

# Mapping of for profit unregulated legal services providers

---

28 June 2016

# CONTENTS

1	Executive summary.....	1
2	Background and context .....	3
	2.1 Understanding consumer choices .....	3
	2.2 Further research .....	3
3	Scope and methodology .....	4
	3.1 Legal services.....	4
	3.2 Categories of providers.....	4
	3.3 Approach to evidence gathering.....	5
4	Overview of for profit unregulated providers.....	7
	4.1 Sources of evidence on indicative market share .....	7
	4.2 Overall levels of provision for different types of provider (individual consumers problems).....	8
	4.3 Summary of market share and main for profit unregulated providers .....	9
	4.4 Common provider types across areas.....	11
5	Notable trends in for profit unregulated services .....	13
	5.1 Technology .....	13
	5.2 Regulatory .....	14
6	Perceived benefits and risks .....	16
	6.1 Potential benefits associated with unregulated providers .....	16
	6.2 Potential risks associated with unregulated providers .....	17
7	Review of for profit unregulated providers by segments .....	20
	Annex A: Sources of evidence .....	41

## 1 EXECUTIVE SUMMARY

The focus of this report is on for profit unregulated providers. It has been compiled based on the following sources of evidence:

- Reviewing existing research reports
- Analysis of the evidence from the LSB's legal needs surveys
- Discussions with approved regulators and representative bodies
- Web searches for advice within each area, conducted by LSB staff.

This report has been produced in house and should be read alongside in depth external research undertaken by Economic Insight, available on our website.

We have used these sources of evidence to provide indicative market shares of for profit unregulated providers. Key findings include:

- For profit unregulated providers accounted for approximately 3% of all legal problems in which advice or assistance was sought (based on analysis of our individual legal needs survey)
- Their share rises to 4.5-5.5% of problems for which advice was sought and paid for.

There is a high variation in market share across the different market segments. The areas with the highest market share of for profit unregulated providers were family/divorce (10-13% of instances where advice was paid for), property, construction and planning (10-11%), wills, trusts and probate (7-9%) and intellectual property (7-8%).

Some types of unregulated provider are active across market segments. This includes HR/business support services and fee-charging McKenzie Friends. Other types of provider focus more on a particular segment or consumer problem.

Technology appears to be a prominent driver for change. Many unregulated providers are based primarily or entirely online. Some use online platforms to offer model templates or documents for consumers to download and use. Online review services or review functions on websites are also used by many unregulated providers to secure business. Regulatory changes and growth in voluntary regulation are also likely to be impacting on the extent of unregulated provision.

The mapping has identified some potential benefits to consumers of unregulated providers. These could include:

- Innovative new services
- Accessible services
- Competitive pricing structures.

As a result of these potential benefits, unregulated providers have the capacity to reduce unmet legal need by providing additional options to consumers.

There are key differences in the level of service provided and in the level of consumer protection for clients of unregulated providers, as compared to regulated providers. In addition, the following factors could increase risk to consumers:

- Consumers not making informed choices
- Misleading advertising claims
- Service issues relating to the handling of confidential information or communication

There is further detail on the main types of providers in each market segment set out in section 7.

---

## 2 BACKGROUND AND CONTEXT

### 2.1 Understanding consumer choices

One of the key objectives in the LSB's 2015/16 business plan was to develop our understanding of consumer choices and decisions across the regulated and unregulated sector.

To this end, a project focused on unregulated legal services providers was established. This project had the following aims:

- Advancing our understanding of the choices and decisions that consumers make when they have a legal problem
- Analysing the benefits and risks presented by for profit unregulated providers
- Providing an evidence base that helps to improve our effectiveness in promoting the regulatory objectives
- Informing an in-principle decision on whether we should seek to extend consumer protection in connection with services provided by for profit unregulated providers.

This mapping report is one of the main outputs from the project. It aims to advance our understanding of the options available to consumers, by addressing the evidence gap in relation to for profit unregulated providers.

The mapping exercise was conducted in house.

### 2.2 Further research

A first draft of the mapping report facilitated the identification of areas of specific interest within the unregulated market.

The mapping report is accompanied by in depth research undertaken by Economic Insight into three areas in which unregulated provision is particularly high (will writing and estate administration, family and intellectual property).

The Economic Insight report (EI 2016) analyses the for profit unregulated market in these areas in much greater detail, including the benefits and risks presented. The report is available on the research pages of our website alongside this mapping report.

## 3 SCOPE AND METHODOLOGY

### 3.1 Legal services

For the purposes of the unregulated legal services providers project and this mapping exercise the following definition of ‘legal services’ was used to determine what activity was within scope:

*“Legal services includes:*

- *research, advice on transactional matters and document preparation;*
- *advice on (potentially) litigious matters and work required to prepare such advice;*
- *representation; and*
- *notarial activities,*

*in connection with the application of the law or with any form of resolution of legal disputes.”*

### 3.2 Categories of providers

Throughout this project we categorised providers within five groupings, which are explained in the table below.

This report and the associated report by Economic Insight focusses on for profit unregulated providers. It is this category of provider which we knew the least about prior to this project, in terms of who is providing services, what market share they have and what the potential benefits and risks to consumers are.

Category of provider	Description
<b>(a) LSA Regulated Providers</b>	<p>All “authorised persons” under the Legal Services Act 2007 (LSA). These are individuals and entities that are authorised by one of the <a href="#">approved regulators</a>.</p> <p>The LSB already has an extensive evidence base on these providers.</p>
<b>(b) Non-LSA Regulated Providers</b>	<p>Individuals and entities that provide legal services as a significant focus of their activity and are authorised and regulated by a regulator that is not an approved regulator under the LSA. It includes:</p> <ul style="list-style-type: none"> <li>• Authorised Claims Management providers regulated by the Claims Management Regulator, and</li> <li>• Immigration Advisers regulated by the Office of the Immigration Services Commissioner.</li> </ul> <p>Regulatory protections already exist for these providers outside of the LSB’s remit. For this reason our mapping did not focus on this area.</p>

Category of provider	Description
<b>(c) Ancillary Service Providers</b>	<p>Advisers whose function is not primarily as a legal adviser but who may occasionally provide some legal advice or other non-reserved legal services ancillary to their primary business. For example:</p> <ul style="list-style-type: none"> <li>• Insolvency Practitioners</li> <li>• Insurance companies</li> <li>• Accountants</li> <li>• Surveyors</li> </ul> <p>As most ancillary providers will be regulated by their own sectoral regulator they are viewed as lower risk and were not a focus of our research. If we had included ancillary providers it would have significantly increased the scope of the research.</p>
<b>(d) Not for profit unregulated providers</b>	<p>This includes charities, public bodies, membership bodies and trade unions.</p> <p>Some not for profit providers will offer free advice to members of the public whereas others (such as Trade Unions and membership bodies) will provide advice to those who have subscribed as members.</p> <p>It is understood that some not for profit providers are beginning to charge for legal advice. However, this group is still distinct from profit making bodies as the fees charged will be in order to secure ongoing service provision and not with the intention of making a profit.</p> <p>The LSB undertook research in this area in 2011<sup>1</sup>.</p>
<b>(e) For profit unregulated providers</b>	<p>Providers that are not authorised and regulated under any legal sector specific legislation, provide legal services as a significant focus of their work and seek to make a profit.</p> <p>Existing evidence on these providers is very limited, which is why we decided to focus on improving our knowledge of these providers through this project and research.</p>

This report does not seek to identify referral companies, who do not provide any legal services themselves but simply refer or match clients with legal service providers. While they are becoming increasingly prevalent in the legal services market, and may be worthy of further consideration, such consideration was outside the scope of this project.

### 3.3 Approach to evidence gathering

This report was based on evidence gathering and analysis undertaken by LSB staff. This included the following:

<sup>1</sup> Frontier Economics, *Understanding the supply of legal services by 'special bodies'* (2011)

- 
- Reviewing existing research reports commissioned by the LSB, Ministry of Justice and other bodies
  - Analysis of the evidence from the LSB's Small Business Legal Needs research<sup>2</sup> and Individual Legal Needs Survey (ILN 2016)<sup>3</sup>, both of which were conducted in 2015/16
  - Discussions and meetings with approved regulators, representative bodies and some other stakeholders
  - Web searches for advice within each area, conducted by LSB staff August-September 2015<sup>4</sup>.

There is a log of the main sources of information relied upon at Annex A.

Providers were mapped against the 17 'consumer problem types' from the [market segmentation framework](#) that the LSB has adopted to standardise its consideration of the legal services market. These broadly equate to legal practice areas.

