

Research Specification: Prices of legal services 2020 - Fieldwork

Purpose

1. We are seeking to understand the prices of legal services commonly purchased by individual consumers, how these have changed over time and approaches to price transparency by providers of legal services. We wish to achieve this by updating two previous waves of research involving surveys of providers carried out by the Legal Services Board (LSB) in 2016¹ and 2017².
2. The first wave of the research was an important source of evidence for the legal services market study carried out by the Competition and Markets Authority (CMA) in 2016. Since the CMA's study the regulatory bodies in the legal services market have introduced new requirements and guidance relating to transparency by providers on price, service, regulation and redress. This research is expected to inform a review by the CMA of the impact of some of these measures.
3. The research will also inform the overarching evaluation of the HMCTS courts and tribunals reform programme, which is being led by Ministry of Justice (MoJ). This is a £1 billion programme aiming to bring new technology and modern ways of working to the way justice is administered. The overarching evaluation of the reform programme will investigate to what extent reform affects access to justice, fairness, and the costs users face when engaging with the courts and tribunals service. The research described in this specification relates to understanding user costs.

About our organisations

4. This is a partnership project between the LSB, CMA and the MoJ. The LSB will manage the contract with the successful supplier.
5. The **LSB** is the oversight regulator of legal services in England and Wales. Its vision is legal services that everyone can access and trust. It seeks to achieve this through pursuing its statutory regulatory objectives³ and providing oversight for the nine regulatory bodies it oversees⁴. This research will inform its ongoing evaluation of the impacts of the regulatory reforms, recognising that changes in prices over time is a key indicator of the impacts of measures designed to promote competition and access to justice for consumers.
6. The **CMA** is the UK's primary competition and consumer authority. It is an independent non-ministerial government department with responsibility for carrying out investigations into mergers, markets and the regulated industries and enforcing competition and consumer law. The CMA will use this research to understand developments in the legal services market since its market study in 2016 and the impact of its recommendations arising from the study.

¹ <https://research.legalservicesboard.org.uk/wp-content/media/Prices-of-Individual-Consumer-Legal-Services.pdf>

² <https://www.legalservicesboard.org.uk/research/reports/prices-of-individual-consumer-legal-services-2017>

³ http://www.opsi.gov.uk/acts/acts2007/ukpga_20070029_en_2#pt1

⁴ Solicitors Regulation Authority, Bar Standards Board, CILEx Regulation, Council for Licensed Conveyancers, Intellectual Property Regulation Board, Costs Lawyer Standards Board, Master of the Faculties, Association of Certified and Chartered Accountants, Institute of Chartered Accountants of England and Wales.

7. The **MoJ** is a major government department aiming to bring the principles of justice to life for everyone in society. From our civil courts, tribunals and family law hearings, to criminal justice, prison and probation services. We work to ensure that sentences are served and offenders are encouraged to turn their lives around and become law-abiding citizens. We believe the principles of justice are pivotal and we are steadfast in our shared commitment to uphold them.

Approach

8. The main aim of this research is to rerun the 2017 (telephone) survey of Prices of Individual Consumer Legal Services. **We only wish to commission the fieldwork for this study, i.e. no survey design, data analysis or report writing is required.** We will provide the agency with a draft of the questionnaire, but the agency will be responsible for producing the final questionnaire, including testing and piloting it.
9. The 2017 survey is available online⁵. The average interview time in 2017 was 20 minutes. We plan to make a limited number of changes to the questionnaire to add, remove and amend questions, but it is anticipated that the average interview time will remain about the same.

Issues and scope

Comparability with previous waves

10. The main issue to consider is how to ensure comparability with the 2017 survey. We expect the survey to be carried out by CATI (Computer-assisted telephone interviewing). The successful company will use the survey developed in the previous research with some small changes. Working with the LSB, the researchers will need to ensure that the survey will achieve robust results with a sufficient sample for statistical analysis.

