

SRA BOARD
13 July 2016

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Research Programme 2015/16: Update

Purpose

- 1 To provide the Board with an update on each of the research projects included in the 2015/16 research programme following the overview provided at the 2 December 2015 meeting.

Recommendation

- 2 The Board is asked:
 - (a) to note and consider the research projects.

If you have any questions about this paper please contact: Crispin Passmore, Executive Director Policy, crispin.passmore@sra.org.uk or 0121 329 6687 or 07834 856 564.

SRA BOARD

13 July 2016

CLASSIFICATION – PUBLIC



Research Programme 2015/16: Update

Introduction

- 3 The research team is a specialist team which commissions, carries out, co-ordinates and manages internal and external research projects to support the SRA to meet its regulatory objectives by:
 - providing an evidence base for policy making and knowledge-based decisions
 - informing the ongoing process of regulatory reform and filling any evidence gaps
 - improving the evidence base on changes and experiences of those working in and using the legal services market.
- 4 The 2015/16 research programme consists of externally commissioned projects and internally produced projects. The total budget is £375K. This paper provides an update on activity on these projects. An overview of each project and estimated completion dates is at Annex 1.

Governance

- 5 The research programme was produced following extensive consultation with directorate and team managers to determine where there were gaps in evidence to support our ongoing policy reforms. It was also considered by external stakeholders through the sector-wide research group chaired by the LSB. The final short list of projects and their associated budgets was approved by Executive Policy Forum.

Links to strategic objectives

- 6 The research programme is a mix between projects to support specific elements of reform, projects to support operational efficiency and projects to better understand the legal services market. The table at Annex 1 details which projects support which of our strategic objectives. They are currently:
 - six projects supporting Strategic Objective 1: Reform of regulation to enable growth and innovation in the market whilst ensuring consumer protection
 - three projects supporting Strategic Objective 2: Raise standards and uphold core professional principles

SRA BOARD

13 July 2016

CLASSIFICATION – PUBLIC



- one project supporting Strategic Objective 3: Improve operational performance and make fair and justifiable decisions promptly, effectively and efficiently.

Collaboration

- 7 We work with the LSB's research strategy group to understand the research they and the other regulators are working on and coordinate to avoid unnecessary duplication.
- 8 We have previously worked with other regulators, stakeholders and the LSB on research projects, and will consider opportunities for collaboration in our long-list of research for 2016/17.

The Research Projects

Framework for assessing regulatory changes

- 9 This project is currently in its scoping stages and is focused on the Handbook and related changes. The regulatory policy team is mapping out its requirements and we expect to commission a provider within the next month for delivery in October 2016.

Economic impact assessment of regulatory changes

- 10 This project was delivered in April 2016 to inform the *Looking to the Future* consultation. We commissioned Dr Christopher Decker (Oxford University) to produce a report on *Assessment of the economic rationale for, and possible impacts of, proposed changes to the Solicitors Regulation Authority Handbook*. The report has been delivered to time and budget, is an annex to the *Looking to the Future* consultation and covers:
 - an assessment of the economic rationale of the proposed changes
 - the potential economic impacts of the proposed changes
 - the possible impacts on various affected parties (consumers, solicitors, regulated providers, and firms which provide non reserved activities through non-solicitors).

Reviews of prior regulatory changes

- 11 This is a research project to review the impact of the regulatory change of reforming the minimum salary for employees in a period of recognised training. The project is scheduled for delivery in either late 2016 or early 2017.

SRA BOARD

13 July 2016

CLASSIFICATION – PUBLIC



Authorisation and firm management of risk

- 12 We have conducted research to assess the various stages of the authorisation process, with particular emphasis on understanding the value of asking applicants questions on identification, monitoring and mitigation of risk as part of it. This is to understand if and how the authorisation process can be improved.
- 13 We have completed desk research, an online survey of recent applicant firms and in-depth interviews with firm based authorisation (FBA) officers. The findings are currently being written up into a report which will be delivered to the Authorisation team over the summer of 2016.

Personal injury

- 14 In November 2015 we commissioned research to profile the market for personal injury legal advice and claims, and identify good and poor practices in response to significant market and legislative reform.
- 15 The research is being delivered by a research consultancy, supported by a Senior Lecturer in litigation from the Centre of Professional Legal Studies at Cardiff Law School.
- 16 Evidence has been collected through a combination of stakeholder interviews, an online survey of 255 personal injury firms and in-depth interviews and focus groups with selected firm survey participants and other stakeholders. The final report is due in July, and the findings have been used as evidence to commission a thematic review of personal injury firms.

