

Legal Services Board Strategy Development: Technical annex to public panel research July 2020



community
research

Bringing the voices of communities into the heart of organisations



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1. Online discussion board script

Participants took part in the research via an online platform (FlexMR), completing a mix of online discussions and survey-style tasks over the course of a week. The structure of the online discussion board is shown below. The stimulus material (videos and written information) are provided in [Section 2](#).

Day 1: Introduction and context

Purpose: to warm participants up to the subject matter; to start to build up their knowledge of the background so they can have an informed view on later discussions.

Task 1.1: Video intro

[Via video intro from Community Research]

- In this project, we are thinking about lawyers and legal services, and how we can make sure these work well for everyone in our society.
- There are around 40 of you on this bulletin board, and over the next five days we will be finding out about your views on this topic.
- We will also be providing you with new information to think about, some quick polls and some longer discussion questions. You will hear from others about their views.
- Throughout this process, please bear in mind the following points:
 - **Nobody is expected to be an expert!** You may feel you know very little, but this topic will be new to most people on the bulletin board! We will provide information to help you make up your mind in the discussions we're having. There are no stupid questions and no single right answer.
 - Because a lot of this will be new to you, **it's absolutely fine to change your mind** about what we're talking about. We expect people to change their views as they find out more about certain topics, and we'll be exploring why you do change your mind (if you do!).
 - We will touch on life issues that might be legal in nature. We do not need to go into great detail about this, and **please only share what you feel comfortable to share**. In particular, take care not to share details that could identify you or others.
 - **We cannot advise you on any legal issues**, but we can provide details of organisations that can point you in the right direction. We can also let you know about **helplines and organisations** that can support you if our discussions raise any upsetting issues for you (though we will not necessarily be discussing particularly sensitive topics).
 - We encourage you to **interact with other participants** in the bulletin board – do read their views and feel free to comment on them.



Please make sure you **respect other people's views and express yourself respectfully**.

The first thing you need to do is answer a few questions on **consent**. We want you to know how we collect, use and store the data you share with us, and to ask for your consent to do this.

Task 1.2: Consent survey

Task 1.3: Discussion board

[Participants can only see other participants' responses when they themselves have answered questions]

Q1.3.1 To start with, please introduce yourselves using your screenname, and tell us what 3 words come to mind when you think about lawyers and legal services?

Q1.3.2 What experiences, if any, have you had of legal issues or disputes? Did you involve any legal professionals in this? Why/ why not?

STIMULUS: handout on list of legal issues [based on Individual Legal Needs Survey]

Q1.3.3 This is what we mean by legal issues. Are there any surprises here? Or anything missing?

STIMULUS: Video on lawyers and legal professionals, and legal services providers

Q1.3.4 Are there any surprises here?



Day 2: Regulation of legal services

Purpose: to inform participants about the Legal Services Board and regulation.

Task 2.1: Discussion board

[Participants can see other participants' responses before they have answered questions]

STIMULUS: Video animation on the LSB, role of regulation in general, and the LSB's remit (including what it does not do).

Q2.1.1 What sticks in your mind about the LSB and its role? What surprises you?

Q2.1.2 Now you know a bit more about what the LSB does, what would you like to see it focusing on – what issues should it be addressing?

Task 2.2: Survey exercise: Trade-offs

Like all organisations, the LSB must make difficult trade-offs or compromises in deciding what areas to focus their time and resources. There is often no obvious answer to these trade-offs. This means that they have to make choices that may benefit one set of people over another.

Q2.2.1 Consider the following compromises. Each pair of statements shows a different position that a regulator could take. Use the slider to show how you think the LSB should focus its energies. For each – should it be closer to one, or closer to the other?

RANDOMISE LIST

Focus more on legal services that most of the population use	↔	Focus more on legal services that a small number of vulnerable consumers use
Focus more on services that lots of people use but which generally work well	↔	Focus more on services that small numbers of people use but which generally work less well
Less protection for consumers, but legal services tend to cost less / have lower prices	↔	More protection for consumers, but legal services tend to cost more / have higher prices
Let consumers manage their own risks and keep the amount of regulation to a minimum	↔	Protect people from mistakes by having a large amount of regulation
Allow quick adoption of technical innovation to improve legal services	↔	Ensure cautious adoption of technological innovation to protect consumers from unforeseen risks



Spread work evenly across all organisations/ activities they regulate	↔	Focus only on the highest risk organisations/ activities
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2.2.2 How difficult was it for you to make these choices?

