

Research Specification: The consumer experience of online divorce services

Purpose

The Legal Services Board (LSB) and Legal Services Consumer Panel (LSCP) are commissioning this research jointly to explore the consumer experience of online divorce in the context of the wider growth of self-help legal services.

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 by pursuing its regulatory objectives¹ and providing regulatory oversight for the eight approved frontline regulators². All approved regulators share these regulatory objectives.

The Consumer Panel is an independent arm of the Legal Services Board, created to provide high quality, evidenced-based advice to the LSB and others on the consumer interest in the regulation of legal services.

LSB research has picked up that a significant number of people are handling their legal needs alone or by choosing an unbundled service package – in other words not simply going to a traditional lawyer with a problem and expecting them to return with a resolution. An example of recent innovation in this area has been the emergence of self-help online tools, with various levels of lawyer input, to meet this need in a range of areas from wills to tenancy agreements. We see that many consumers are attracted by the wider choice, convenience, speed and cost benefits of such approaches, although we also foresee potential risks such as unclear regulatory boundaries and privacy. While many consumers continue to seek traditional offline services, the online market is starting to attract a wider share of the legal market.

A variety of online legal services are available, for this research we have chosen to focus on divorce services as the market has been operational for a number of years and offers a variety of business models.

Divorce is a fairly straightforward legal process, starting with one side (the petitioner) putting a petition to the court, seeking permission to divorce and showing reasons why the marriage is ending. At this point the divorcing parties must produce a statements of arrangements outlining how they are dividing assets, childcare etc. If the spouse agrees to the petition they can apply for a decree nisi – a document saying there's no reason they can't divorce. Six weeks after the decree nisi has been granted the petitioner can apply for a decree absolute ending the marriage.

A variety of different online models are offered to individuals seeking divorce, though in general they require those divorcing to have first agreed the basic matters of grounds, how children will be looked after and how money, property and possessions will be divided. People then have the choice of online models that simply provide access to forms with some written support, full interactive online support and mixed online and telephone support services.

¹ <http://www.legislation.gov.uk/ukpga/2007/29/section/1>

² 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 Cost Lawyers, Master of the Faculties.

While we believe that online divorce services may have the potential to offer significant benefits to consumers we also acknowledge that there are significant risks. Online may not be suitable for all customers, some may wish to have greater support in handling their legal problem, others may have complex circumstances that cannot be handled using the online technology. There are also particular risks that vulnerable people will be persuaded to use services that do not provide adequate support and assistance, significantly reducing the quality of outcomes they achieve. The extent to which consumers understand the service offered, and limitations of the service offered when purchasing services is an important challenge for those providing services and regulators.

For regulators, online services challenge traditional models of regulation which impose high entry barriers as a proxy for the quality of service delivered. As online services grow, inevitably regulators will need to develop new approaches to regulation to tackle the new risks.

The Legal Services Board retains an interest both as access to legal advice is an important issue with regard to concerns over access to justice and as an example of the developing challenge of regulating online legal services.

Aims and Objectives

The primary aim of this research is to explore the consumer experience of online divorce services in order to understand whether risks arise in practice. The research is not expected to develop solutions to the problems identified or to suggest whether it should be market, regulators or others dealing with the risks.

The research should consider the extent to which risks identified are generic to all online services or features more likely to be associated with the topic – divorce – than the medium of delivery.

By identifying risks the report should allow the LSB and LSCP to target future work looking at online legal services or suggest areas of interest for regulators wishing to respond to the challenges posed by online advice.

Issues and scope

The research is primarily designed to explore the consumer experience of online divorce rather than the technical quality of the advice, though inevitably whether the service achieved the customers' stated objectives will be central to the consumer experience. The research should seek to answer the following questions:

- How confident did consumers feel about using self-help tools before they started divorce proceedings? What did they think the risks or downsides might be?
- What is the consumer perception of the experience? Did they find it helpful/positive? Do they feel they got value for money? Are they satisfied?
- Was the desired outcome delivered? Do people come out of the experience having solved their legal problem?
- Do users understand who the tools are targeted at? Is it clear when use of an online tool would not be appropriate?
- What are the risks? Are they the same as those identified by consumers before they started the project?

- How do the different self-help tools seek to manage risks?
- To what extent and when do the online services employ phone or face to face back-up ? Were these felt to be delivered at the right time by consumers? Did they expect/desire more?
- What are the features that are good/useful/helpful?

We would expect the researchers to suggest the most appropriate methodology for this work, given the sensitivity of the topic, but also the scope of the analysis required. We have already approached a number of companies who deliver online divorce services to discuss the provision of customer details for contact as part of the project. Three companies have agreed so far and if this methodology proved possible we would expect the researchers to deliver short anonymised benchmarking statistical reports to those companies participating.

We would welcome views of researchers on the appropriate methodology for carrying out the work given the issues being covered in the research. The researchers should also consider the extent to which they can capture information from people who started divorce proceedings online, before reverting to more traditional approaches.

To support the analysis, it may be necessary to carry out a separate survey of people who have experienced divorce in recent years to enable the results of the research with online consumers to be benchmarked against the wider market for divorce services.

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. Proposed team composition, expertise and management and the organisation's diversity policy
3. The ability of the research team to write about complex technical issues in clear accessible language
4. Demonstration of understanding of the project.

Deliverables

Output

The output for this research should be a report with executive summary for publication, publishable anonymised data set and short benchmarking reports for participating companies, we would expect the cost to include presentation of the research at a launch event.

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. We value tenders that are concise.

Duration

The research should commence in February 2014. Tenders should set out dates for completing key milestones such as information gathering, analysis, synthesis and report writing. The report should be finalised by 21 May 2014.

Legal Services Board Contact Details

Tenders with any queries about the research specification should contact:

Alex Roy 020 7271 0060

Tenders must be submitted by 4pm on 27 January, 2014