For each consumer problem type, we sought to identify an indicative market share of for profit unregulated providers, the main types of providers, existing quality assurance and consumer protections, and any interesting issues or risks.

---

<sup>2</sup> Kingston University, *The legal needs of small businesses* (2015).

<sup>3</sup> Ipsos Mori, *Online survey of individuals' handling of legal issues in England and Wales 2015* (2016)

<sup>4</sup> Results may differ slightly if conducted today.

---

## 4 OVERVIEW OF FOR PROFIT UNREGULATED PROVIDERS

### 4.1 Sources of evidence on indicative market share

In order to establish some indicative market shares of for profit unregulated providers, we have assessed the following evidence sources:

- ILN 2016 – this survey was completed by 8,912 consumers who between them had experienced 16,694 legal problems over the last 3 years. Respondents who had assistance with addressing a legal problem were asked to identify who their main provider was. This has enabled the grouping of providers by the five provider types identified above in section 3.2.

There are limitations to our methodology, which flow from relying on consumers themselves identifying the type of provider they used and from using provider types to accurately identify whether a provider was regulated (for example, some providers will be not for profit but could also be LSA regulated). In addition, as we did not know who the main types of unregulated providers were prior to agreeing the ILN 2016 questionnaire, we have used responses to “other provider (please specify)” as a means of identifying providers who are likely to be unregulated. We had intended to undertake verification of these responses as an additional check but unfortunately a large number of respondents did not specify who their provider was, which has meant that it has not been possible to undertake these additional checks.

It should also be remembered that this survey only dealt with individual consumer problems (not those that primarily affect business consumers) and therefore only cover 10 of the 17 consumer problem types in our market segmentation framework.

With these limitations in mind, we believe that the results provide a useful indication of the prevalence of different provider types.

- EI 2016 – this research involved bespoke analysis in order to identify indicative market shares for online divorce and intellectual property.
- Small business legal needs survey 2015 – this survey was completed by 10,528 small businesses. As with the ILN, business consumers were asked who had assisted them with their problems. The framing of the provider types for this survey means that it is not possible to consistently identify unregulated providers with an acceptable degree of confidence. However, the provider type “HR / employment service” was used in the survey and these are likely to be unregulated providers. Analysis of respondents who used these providers is used in some areas to assist with identifying an indicative market share.

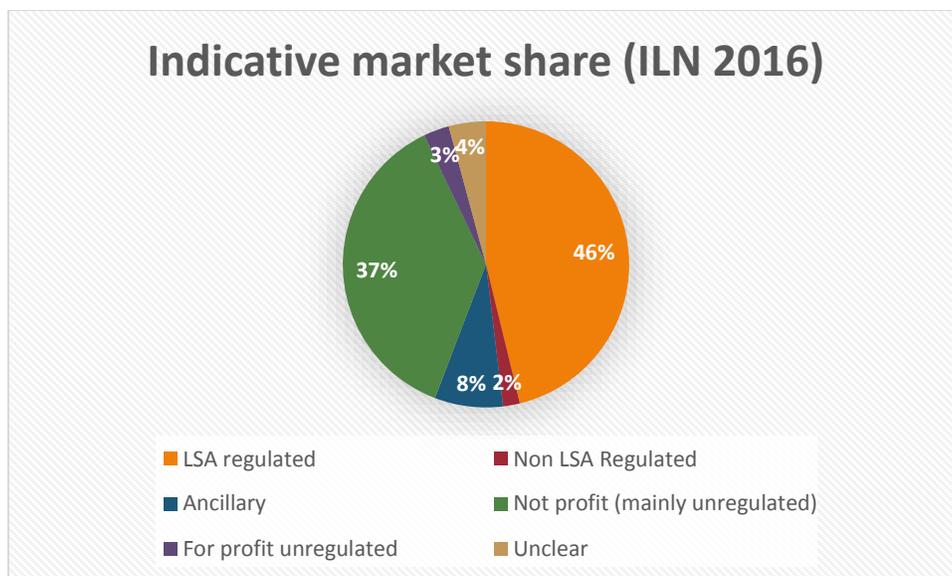
To determine the indicative market share, the results from these three sources were verified by internet searches to assess how prevalent for profit unregulated providers are online and to identify the main provider types.

There were two market segments in which the market share suggested by ILN 2016 could not be verified through internet searches: consumer issues and welfare and benefits. In both of these cases the ILN 2016 indicative market share appears to be higher than we would have expected based on unregulated providers that we have been able to identify. There is further detail on these segments in section 7.

#### 4.2 Overall levels of provision for different types of provider (individual consumers problems)

The table below illustrates the indicative proportion of consumers who used providers within each of the five categories that we identified through this project. This is based on individual consumers (not business consumers) and reflects the proportion of legal problems that each category handled, as a percentage of all cases in which assistance was sought, whether paid for or not.

It is important to bear in mind that this is based on consumers self-reporting their provider, which means that there may be some errors in recording the provider. The groupings have also required some assumptions to be made, which introduces the potential for some inaccuracy. For example, some not for profit providers may be LSA-regulated. However, given the large size of the survey the below table presents a good indication of the likely split between the five different categories of provider:



---

It is clear from this that for profit unregulated providers appear to account for a small proportion of overall unregulated provision, with not for profit providers assisting far more consumers.

### **4.3 Summary of market share and main for profit unregulated providers**

As set out above, for profit unregulated providers appear to account for a small proportion of all individual consumers' legal problems. Their share increases slightly if we consider only cases in which a consumer pays for their advice. For profit unregulated providers accounted for 4.5-5.5% of all legal problems where advice was sought and paid for (across the 10 segments covered by ILN 2016).

Behind this headline figure, the data suggests significant differences across market segments. The table below summarises the indicative market share of for profit unregulated providers, as a proportion of all cases in which advice/representation is paid for. In a number of areas there was either no evidence available or instances of unregulated provision identified through ILN 2016 were so small as to be unreliable in terms of indicating market share. Our own searches for unregulated providers suggest that provision in these areas is likely to be at the lower end of the spectrum (below 5%). As set out above, there are also two areas in which we could not verify the share suggested by ILN 2016.

Consumer problem type	Indicative market share of for profit unregulated providers	Types of for profit unregulated providers
1. Family (divorce)	10-13% (EI 2016)	<ul style="list-style-type: none"> <li>Online divorce providers</li> <li>Fee-charging McKenzie Friends</li> </ul>
2. Property, construction and planning	10-11% (ILN 2016)	<ul style="list-style-type: none"> <li>Landlord advice services</li> <li>Tenant eviction services</li> </ul>
3. Wills, trust and probate	7-9% (ILN 2016)	<ul style="list-style-type: none"> <li>Wills and estate administration providers</li> <li>Specialist will writers</li> <li>DIY/automated providers</li> </ul>
4. Intellectual Property	7-8% (EI 2016)	<ul style="list-style-type: none"> <li>Trademark and patent providers</li> <li>Invention promotion companies</li> </ul>
5. Employment	4-5% (SB Legal Needs)	<ul style="list-style-type: none"> <li>HR/business support services</li> <li>Fee-charging McKenzie Friends</li> </ul>
6. Conveyancing	2% (ILN 2016)	<ul style="list-style-type: none"> <li>DIY/automated providers</li> </ul>
7. Injury	1-2% (ILN 2016)	<ul style="list-style-type: none"> <li>HR/business support services</li> </ul>
8. Civil liberties	1-2% (ILN 2016)	<ul style="list-style-type: none"> <li>Fee-charging McKenzie Friends</li> </ul>
9. Consumer issues <sup>5</sup>	Unverified (up to 10%)	<ul style="list-style-type: none"> <li>Timeshare release companies</li> <li>Fee-charging McKenzie Friends</li> </ul>
10. Welfare and benefits <sup>6</sup>	Unverified (up to 10%)	<i>No provider types identified</i>
11. Crime <sup>7</sup>	Unknown (under 5%)	<i>No provider types identified</i>
12. Corporate finance	Unknown (under 5%)	<ul style="list-style-type: none"> <li>Legal process outsourcing</li> </ul>
13. Corporate tax	Unknown (under 5%)	<ul style="list-style-type: none"> <li>HR/business support services</li> </ul>
14. Other business affairs	Unknown (under 5%)	<ul style="list-style-type: none"> <li>HR/business support services</li> <li>Legal process outsourcing</li> </ul>
15. Other – debt	Unknown (under 5%)	<ul style="list-style-type: none"> <li>Debt collection agencies</li> </ul>
16. Other public and administrative law	Unknown (under 5%)	<i>No provider types identified</i>
17. Immigration and nationality	0% (ILN 2016)	<i>All advice in this area is regulated</i>

<sup>5</sup> This area was covered by ILN 2016 but it has not been possible to verify the market share through identifying unregulated providers that could account for the market share that was suggested from the results (9.6%). See section 7.9 for further detail.

