

Research Specification: Piloting the small business questionnaire

Purpose

The purpose of this research is to pilot the questionnaire developed in the LSB report “A Framework for Benchmarking Small Business Consumers’ need for and use of Legal Services”¹.

Background

The LSB has been set up to reform and modernise the legal services market in the interests of consumers, enhancing quality, ensuring value for money and improving access to justice across England and Wales. The LSB will achieve this pursuing its regulatory objectives² and providing regulatory oversight for the eight approved frontline regulators³.

Existing regulation of legal services consists of a number of branches of the profession, some with reserved titles, other branches do not have reserved titles but are allowed to practice one or more of the six *reserved legal activities* set out in the Legal Services Act 2007:

- The exercise of a right of audience
- The conduct of litigation
- Reserved instrument activities
- Probate activities
- Notarial activities
- The administration of oaths.

The role of the LSB given to us by the Legal Services Act 2007 was to support the delivery of the Regulatory Objectives. These include “improving access to justice”. While much is known about the legal needs and use of legal services by individual consumers, much less is known about micro-businesses and issue around their access to legal services.

Aims and Objectives

This research should pilot the survey developed by Pleasence, Balmer et al in their 2012 study for the LSB for micro businesses with 1-10 employees. The research should produce a dataset representative of the English and Welsh population of businesses with 1-10 employees across all business sectors, with sample size of 4,000 respondents. No written report is required.

A copy of the proposed survey is included as Annex A.

¹http://www.legalservicesboard.org.uk/what_we_do/Research/Publications/pdf/a_framework_for_benchmarking_small_business_consumers_need_for_and_use_of_legal_services_lsb_report_17_07_12.pdf

² http://www.opsi.gov.uk/acts/acts2007/ukpga_20070029_en_2#pt1

³ The Law Society, General Council of the Bar, Council for Licensed Conveyancers, The Institute of Legal Executives, The Chartered Institute of Patent Attorneys, The Institute of Trade Mark Attorneys, Association of Law Costs Draftsmen, Master of the Faculties.

Issues and scope

We expect the survey to be carried out online. The successful company will use the survey developed in the previous research. Working with a team of academics (who we will be appointing in a separate tender process) and the LSB, the researchers will need to ensure that the survey will achieve robust results with a sufficient sample for statistical analysis – particularly by key variables such as industry section, region, number of employees, age of business etc. It may be necessary to shorten the length of the survey to ensure that it can be delivered effectively – we would welcome views on this in any tender.

We would also welcome the research proposals to give a range of options for extending the research beyond micro-businesses to cover a wider range of the small business community, though without sacrificing sample size among micro businesses.

The output of this research will be a dataset (with no report) in spss that can be used by the team of academics for analysis. The researchers would be expected to work with the academics to deal with any problems with the dataset and ensure it is fit for purpose and accurately labelled.

Tender Evaluation Criteria

All projects commissioned by the LSB are subject to our standard terms of contract. Tenders will be evaluated on best value for money and will be assessed on the basis of:

1. Overall cost. Please include appropriate breakdowns
2. The extent to which tenders are clearly written and meet the specified objectives, present a sound methodology, identifying any potential problems, and proposing suitable solutions
3. Address outputs and ensure these are in line with requirements and the required timing of the project
4. Proposed team composition, expertise and management and the organisation's diversity policy
5. How diversity issues would be addressed in the research.

Deliverables

Output

The output for this research should be an spss data file of the anonymised results of the survey, suitable for analysis.

Project plan

Tenders should include a project plan and time schedule for the work that identifies the main task 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 mitigate them during the project.

Duration

The research should commence in November 2012. Tenders should set out dates for completing key milestones such as information gathering, analysis, synthesis and report writing. Data should be made available to the academic team by 13 December 2012.

Legal Services Board Contact Details

Tenders with any queries about the research specification should contact:

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Tenders must be submitted by 5pm on Thursday 25 October 2012

The Survey

Section A: Business characteristics

Section B: Use of business support services

Section C: Problem experience

Section D: Problem resolution strategy (sub-sample)

Section E: Aggregate resolution strategy (sub-sample)

Section F: Additional characteristics and attitudes

While the survey derives many structural and content elements from well-established surveys of justiciable problems, and some elements have been subjected to cognitive testing, it has not been piloted and is largely untested. Given the uniqueness of the business context, the diversity of business respondents, and the broad range of issues and behaviours that the survey deals with, any implementation of elements of the questionnaire should be preceded by thorough piloting.

