

Invitation to Tender
Legal Services Board
Tender for research on Access to Justice

Deadline for receipt of tenders: 15/11/23

Background

The Legal Services Consumer Panel was created by the Legal Services Act 2007.¹ The Panel is an independent arm of the Legal Services Board and is made up of eight non-legal professionals' members whose appointments were approved by the Lord Chancellor.

We provide high quality, evidenced-based advice to the Legal Services Board, in order to help them make decisions that are shaped around the needs of users. The Panel has a remit to represent the interests of the many different consumers of legal services.

Unmet Legal Need – Barriers and creative solutions to access to justice.

The Legal Services Consumer Panel has previously undertaken research that shows barriers to accessing legal services include affordability of legal services, lack of information necessary to help compare and choose legal services providers, use of legal jargon, not knowing that a matter is a legal matter, and increasingly, lack of providers servicing some areas of law – advice deserts.

Research² by the Legal Services Board has comprehensively quantified and described the scale of the problem in England and Wales (Legal Needs Survey)³.

We know that the severity of problems varies and can include problems with a landlord over rent, repairs or payments; problems with neighbours over noise or litter; becoming homeless; disputes over poor or incomplete professional services; problems with a utility bill or supply; insurance claims being denied; threats from debt

¹ <https://www.legislation.gov.uk/ukpga/2007/29/part/2/crossheading/consumer-panel>

² <https://legalservicesboard.org.uk/wp-content/uploads/2020/01/Legal-Needs-of-Individuals-Technical-Report-Final-January-2020.pdf>

³ The last wave of the survey, in 2019, found that of those surveyed, over 30% had an unmet legal need, which equates to an estimated 3.6 million individuals in England and Wales with an unmet legal need each year."

collectors; extortion from a gang or other criminal organisation; difficulty collecting money owed to you; and more. Unmet legal needs also touch on employment, education, health and family life. These issues and how they are addressed, or not, go to the heart of people's social, economic and physical/mental well-being. Increasingly, we observe that legal problems adversely impact lives with people reporting physical or stress-related ill health as a result of their legal problem.

We also know from various pieces of research, that many people do not turn to lawyers and the courts. Many people who experience a legal problem do not seek any form of advice to help them better understand or resolve their problem, and a significant minority prefer to turn to family members or friends.

Unmet legal needs now present what some consider to be a legal service provision failure caused by multiple factors. We accept that the current reality touches on social policy decisions (reduced government funding) that may conflict with regulators' own locus, however, there are options outside of funding that could be explored to improve access to justice. All the legal services regulators have a statutory duty to promote access to justice public interest and the rule of law, and to increase public understanding of legal rights and duties. As such the widening gap on access requires a regulatory response. A key challenge is how regulators identify existing, emerging and future legal needs, highlight the needs to policy makers and other actors in the wider system, and then plan to meet some of these needs using all their regulatory levers.

The regulatory objectives

The Legal Services Act 2007 (LSA) sets out "regulatory objectives" that the regulators, the Office for Legal Complaints and the Legal Services Board are under a duty to promote when exercising their functions⁴. These objectives include:

- protecting and promoting the public interest.
- supporting the constitutional principle of the rule of law;
- **Improving access to justice**
- **Protecting and promoting the interest of consumers**
- promoting and maintaining adherence to the professional principles.
- **Promoting competition in the provision of services**
- Encouraging an independent, strong, diverse and effective legal profession
- Increasing public understanding of the citizen's legal rights and duties

Research objective

Regulators have always accepted that the tools and regulatory levers to achieve the regulatory objectives of access ranges from informing the public about their rights, through routine transactional legal services and personalised advice, through to action before tribunals and courts. It has also been acknowledged that the agents of

⁴ <https://www.legislation.gov.uk/ukpga/2007/29/section/1>

delivery are wide and, of course, legal professionals are at the heart of this along with many other actors in legal services and the wider justice sector.

The Panel wants to explore how regulators can use their s regulatory levers to address existing, emerging and future problems around unmet legal needs.

The crux of this research is identifying how regulators can be more creative with the powers, levers and influence they have, to find multiple solutions to the problem of unmet legal needs as it relates to access to justice.

***The Key contact for this ITT is Lola Bello,
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Specification of services required (this will form part of the Contract)

Scope of research

- Explore how regulators can address unmet legal needs through the prism of the regulatory objectives. For example, can the regulators oversight of education and training help to encourage practitioners into areas of the law where unmet legal need is particularly severe or lessen providers exiting some areas of law? Can education and training be adapted to pre-empt the rise of advice deserts?
- Cost and the perception of high costs is a barrier to access; can regulators do more around cost predictability or planning especially in contentious areas like family law? If so, what specifically can regulators do? Can innovation around creative and flexible pricing be encouraged? If so how?
- Can regulation incentivise more firms to develop new products and services that address unmet legal needs, benefit consumers and promote competition? How precisely can regulators incentivise, encourage innovation that addresses unmet legal needs?.
- Explore any other levers regulators may have to address advice deserts.
- Explore any regulatory barriers as well as creative levers to enhance and support front line advisory bodies in delivering early advice to promote access to justice and increase public understanding of the citizen's legal rights and duties.

Approach

We are open to ideas around the methodology which can include a mixture of the following:

- Desk research drawing on examples from other sectors and countries.
- Case studies from other countries, other services sectors and regulators beyond legal services.
- Identifying existing good practice from approved regulators in addressing unmet legal need.

The Panel is open to methodology and ideas for delivering this research. We are open to an academic working with a regulatory expert for example.

Outputs

A comprehensive report⁵ that outlines creative examples of how regulators can address unmet legal needs using their regulatory levers. This should be structured around:

- The most significant gaps between need and provision;
- The solution and relevant levers;
- Some indication of impact for consumers vs. cost of implementation;
- Any 'low hanging fruit' i.e. high impact/low cost/easy to implement ideas.

Contract term

- Award Contract .
- Start Contract

Budget

LSB is a public body and so receive funding for each financial year to 31 March.

The contract must be completed in financial year 2023/24 and there is a budget ceiling of £40,000 including VAT.

Proposals can include optional extras above the £40,000 plus VAT budget along a rationale for their inclusion. However, each proposal must be viable without any of optional extras offered.

Timeline

Illustrative

<i>ITT Issued</i>	<i>5 October</i>
<i>Deadline for supplier questions</i>	<i>3rd November</i>
<i>Deadline for tender submission</i>	<i>15 November</i>
<i>Submission reviewed and scored</i>	<i>17 November</i>
<i>Supplier Interviews/ decision made on appointment and communicated</i>	<i>21 November</i>

⁵ Around 40-50 pages maximum in a word format. Please allow for up to two rounds of comments on the report

<i>Contract finalised</i>	<i>30 November</i>
<i>Chosen supplier commences</i>	<i>4 December</i>
<i>deliverables review</i>	<i>25 February</i>
<i>conclusion of contract</i>	<i>20 March</i>

Tender evaluation

Tenders will be evaluated according to the following criteria:

Evaluation	Criteria	Weight
Quality	Method statement	30%
Integrity	Company accounts where applicable CV's and references	15%
Social Value	EDI form	10%
Price	Price	15%
Experience	Demonstrable knowledge of Access to Justice issues Demonstrable understanding of Regulatory framework and mechanism	30%

A qualitative assessment will be made by reviewing the method statements provided by the tenderer and applying the scoring guide below:

Score	Acceptability	Description
0	Unacceptable	Information is omitted/no details provided.

1	Poor	Evaluator is not confident that the tenderer understands the requirements and/or will be able to deliver them.
2	Fair	The Evaluator has some reservations that the applicant understands the requirements and/or will be able to deliver them.
3	Satisfactory	The Evaluator is reasonably confident that the applicant understands the requirements and/or will be able to deliver them.
4	Good	The Evaluator is confident that the applicant understands the contract requirements and/or will be able to deliver them.
5	Excellent	The Evaluator is completely confident that the applicant will provide a high quality service and deliver value additional to the requirements.

Submitting a Tender

A tender is required which should include method statements, but not be limited to:

- A description of how you would work with us, including the inputs required from us and when;
- A description of how you will meet the service specification requirements listed in paragraph 5 onwards above and the deliverables with timings;
A fully costed proposal with fixed and variable costs..
- Full details of individual/individuals to lead on the project including CV/s and references
- Full description of the allocation of resource which shows which project team members are working on which tasks for how many days.

All tender submissions should be submitted by 15/11/2023 to tenders@legalservicesboard.org.uk . Submissions submitted to other addresses or beyond this time will not be accepted.

Your tender is to remain open for acceptance for 90 calendar days from the date of submission.

No qualifications are to be made to your tender. Any tender queries are to be raised before tender submission.

LSB does not bind itself to accept the lowest or any tender and will not be liable for any costs incurred by the tenderer in preparation of their tender.

Supplier Questionnaire

To be completed and returned with tender

Name of organisation	
Address for correspondence	
Contact name and position	
Telephone number	
Email address	
Website address	
Address of registered office	
Company Number	

Names and job titles of key points of contact for delivery of the service	
Name of Bank and contact details for bank (financial references may be sought)	
Please attach most recent audited accounts with an explanation of any significant changes since the last year end	
Please provide contact details for reference organisations	