<sup>6</sup> As above. In this case, ILN suggested a market share of 10.6% which could not be verified. See section 7.10 for further detail.

<sup>7</sup> Although the ILN 2016 included this area, the availability of legal aid for crime means that there were insufficient consumers who paid a fee for services to arrive at an indicative market share.

## 4.4 Common provider types across areas

### *HR/Business support services*

There are a number of general HR / business support providers offering advice and services which will in certain circumstances constitute a legal service within the definition employed for this project. These providers could be engaged through retainers, or they could be instructed on a case by case basis. Legal services offered by these providers would appear to include provision of model contracts, forms and other documentation. It may also include advice on specific legal issues that arise, mainly in relation to managing human resources or employment contract issues, or general business affairs (which could stray into more technical areas such as fundraising and intellectual property management).

These providers are not considered to be ancillary providers under our categorisation of providers, as the provision of legal services is seen as a significant component of their work and they are not subject to separate sectoral regulation resulting from their primary function. In contrast, accountants, tax advisers and financial advisers who are subject to regulation by one of the financial regulators are not included within this category as these would be seen to be ancillary providers.

The prevalence of these providers is supported by evidence from the LSB Small Business Legal Needs Survey in 2015. For example, this survey found that retainers with 'HR/employment services' were in place for 15.6% of businesses with 10-49 employees. This dropped to 2.7% for those with 2-9 employees. In relation to specific issues, the survey found that 3.6% of small businesses who had sought advice in relation to a legal problem sought assistance from an HR/ employment service. It should be noted that the reported incidence of usage of HR/ employment services is markedly lower than it was in the 2013 survey (perhaps reflecting the significant overall reductions in the incidence of legal problems amongst small businesses).

### *Fee-charging court support and representation (McKenzie Friends)*

McKenzie Friends are non-lawyers who are able to attend court with those involved in litigation to provide moral support, take notes, help with case papers and give advice on aspects of the conduct of a case. In some cases McKenzie Friends may be granted rights of audience by a judge, to enable them to address the court on behalf of their client.

Whilst traditionally a voluntary service, it is becoming increasingly common for McKenzie Friends to charge for their services. The Legal Services Consumer Panel undertook an investigation into McKenzie Friends which reported in April 2014.<sup>8</sup> This identified two main types of fee-charging McKenzie Friends:

---

<sup>8</sup> Legal Services Consumer Panel, *Fee-charging McKenzie Friends* (2014)

- i. Fee-charging McKenzie Friends offering the conventional limited service understood by this role, and
- ii. Fee-charging McKenzie Friends offering a wider range of services including general legal advice and speaking on behalf of clients in court.

The report noted that most McKenzie Friends are sole traders although there are some businesses with two or three partners. There appears to be a relatively even split between those who work on a part-time and full time basis. The market is characterised by people entering and leaving the market, with a smaller pool of McKenzie Friends who are more established within the system. Full-time McKenzie Friends are likely to assist 50-100 people in a year.

The LSCP report identified a number of theoretical risks associated with McKenzie Friends but noted that there was little evidence of these risks crystallising.

Analysis of the ILN 2016 suggests that use of fee-charging McKenzie Friends remains limited across the market. Out of the 5,512 problems where assistance was sought, there were only 7 instances in which a McKenzie Friends was recorded as the main provider. Of these, 4 consumers paid a fee (0.07% of all incidences).

In February 2016 the Judicial Executive Board published a consultation concerning how courts should deal with McKenzie Friends.<sup>9</sup> The consultation proposes a prohibition on McKenzie Friends being able to recover fees or expenses. If these proposals are adopted, through rules of court, it would mean that this category of for profit unregulated provider would likely fall away.

---

<sup>9</sup> See [here](#).

## 5 NOTABLE TRENDS IN FOR PROFIT UNREGULATED SERVICES

### 5.1 Technology

#### *Online providers of 'legal advice' to individual consumers*

The mapping indicates that there is a considerable number of providers of unreserved and unregulated 'legal advice' that offer their services remotely to individual consumers, either through online portals or by telephone consultation. The appearance and layout of some portals may flag to consumers the informal nature of the advice to be offered. Other sites may be more confusing for consumers to assess.

Some of these businesses are owned by, or engage or employ, non-practising solicitors or barristers. In other cases, the training or professional background of those delivering the services is unclear.

In certain areas where entity regulation is less established, such as intellectual property, some unregulated providers engage or employ regulated 'authorised persons' to deliver services, meaning that regulatory protection for consumers will depend upon who at the unregulated firm is delivering the service.

Online providers may provide tailored advice on specific matters or they may combine this with selling model legal material (see below).

#### *Providers of model legal material (such as contracts, filing and registration documents)*

For some common consumer problems, there appear to be a number of websites or providers that offer consumers the option to purchase model documents such as contracts or letters, or to handle filing or registration of patents, trademarks or divorce materials, or to attend to other procedural matters.

Some providers only sell standardised templates for consumers to adapt. Others will combine a template document service with a wider registration / filing service, or with tailored advice. When advice is offered, in some instances, it is delivered by the same provider whereas in others, the provider acts as an intermediary for regulated providers.

Some online services are offered in the form of a web-based software application. This involves consumers inputting information into the user interface, and an algorithm or other automatic function generating the document or piece of advice. In many cases, there does not appear to be any oversight by a person to check the appropriateness of the outcome. It is also important to note that a problem with the underlying program logic, or a bug in the software, could theoretically affect a number of consumers before it is noticed or rectified.

If the risks are appropriately managed, these sorts of services can contribute to unbundling of services, providing consumers with tools to handle matters themselves.

### *Consumer reviews and testimonials*

Unregulated providers' websites sometimes refer to consumer reviews of their services or testimonials. Some providers are present on Trustpilot or other consumer review websites which allow for direct consumer feedback. Other websites include their own customer testimonials, which it is not possible to verify.

## **5.2 Regulatory**

### *SRA Separate Business Rule and 'Looking to the future' consultation*

Changes in 2015 to the SRA's Separate Business Rule have made it easier for law firms to separate legal services that must be regulated from aspects which can be provided without regulation. The changes remove restrictions on solicitors being involved in separate businesses, meaning that solicitors and law firms could in theory provide regulated and unregulated services through separate vehicles to the same clients. This would mean that clients would receive some of their services through a regulated solicitor or law firm and some through an unregulated separate business.

This has the potential to significantly increase unregulated provision, as even when instructing a regulated law firm consumers may also be instructing an unregulated provider for other aspects of their issue.

In June 2016 the SRA published a consultation entitled 'Looking to the future', which sets out a number of proposed reforms with the intention of increasing flexibility for providers and individuals to establish themselves in different ways. For example, it proposes to allow authorised solicitors to deliver non-reserved legal services to the public from unregulated providers. The consultation paper notes that this would give solicitors the flexibility to compete in the "alternative legal services market". The paper considers the potential impacts of the proposed reform and a number of these potential impacts would contribute to overall increases in unregulated provision of legal services.<sup>10</sup>

### *Voluntary regulation*

The mapping process found only limited examples of established voluntary regulation. For example, whilst there are a few active bodies in the area of will writing, we did not identify well established voluntary regulation bodies in other sectors that are focussed on otherwise unregulated providers. However, in December 2015 the Professional Paralegal Register (PPR) was launched. This provides a voluntary regulation framework for paralegal businesses across different practice areas. This has the potential to significantly extend voluntary regulation to unregulated providers across markets.

The voluntary regulators that do exist generally specify requirements concerning education and training, continuing professional development and indemnity insurance. They also

---

<sup>10</sup> <http://www.sra.org.uk/sra/consultations/code-conduct-consultation.page#download>

provide complaints handling in the event that consumers are not able to resolve a complaint direct with their provider.

## 6 PERCEIVED BENEFITS AND RISKS

To some extent, from the work undertaken as part of this mapping report it is possible to generally assess the risks and benefits associated with obtaining legal services from unregulated providers. Any assumptions should be tested before reliance is placed on them. The following is, however, a useful starting point.

As to the risks and benefits associated with areas identified for in depth research, please refer to EI 2016. This research involved a more in depth assessment of benefits and risks in these areas.