Sampling

11. **Achieving the sample is a key risk for the project and tenders should specifically address how a sufficient sample will be achieved.** For the avoidance of doubt, we will not be able to make available the sample from the previous survey or assist in recruiting a new sample. Therefore we expect the successful company to source the sample. In the previous waves of the research the agency obtained the sample from Experian. We suggest using a similar approach this year, but bidders may wish to propose other methods.
12. The survey design is based on asking providers to quote prices for some pre-defined scenarios. There are 15 scenarios in total, organised in three blocks covering: conveyancing; family; and wills, probate and power of attorney. Each respondent answers one block (i.e. 5 scenarios) with the aim ultimately being that 500 responses are achieved for all 15 scenarios (although since not all respondents provide services covering all 5 scenarios in their block, this may not be possible). So, in total there will be approximately 1,500 respondents (500 x 3 blocks of 5 scenarios). Some respondents will offer services in only one block, some in two and some in all three. **Bidders should explain how respondents will be allocated to the blocks.**

⁵ <https://www.legalservicesboard.org.uk/wp-content/media/Prices-of-Individual-Consumer-Legal-Services-2017-FINAL-ANNEX.pdf>

13. Each of the areas covered in the scenarios can be delivered by a range of providers, although solicitors dominate in all areas. Various providers are regulated by one of the regulatory bodies, some are members of self-regulatory bodies, and some are not regulated at all.
14. The table below sets out the target sample and quotas in all 15 scenarios. This includes minimum numbers of certain types of providers in both the regulated and unregulated parts of the market. The desired sample structure should be broadly comparable to the 2017 survey in terms of firm sizes and regions, in particular it will be important to meet the quota for Wales.
15. Experience suggests this is a challenging sample to recruit for. In 2017, a 20% response rate was achieved, but there was a 38% refusal rate and a total of 106,252 calls were made to deliver 1,491 interviews, equating to 71 calls per completed interview.

No.	Scenario	Target sample	Sample achieved in 2017	Sample breakdown/Notes
Conveyancing				
1.	Sale (Freehold)	500	498	QUOTA: Minimum 45 licensed conveyancers. Minimum 40 ABS. APPROXIMATE: Firm size (employee number): '0-9' – 195 '10-49' – 195 '50+' – 110 Wales: 30
2.	Sale (Leasehold)	500	495	
3.	Purchase (Freehold)	500	484	
4.	Purchase (Leasehold)	500	482	
5.	Sale & Purchase (Freehold)	500	484	
	Any of the 5 scenarios	500	499	
Divorce				
1.	Uncontested (Petitioner)	500	493	Solicitors firms are the dominant provider. QUOTA: Minimum 40 ABS. APPROXIMATE: Firm size (employee number): '0-9' – 195 '10-49' – 195 '50+' – 110 Wales: 30
2.	Uncontested (Respondent)	500	493	
3.	Uncontested - Children	500	487	
4.	Complex - Children	500	462	
5.	Complex - Assets	500	463	
	Any of the 5 scenarios	500	496	
Will-writing, probate and power of attorney				
1.	Individual will (standard)	500	486	QUOTA: Minimum 65 Will writers (unregulated) Minimum 40 ABS. APPROXIMATE: Firm size (employee number):
2.	Individual will (complex)	500	483	
3.	Lasting power of attorney	500	456	

				'0-9' – 250 '10-49' – 170 '50+' – 80 Wales: 35
4.	Grant of probate	500	376	QUOTA: Minimum 40 ABS. APPROXIMATE: Firm size (employee number): '0-9' – 250 '10-49' – 170 '50+' – 80 Wales: 35
5.	Estate administration	500	366	
	Any of the 5 scenarios	500	496	

Accounting for variable service quality

16. Regulation aims to ensure that legal services meet minimum quality standards, but there is scope for providers to offer variable levels of service above this floor. These service features may increase providers' costs, which may be reflected in the prices paid by consumers. Currently the survey includes some proxies for quality, such as membership of accreditation schemes and complaint volumes, but we would like to improve on the methodology. **Tenders should specifically address how the research could account for variable service quality without increasing the overall length of the survey.**

Duration

17. We would expect fieldwork to begin in early January 2020, following a small pilot of the survey to test running time in December 2019.
18. The final dataset must be submitted by 13th March 2020.