2.2.3 Do you have any comments about these compromises?

Day 3: Introducing hot topics relating to consumer power and confidence

Purpose: To gauge participants' spontaneous prioritisation of these hot topics; to present them with further information on each of the hot topics.

Task 3.1: Survey exercise: prioritising hot topics

Q3.1.1 These are some of the issues that the LSB could focus on in the next 3 years. How do you think it should prioritise these topics? Please place them in order of priority from 1 to 5 by dragging and dropping them into position. 1 is the highest priority and 5 is the lowest priority.

We'll be talking about how you prioritised these factors in the next activity, so please keep a record of how what you choose as your top priority and what you choose as your lowest priority (for example, you could take a screenshot or make a note of these before you click 'next').

[ROTATE ORDER BETWEEN PARTICIPANTS]

Educating the public about their legal rights and responsibilities
Making it easier for consumers to compare law firms on quality and price
Improving access to justice for people on low and middle incomes
Improving experience of using legal services for the most vulnerable in society
Making it easier for consumers to complain about lawyers who offer a poor service

Q3.1.2 This list relates to things a regulator can do to increase consumers' power and confidence. Tomorrow we will look at what regulators can do to maintain high standards in professions.

Is there anything missing from this list on what the LSB could do to increase consumers' power and confidence in using legal services?



Task 3.2: Discussion Board

[Participants can see other participants' responses before they have answered questions]

Q3. 2.1 What was your top priority and why?

3.2.2. What was your bottom priority? Why?

3.2.3 How easy or difficult did you find the prioritisation?

You have just told us how you would prioritise some of the issues that the LSB is considering for the next 5 years. You might not have thought much about some of these issues before, so here is some more information about each of them, including why they might be important.

STIMULUS: Animated slideshow with voiceover of hot topic factsheets
(consumer power and confidence, see section 2.2)

STIMULUS: PDF version of hot topics slides (see section 2.2)

Q3.2.4 Thinking about what you have just seen, are there any surprises in here? Anything you hadn't previously considered?

Q3.2.5 How – if at all – does this information change your mind about how you prioritised the factors initially? Would you prioritise differently now? Why?



Day 4: Introducing hot topics relating to maintaining high standards in the legal profession

Purpose: To gauge participants' spontaneous prioritisation of these hot topics; to present them with further information on each of the hot topics.

Task 4.1: Survey exercise: prioritising hot topics

Yesterday we focused on issues that the LSB could focus on to help improve consumer power and confidence in legal services. Today we are looking at what the LSB can do to maintain high standards in the legal services. This should improve the quality of services for consumers and prevent issues that regulators have to deal with later.

Q4.1.1 These are some further issues that the LSB could focus on in the next 5 years. How do you think it should prioritise these topics? Please place them in order of priority from 1 to 5 by dragging and dropping them into position. 1 is the highest priority and 5 is the lowest priority.

We'll be talking about how you prioritised these factors in the next activity, so please keep a record of how what you choose as your top priority and what you choose as your lowest priority (for example, you could take a screenshot or make a note of these before you click 'next').

[ROTATE ORDER BETWEEN PARTICIPANTS]

Changing which legal activities should or should not be regulated
Making the legal profession more diverse so that it better reflects the general population
Changing the way that people become qualified to be lawyers
Making sure that lawyers remain competent (up to the job) throughout their careers
Putting the right protections in place around artificial intelligence and other technologies

Q4.1.2. Is there anything missing from this list on what the LSB could do to maintain high standards in legal services?

Task 4.2: Discussion Board

Q4.2.1 What was your top priority and why?

[Participants can see other participants' responses before they have answered questions]

4.2.2 What was your bottom priority? Why?



4.2.3 How easy or difficult did you find the prioritisation?

You have just told us how you would prioritise some of the issues that the LSB is considering for the next 5 years. You might not have thought much about some of these issues before, so here is some more information about each of them, including why they might be important.