### 6.1 Potential benefits associated with unregulated providers

At a high level, potential benefits may include:

- **Innovative new services** – the LSB’s Innovation research in 2015<sup>11</sup> found that unregulated providers were more likely to undertake innovative activities and also derive a higher proportion of their income from innovative services than solicitors and barristers chambers. Through the mapping process we came across numerous examples of innovative means of delivering services, often through the use of IT systems, as well as combining legal services with related non-legal services. Many providers also offer different packages of service and fees to suit the level of service required by individual clients (thus supporting unbundling of services<sup>12</sup>). This is also borne out by the more in depth research, which identified service differentiation as a potential benefit of unregulated providers.
- **Accessible services** – it is apparent that in order to secure business, unregulated providers need to have well thought out marketing and customer acquisition strategies and this means that their services are often easy for clients to find out about and access. Services are often delivered primarily online and have accessible IT platforms to support this (although such approaches will only be accessible for certain consumers). At the other end of the spectrum, in areas such as will writing unregulated providers routinely offer home visits to take instructions, which could make their services accessible for some consumers.
- **Competitive pricing structures for consumers** – In certain areas it is possible to evidence the fact that unregulated providers are generally more transparent on fees and offers lower prices than regulated providers. For example, the LSB’s recent prices research<sup>13</sup> demonstrated that the average price for a standard will was £136 for an unregulated provider compared to £176 for a regulated provider. The research also

<sup>11</sup> Enterprise Research Centre, *Innovation in legal services* (2015).

<sup>12</sup> Ipsos Mori, *Qualitative research exploring experiences and perceptions of unbundled legal services* (2015)

<sup>13</sup> OMB Research, *Prices of individual consumer legal services* (2016)

demonstrated that unregulated will writers were more likely to display prices on their website than solicitors (28% compared to 16%) and that unregulated providers are far more likely to provide consumers with a menu of outline prices than regulated providers (76% of all unregulated providers did so, compared to 44% of regulated providers). Similarly, EI 2016 revealed that online divorce providers routinely offer a fixed up-front fee for work and that this fee is generally lower than the average price charged by regulated providers, as provided through the Price Index research (although the level of service provided is unlikely to be the same).

- ***The capacity to address otherwise unmet legal need*** – the above features help to explain why some consumers use unregulated providers. This mapping exercise demonstrates that in some market segments use of unregulated providers is as high as 10%. It is likely that at least some of the consumers who use unregulated providers would otherwise take no action or seek to deal with matters themselves, which means that unregulated providers can be seen to be helping to reduce unmet legal need.

## 6.2 Potential risks associated with unregulated providers

The mapping process has not involved an in depth assessment of consumer detriment or any work with consumers. In addition, we have not sought to assess the technical quality or competence of providers or the service that they are delivering. However, the process has allowed us to identify some key differences between regulated and unregulated providers and some potential issues which could flow from this and increase risks to consumers.

### Key differences

In general, unregulated providers offer a different level of service and a different level of regulatory protection than regulated providers.

Consumers using unregulated providers cannot rely on the same level of regulatory protection or options for redress as consumers using regulated providers. Below is a list of protections that will apply to consumers of most regulated services but which will not, or may not, apply to those using unregulated providers:

- Entry requirements and authorisation – regulated providers are required to undertake certain prescribed training and qualification in order to become and then remain authorised. Some voluntary regulators stipulate entry and ongoing requirements to maintain authorisation.
- Complaints handling – regulated providers are required to have their own in house complaints handling procedures and consumers will also have access to the Legal Ombudsman if not satisfied with the in house resolution. Most voluntary regulators require their members to have complaints handling processes and operate their own process for consumers who are not satisfied with in house resolution. The ADR Directive requires all UK businesses to signpost to an approved ADR provider, although participation is voluntarily unless sector-specific legislation requires it.

- Indemnity insurance – regulated providers are required to have indemnity insurance, to a prescribed level and to certain prescribed terms. Some voluntary regulators will require a minimum level of indemnity insurance.
- Compensation fund – the SRA operates a compensation fund to protect consumers in the event of loss that cannot be recovered from providers (for example, in the case of theft which is not covered by indemnity insurance). This protection is not available to consumers of unregulated providers.
- Regulatory oversight of closure – closure of a provider creates certain risks for consumers, such as delays to progressing a matter, loss of fees paid for services not yet delivered and potential loss of important case papers or confidential material. Regulated providers will generally be subject to regulatory oversight and protection in the event of closure. This will not apply for unregulated providers.

Unregulated providers also generally offer a different level of service, which is often more commoditised and focussed on procedural matters. This is particularly apparent in the case of providers who offer model documents and templates but also in services such as online divorce which are focussed on the processing of agreed, amicable divorces. As set out above, this can support unbundling of services which can help to keep costs down for consumers. It can also mean less oversight and consideration of whether consumers' interests are best served. For example, consumers may download and use templates which are not appropriate for their case. Similarly, an online divorce provider may process an agreed financial consent order without considering whether their client is agreeing to a settlement that may be well below what they could expect if they wanted to contest the matter.

#### Factors that could increase risk

- **Consumers not making informed choices** – if consumers are aware that their provider is unregulated and that this will mean less protection, then they can exercise an informed decision to use an unregulated provider. If they are not aware of these factors, they will not be making an informed choice, which could result in detriment.

The ILN 2016 found that most consumers of for profit unregulated providers (57%) did check whether their provider was regulated. However, of the 35% who did not, 42% did not check because they assumed that their provider was regulated. This means that these consumers instructed unregulated providers without knowing that they were doing so or understanding the implications. This equates to approximately 15% of all consumers who paid for an unregulated provider.

A further 12% of those who didn't check stated that the main reason was that they didn't know how to find the information. This is consistent with our own experience, as the project team found it difficult to establish whether some providers were regulated when undertaking the mapping. This resulted from some regulated providers not making their status clear and many unregulated providers presenting and using language which gave

---

the impression that they were regulated. In certain areas matters are complicated further by the ability of regulated persons to provide reserved legal services from unregulated entities; in this case a consumer may or may not be protected dependent upon who at the entity delivers the service.

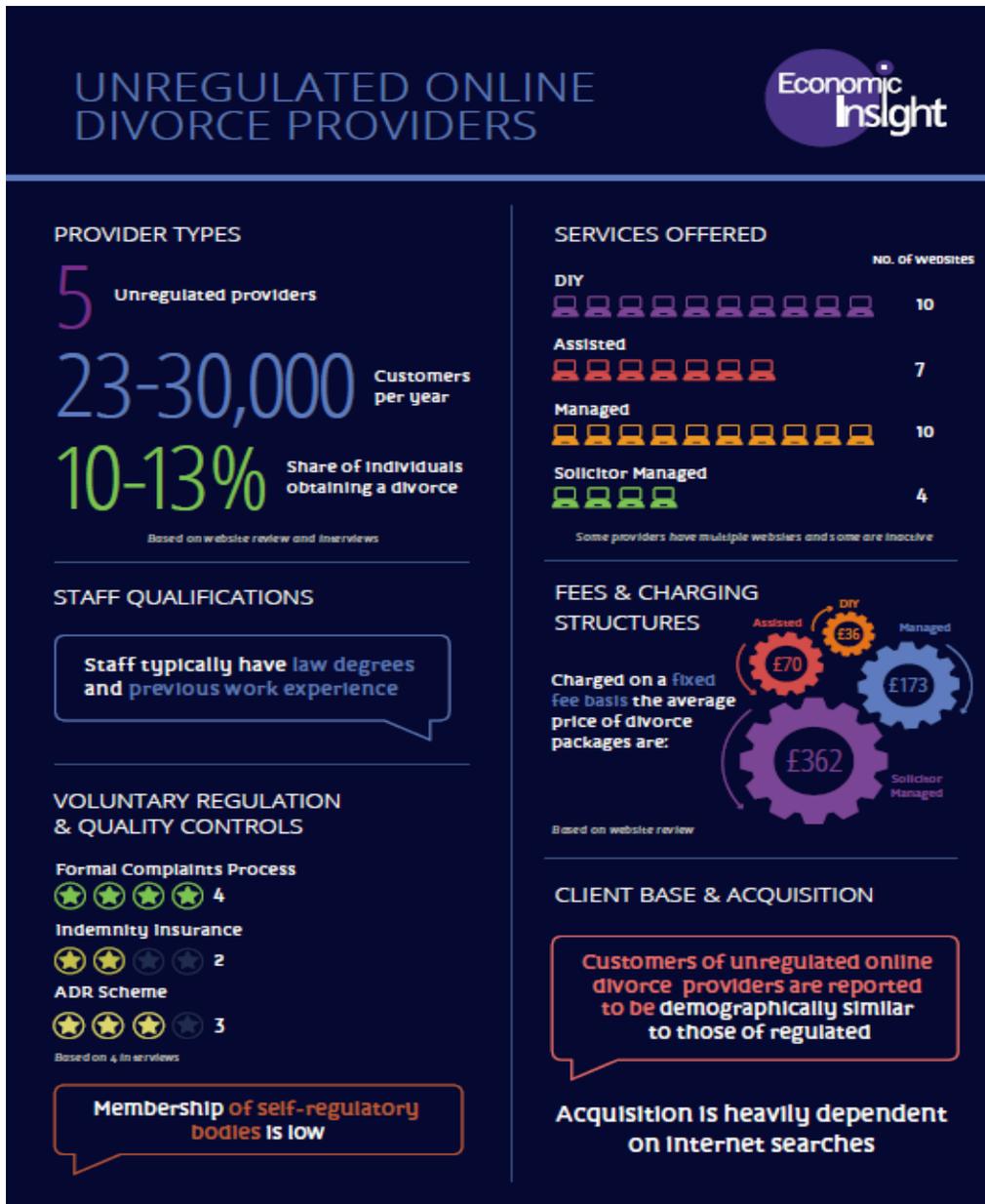
- **Misleading advertising claims** – the mapping identified advertising claims made by a small number of unregulated providers which could be misleading to consumers. For example, some providers guaranteed success in claims in a manner in which regulated providers would likely be prohibited from doing. In addition, some unregulated providers made references to their own customer reviews which it would be very difficult to verify, or made references to quality assurance schemes or systems which are not independent or which they could not be members of.

