

Research Specification: Drivers behind the diversity experience of the legal market in England and Wales

Purpose

To help enhance market knowledge and understanding of the drivers of the diversity of legal services professionals in England and Wales and identify potential policy options to increase future diversity.

Background

The LSB has been set up to reform and modernise the regulation of the legal services market place 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 our regulatory objectives and providing regulatory oversight for the eight approved frontline regulators¹.

Existing research has shown that despite a high proportion of female and ethnic minority individuals training in legal services professions the diversity of the sector quickly declines with more experienced or senior individuals within the sector. Furthermore female and BME solicitors are more frequently employed within traditional smaller law firms, legal aid firms and/or within general businesses.

Research from the Law Society² has demonstrated significant pay differentials in the market for solicitors (18% between white and BME solicitors and 28.9% between male and female solicitors). This differential arises in part due to overt discrimination (8% gap in gender pay) but in the majority as a result of the career path of BME and female solicitors. These differences include the choice of firm, the type of work undertaken and working hours.

While academic research has explored this from an empirical basis, little research has been carried out to explore why individuals within the sector make the career choices they do.

With the introduction of Alternative Business Structures (ABS) in the middle of 2011 the pressures on small firms providing legal services will increase. Given the distribution of BME and female solicitors in smaller firms ABS could have a disproportionate impact on BME and female solicitors. Understanding why they follow the career paths they do is therefore key to our regulatory agenda.

Aims and Objectives

The LSB has been set up to address a variety of challenges facing the legal services market, ensuring high quality regulation, effective competition and a diverse sector that reflects its customer base. As an oversight regulator the role of the LSB is to ensure that the Approved Regulators are effective in their mandate to regulate the profession. But we have a role which includes (but is not limited to) stimulating debate and bringing together interested stakeholders to develop new and innovative policy solutions.

¹ 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.

² Ethnicity & Earnings in Private Practice, June 2009 and Gender & Earnings in Private Practice, June 2009

This research project aims to dig beneath the high level data to help us understand better the drivers of the legal careers among women and ethnic minorities, looking wider than existing research given our wider remit across all legal services. We will be aiming to launch this research at a seminar of interested academics and think tanks in early 2010, this we hope will launch work from the wider community looking at addressing the challenges identified in the research report.

The research should go beyond simply reporting the comments of those interviewed. It should seek to tie together the experiences of those within the market to highlights the opportunities and barriers faced by female and BME lawyers.

Issues and scope

We would like to understand better why ethnic minority and female lawyers make the career choices they do. This research should go beyond the high level statistical analysis currently prevalent in academic literature and explore with lawyers the drivers behind the choices they have made. Did their careers follow the path that they had imagined? Were the decisions they took the result of their changing objectives or opportunities available? Are there any differences in the type of work they are given?

Ideally the research should consider the views from a variety of market participants including:

- Diversity managers within city or other large law firms
- Female and BME lawyers with 10-20 years experience in the market
- Newly qualified female and BME lawyers
- Female and BME lawyers in small and city law firms and barristers chambers
- Female and BME conveyancers
- Female and BME lawyers at partner level or QC in the bar
- Female and BME lawyers in both city and regional law firms
- Female and BME lawyers employed in firms specialising in legal aid
- Female and BME lawyers employed outside of the legal profession both no longer working as lawyers and working as lawyers outside of law firms

The research should also consider the wider academic literature through a short literature survey to find any additional evidence to support its analysis (the LSB can provide some links to existing evidence).

The researcher should look to interview subjects from across the legal services profession, but focus on solicitors and barristers.

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

Deliverables

Output

The output for this research should be an executive summary and short report (no more than 50 pages) summarising the relevant academic research and the findings from the interviews.

A presentation of the results at a launch seminar in 2010

The LSB will retain ownership of the underlying data.

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.

Duration

The research should commence in February 2009. Tenders should set out dates for completing key milestones such as information gathering, analysis, synthesis and report writing. Interviews with shortlisted consultants will take place on 28th and 29th January. The results should be submitted to the LSB by 30 April 2010.

Legal Services Board Contact Details

Tenders with any queries about the research specification should contact:

Policy team: Chris Handford 020 7271 0074

Research team: Alex Roy 020 7271 0060

Tenders must be submitted by 5pm on Wednesday 27 January 2010