Deliverables

Output

19. The output for this research is a cleaned, anonymised dataset, structured as specified by the LSB, in CSV and SPSS .SAV file formats, suitable for analysis. The research partners will retain ownership of the data, which will be published. The successful company would be expected to work with the LSB to deal with any problems with the dataset and ensure it is fit for purpose and accurately labelled.

Project plan

20. **Tenders should include a project plan and time schedule for the work that identifies the main tasks 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. We would also expect the tenders to include a clear analysis of the potential risks and how they propose to reduce their likelihood and/or mitigate their impact during the project.

Data protection

21. The appointed agency will collect commercially sensitive information as part of this project. Further, as explained above, we will publish the raw datasets from the research. **Bidders should explain the safeguards they will put in place to comply with data protection legislation.**

Tender Evaluation Criteria

22. All projects commissioned by the LSB are subject to our standard terms of contract. Tenders will be evaluated on MEAT – Most Economically Advantageous Tender – based on combined scores for cost and quality. This will be informed by the following criteria:
- a) Overall understanding of the project requirements
 - b) Relevance of individual team member experience and expertise to the roles and tasks they will be doing in this project (**please include a copy of your organisation's diversity policy**)
 - c) Methodology – the methods used, including sampling and detailing individual task responsibilities of team members and how these link to the deliverables (**please include project plan and resource profile**)
 - d) Comparability – what specific things will the project team do to ensure comparability with the 2017 survey?
 - e) Risks – What are the main risks and how will you reduce their likelihood and/or mitigate their impact during the project?
 - f) What standards or protocols will you have in place to ensure the project is delivered to high ethical and quality standards?

23. Further details of the scoring process can be found in Annex A.

Timetable

24. Clarifications or queries relating to the research specification, as well as tenders, should be submitted through the Crown Commercial Service Bravo Solution platform.

Invitation to tender issued	20 September
Deadline for clarification questions	4 October 16:00 BST
Deadline for submission of bids	18 October 12:00 BST
Notification of interview	25 October
Interviews	4 November
Notification of outcome	7 November
Contract awarded	14 November

Checklist

Your tender should include all of the following:

	Address the issues and scope section, in particular achieving the sample and how the methodology could be improved to address variable service quality among providers
	Cost breakdowns, as specified in Annex A
	Proposed team composition, expertise and management
	Project plan and time schedule together with a resource profile, giving a breakdown of the resources in person days allocated to each task
	Risk analysis and mitigation
	Explain data protection safeguards
	Confirm the specified outputs will be provided (Excel and SPSS data files of the anonymised results of the survey, suitable for analysis)
	A copy of your organisation's diversity policy
	Signed non-collusive tendering certificate (see Annex B)

Legal Services Board**Assessment of bids**

We will use the MEAT framework – Most Economically Advantageous Tender – based on combined scores for cost and quality.

Quality

The quality criteria will be assessed based on the written responses, with the evaluation scoring breakdown detailed below. Marks achieved will then be multiplied by the quality weighting (60%) to give the overall weighted score for the quality section.

The quality criteria will be assessed based on written responses. The tender evaluation panel will be given the following guide for scoring the bids to achieve consistency across scorers. Each criterion will be worth a maximum of 100 marks, and will be scored on the following spectrum from “Unacceptable” to “Excellent”. Definitions of what constitutes these are described in more detail below.