Economic Insight's analysis of consumer review websites also identified some examples of confidential information being lost and consumers complaining of poor communication.

## 7 REVIEW OF FOR PROFIT UNREGULATED PROVIDERS BY SEGMENTS

### 7.1 Family

#### Matrimonial / divorce



\*Graphic from EI 2016

### Care and children

Care and child work appears to have a lower overall level of unregulated provision than divorce.

### Fee-charging McKenzie Friends

The LSCP's 2014 investigation into fee-paying McKenzie Friends<sup>14</sup> found that family is the most active area for fee-charging McKenzie friends, who offer services in relation to divorce as well as hearings concerning children and contact arrangements.

---

<sup>14</sup> Legal Services Consumer Panel, *Fee-charging McKenzie Friends* (2014).

## 7.2 Property, construction and planning

(eg. landlord and tenant, repossession, squatters, boundaries and rights of way, planning, property finance, property leasing, planning applications)

Indicative market share	
<b>10-11%</b>	This is based on results of ILN 2016.
Main types of for profit unregulated providers	
<p>The presence of unregulated providers differs greatly across the sub-sections of this segment.</p> <p>The tenant and individual consumer side appears to be dominated by not for profit resources and organisations, with limited for profit unregulated providers. The exception is in relation to resisting repossession; in this area there do appear to be some companies who offer a level of free legal advice on resisting repossession as a means of securing other fee-charging work (such as managing sale of a house).</p> <p>For profit unregulated providers have a much larger presence on the landlord side:</p> <ul style="list-style-type: none"> <li>• <b>Landlord advice services</b> provide assistance to landlords with meeting their legal obligations. Services usually resolve around provision of guides and template documents such as tenancy agreements. Some providers charge per document downloaded whilst others also offer membership services which provide ongoing access to resources and potentially advice lines. Related services, such as credit and reference checks for tenants, are also often offered, as well as introductions to surveyors and tradesmen. Some providers appear to offer free legal guides and template documents as a means of attracting clients into using their other services for which they will charge a fee.</li> <li>• <b>Tenant eviction services</b> also appear prominently in online searches for landlord legal advice. Services offered include debt recovery, reviewing tenancies and documentation, drafting of pre-action letters and issuing evictions proceedings. Most providers also offer to handle the actual eviction, including instructing bailiffs. Providers appear to offer a clear articulation of the steps involved and the fees for each step. Most providers refer to statistics to demonstrate success rates in securing evictions. Most landlord advice services will also include an eviction service.</li> </ul>	
Overview of wider market segment	
This consumer problem area can be considered from individual consumers, small business, tenant and landlord perspectives.	

For individual consumers / tenants, the market appears to be dominated by not for profit resources and regulated providers.

In relation to landlords, alongside significant for profit unregulated provision, regulated providers have a strong market share and there are also a number of free online resources.

Ancillary providers are also active as estate agents and financial advisers may offer services amounting to legal advice within this segment.

#### **Specific trends and issues**

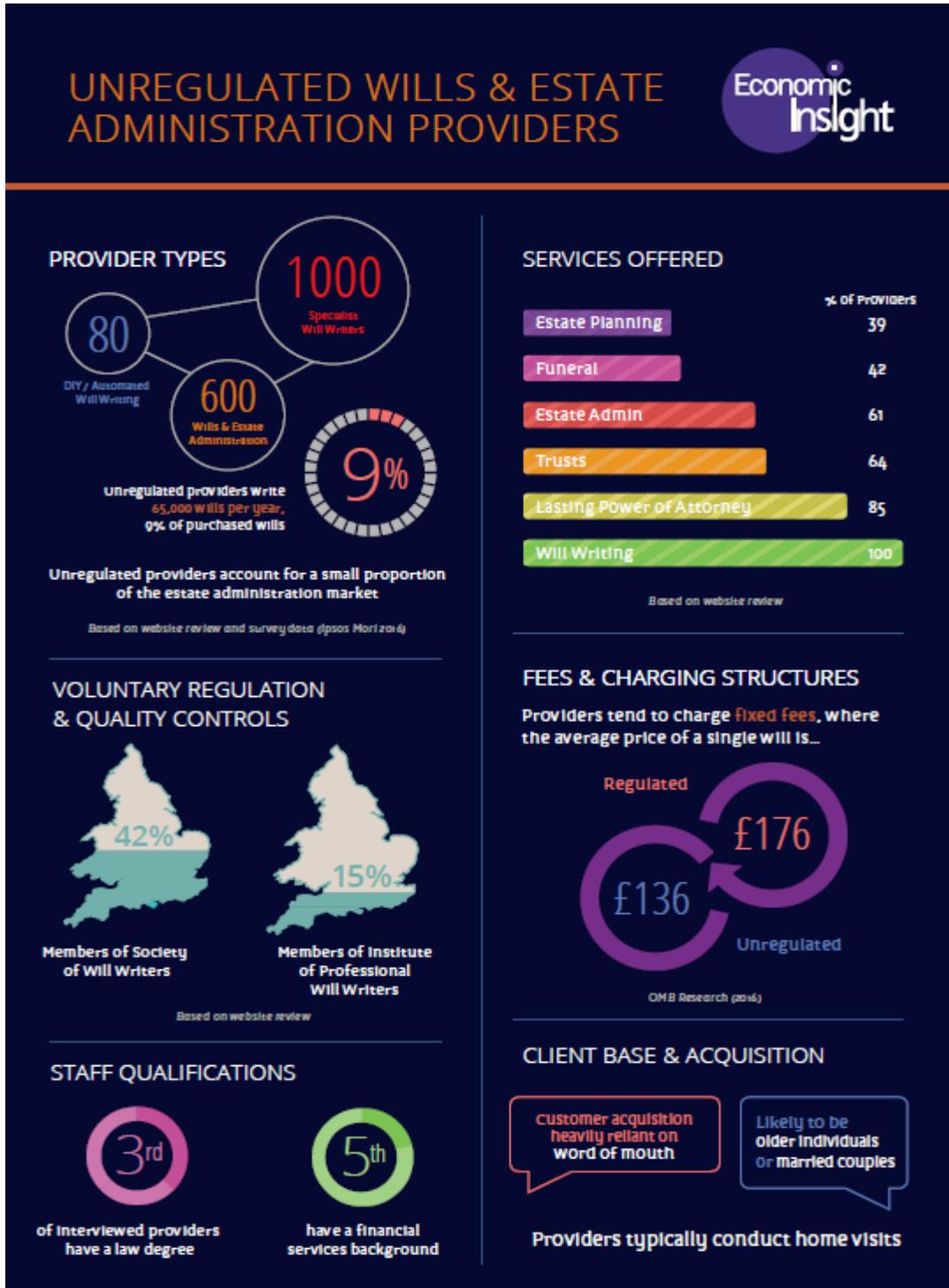
For profit unregulated providers in this area generally combine legal services with related non-legal services, such as bailiffs and estate agency. In some instances free legal documents are provided as a means of attracting clients for other services. This would appear to increase the risk of poor quality documents, as there is less incentive on providers to ensure that the documents provided are of a high quality and remain regularly updated and reviewed.