As with the questionnaire in the following appendix, a key issue is how many individual services and problems to ask (potential) loop questions about.

Draft Pilot Survey of Small Business Use and Need for Support Services

[NOTE: In the following questions [12 months] should be calculated from the month of interview. For example, if an interview is taking place in April 2012, then substitute 'April 2011']

SECTION A. BUSINESS CHARACTERISTICS

1 What is your position in the business?

1. Owner
2. Partner
3. Director
4. Other

2 Are you the most senior person in day-to-day control of your business?

1. Yes
2. No

3 [If Q2=2]

Do you have a good knowledge of the day-to-day operations of your business across all areas of its activity?

1. Yes
2. No

[IF Q3=2 THANK AND END]

4 Is your business a company, a partnership or are you a sole proprietor (also known as a sole trader)?

1. Sole proprietor/sole trader
2. Private limited company (Ltd)
3. Public limited company (PLC)
4. Limited partnership (LLP)
5. Partnership
6. Other (specify)

5 How many years has the business been trading?

YEARS/MONTHS

6 How many people work within the business, including yourself?

NUMBER

7 What is the main activity of your business? (i.e. what is made or done by the business?)

OPEN TEXT

8 Are you [If business contains >1 person (i.e. Q6>1) 'or is anybody else within your business'] a qualified lawyer?

1. Yes
2. No

9 [If Q8=1]

What areas of legal specialism do you have within the business?

1. Contract
2. Tax
3. Crime
4. Employment
5. Personal injury
6. Property
7. Intellectual property
8. Regulation/competition
9. Business ownership
10. Other (specify)

SECTION B. USE OF BUSINESS SUPPORT SERVICES

10/11 Which of these independent professional services has your business made use of since [12 months] and at any time before that? Please exclude any services that are part of your business

[Two columns of tick boxes, one for past year (Q10), one for earlier than past year (Q11)]

1. Accountant
2. Tax adviser
3. Financial adviser

4. Solicitors' firm
5. Barrister
6. Licensed conveyance
7. Patent/trademark attorney/agent
8. A legal helpline
9. Another legal service (specify)

10. Citizens Advice Bureau or similar independent advice agency

11. Debt collection/recovery service
12. HR/Employment service (includes outsourcing)
13. Other business support service (specify)

14. None of the Above

12 [ALL]

Do you have an on-going contract with any organisation to provide such legal services – in general, or of a particular type - as your business requires?

1. Yes
2. No

13 [If Q10=12]

Do you have on-going contract with an HR/Employment service?

1. Yes
2. No

14 [For each service identified where Q10=4-9]

In which areas did a service you have mentioned help your business in the past 12 months?

[Matrix of tick boxes with columns for each Q10 (4-9) item]

1. Trading (including commercial contracts)
2. Tax

3. Crime
4. Employment (excluding work related injury/illness)
5. Work related injury/illness
6. Business premises
7. Finance/insurance
8. Debt
9. Intellectual property
10. Government regulation/competition
11. Environmental/nuisance
12. Business set-up/legal-status/ownership
13. Other (specify)

15 [For each service identified where Q10=4-9]

What was the predominant means your business used to communicate with its [insert indicated Q10 item 4,5,6,7 or 9] over the past year?

1. In-person meetings
2. Telephone conversations
3. Correspondence by post
4. Through someone else
5. Texting
6. Email
7. Internet (excluding email)

16 [ALL]

How important are legal services to the running of your business?

1. Very Important
2. Important
3. Moderately Important
4. Of Little Importance
5. Unimportant

17 [ALL]

Including any services you have already mentioned, did your business use the Internet to do any of the following things in the past 12 months?