STIMULUS: Animated slideshow with voiceover of hot topic factsheets (maintaining high standards in legal services)

STIMULUS: PDF version of hot topics slides (see section 2.2)

Q4.2.4 Thinking about each of the factsheets, are there any surprises in here? Anything you hadn't previously considered?

Q4.2.5 How – if at all – does this information change your mind about how you prioritised the factors initially?



Day 5: Final prioritisation and allocation exercises & Close

Purpose: To gauge participants' informed prioritisation of the two blocks of hot topics; to understand how they would allocate resources between all 10 topics; to consolidate their feedback to the LSB.

Task 5.1: Survey exercise: prioritising hot topics

[Participants can only see other participants' responses when they themselves have answered questions]

You have now looked at the themes the LSB might work on in greater depth. Now we want to give you a chance to prioritise each of the blocks of hot topics we looked at again. This time, we really want you to think about what is needed for society as a whole, as well as what might benefit you and people you know.

Q5.1.1 How do you think the LSB should prioritise these topics about helping improve consumer power and confidence in legal services? Please place them in order of priority from 1 to 5 by dragging and dropping them into position. 1 is the highest priority and 5 is the lowest priority.

We'll be talking about how you prioritised these factors in the next activity, so please keep a record of how you prioritise them (for example, you could take a screenshot or make a note of them before you click 'next').

[ROTATE ORDER BETWEEN PARTICIPANTS]

Educating the public about their legal rights and responsibilities
Making it easier for consumers to compare law firms on quality and price
Improving access to justice for people on low and middle incomes
Improving experience of using legal services for the most vulnerable in society
Making it easier for consumers to complain about lawyers who offer a poor service

Q5.1.2 Have you made any changes compared to your original prioritisation?

Q5.1.3 We're now moving on to how you think the LSB should prioritise maintaining high standards in the legal profession. Please place these topics in order of priority from 1 to 5 by dragging and dropping them into position. 1 is the highest priority and 5 is the lowest priority. Remember to think about what is needed for society as a whole, as well as what might benefit you and people you know.

We'll be talking about how you prioritised these factors in the next activity, so please keep a record of how you prioritise them (for example, you could take a screenshot or make a note of them before you click 'next').



[ROTATE ORDER BETWEEN PARTICIPANTS]

Changing which legal activities should or should not be regulated
Making the legal profession more diverse so that it better reflects the general population
Changing the way that people become qualified to be lawyers
Making sure that lawyers remain competent throughout their careers
Putting the right protections in place around artificial intelligence and other technologies

Q5.1.4 Have you made any changes compared to your original prioritisation?

Q5.1.5 Now we're going to join the two lists of topics together. We want you to think about how the LSB should split its time, resources and focus between these topics over the next 5 years. Imagine you have 100 units (for example, you can imagine these as counters, stickers or even Monopoly money!). The units represent the LSB's resources. As you will have learned there are lots of important things the LSB could work on, but they can't do everything and have to decide which areas of work they should put the most focus on. How would you divide these 100 units between the topics?

There are different ways you could do it, for example:

- You might decide that all 10 topics are equally important, so you would give 10 units to each topic;
- You might decide that only one topic is important, and give 100 units to that topic and 0 units to all the others;
- You could give some more (e.g. 25 units), some less (e.g. 5 units), and some nothing.

Remember they have to add up to 100, but the tool will tell you if you are over or under your allocation.

Again, please keep a record of how you prioritise them (for example, you could take a screenshot or make a note of them before you click 'next').

RANDOMISE ORDER

Topic	Allocation
Educating the public about their legal rights and responsibilities	
Making it easier for consumers to compare law firms on quality and price	
Improving access to justice for people on low and middle incomes	
Improving experience of using legal services for the most vulnerable in society	



Making it easier for consumers to complain about lawyers who offer a poor service	
Changing which legal activities should or should not be regulated	
Making the legal profession more diverse so that it better reflects the general population	
Changing the way that people become qualified to be lawyers	
Making sure that lawyers remain competent throughout their careers	
Putting the right protections in place around artificial intelligence and other technologies	

Task 5.2: Discussion Board

[Participants can see other participants' responses before they have answered questions]

Q5.2.1 Why did you prioritise the issues and allocate as you did?

