in contrast to 47% of White British consumers.

Choice factors

Specialism plays a greater role for BAME consumers since they tend to purchase less transactional services compared to White British consumers, see *Figure 6* and 7.

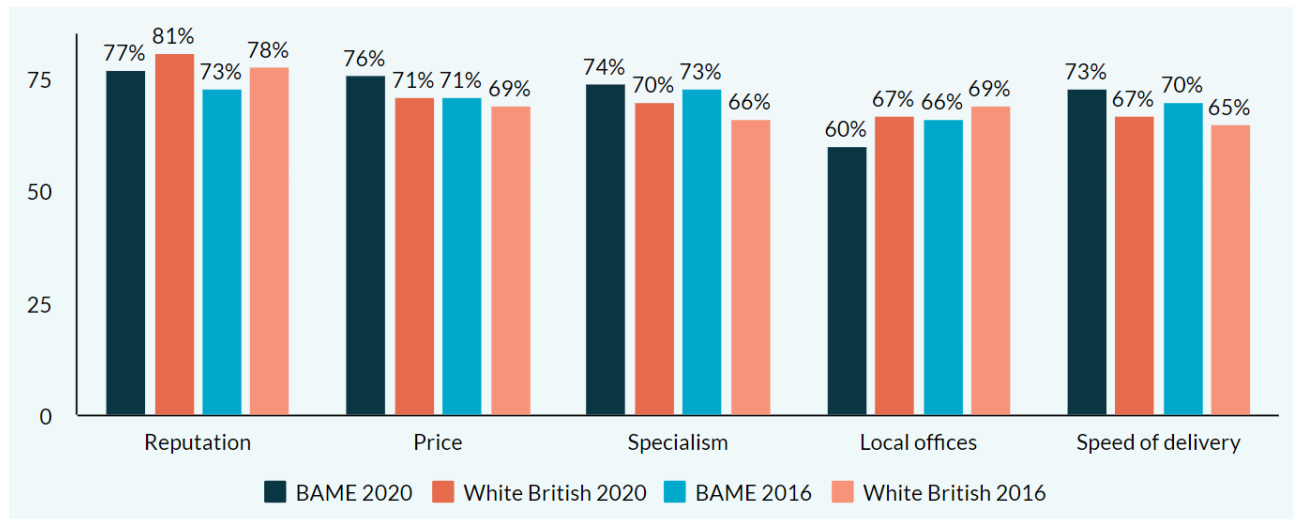


Figure 6. The main factors in deciding on a legal services provider in 2016 and 2020.



For example, BAME consumers are roughly ten times more likely to have dealt with immigration matters than White British consumers (see *Figure 1* and 2), an area where specialism is required.

Figure 7. The importance of specialism as a factor in deciding on a legal services provider in 2020.

The use of online services

When it comes to service delivery, BAME consumers are more likely

to have them delivered over the Internet (43% in 2020 and 28% in 2016), and less likely face-to-face (32% and 42% respectively). The opposite is observed for White British consumers, 32% in 2020 and 28% in 2016 have their services delivered over the Internet and 47% delivered face to face both these years.

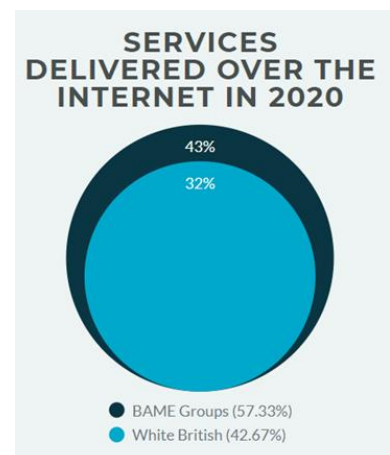


Figure 8. The proportion of BAME and White British consumers having their legal services delivered over the Internet in 2020.

As for the barriers in using Artificial Intelligence (AI) to access legal services, BAME consumers show a higher distrust in AI technology (47%) than White British consumers (40%). However, concerns over data security are similar for both consumer groups at 43% and 44% respectively.

Billing methods and funding

We have encouraged and called for greater use of fixed fees because they enable consumers to compare providers more easily, offer certainty and allow consumers to budget better. Over the past nine years, the data shows an increase in the use of fixed fees. Their use reached an all-time high in 2020 for BAME (48%) and White British consumers (54%), see *Figure 9*.

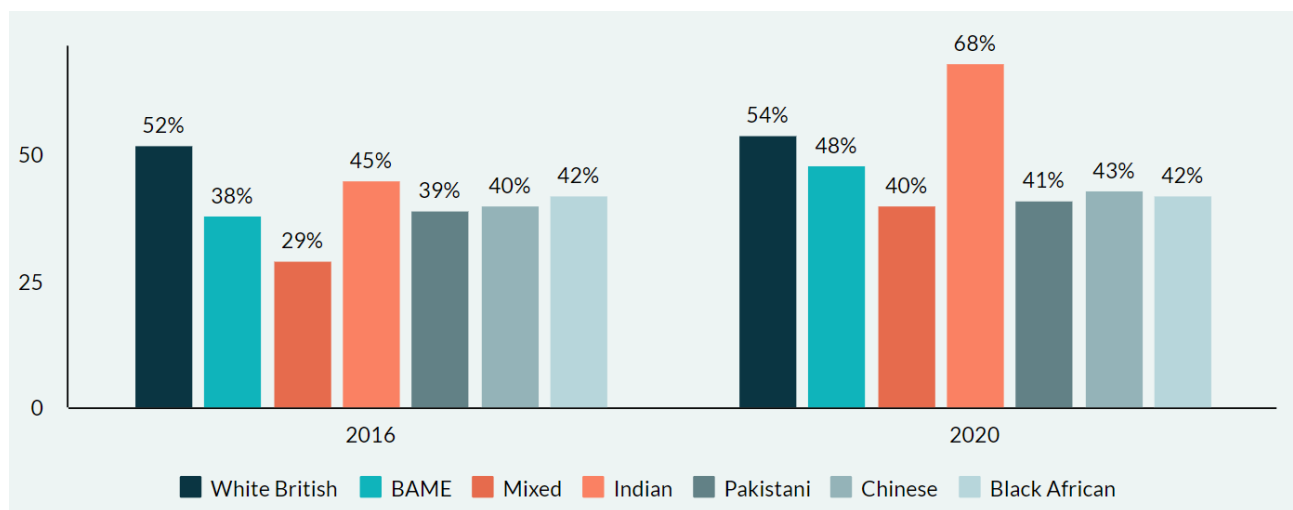


Figure 9. Differences in the use of fixed fees between BAME groups and White British consumers in 2016 and 2020.

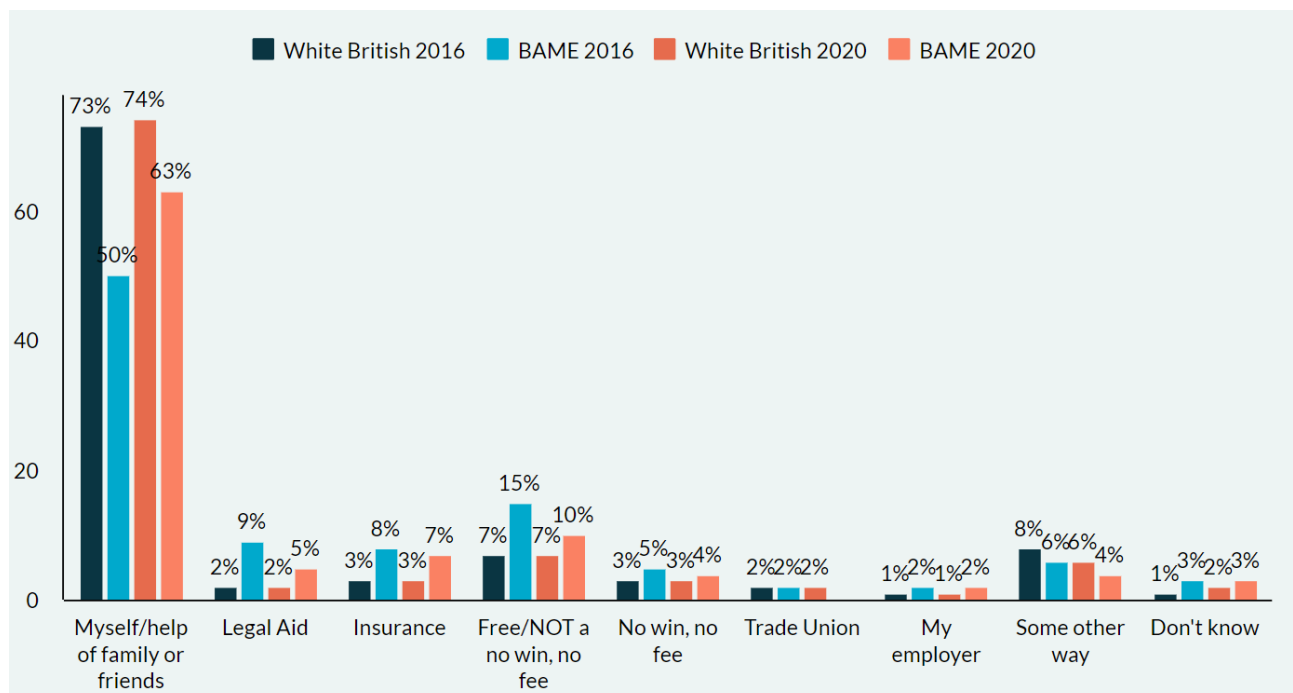


Figure 10. Differences in how the service was funded for BAME and White British consumers in 2016 and 2020

The less frequent use of fixed fees by BAME consumers may be explained by the different types of service used. BAME consumers tend to use less transactional services that are typically not billed using fixed fees. As for the use of legal aid by BAME consumers, it decreased from 9% in 2016 to 5% in 2020, while it remained at 2% for White British consumers, see *Figure 10*.

BAME groups are less prepared for the future

A significantly lower proportion of BAME groups have prepared a will compared to White British in both 2016 and 2018, see *Figure 11*. It is important to note that the data referenced in this section and the following one is about nationally representative of England and Wales, and not of consumers.⁶

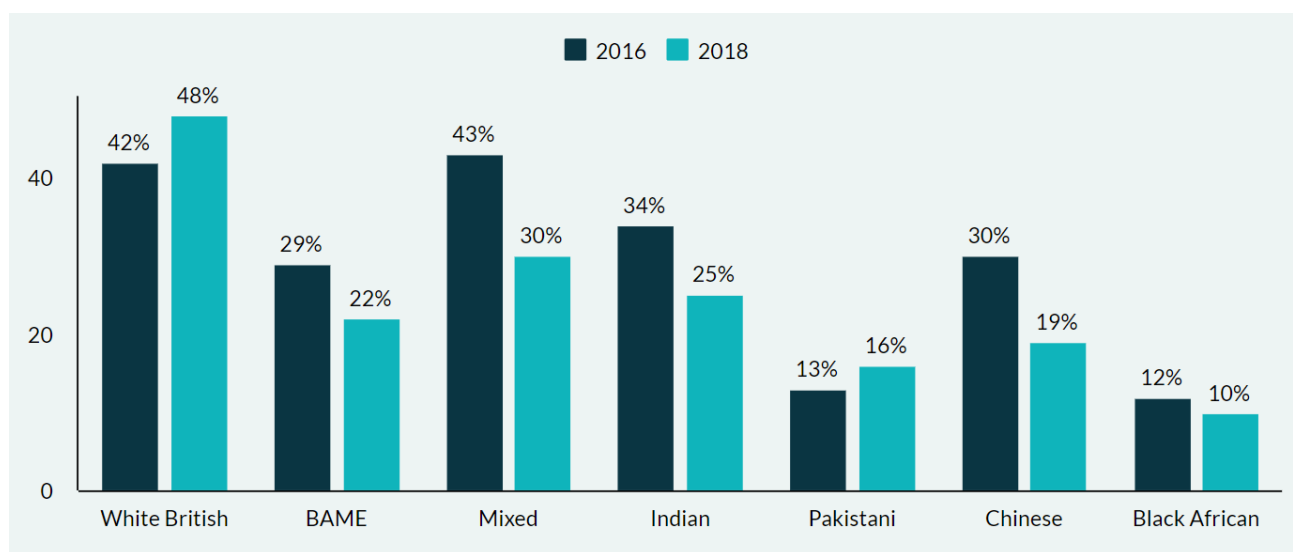


Figure 11. The proportion of BAME groups and White British who made a will in 2016 and 2018

Fewer BAME groups have made a will than White British, but their proportion also decreased while those of White British increased. Those with Pakistani (16%) and Black African (10%) backgrounds were least likely to have made a will in 2018, see *Figure 11*.

Considering the importance of having a will, particularly as modern life incorporates more complicated family structures and the higher death rates among BAME communities due to the Covid-19 pandemic,⁷ it is concerning to see these two communities falling behind in this area.

⁶ The reason we compare the 2016 data with 2018 is that is the latest data we have. The Panel was not able to undertake further research into national representatives 2018 onwards due to limited funds.

⁷ [Covid-19 death rate in England higher among BAME people, The Guardian 2 June 2020](https://www.guardian.co.uk/health/2020/jun/02/covid-19-death-rate-in-england-higher-among-bame-people) (last accessed 11 January 2021). <https://www.gov.uk/government/publications/covid-19-understanding-the-impact-on-bame-communities>

Cultural variances may well be at play here, but regulators and representative bodies must not shy away from addressing such gaps.⁸

Trust, confidence, and making a complaint

We use three measures to test public confidence: trust in lawyers to tell the truth, whether people feel their consumer rights would be protected when using lawyers, and confidence in complaining to a lawyer. Unfortunately, the data we have for these three metrics are available only until 2018.⁹

Trust in lawyers

BAME groups are less trusting of lawyers. In 2018, 40% of BAME individuals trusted lawyers compared to 49% of White British. We asked users of legal services the same question again in 2020 (not the general population), and 51% of BAME and 68% of White British consumers trust lawyers to tell the truth, see *Figure 12*.

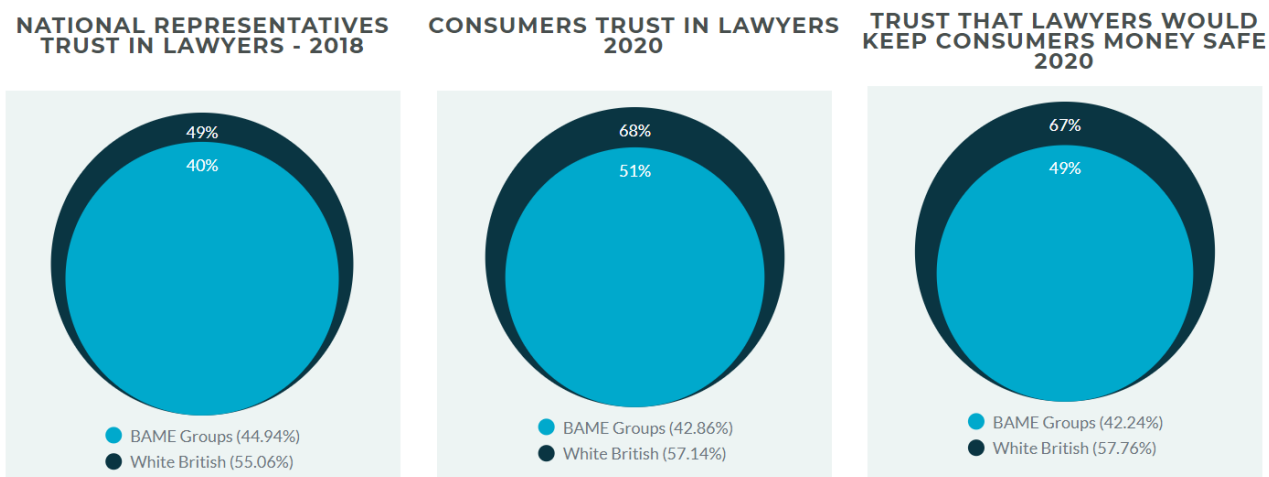


Figure 12. National representatives trust in lawyers in 2018, consumers trust in lawyers in 2020, and trust that lawyers would keep consumers money safe in 2020

Consumers tend to trust lawyers more once they have used their services. However, the gap in the levels of trust between BAME groups and White British is far wider for those who used lawyers than national representatives.

In 2020, we asked consumers if they were confident that the legal service provider they used would keep their money safe, and a similar pattern emerged, see *Figure 12*. BAME consumers

⁸ <http://www probate-solicitors.co.uk/resources/Nat%20Consumer%20Council%20Report%20on%20Wills%20Sep%202007.pdf>

⁹ The Panel was not able to undertake further research into national representatives 2018 onwards due to limited funds.

(49%) are less likely to say that they are confident that the lawyer they used would keep their money safe compared to White British consumers (67%). Regulators should address these low levels of trust among BAME groups in general, but also the low confidence in consumers' perception of how lawyers will handle consumers' money.

Case Study II

Research has previously suggested that the experience of racism or disadvantage in one sector of society will have an impact on perceptions about the administration of justice as a whole. Thus, it is possible that this can have an influence on consumers' perception of trust. More [here](#).

Confidence that consumer rights are protected

BAME groups persist in having lower confidence that their consumer rights would be protected when using a lawyer, see *Figure 13*. However, BAME groups and White British are more confident that their consumer rights would be protected when dealing with supermarkets and bankers than with lawyers.

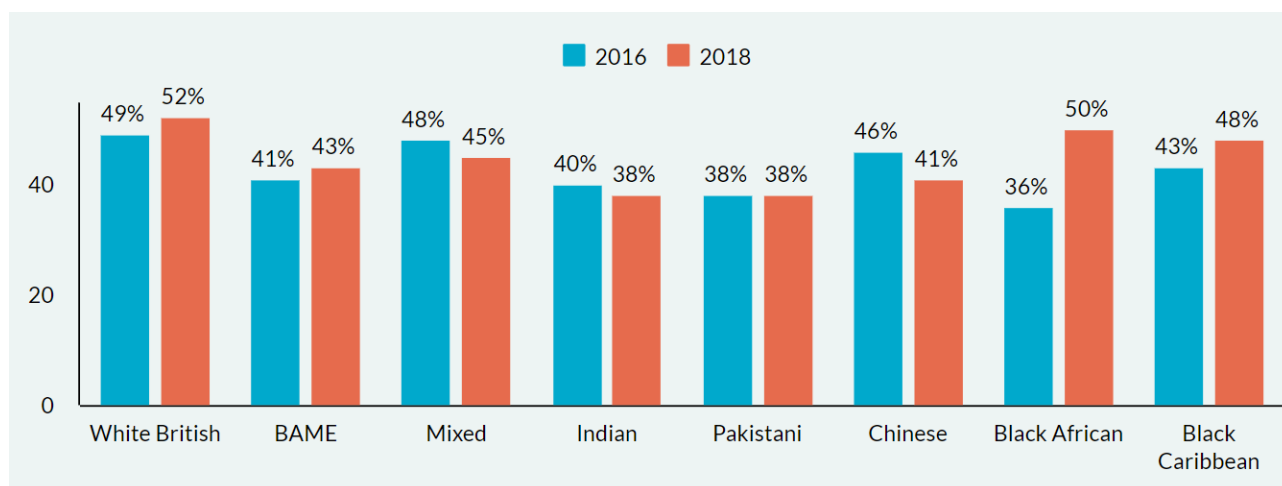


Figure 13. Confidence that consumer rights will be protected when using a lawyer in 2016 and 2018

Confidence in complaining

BAME groups are less confident in making a complaint about the service provided by a lawyer, and their confidence decreased from 40% to 38% between 2016 and 2018. Ethnically mixed, Indian and Black Caribbean groups reported considerably lower confidence in this regard, see *Figure 14*. However, White British confidence in making a complaint about the service increased from 44% to 48% during the same period.

When it comes to actually complaining, those who have used legal services have a slightly different approach than the national representatives. Despite having less knowledge and

confidence in making a complaint, more BAME consumers have made a formal complaint compared to White British consumers, see *Figure 15*.¹⁰

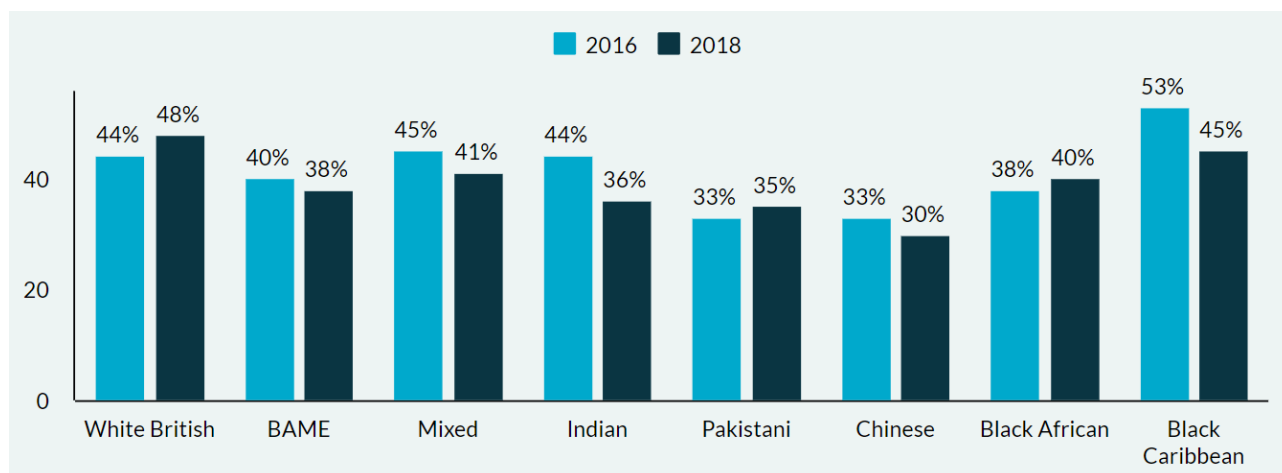


Figure 14. Confidence in making a complaint about the service provided by lawyers for BAME groups and White British in 2016 and 2018.

In 2020, fewer BAME consumers (49%) know how to make a complaint when dissatisfied with the legal services they used compared to White British (55%). Of those who did take action, only 30% of BAME consumers raised their concerns with the provider but did not make a formal complaint. However, 27% of BAME consumers made a formal complaint to the provider. The percentage of BAME consumers who did not do anything about it when dissatisfied ('silent sufferers') decreased from 40% in 2016 to 29%, while it increased from 31% to 39% respectively for White British consumers.

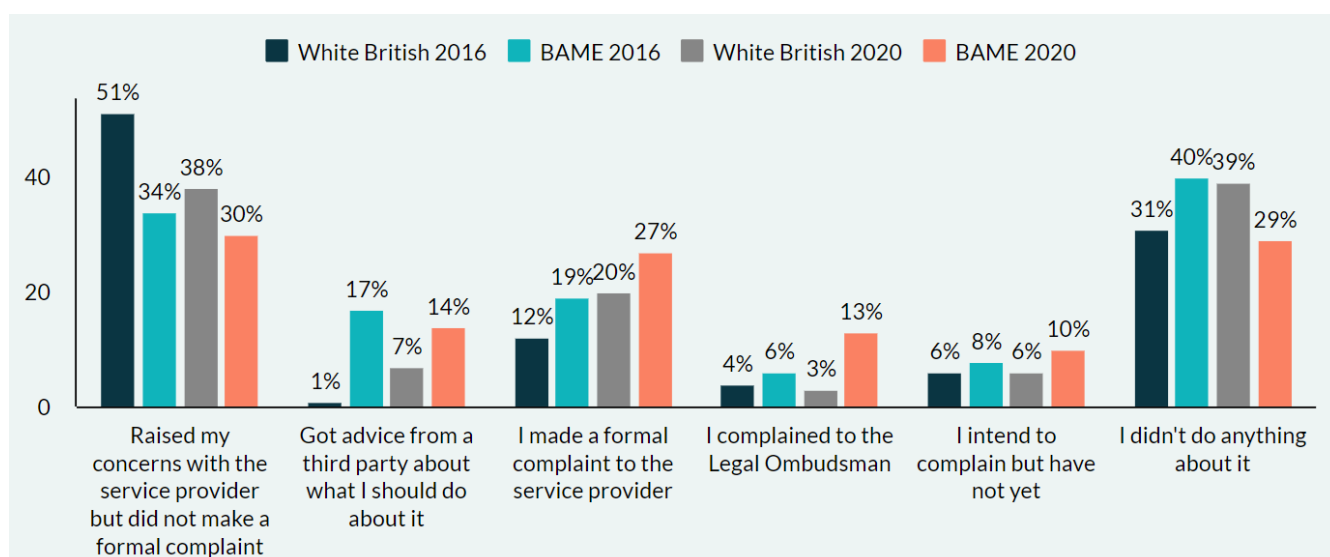


Figure 15. White British and BAME consumers' actions when dissatisfied with the legal service received in 2016 and 2020

¹⁰ The base sizes for this data are very small and therefore the results are indicative.