#### **Quality assurance, oversight and consumer protections**

Charities and free advice services may provide some additional consumer protections:

- Leasehold Advisory Service
- Shelter
- Homeowners Rescue Advice Centre
- National Landlords Association

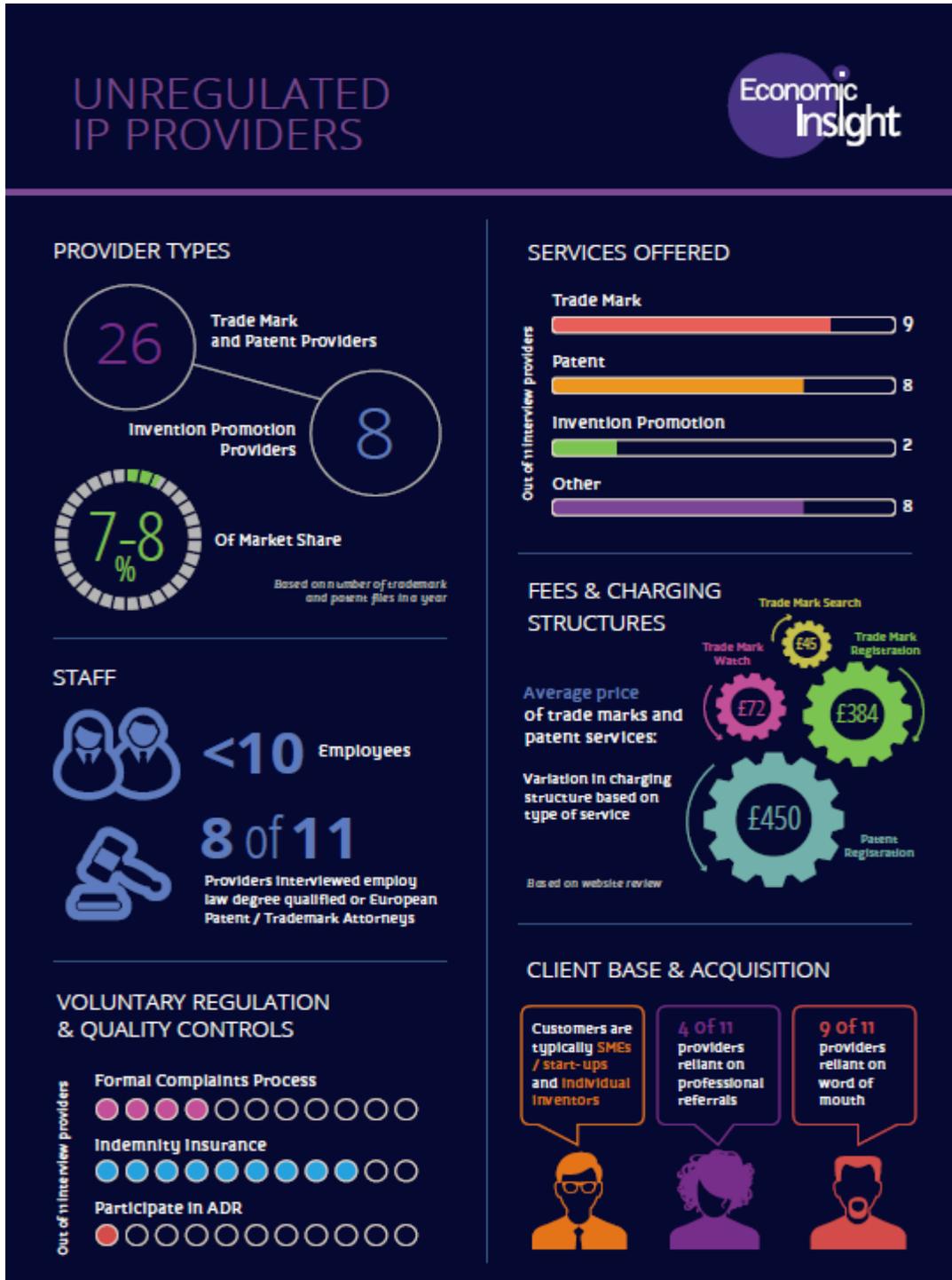
7.3 Wills, trust and probate



\* Graphic from EI 2016

## 7.4 Intellectual property

(eg. patents, trademarks, copyright, confidentiality, IT)



\* Graphic from EI 2016

## 7.5 Employment

(eg. pensions, unfair dismissal, redundancy, employment contracts)

Indicative market share of for profit unregulated providers	
<p><b>1-2%</b> (for employees)</p> <p>to</p> <p><b>4-5%</b> (minimum, for employers)</p>	<p><u>Small Business Legal Needs (employers)</u></p> <ul style="list-style-type: none"> <li>• 1.2% have retainers with HR/employment service (rising significantly by firm size to 15.6% of those with 10-49 employees)</li> <li>• Approximately 4.6% of those who had used an external provider in the last 12 months had used an HR/employment service (2.5% of all small businesses surveyed)</li> <li>• It is not possible to establish the proportion of specific employment issues which resulted in the use of an HR/employment consultancy – it is likely that this would be higher than 4.6%.</li> </ul> <p><u>Individual Legal Needs (employees)</u></p> <ul style="list-style-type: none"> <li>• 1.6% of individual consumers who paid for a service</li> </ul>
Main types of for profit unregulated providers	
<ul style="list-style-type: none"> <li>• <b>HR/ business support services</b> offering legal advice services (and potentially other legal services) to businesses. This will include contractual issues with staff, development of staff policies and advice on dismissals and specific staff issues.</li> <li>• <b>Fee-charging McKenzie Friends</b> providing assistance or representation in relation to matters in employment tribunals.</li> </ul>	
Overview of wider market segment	
<p>The Claims Management Regulator's remit extends to employment claims, meaning that in addition to LSA regulated providers this segment includes claims management companies.</p> <p>There is a reasonable presence of not for profit advisers in this market segment, including charities, law centres and trade unions.</p> <p>Accountants or financial advisors offering services to businesses may also offer services that could be classified as legal, such as pensions advice.</p>	

**Specific trends and issues**

HR and business support services are widely offered. These often provide primarily non-legal services but will include legal aspects. It is not clear how providers or consumers identify the legal aspects and whether these aspects of provision attract any additional safeguards.

It is quite difficult to ascertain the regulatory status of some of the consultancies found online, which talk about legal advice and expertise and appear to be very much like law firms but are not regulated. Some providers use the term 'lawyer' or 'legal expert' when they do not appear to have authorised persons who are able to provide services to the public.

**Quality assurance, oversight and consumer protections**

Employers:

- Federation of Small Businesses (FSB): Provides advice service for members, including specific employment law advice service.
- There appear to be some large and well-established HR/business support services who target large employers. The importance of brand recognition and reputation in this market could provide some quality assurance.

Employees:

- Wide choice of free advice from charities or community-based centres as well as advice and potentially assistance with securing representation for members of trade unions.