1. Download a contract
2. Download a standard terms and conditions template
3. Download another type of legal document template
4. Obtain information about the law/regulations
5. Obtain information about ways to resolve disputes
6. Obtain tailored advice about a legal issue
7. Start legal proceedings (e.g. using Money Claim Online)
8. Defend legal proceedings (e.g. using Money Claim Online)
9. None of the above

18 If [If business contains a lawyer, determinable from Q8, AND business > 1 person 'a non-legally trained staff member of'] your business encounters a legal issue as part of the business's normal activities (for example, around employee rights) which of the following is most likely to happen first?

1. Talk to lawyer in the business
2. Talk to another colleague in the business
3. Talk to a lawyer outside the business
4. Talk to someone else outside the business
5. Look for information/resources on the Internet

SECTION C. PROBLEM EXPERIENCE

The following questions are about different types of problems that your business might have faced over the past 12 months.

A problem is an issue that diverted or distracted you or anybody else within your business, in a significant way, from everyday work activities or responsibilities.

We are only interested in in problems that started since [12 months], or problems that started before [12 months], but were still happening at some point since [12 months]. We are not interested in problems which ended before [12 months].

Also, please only include problems faced by the business, not problems that you may have faced in your personal capacity.

19a Since [12 months], has your business faced any problems concerning the following? Indicate all that apply.

GOODS OR SERVICES PROVIDED TO YOUR CUSTOMERS

1. Not as described /not of satisfactory quality/fit for purpose
2. Late delivery
3. Late or non-payment
4. Disagreement over price
5. Distance selling consumer rights (e.g. Internet, telephone, mail order)
6. Other contract problems or disputes

GOODS OR SERVICES PURCHASED BY YOUR BUSINESS

7. Not as described /not of satisfactory quality/fit for purpose
8. Late delivery
9. Late or non-payment
10. Disagreement over price
11. Other contract problems or disputes
12. Supplier insolvent

FRAUDULENT/WRONGFUL TRADING

13. Fraudulent or wrongful trading (concerning insolvency)

PUBLIC TENDER

14. Unfair operation of a public tender

INTERNATIONAL TRADING

15. Problems trading internationally

19b And how many individual problems of these types has your business experienced in the past year?

NUMBER

20a Since [12 months], has your business faced any problems concerning the following? Indicate all that apply.

1. Liability for tax / amount of tax owed
2. Errors in your business tax return
3. Failure to maintain appropriate records (for tax purposes)
4. Failure to register/report changes when required (e.g. VAT registration, registration as a sole trader)
5. International taxation
6. Difficulty organising your business in a tax efficient manner

20b And how many individual problems of these types has your business experienced in the past year?

NUMBER

21a Since [12 months], has your business faced any problems concerning the following? Indicate all that apply.

1. Staff misconduct (including unauthorised absence and disciplinary procedures)
2. Dismissal (or threat of dismissal)
3. Making staff redundant
4. Parental rights (including maternity) leave/pay or flexible working requests
5. Payment of wages/pension
6. Working conditions
7. Employee injury at work
8. Other employment contract issues (including changes to contract terms)
9. Adjustments to jobs/workplace for disabled workers
10. Complaints/grievances made by employees/job applicants (including allegations of discrimination and harassment)
11. Employment of non-EU nationals

21b And how many individual problems of these types has your business experienced in the past year?

NUMBER

22a Since [12 months], has your business faced any problems concerning the following? Indicate all that apply.

RENTED/LEASED BUSINESS PREMISES

1. Rent arrears
2. Eviction/threat of eviction
3. Repairs/maintenance or provision of services by landlord
4. Terms of rental agreement/lease
5. Boundaries/rights of way
6. Recovery of rental deposit

OWNED BUSINESS PREMISES

7. Mortgage arrears
8. Repossession/threat of repossession
9. Repairs/maintenance of communal areas
10. Boundaries/rights of way
11. Planning permission
12. Conveyancing
13. Squatters

22b And how many individual problems of these types has your business experienced in the past year?

NUMBER

23a Since [12 months], has your business owed money to any creditors that it has been unable to pay?

1. Yes
2. No

23b [If 23a=1]

At any stage since [12 months] has your business been insolvent?

1. Yes
2. No

23c [If 23a=1]

At any stage since [12 months] has your business been threatened with or subject to any of the following?