Representation of vulnerable consumers

- 17 This research project has been narrowed down to focus on the quality of legal services in family law. This decision is based on in depth scoping work to identify areas where there may be quality issues affecting vulnerable people, and was approved by the Executive Policy Forum in April.
- 18 We are in the process of commissioning a research consultancy which has partnered with a family law centre and a family law legal expert to deliver the research. The study includes a consumer survey, law firm survey and follow up interviews and focus groups. The research will be completed around the end of 2016.

Criminal practice

- 19 We are currently planning research with the judiciary to explore potential competence issues in criminal practice. This work complements work by the thematic team to identify any issues at firms.

SRA BOARD

13 July 2016

CLASSIFICATION – PUBLIC



- 20 All research requests for judicial participation must be approved by the relevant judicial Head of Division. A formal application must be submitted to the Judicial Office setting out the research proposal, how the research will benefit the judiciary or promote the administration of justice, methodology and interview topics. We have submitted this application and are awaiting a response. The report is due to be completed in October 2016, but this will be dependent on timely Judicial approval, which is included in our risk register for this project.

Diversity in the legal profession: career progression

- 21 We are planning a workshop with selected academics, institutions and funders with the intention that we provide £25K 'seed money' to academics/institutions that can use our data in an innovative way to tell us something new about diversity and solicitors' career progression. They can then use this money to fund their research or use it to run a pilot to seek additional external funding for a larger project.
- 22 We have identified attendees for the workshop and are currently taking advice from General Counsel and Management Information on the data we can share with those whose proposals we accept. This should be agreed in July and we will then hold the workshop and provide the seed money prior to the end of the financial year.

Training contract and other work-based experience

- 23 We have designed and conducted a survey of pre-qualification work experience, covering the training contract and other legal work-based experience such as law clinics, summer placements and paralegal work. The survey has been completed by undergraduate and postgraduate law students, trainees, legal executives and paralegals. The survey closed in June and we are currently analysing the data from over 800 respondents.
- 24 Alongside the survey, we have commissioned Prof. Jane Ching (Nottingham Law School) to conduct 20 follow up interviews, and review the literature to explore how pre-qualification experience in England and Wales compares with other jurisdictions. This report will inform the decision regarding the role of work experience in the Solicitors Qualifying Exam (SQE).

Effective enforcement

- 25 This research is an internal review of our enforcement tools to inform the wider review of the SRA's enforcement strategy. The research comprises qualitative interviews and literature review, and statistical analysis of how we use the tools. It is being conducted in house by the Research and Analysis team.

SRA BOARD

13 July 2016

CLASSIFICATION – PUBLIC



- 26 We have completed a literature review and desk based review of the tools, and the next steps are interviews and statistical analysis, which will take place over the next few months for delivery in October 2016.

Recommendation: to note and consider the research projects.

Dissemination of our findings

- 27 We disseminate the findings of our research in a variety of ways.
- Internally, we work with the policy team and the operational teams to inform their work. Some projects are designed specifically with this purpose in mind, such as the research on authorisation and management of risk. Internal projects like this one are not always published externally. This improves the impact that our research has on our strategic objectives to reform regulation, uphold standards and improve operational efficiency.
 - Externally, we work closely with the external communications team to discuss the best ways to get our messages out to those we regulate and our other stakeholders. Products for external publication can include a full report, an executive summary, slide packs, and content for speeches and conferences.
 - Additionally, our research can be part of other SRA publications. An example being the economic impact of our regulatory changes, which was attached to the recent policy consultation.
 - After initial publication, we work with internal and external communications to embed our findings and encourage their practical application. Examples include engagement through social media, feeding the findings into other documents like our Risk Outlook, using the findings to inform calls for evidence from the LSB, the Government and other stakeholders, and holding internal briefings.

Next steps

- 28 We have established the Research Commissioning Board (RCB) to oversee the development of the 2016/17 research programme. A long-list of research projects/ideas is being compiled through internal consultations with directors and team managers. This list will also be informed by horizon scanning and any requests from Policy Committee, the Executive and the Board.
- 29 The RCB will evaluate long-list of projects in terms of their alignment with SRA's strategic aims, benefits to the SRA and our stakeholders, the appropriateness and feasibility of the methods and resource, the proposed costs and any equality, diversity and inclusion considerations. A short list of

SRA BOARD
13 July 2016



CLASSIFICATION – PUBLIC

projects will then be presented to EPF for feedback and approval and shared with Policy Committee in the Autumn.

- 30 A final update on this year's research programme and the research programme for 2016/17 will be provided to the Board in December 2016.

Supporting information

Links to the Strategic Plan and / or Business Plan

- 31 The research programme links directly to all four of the strategic objectives as it may encompass any type of project covering:
- reforming our regulation to enable growth and innovation in the market and to strike the right balance between reducing regulatory burdens and ensuring consumer protection
 - working with solicitors and firms to raise standards and uphold core professional principles
 - improving our operational performance and make fair and justifiable decisions promptly, effectively and efficiently
 - working with our stakeholders to improve the quality of our services and their experience when using them.

How the issues support the regulatory objectives and best regulatory practice

- 32 Research informs the SRA's work on professional standards, consumer protection, improving access to justice, promote competition in the provision of services and encourage an independent, strong, diverse and effective legal profession.
- 33 The better regulation principles of transparency, targeted, effective, efficient and accountable apply to conducting research and using the research findings.

Public/Consumer impact

- 34 Some research such as the experiences of consumers who may be vulnerable in family law project will involve engagement with consumers to explore their views, perceptions and experiences. This research will be used to improve consumer experiences of legal services.

SRA BOARD
13 July 2016



CLASSIFICATION – PUBLIC

What engagement approach has been used to inform the work and what further communication and engagement is needed

- 35 The engagement approach is varied and dependent on the specific research project. For the Personal Injury research we wrote a letter of engagement that was sent out firms specialising in PI inviting them to participate in the study. A press release was also issued and information was provided to the Contact Centre so that they would be able to field any queries.

What equality and diversity considerations relate to this issue

- 36 All research projects are scoped to take into consideration any equality and diversity issues. In addition, any issues that might prevent specific groups from participating in the research are identified and adjustments made such as providing the option of a telephone interview for consumers who do not have access to the internet to answer an online questionnaire.
- 37 If the research involves contacting firms or individuals that we regulate, a sampling frame based on the demographics of the area of the market we are looking at is used to make sure a representative sample of participants is recruited.

How the work will be evaluated

- 38 Each research project will be evaluated against the original research objectives and project managed in line with the appropriate research governance. The impact of any research findings and implementation of any recommendations can be measured and evaluated.

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Annexes

Annex 1 Summary of Research Programme

Summary of Research Programme 2015-16

Research Project	Description	Use of Findings	Estimated Cost	Due to be completed
Projects under Strategic Objective 1: Reform of regulation to enable growth and innovation in the market whilst ensuring consumer protection				
Framework for assessing regulatory changes and reporting on SRA's Business Impact Target to Department for Business, Innovation & Skills (BiS)	To determine key performance indicators to measure the impact of policy changes and regulatory reform. To estimate the reduction in regulatory burden to firms.	External: including report to BiS	£65K	Autumn 2016
Economic impact assessment of regulatory changes	A view of the possible impacts of changes to the Handbook upon consumers, solicitors, regulated providers, and firms who provide non reserved activities through non-solicitors. A report by Chris Decker has been completed.	External	£50K	Spring 2016
Reviews of prior regulatory changes	To conduct a review of the impact of removal of minimum salary for trainees	External: including report to LSB	In-house	Winter 2016
Authorisation and firm management of risk	To investigate the impact of the current authorisation process, the effect on new businesses and whether the rigour of the process has a net positive/negative impact on the public.	Internal	In-house	Summer 2016
Personal Injury	Profile the provision of PI legal services and understand the changes firms have made in response to legislative and market changes.	External	£94K	Summer 2016
Representation of consumers who may be vulnerable using family law	To understand the experience of consumers who may be vulnerable using family law in relation to access, quality and cost. To explore the behaviours and	External	£74K	Winter 2016

	practices of firms offering family law and how they deal with consumers who may be vulnerable.			
Projects under Strategic Objective 2: Raise standards and uphold core professional principles				
Criminal practice	Research with judges to learn more about the quality of solicitor advocacy on the courts.	External	£53K	Autumn 2016
Diversity in the legal profession: Career progression	To stimulate an external quantitative data project to investigate progression trends through the legal profession by individuals protected characteristics.	External	£25K	Autumn 2016
Value of training contract and work based experience	This research will explore the type of work paralegals, trainees, undergraduates on sandwich degree placements and law clinics undertake to inform role of work based experience in the proposed SQE.	External: including report for SQE Consultation 2	£14K	Autumn 2016
Projects under Strategic Objective 3: Improve operational performance and make fair and justifiable decisions promptly, effectively and efficiently				
Effective Enforcement	To assess the effectiveness of our current approach to enforcement and supervision and to inform our wider regulatory framework approach.	Internal	In-house	Autumn 2016
TOTAL			£375K	