## 7.6 Conveyancing

(residential and commercial)

Indicative market share	
<b>2%</b>	This is based on results of ILN 2016.
Main types of for profit unregulated providers	
<p>There does not appear to be a high presence of for profit unregulated providers in the residential or commercial conveyancing sector. This may be due to some elements of conveyancing being reserved activities (acting as barriers to entry).</p> <p><b>DIY conveyancing resources</b> - There appears to be a trend of DIY conveyancing beginning to take hold in this market and there are resources online to assist those who want to do their own conveyancing. This includes some unregulated providers who sell documents and packs to assist with this process (such as guides on the process, property information forms, fixtures and fittings list, template contracts, letters).</p>	
Overview of wider market segment	
<p>The dominant players in the conveyancing market are solicitors, licensed conveyancers or notaries. A consumer may also opt to undertake the conveyance himself or herself.</p> <p>There are significant options for free advice or resources online.</p>	
Specific trends and issues	
<p>DIY conveyancing appears to be taking hold to a limited extent. This has attracted some unregulated providers into the market, as it creates potential demand which they can meet without providing a reserved legal activity. However, there are not many unregulated providers in this area and fees for documents and materials are low.</p>	
Quality assurance, oversight and consumer protections	
<p>Key stages of the conveyancing process are reserved meaning that most providers are regulated under the Legal Services Act.</p> <p>Property transactions need to be registered with the Land Registry (a non-ministerial Government department). This might result in some obviously defective transactions being identified and potentially declined.</p>	

## 7.7 Injury

(eg. road traffic accidents, injury at work, clinical negligence)

Indicative market share	
<p><b>1-2%</b> for claimants</p>	<ul style="list-style-type: none"> <li>• This is based on results of ILN 2016.</li> <li>• There is no evidence on the prevalence of unregulated providers assisting employers to defend claims.</li> </ul>
Main types of for profit unregulated providers	
<p>The Claims Management Regulator regulates companies offering a service for those seeking compensation for personal injury. Therefore there is limited scope for unregulated providers in this segment.</p> <p>Some <b>HR / business support providers</b> may become involved in assisting employers to defend personal injury claims.</p>	
Overview of wider market segment	
<p>There appears to be high levels of regulated provision in this area, including a significant number of Claims Management Companies. Some consumers will also pursue matters through insurers.</p>	
Specific trends and issues	
<p>Low levels of for profit unregulated provision due to additional regulation through Claims Management Regulator.</p>	
Quality assurance, oversight and consumer protections	
<p>Limited scope for unregulated provision outside of Legal Services Act 2007 and the jurisdiction of the Claims Management Regulator.</p>	

## 7.8 Civil liberties

(eg. human rights, actions against the police, discrimination, rights to life)

Indicative market share	
<b>1-2%</b>	This is based on results of ILN 2016.
Main types of for profit unregulated providers	
There would appear to be some involvement of <b>fee charging McKenzie Friends</b> within this segment, although numbers are not believed to be significant.	
Overview of wider market segment	
Alongside regulated providers, there appears to be a high presence within this segment of not for profit providers offering support, advice and representation.	
Specific trends and issues	
Low levels of for profit unregulated provision.	
Quality assurance, oversight and consumer protections	
Nothing significant identified.	

## 7.9 Consumer issues

(eg. sale of goods and services, hire purchase)

Indicative market share	
<b>Unverified (up to 10%)</b>	Analysis of ILN 2016 suggested a market share of 9.6%. However, this was based on a small base which increases the margin for error. We have identified some for profit unregulated providers but not enough to verify a share of up to 9.6%.
Main types of for profit unregulated providers	
<ul style="list-style-type: none"> <li>• <b>Timeshare release companies</b> - online searches reveal a significant choice of for profit unregulated providers who will help those seeking to be released from timeshare agreements. These providers generally require potential clients to answer a few questions in order to generate their options. Fees are not generally advertised up front, at least not before options have been generated. Providers refer to consumer reviews, either through their own review systems or other consumer review sites.</li> <li>• <b>Fee-charging McKenzie friends</b> – the LSCP report on McKenzie friends found that some McKenzie friends offer services in relation to consumer disputes and money claims.</li> </ul>	
Overview of wider market segment	
<p>ILN 2016 confirmed that legal problems concerning consumer issues are often handled alone by consumers or with only informal help.</p> <p>For consumers who do seek to resolve a problem with assistance, they will have a choice of LSA regulated providers as well as claims management companies, financial advisers and free advice agencies or charities.</p>	
Specific trends and issues	
A number of the timeshare providers make “100%” guarantees of success or satisfaction.	
Quality assurance, oversight and consumer protections	
<p>Timeshare release companies seem to trade partly on consumer reviews, mostly through client testimonials on their own sites. There are also some references to independent review sites, although we were not able to identify many examples of extensive independent reviews which could provide meaningful assistance to consumers.</p> <p>There are a range of free online resources and consumer rights groups who may be able to assist consumers in deciding whether to pay for legal advice and if so who to instruct.</p> <p>Some consumer issues may engage protections through Trading Standards or the Advertising Standards Authority.</p>	

## 7.10 Welfare and benefits

(eg. community care, education, benefits, mental health)

<b>Indicative market share</b>	
<b>Unverified (up to 10%)</b>	Analysis of ILN 2016 suggested a market share of 10.6%. However, this was based on a relatively small base which increases the margin for error. We have not been able to identify any consistent types of for profit unregulated providers to verify this share.
<b>Main types of for profit unregulated providers</b>	
We have not been able to identify for profit unregulated providers in this area.	
<b>Overview of wider market segment</b>	
This segment appears to be dominated by not for profit providers and resources.	
<b>Specific trends and issues</b>	
Strong not for profit presence.	
<b>Quality assurance, oversight and consumer protections</b>	
This segment largely concerns interactions and applications with public bodies rather than disputes between private individuals.	

## 7.11 Crime

<b>Indicative market share</b>	
<b>Unknown (assumed under 5%)</b>	The sample from ILN 2016 was too small to be reliable. It identified 1 for profit unregulated provider out of 29 paid for providers, which suggests a small overall market share.
<b>Main types of for profit unregulated providers</b>	
No significant unregulated provision was identified.	
<b>Overview of wider market segment</b>	
LSA regulated providers dominate this market segment. Not for profit resources are also available.	
<b>Specific trends and issues</b>	
Low levels of for profit unregulated provision.	
<b>Quality assurance, oversight and consumer protections</b>	
Many of the key steps in criminal defence or prosecution are reserved legal activities.	
The Legal Aid Agency and Crown Prosecution Service procure the majority of criminal work and have their own quality assurance criteria and procedures.	

## 7.12 Corporate finance

(eg. mergers and acquisitions, joint ventures, public takeovers, privatisations, issuance of securities, corporate insolvency)

Indicative market share	
<b>Unknown (assumed under 5%)</b>	We were unable to locate any empirical evidence to demonstrate market share. However, the current level of unregulated provision appears very low.
Main types of for profit unregulated providers	
<p>For profit unregulated provision in this sector appears to be very limited.</p> <p>The main pocket of provision that our mapping has identified is <b>legal process outsourcing providers</b>. These are unregulated providers who generally offer services direct to law firms or organisations with in-house legal teams. Services offered include:</p> <ul style="list-style-type: none"> <li>• due diligence</li> <li>• document review and data extraction</li> <li>• drafting, reviewing and negotiating documentation (e.g. derivatives, commodity agreements, credit support documentation)</li> </ul> <p>Many providers appear to be based overseas.</p>	
Overview of wider market segment	
Consumers with a legal need within this segment should have a wide choice of regulated legal services providers as well as accountants and finance professionals to choose from.	
Specific trends and issues	
<p>If law firms outsource services to legal process outsourcing providers they will ultimately be outsourcing certain aspects of work to unregulated providers on behalf of their clients. However, the regulated providers should remain liable to clients for the services provided through any outsourcing agreement and regulatory protections should still apply.</p>	
Quality assurance, oversight and consumer protections	
<p>The main for profit unregulated providers that we have identified will be instructed directly by law firms, who should not be in vulnerable circumstances and should have high levels of legal capability and appropriate indemnity insurance arrangements in place.</p> <p>Consumers will benefit from regulatory protections as long as their contract is with the regulated provider.</p>	

### 7.13 Corporate tax

(eg. indirect taxation, property taxation, international taxation)

Indicative market share	
<b>Unknown (assumed under 5%)</b>	We were unable to locate any empirical evidence to demonstrate market share. However, the current level of unregulated provision appears to be low.
Main types of for profit unregulated providers	
It is possible that some <b>HR/business support services</b> will offer advice which comes into this segment.	
Overview of wider market segment	
This segment is dominated by solicitor firms and ABS licensed accounting firms.	
Other accounting firms and tax advisers may give advice that could be considered to be legal advice.	
Specific trends and issues	
Low levels of for profit unregulated provision.	
Quality assurance, oversight and consumer protections	
Nothing significant identified.	