Q5.2.3 Thinking about everything we have talked and learnt about over the past week, what one message would you give to the LSB about what they should be focusing on over the next 5 years and why? This could be something on the list of issues we've discussed, or something that is not on that list.

Task 5.3 Video selfies

[Participants cannot see other participants' responses]

We would like participants to record a video message for the LSB. Please note, this may be used in materials that the LSB shares with its Board, its staff and on its website and wider social media materials.

If you do not wish to record a video, please let the team at Community Research know by [sending a message to the moderator].

There are two questions we have for you to answer in your video message:

Q5.3.1 What sticks in your mind most from this research into the regulation of legal services?

Q5.3.2 What one message would you give to the LSB about what they should be focusing on over the next 5 years and why?

Finally – a huge thanks for taking part. Your input will be used to help the LSB decide what its strategy should be over the next 5 years. Once the strategy document is drafted, we would like to contact you to get your views on it.

Task 5.4: Consent to recontact, incentive survey, and CLOSE



2. Stimulus materials

2.1 Videos

Participants saw four videos over the course of the online discussion board. These were created by Community Research to provide participants with more in-depth information in the following areas:

- Lawyers, legal professionals and legal services providers (Day 1);
- The Legal Services Board and regulation of legal services (Day 1);
- The five 'hot topics' relating to consumer power and confidence (Day 3);
- The five 'hot topics' relating to maintaining high standards in the legal profession (Day 4).

These summarised the information in the slides below.

2.2 Handouts

Participants were also provided with handouts to help them in their deliberation of the topics. The handouts used are below.

Legal issues handout

Types of legal issues

<p>Rights of individuals</p> <ul style="list-style-type: none"> • Being treated badly by the police • UK immigration issue / dispute • Been arrested 	<p>Consumer problems</p> <ul style="list-style-type: none"> • Issue with a defective good / service or professional 	<p>Conveyancing /residential</p> <ul style="list-style-type: none"> • Bought or sold, or tried to buy or sell a house or flat • Remortgage to a property / transferred equity in a property 	<p>Family</p> <ul style="list-style-type: none"> • Domestic violence • Issue as part of a relationship break up • Being involved in a divorce • Issue to do with child protection • Issue to do with your or your child's education • Adopted, tried to adopt or foster child or applied to become an approved foster carer
<p>Injury</p> <ul style="list-style-type: none"> • Being involved in a road traffic accident • Experienced an injury /illness caused by an accident at work or working conditions • Experienced an injury / illness as a result of an accident caused by someone else • Experienced an injury / illness caused by a health professional 	<p>Property, construction and planning</p> <ul style="list-style-type: none"> • Issue with anti-social behaviour by neighbours • Issue with a rented property • Being homeless / threatened with being homeless • Dealt with the planning application • Issue with an owned property • Faced eviction or the threat of eviction from a rented property 	<p>Employment, finance welfare and benefits</p> <ul style="list-style-type: none"> • Issue with debt • Issue with welfare / tax benefits, state pension or student loans • Issue with personal finance • Issue with incorrect / unfair parking fines • Issue to do with employment 	<p>Will, trusts and probate</p> <p>Made / changed or tried to make / change a will</p> <ul style="list-style-type: none"> • Dealt with the estate of someone who has died • Made or tried to make, register or end a lasting power of attorney



Trade-offs in regulation handout

Key Trade Offs for Regulators

Focus more on legal services that most of the population use	↔	Focus more on legal services that a small number of vulnerable consumers use
Focus more on services that lots of people use but which generally work well	↔	Focus more on services that small numbers of people use but which generally work less well
Less protection for consumers, but legal services tend to cost less / have lower prices	↔	More protection for consumers, but legal services tend to cost more / have higher prices
Let consumers manage their own risks and keep the amount of regulation to a minimum	↔	Protect people from mistakes by having a large amount of regulation
Allow quick adoption of technological innovation to improve legal services	↔	Ensure cautious adoption of technological innovation to protect consumers from unforeseen risks
Spread work evenly across all organisations/ activities they regulate	↔	Focus only on the highest risk organisations/ activities

'Hot Topics' relating to consumer power and confidence handouts

Topic factsheet

Educating the public about their legal rights and responsibilities

What's this about?
 If you've got a legal problem, sometimes the hardest part is knowing what to do first and what to look out for. People may not realise they have legal rights or understand how the law can help to resolve their issues. Examples include consumer rights, getting made redundant or even being arrested.