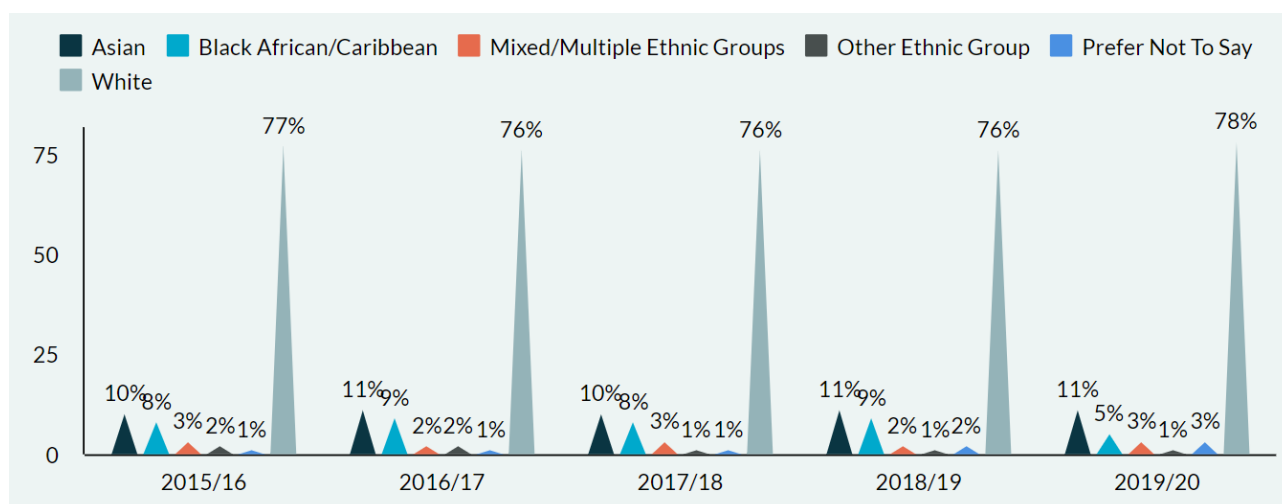


Figure 16. Complaints made to LeO broken down by ethnicity between 2015/16 and 2019/20

However, data from the Legal Ombudsman (LeO) shows that White British consumers complain more to the ombudsman than other ethnic groups. Over the past four years, roughly 78% of those who made a complaint to LeO were White British, the remaining were consumers from the BAME communities, see *Figure16*.¹¹

Satisfaction for BAME consumers remains low

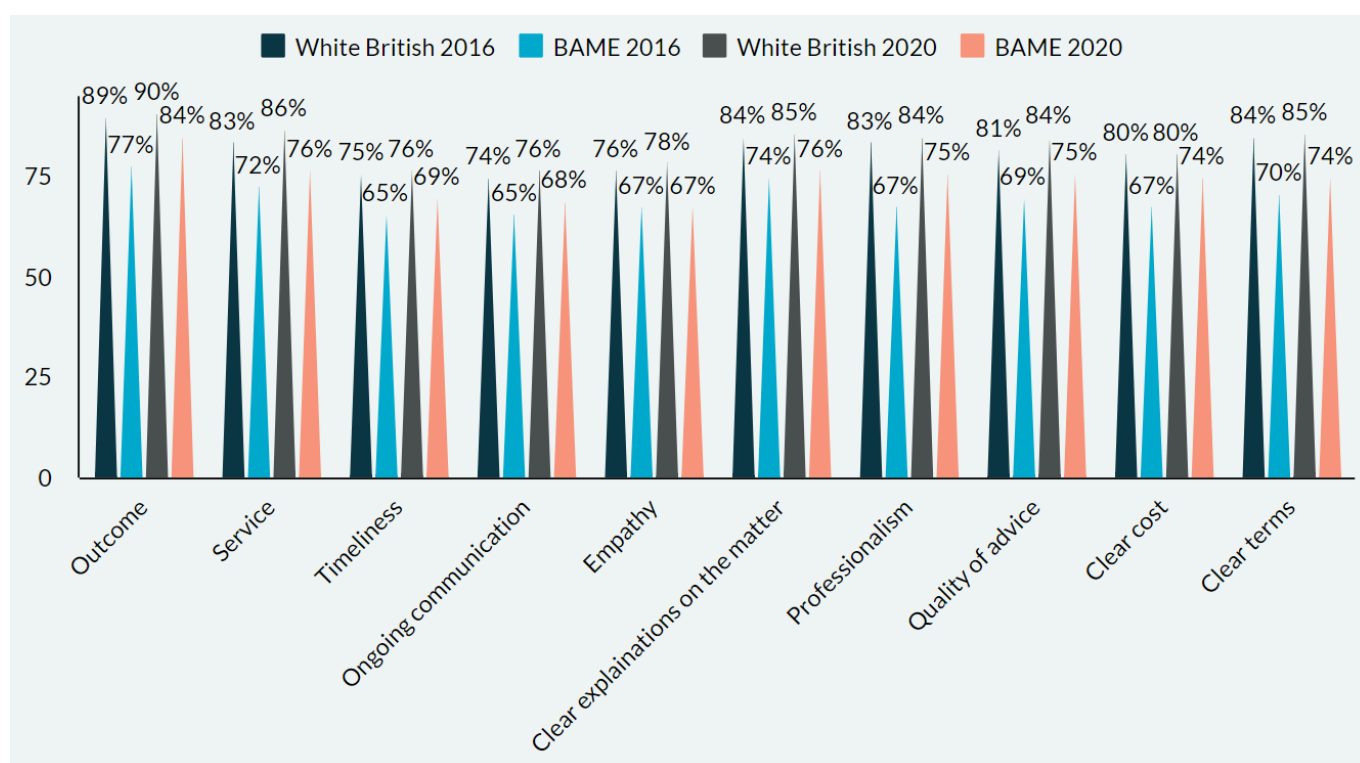


Figure 17. Timeseries for various elements of satisfaction for White British and BAME consumers in 2016 and 2020

¹¹ Please note that the figures provided by LeO are based on those who agreed to provide the information only.

Satisfaction with different aspects of service is another area where there has been a persistent gap between BAME and White British consumers. Most notably around professionalism, clarity of terms and cost. However, overall satisfaction with service and outcome remains high, see *Figure 17*.

We have also seen a persistent gap in satisfaction with the outcome between BAME and White British consumers. This is likely to be influenced to some degree by the areas of law each group experiences; BAME consumers are more likely to have problems in contested areas where there is a clear 'winner' or 'loser' compared to more transactional areas.

Recommendations for regulators and representative bodies

Recommendations

- Consumer research should be undertaken to understand what drives the differences in choosing between ethnic groups – why are certain ethnic minorities less satisfied with choice than others?
- The need for regulators to identify accurate proxies of quality for consumers is evident: specialism is one of the most important choice factors among BAME consumers, especially they are actively shopping around more.
- Regulators need to continue working towards more meaningful price and quality transparency given the limited availability of fixed fees in the areas of law BAME consumers are more likely to use.
- Representative bodies should consider ways to raise awareness in ethnic communities about the importance of preparing a will, particularly in the Black African and Pakistani communities.
- Regulators need to address the low levels of trust in lawyers across the population, but a part of this needs to focus on why BAME communities are less trusting, and what can be done to address this.

Note on methodology:

For the last nine years the Panel has commissioned YouGov to conduct an annual survey on a sample of people who have used legal services in the last two years. In 2020, we spoke to 3623 legal service users.

All the differences in the results amongst sub-groups, and over time, represent statistically significant differences. The results have been tested to 95% confidence level – this means we are 95% confident that these findings are not due to chance. Fieldwork took place between 17 February and 18 March 2020.

The survey was carried out online. The figures have been weighted and are representative of legal service users by type of service used.

All the data from our Tracker Survey used in this report is available on our website at: <https://www.legalservicesconsumerpanel.org.uk/what-we-do/research-and-reports>

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