## 7.14 Other business affairs

(eg. infringement of contracts, competition, environmental, procurement, licensing, business registration)

Indicative market share	
<b>Unknown (assumed under 5%)</b>	We were unable to locate any empirical evidence to demonstrate market share. However, the current level of unregulated provision appears to be low.
Main types of for profit unregulated providers	
<p><b>HR/Business support services</b> offering advice and support services to business under retainer contracts or in relation to specific issues. Within this segment this could include advice on contracts with suppliers and company registration and licensing.</p> <p><b>Legal process outsourcing providers</b> may also become involved in some matters within this segment. See 7.12 on Corporate Finance for further detail on these providers.</p>	
Overview of wider market segment	
<p>This is a broad segment which includes a number of quite different sub-categories.</p> <p>Alongside LSA regulated providers, accountants will offer legal advice within this segment.</p> <p>On the not for profit side, trade bodies and Government agencies offer advice. There are also many free online resources.</p>	
Specific trends and issues	
<p>It is often difficult to determine where the line is drawn between legal and non-legal services.</p> <p>It is quite difficult to ascertain the regulatory status of some of the consultancies found online, which talk about legal advice and expertise and appear to be very much like law firms but are not regulated. Some providers use the term 'lawyer' or 'legal expert' when they do not appear to have authorised persons who are able to provide services to the public.</p>	
Quality assurance, oversight and consumer protections	
<ul style="list-style-type: none"> <li>• Federation of Small Businesses (FSB)</li> <li>• There appear to be some large and well-established HR/business support services who target large employers. The importance of brand recognition and reputation in this market could provide some quality assurance. A small number of these larger suppliers feature on Trustpilot or other consumer review websites.</li> </ul>	

## 7.15 Other – Debt

(eg. debt management, debt collection)

Indicative market share	
<b>Unknown (assumed under 5%)</b>	We were unable to locate any empirical evidence to demonstrate market share. However, we believe that the current level of unregulated provision is low.
Main types of for profit unregulated providers	
<p><u>Debt management</u></p> <p>It is likely that most legal work in this area will be unreserved advice and negotiation.</p> <p>There are close links to financial services regulation which means that there is a high presence of ancillary providers that are regulated by the FCA as primarily financial services institutions that provide some legal advice in relation to debts.</p> <p>This does not appear to be a significant area for specific legal advice and therefore unregulated providers are more likely to fall into the ancillary providers category and would be better suited for FCA regulation than any legal services regulation. The exception would be organisations that are focused on legal advice aspects without undertaking related financial services. It has been difficult to identify such bodies and therefore it is likely that this would be a very small category of providers.</p> <p><u>Debt recovery</u></p> <p>Debt recovery is likely to engage the remit of the Claims Management Regulator and therefore providers offering services in this regard will mainly need to be regulated.</p> <p><b>Debt collection agencies</b> offer advice on litigation or insolvency proceedings and some will fall outside of the remit of the Claims Management Regulator.</p>	
Overview of wider market segment	
<p>This area covers those in debt and those seeking to recover debt.</p> <p>The area touches upon legal services, financial services and claims management regulation.</p> <p>It also involves significant not for profit provision. It is therefore populated by a number of different provider types.</p>	

**Specific trends and issues**

The legal aspects of debt management and debt collection do not attract a uniform service or consistent regulation and consumer protection. However, there appears to be limited profit making provision outside of the scope of any regulatory regime.

**Quality assurance, oversight and consumer protections**

The Financial Ombudsman Service will have jurisdiction in relation to certain providers, as would the Financial Conduct Authority and the Claims Management Regulator.

## 7.16 Other public and administrative law

(eg. judicial review, public enquiries)

Indicative market share	
<b>Unknown (assumed under 5%)</b>	We were unable to locate any empirical evidence to demonstrate market share. However, the current level of unregulated provision appears to be low.
Main types of for profit unregulated providers	
A subcategory of public inquiries relates to transport and traffic commissioner issues. In this regard there is some limited presence of <b>HR/business support consultancies</b> who may offer some legal advice.	
Overview of wider market segment	
This segment appears to be dominated by regulated providers.	
There is some limited not for profit representation but this appears to constitute a small proportion of the market.	
Specific trends and issues	
No relevant trends identified.	
Quality assurance, oversight and consumer protections	
Nothing significant identified.	

## 7.17 Immigration and nationality

(eg. immigration, asylum, national insurance, visa applications)

Indicative market share	
<b>0%</b>	This is based on results of ILN 2016.
Main types of for profit unregulated providers	
We have not identified any for profit unregulated providers.	
Overview of wider market segment	
<p>Immigration is one of the few areas in which legal advice is regulated; in order to provide immigration advice or services it is necessary to be either an authorised person under the Legal Services Act or to be accredited and regulated by the Office of the Immigration Services Commissioner (OISC).</p> <p>The increased consumer protection in this area, which is set out in the Immigration and Asylum Act 1999, means that there is no scope for unregulated providers. Unregulated provision is likely to be unlawful.</p> <p>There are a number of not for profit providers of immigration advice – some are registered with OISC whilst other operate under exemptions to the rules.</p> <p>There are some commercial intermediaries and referral agencies but these are not permitted to offer any advice themselves or they would be committing a criminal offence.</p>	
Specific trends and issues	
Low levels of for profit unregulated provision.	
Quality assurance, oversight and consumer protections	
The Law Society provides voluntary “Immigration and Asylum” accreditation.	

## ANNEX A: SOURCES OF EVIDENCE

This mapping report was informed by meetings with the following organisations:

- Association of Costs Lawyers
- Bar Standards Board
- CILEx
- CILEx Regulation
- Chartered Institute of Patent Attorneys
- Council for Licensed Conveyancers
- Costs Lawyer Standards Board
- Institute of Chartered Accountants of England and Wales
- Intellectual Property Office
- Institute of Professional Will Writers
- Institute of Trade Mark Attorneys
- Law Society
- Society of Will Writers
- Solicitors Regulation Authority

The project team also reviewed the following reports:

- Economic Insight, Unregulated legal services providers: understanding supply side characteristics (2016).
- Ipsos Mori, Online survey of individuals' handling of legal issues in England and Wales (May 2016). Online at: <https://research.legalservicesboard.org.uk/wp-content/media/Online-survey-of-individuals-legal-issues-REPORT.pdf>
- OMB Research, Prices of individual consumer legal services (2016). Online at: <https://research.legalservicesboard.org.uk/wp-content/media/Prices-of-Individual-Consumer-Legal-Services.pdf>
- Enterprise Research Centre, Innovation in legal services (2015). Online at: <https://research.legalservicesboard.org.uk/wp-content/media/Innovation-Report.pdf>
- BDRC Continental, *Comparing methods of service delivery: A case study on divorce* (2015) Online at: <https://research.legalservicesboard.org.uk/wp-content/media/21104-BDRC-Continental-Online-services-Divorce-case-study-17-03-15-v2.pdf>
- Ipsos Mori, Qualitative research exploring experiences and perceptions of unbundled legal services (2015) Online at: [https://research.legalservicesboard.org.uk/wp-content/media/14-086345-01-Unbundling-Report-FINAL\\_060815.pdf](https://research.legalservicesboard.org.uk/wp-content/media/14-086345-01-Unbundling-Report-FINAL_060815.pdf)

- 
- Kingston University, *The legal needs of small businesses* (2015). Online at: <https://research.legalservicesboard.org.uk/wp-content/media/PUBLISH-The-legal-needs-of-small-businesses-20-October-2015.pdf>
  - Legal Services Consumer Panel, *Fee-charging McKenzie Friends* (2014). Online at: [http://www.legalservicesconsumerpanel.org.uk/publications/research\\_and\\_reports/documents/2014%2004%2017%20MKF\\_Final.pdf](http://www.legalservicesconsumerpanel.org.uk/publications/research_and_reports/documents/2014%2004%2017%20MKF_Final.pdf)
  - Pleasance, P. and Balmer, N., *How people resolve 'legal' problems* (2014). Online at: <https://research.legalservicesboard.org.uk/wp-content/media/How-People-Resolve-Legal-Problems.pdf>
  - Solicitors Regulation Authority, *Market Analysis into alternative legal services market* (2014). Online at: <http://www.sra.org.uk/sra/consultations/separate-business-rule.page - Annex 1>
  - Legal Services Board, *Annexes from Evaluation: Changes in competition in different legal markets (empirical analysis)*, (2013). Online at: <https://research.legalservicesboard.org.uk/wp-content/media/Changes-in-competition-in-market-segments-ANNEX.pdf>
  - Legal Services Board, *Sections 24 and 26 investigations: will-writing, estate administration and probate activities* (2013). Online at: [http://www.legalservicesboard.org.uk/Projects/pdf/20130211\\_final\\_reports.pdf](http://www.legalservicesboard.org.uk/Projects/pdf/20130211_final_reports.pdf)
  - Northumbria University, *Redress for "Legal Services"* (2013). Online at: <http://www.legalombudsman.org.uk/downloads/documents/publications/Redress-for-Legal-Services-FINAL-11072013.pdf>
  - Frontier Economics, *Understanding the supply of legal services by 'special bodies'* (2011). Online at: <https://research.legalservicesboard.org.uk/wp-content/media/Investigation-into-Special-Bodies-2011.pdf>