Why is it important?
 Knowledge of legal rights and responsibilities can help prevent some problems from happening in the first place as well as help people make better choices when problems do occur. Surveys show that people who have more knowledge of their rights and responsibilities are more likely to get a better outcome on their case.

What happens if we don't focus on this?
 People will still not understand their rights and responsibilities and lack confidence when using legal services. Many more legal problems could be prevented or more easily fixed if this situation improved. We know that legal problems can cause ill health, damage relationships and cause financial loss.



Making it easier for consumers to compare law firms on quality and price

Topic factsheet

What's this about?

There are lots of law firms to choose between, but it can be difficult to choose one that best suits your needs. Sometimes information about the price and quality of services offered by different law firms can be hard to find. On other occasions this information is presented in different ways making it difficult for people to compare offers. Unlike other parts of the economy, not many law firms are on price comparison or Trip Advisor style websites.

Why is it important?

Some people struggle to get good value for money. Others may not be able to afford to buy legal services at all, or think they can't without checking what the price would be. Once more people shop around, law firms will compete harder on price and improve the services they offer. This should mean that more people can afford legal services and the quality of services will improve.

What happens if we don't focus on this?

New rules on pricing information came into force in January 2019, but the evidence so far is that the situation isn't improving very much. For example, prices for some services are going up and there can be wide price gaps between the cheapest and most expensive firms, and between firms in different parts of the country. Without better quality indicators, consumers still won't be able to tell the difference between the best and worst firms.

Improving access to justice for people on low and middle incomes

Topic factsheet

What's this about?

Lots of people cannot afford legal services and either ignore problems or try to resolve them without lawyers. Numbers of people representing themselves in court instead of using lawyers are growing. Legal aid is available to fewer people and sources of free support, such as local advice centres, are struggling to survive.

Why is it important?

These problems particularly affect people on low and middle incomes, and other vulnerable groups such as disabled people. The LSB doesn't decide who gets legal aid or fund advice centres, but we can help to make the legal market work better so that services are more affordable and easier to access when people need them.

What happens if we don't focus on this?

It's a vital feature of a fair society that people can access legal services, as otherwise they can't exercise their rights or resolve disputes. Public confidence in the legal system breaks down when this isn't the case. Unresolved legal problems can have knock on consequences, for example the cost on the NHS due to people getting ill.



Improving experience of using legal services for the most vulnerable in society

Topic
factsheet

What's this about?

Everyone can be vulnerable when they lack knowledge about the law and use legal services at stressful times. However, some groups of people can be very vulnerable due to their personal situation. This might relate to something about them, such as their age, they struggle to read or write, or a disability. People can also be vulnerable due to their current life circumstances, such as their finances and mental health issues.

Why is it important?

It can be argued that regulators should focus their efforts on supporting people who are in most need of help. This might involve making sure that law firms treat vulnerable people fairly, carrying out research to understand the experiences of vulnerable people and assessing the impact of their policy proposals on vulnerable people.

What happens if we don't focus on this?

There's a risk that legal services become more unequal and fail to protect the most vulnerable in society.

Making it easier for consumers to complain about lawyers who offer a poor service

Topic
factsheet

What's this about?

Most people receive a good service from law firms but things do go wrong and people may wish to complain. Surveys show many people lack confidence complaining about lawyers and don't think they will get a fair hearing. Also, it isn't always clear to people how they should complain and complaints can take too long to be dealt with.

Why is it important?

When things go wrong it's important for people to be able to easily complain and get things put right. This might involve the law firm saying sorry, doing the work again or offering financial compensation. It's also important for law firms to learn from mistakes so the problems don't get repeated and they improve their services.

What happens if we don't focus on this?

It's unfair if people lose out because of poor service by a law firm and don't get compensated. If the complaints system isn't working well, people will feel less well protected as consumers. If law firms don't learn from their mistakes and system-wide issues are not picked up, then more people might suffer unnecessarily in future.



'Hot topics' relating to maintaining high standards in the legal profession handouts

Changing which legal activities should or should not be regulated

Topic factsheet

What's this about?

Many people think legal services can only be offered by lawyers or law firms which are regulated. In fact, there are lots of legal activities that businesses can provide without needing to be regulated. This includes writing wills, giving advice on a divorce or chasing an unpaid debt. Unregulated businesses can do a good job and be cheaper, but they don't offer the same consumer protections as regulated lawyers like solicitors.

Why is it important?

The list of activities that only regulated lawyers or law firms can provide hasn't been reviewed for a long time. Many people think the list does not reflect those activities where consumers are at greatest risk. The system is also confusing for people to understand. Developments in technology, such as websites where people complete legal forms without input by a lawyer, mean that more people are likely to use unregulated law firms in future.

What happens if we don't focus on this?

People won't be fully protected when using unregulated businesses, and may not realise this when deciding which law firm to use. This might mean the business isn't insured or people can't complain to an independent body. Equally, if legal activities are regulated when they don't need to be, this limits competition and prices might be more expensive than necessary. Striking the right balance between these things is difficult to get right.

Making the legal profession more diverse so that it better reflects the general population

Topic factsheet

What's this about?

This is about making sure that people who work in the law reflect the communities they serve more closely. Currently, some groups of the population, such as disabled people, are less likely to become lawyers than in other careers. Also, women and people from ethnic minorities are less likely to be found in senior roles or be judges.

Why is it important?

If lawyers reflect the communities they serve, they are more likely to understand the needs of these communities. People are also more likely to have confidence in the legal system if this happens. This is also about basic issues of fairness, enabling everyone who wants to become a lawyer to do so, and to progress to senior positions.

What happens if we don't focus on this?

People might lose confidence in the legal system and feel like the law doesn't work for them. As well as making the legal profession more diverse, there are some important related challenges that the sector needs to deal with. These include problems with bullying, sexual harassment, discrimination, equal pay and mental health.



Changing the way that people become qualified to be lawyers

Topic
factsheet

What's this about?

Making sure that the education and training system for lawyers equips them to give high quality legal advice from the start of their careers. Qualifying as a lawyer rightly requires a lot of training, but this can be very expensive. This deters some people from becoming lawyers and the costs are passed on to consumers in the prices they pay.

Why is it important?

Setting qualifications for lawyers at the right level is important to protect consumers. It's also important that education and training systems keep up-to-date with latest developments, for example how technology is being used to deliver legal services. It's also important to make sure that law remains an attractive career option.

What happens if we don't focus on this?

As the current education and training systems are reviewed, we need to make sure that newly qualified lawyers are competent to deal with people's legal needs. If it's too expensive to train as a lawyer, talented people will be denied the opportunity to become lawyers and the profession will not reflect the diverse communities it serves.

Putting the right protections in place around artificial intelligence and other technologies

Topic
factsheet

What's this about?

Technology is changing the way legal services are delivered. More people are dealing with lawyers online and it's possible coronavirus might make this the standard way of doing things in future. Technology has now reached a point where some legal services no longer need to involve a lawyer and the software does things automatically. Common examples include writing a will or using a chatbot to get advice on legal issues.

Why is it important?

Technology can make legal services more accessible and cheaper for consumers, but might also create new risks which regulators should respond to. These developments also involve some tricky moral issues, such as when it's appropriate for decisions to be made by a computer rather than a human being. It's also important to make sure that people who can't or don't want to use technology can still access the legal services they need.

What happens if we don't focus on this?

People might be harmed unless the right consumer protections are put in place. Also, if either people or lawyers don't have confidence in technology, they might decide not to use it and lose out on its potential benefits. Technology has all sorts of implications that need to be thought about carefully, for example how lawyers are trained, the rules that should be put in place and who is liable when mistakes are made.