Score	Assessment	Interpretation
81-100	Excellent	Exceeds the requirement. Exceptional demonstration by the bidder of the relevant ability, understanding, experience, skills, resource and quality measures required. Evidence identifies factors that will offer significant added value.
61-80	Good	Satisfies the requirement and offers some additional benefits. Above average demonstration by the bidder of the relevant ability, understanding, experience, skills, resource and quality measures required. Evidence identifies factors that will offer some added value.
41-60	Acceptable	Satisfies the requirement. Demonstration by the bidder of the relevant ability, understanding, experience, skills, resource and quality measures required.
21-40	Minor reservation	Satisfies the requirement with minor reservations. Some minor reservations about the bidder’s relevant ability understanding, experience, skills, resources and quality measures required.
1-20	Major Reservations	Satisfies the requirement but with major reservations. Serious concerns about the bidder’s relevant ability, understanding, experience, skills, resources and quality measures required.
0	Unacceptable	Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the bidder has the relevant ability, understanding, experience, skills, resources and quality measures required. Little or no evidence to support the response.

Panel members will be allowed to score anywhere between 0 and the maximum score of 100 marks for the particular question - whatever they think is most appropriate for each criterion.

Bidders must score a minimum quality score of at least 41 marks out of the possible 100 marks available for each criteria detailed in the table above to proceed in the evaluation process. Bidders who do not achieve this score will be excluded from this process. The minimum quality score ensures that all reasonably compliant bids have the chance to succeed but that a bidder cannot win even with a very competitive price if there have been some concerns established with their technical bids.

There will be an evaluation panel formed from the three project partners to determine the scoring of the bids received. Scores and supporting comments from each member of the panel will be recorded and a mediation meeting will be held to reach a consensus score for each question.

Cost

Cost will be assessed using the 'Proportion of Best' calculation. This is where the lowest priced bidder will achieve maximum points under this section and all other bids will be awarded a score based on a straightforward 'proportion of best' calculation, outlined as follows: $\text{Lowest Priced Bid} / \text{Price of tender being evaluated} \times \text{Price weighting ratio (i.e. 40\%)} = \text{SCORE}$.

- Clear separate costings for each aspect of the project including a detailed breakdown of what activities each member of the research team will conduct with a specification of the time allocated and their daily rate, and any assumptions associated with the costs.
- Potential Providers must ensure that the Pricing Schedule has been completed in full.
- Prices should be submitted in pounds Sterling and exclusive of VAT.
- It is imperative that ALL costs are accounted for as we will reserve the right to only honour payment of reasonable discrepancies and only when first agreed in advance in writing.

Tender evaluation weighting

Proposals will be evaluated by an evaluation panel using the following weightings:

Evaluation Criteria	Criteria Weighting %
Quality	60%
Price	40%
Total	100%

We reserve the right not to award a contract. There is no guarantee of any business as a result of this further competition and we will not be held accountable for any costs to the bidder as a result of this exercise. We will consider bids from consortia on the basis that we may contract with the lead partner only, who we will hold solely responsible for successful delivery of the project.

Legal Services Board

Contract for the provision of research services to the Legal Services Board

Non-collusive tendering certificate

We certify that this is a bona fide tender, and that we have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person. We also certify that we have not done and we undertake that we will not do at any time before the hour and date specified for the return of this tender any of the following acts:-

- (a) communicate to a person other than the person calling for those tenders the amount or approximate amount of the proposed tender, except where the disclosure, in confidence, of the approximate amount of the tender was necessary to obtain insurance premium quotations required for the preparation of the tender;
- (b) enter into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any tender to be submitted;
- (c) offer or pay or give or agree to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above.

In this certificate, the word "person" includes any persons and any body unincorporate; and "any agreement or arrangement" includes any such transaction, formal or informal, and whether legally binding or not.

Dated this day of year

Signature

**In the capacity of (e.g. director,
secretary etc.)**

(capitals)

**Duly authorised to sign tenders
for and on behalf of**

Postal address

Telephone no

E-mail address:
