

# Annex one: Areas from our discussion paper we are not taking forward

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1. In our discussion paper, we suggested that our proposed register could include the following categories of data:
  - quality of information
  - area of specialism
  - insurance data
  - information about service delivery.
2. Following feedback and further consideration, we will not include the categories within our programme of work. We set out our reasons in the following paragraphs.

## Quality of information

3. We suggested that some consumers could find information that acted as an additional signal of quality, for example, accreditations or panel memberships, useful in helping find the legal services provider that could best meet their need(s).
4. Almost all respondents to our discussion paper felt that the publication of accreditations or qualifications would create confusion, given that consumers are unlikely to understand what a quality signal means. Respondents also felt that the large number of quality marks available in the market would make it difficult for people to compare like-for-like and would increase confusion.
5. We agree with this view. Accreditations and panel memberships do not guarantee the competence or quality of service of firms. Our view is supported by research carried out by the Legal Services Consumer Panel, who investigated the effectiveness of 30 legal services accreditation schemes. The findings highlighted that improvements were required in many schemes.<sup>1</sup>

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<sup>1</sup> [Accreditation schemes– progress report](#), LSCP, April 2014

6. There is a risk that consumers would see our register as providing authoritative information, which creates a risk that publishing this data could provide misleading reassurances to consumers as to the quality of a firm.
7. The data on our digital register needs to be accurate, so we would need to carry out some validation to make sure firms had the accreditations or panel memberships they claimed to have.
8. We would have to select which accreditation schemes and panels we would allow firms to publish, which could be seen as endorsing these schemes.

### **Area of specialism**

9. In our discussion paper, we said that consumers might find it useful when searching for a legal services provider to see the level of experience or expertise of a firm in relation to a particular area of law.
10. Our view is that we should not publish this information because it would be difficult to objectively define specialism. For example, frequency of work or experience does not guarantee that a firm is a 'specialist' and, conversely, a small number of very complex cases could give someone the experience needed to justifiably claim to be a specialist.
11. We would need to consider whether the experience or expertise claimed by a firm was because of a specific employee and what would happen if that employee left the firm. This would be difficult to implement in practice and could lead to some firms being viewed as specialists when they are not. This is not in a consumer's best interest.
12. It may act as a barrier to new entrants who could struggle to demonstrate experience or expertise in a particular area.

### **Insurance claims data**

13. The number of negligence claims made by clients in relation to which firms' insurance companies have made a payment is a potential indicator of quality and one that consumers may find useful in choosing a legal services provider.

14. In our discussion paper, we recognised that there were risks in publishing this data and sought views on whether the publication of this data would benefit consumers.
15. Almost all respondents felt that the publication of this data would not be of benefit to consumers when choosing legal services. Some felt that the data would be difficult for them to understand and would therefore lead to confusion, even if we provided contextual information.
16. Others felt that the data would not present an accurate indication of the quality of a firm because some work in high risk practice areas where negligence claims are more commonplace. There is also often a significant time delay between the event that is the subject of the claim and any settlement. During that time, changes may have taken place at the firm.
17. Having given this careful consideration, we do not propose to publish insurance claims data. We recognise that insurance companies make the decision about settling a claim and they may do so for tactical reasons. This means that a payment does not mean that a firm has been negligent, but this would be difficult for consumers to understand even if we provided contextual information. In addition, there is a risk that the publication of data could deter some firms from bringing a potential claim for negligence to the attention of their clients.
18. We also agree that the historical nature of claims could provide an inaccurate picture to consumers.

### **Information about service delivery**

19. We said in our discussion paper that some consumers may find it helpful in making a choice to know more about the services that a firm offers, for example, disabled access and languages spoken. We encouraged firms to consider what additional service delivery information they would like to include in our digital register.
20. Responses to the discussion paper broadly supported the idea of providing information about service delivery and suggested a wide range of categories for inclusion.

21. Making sure that information in the digital register is accurate is a priority for us. Despite feedback from consumer representatives that a lack of service delivery information is a barrier to vulnerable and disabled consumers seeking legal help, we do not have resources to validate information provided by firms.
22. We will therefore encourage (but not require) firms to publish information such as opening times, accessibility and languages spoken, on their websites.

### **Other feedback we received**

23. Respondents to the discussion paper were positive about our suggestion to introduce a logo scheme to differentiate between those organisations that are regulated and those that are not. Several firms stated that they were keen to put a logo on their website.
24. A small number of firm respondents suggested that a logo was unnecessary given, that firms can already use "authorised and regulated by the SRA" in their publicity, client care and retainer letters. It was also suggested that we could allow firms to use our logo to provide assurances to consumers.