1. Bankruptcy
2. Receivership
3. Administration
4. Winding up order
5. [If sole trader 'Individual', If not sole trader 'Company'] voluntary arrangement

6. Debt relief order

24a Since [12 months], has your business faced any problems concerning the following? Indicate all that apply.

INFRINGEMENT OF YOUR BUSINESS' INTELLECTUAL PROPERTY

1. Trademarks (e.g. brand name, business name, logo, slogan)
2. Copyright (e.g. text, software, sound recording, drawings)
3. Design right/registered design
4. Database rights
5. Patents
6. Disclosure of trade secrets

INFRINGEMENT OF INTELLECTUAL PROPERTY BY YOUR BUSINESS

7. Trademarks (e.g. brand name, business name, logo, slogan)
8. Copyright (e.g. text, software, sound recording, drawings)
9. Design right/registered design
10. Database rights
11. Patents
12. Unlawful obtaining of trade secrets

24b And how many individual problems of these types has your business experienced in the past year?

NUMBER

25a Since [12 months], has your business faced any problems concerning the following? Indicate all that apply.

1. Mandatory licenses/permits/accreditation
2. Product safety
3. Other health and safety
4. Data protection
5. Import/export regulation
6. Mandatory insurance
7. Annual company accounts
8. Audit
9. Other government regulation

25b And how many individual problems of these types has your business experienced in the past year?

NUMBER

26a Since [12 months], has your business faced any problems concerning the following? Indicate all that apply.

1. Technicalities of business start up
2. Change of legal status

3. Break-up of partnership
4. Partnership/shareholder disputes
5. Merger
6. Take-over of another business
7. Sale of business (in part/whole)
8. Joint venture

26b And how many individual problems of these types has your business experienced in the past year?

NUMBER

27a Since [12 months], has your business faced any problems concerning the following? Indicate all that apply.

1. Defamation
2. Incorrect information held by a credit reporting agency leading to the refusal of credit
3. Mismanagement of business money/investments by financial service
4. Advertising standards

27b And how many individual problems of these types has your business experienced in the past year?

NUMBER

SECTION D. PROBLEM RESOLUTION STRATEGY

[FOR ONE RANDOM PROBLEM TYPE FROM Q19a, Q20a, Q21a, Q22a, Q23a, Q24a, Q25a, Q26a, Q27a WHERE AT LEAST ONE PROBLEM REPORTED]

There now follow some questions asking about one type of problem that your business has faced

28 [SHOW ORIGINAL LIST FOR RANDOM PROBLEM TYPE]

Thinking of the most recent problem your business has faced of the types shown, which are the best descriptions?

MULTICODE

29 And again thinking of this problem, would you say this problem is now over or still on-going?

1. Now over
2. Most likely now over
3. Too early to say
4. On-going
5. Don't know

30 Who is/was the problem with? (i.e. Who was the other side?)

OPEN TEXT

31 Thinking about at the time this particular problem first started, would you say:

1. The other side had done something wrong, or were at fault
2. The other side thought your business had done something wrong, or were at fault
3. Both
4. Neither.

32 Which, if any, of these descriptions best indicates the character of the problem? You can choose more than one option, or none.

1. Bad luck
2. Moral
3. Private to those concerned (i.e. not something to involve others with)
4. Criminal
5. Legal
6. Bureaucratic
7. Social
8. None of the above

33 Looking at this scale – where the top of the bar represents the most serious type of problem your business could possibly face, and the bottom of the bar represents the least serious – please mark on the scale where you would place this particular problem.

[SHOW SEVERITY SCALE]

NUMBER

34 Do any of the following descriptions reflect the ability of your business to deal with these types of problem?

1. Somebody in the business has specialist knowledge of the law and regulation in this area
2. The business has experience of dealing with problems in this area
3. Problems in this area are routinely handed over to an external professional/support service
4. No, none of the above

35 Which of these descriptions best indicate how your business went about sorting out the [problem]? Please tell me all that apply.

[MULTICODE BUT 1, 2 and 7 must be single codes]

1. Did nothing
2. Entirely on its own

3. With help from outside business friends/colleagues
4. With help from an independent adviser/representative/support service
5. Outside business friends/colleagues sorted out the problem (or are sorting it out)
6. An independent adviser/representative/support service sorted out the problem (or are sorting it out)
7. Don't know

36 [If Q35 = 4 or 6]

And which of these types of adviser/representative/support service was it you got help from?

LEGAL

1. Solicitor's firm
2. Independent barrister
3. Other organisation offering legal advice (including legal helplines) (specify)

FINANCIAL/TAX RELATED

4. Accountant
5. Other financial/tax adviser (specify)

SPECIALIST SUPPORT

6. Debt collection/recovery service
7. HR/Employment service
8. (Insurance) Loss adjuster
9. Other specialist support service (specify)

A TRADE/BUSINESS ORGANISATION

10. Trade body/professional association
11. Chamber of Commerce
12. Local enterprise agency
13. Other trade/business organisation (specify)

GOVERNMENT PROVIDED HELP

14. Business Link
15. Other government advice service (specify)

OTHER INDEPENDENT SOURCE OF HELP (specify)

37 And when you got help, what was the main communication method used?

1. In-person meetings
2. Telephone conversations
3. Correspondence by post
4. Through someone else
5. Texting
6. Email
7. Internet (excluding email)

38 And did your business unsuccessfully try to get help from any of the sources on this card?

LEGAL

1. Solicitor's firm
2. Independent barrister
3. Other organisation offering legal advice (including legal helplines)

FINANCIAL/TAX RELATED

4. Accountant
5. Other financial/tax adviser

SPECIALIST SUPPORT

6. Debt collection/recovery service
7. HR/Employment service
8. (Insurance) Loss adjuster
9. Other specialist support service

A TRADE/BUSINESS ORGANISATION

10. Trade body/professional association
11. Chamber of Commerce
12. Local enterprise agency
13. Other trade/business organisation

GOVERNMENT PROVIDED HELP

14. Business Link
15. Other government advice service

OTHER INDEPENDENT SOURCE OF HELP

39 Did your business use the Internet or any leaflet, booklet or book to help sort out the problem?

1. Yes, Internet
2. Yes, leaflet, booklet or book
3. Yes, both
4. No

40 And did any of the following things happen as part of the problem or sorting the problem out?

1. Your business was contacted by a lawyer or formal agent (e.g. debt collection agency) of the other side
2. Conciliation, mediation or arbitration took place
3. A regulator or ombudsman became involved
4. The police became involved
5. A formal appeals service became involved
6. Tribunal proceedings commenced/a tribunal became involved
7. Legal proceedings commenced/a court became involved
8. There was a tribunal hearing
9. There was a court hearing
10. None of these

41 [If Q40= 9]

And did a lawyer appear on behalf of your business at any court hearing?

1. Yes
2. No

42 [If Q29 = 1 or 2 ('Now over' or 'Most likely now over')]

You said earlier that the problem is (If Q29 = 1 'now over', if Q29 = 2 'most likely now over'). Which of these descriptions best describes how the problem concluded?

1. Decision of a court/tribunal
2. Decision of a formal appeals service
3. Decision/action of an independent third party (e.g. the police, a regulator)
4. Agreement reached through conciliation, mediation or arbitration sessions, hosted by an independent person/organisation
5. Agreement reached through somebody who was acting for your business (e.g. solicitor or accountant)
6. Agreement reached directly between your business and the other side
7. The other side acted independently to sort out problem
8. Your business acted independently of the other side to sort out problem
9. The problem sorted itself out without your business or the other side doing anything
10. Your business is just putting up with the problem.
11. Don't know

43 [If Q29 = 1 or 2 ('Now over' or 'Most likely now over')]

And, to what extent would you say the disagreement concluded in your business's favour?

1. Completely in your favour
2. Mostly in your favour
3. Mostly not in your favour
4. Not at all in your favour
4. Don't know

44 Did your business experience any of the things on this card as part of, or as a result of, this [problem]? Please just read out the numbers.

1. Loss of customer/contract
2. Loss of income
3. Additional costs (e.g. increased insurance costs)
4. Inability to take on new work
5. Inability to complete scheduled work
6. Damage to property
7. Damage to reputation
8. Damage to relationship with another business
9. Loss of employees
10. Had to cease trading

11. Change in ownership/structure of the business
12. None of the above

45 [If any consequences identified at Q44]

What would you estimate the monetary value of these consequences to be? If you cannot put it monetary terms, please say so.

POUNDS STERLING

46 Did you [If business contains >1 person 'or anybody else within your business'] personally experience any of the things on this card as part of, or as a result of, this problem?

1. Stress related illness
2. Other mental health issue
3. Physical ill health
4. None of the above

47 And lastly on the subject of this problem, could you tell me when did the problem start?

MONTH/YEAR

48 [If Q29 = 1 or 2 ('Now over' or 'Most likely now over']

And when did it conclude?

MONTH/YEAR

END OF INDIVIDUAL PROBLEM LOOP

SECTION E. AGGREGATE RESOLUTION STRATEGY

49 [If relevant 'b' number of random problem >1]

Thinking of the other problem(s) of this type that your business has experienced, on how many occasions did your company go about sorting out individual problems in each of these ways?

1. Did nothing
2. Entirely on its own
3. With help from only outside business friends/colleagues
4. With help from an independent adviser/representative/support service

50 [If relevant 'b' number of random problem >1 AND Q49 option 4>=1]

And on those occasions when your business obtained help from an adviser/representative/support service, what types of service were used?

LEGAL

1. Solicitor's firm
2. Independent barrister
3. Other organisation offering legal advice (including legal helplines)

FINANCIAL/TAX RELATED

4. Accountant
5. Other financial/tax adviser

SPECIALIST SUPPORT

6. Debt collection/recovery service
7. HR/Employment service
8. (Insurance) Loss adjuster
9. Other specialist support service

A TRADE/BUSINESS ORGANISATION

10. Trade body/professional association
11. Chamber of Commerce
12. Local enterprise agency
13. Other trade/business organisation

GOVERNMENT PROVIDED HELP

14. Business Link
 15. Other government advice service
- OTHER INDEPENDENT SOURCE OF HELP

SECTION F. ADDITIONAL CHARACTERISTICS AND ATTITUDES

Finally, a few more questions about your business.

51 [If Q4 NOT 1]

Is your business a family owned business (i.e. majority owned by members of the same family)?

1. Yes
2. No

52 [If Q6>1]

In total, how many people are there involved in running the business?

NUMBER

53 What do you expect your business's turnover to be in its current financial year?

POUNDS

54 And do you expect the business will make a profit in its current financial year?

1. Yes
2. No

55 [If Q54=Yes]

What do you expect the profit, after tax, to be in its current financial year?

NUMBER

56 And thinking about your business's clients, how would you describe them?

1. Individual members of the public
2. Other businesses
3. Government
4. Charities
5. Other

57 And how many customers do you expect your business to have in the current financial year?

NUMBER

58 And how many suppliers do you expect your business to have in the current financial year?

NUMBER

59a [If Q6=1 OR Q52=1]

Do you work full-time or part-time in the business?

1. Full-time
2. Part-time

59b [If Q6>1 AND Q52>1]

How many of those running your business work part-time, overall?

NUMBER

60a [If Q6=1 OR Q52=1]

How would describe your ethnicity?

[CURRENT STANDARD ETHNIC CATEGORIES]

60b [If Q6>1 AND Q52>1]

How many of those running the business are white and how many black, Asian an minority ethnic?

WHITE NUMBER
BAME NUMBER

61a [If Q6=1 OR Q52=1]

Do you have any long-standing illness, disability or infirmity? By long-standing I mean anything that has troubled you over a period of time or that is likely to affect you over a period of time? ?

Yes
No

61b [If Q6>1 AND Q52>1]

How many of those running the business have a long-standing illness, disability or infirmity?

NUMBER

Finally, could you indicate the extent to which you agree with the following statements?

1. Agree strongly
2. Agree
3. Neither agree nor disagree
4. Disagree
5. Disagree strongly
6. Don't know

- 62** You can't get ahead in business without taking risks.
63 Sometimes, product or service quality is more important than profit margin.
64 Being competitive involves taking shortcuts
65 Law and regulation provide a fair environment for business to succeed.
66 It is more important to comply with the spirit than the letter of the law
67 Legal processes are essential for businesses to enforce their rights
68 Lawyers provide a cost effective means to resolve legal issues