

## Research Summary

# Transparency Rules Evaluation - Impact on Consumers



### Research Background

As one of our policy responses to the recommendations of the Competition and Markets Authority (CMA) review of legal services in 2016, the Bar Standards Board introduced new transparency rules for the profession in July 2019 (with compliance required by January 2020). These rules required barristers to provide information on their regulatory status, complaints procedures, services and pricing models either on their websites or as part of a fact sheet for prospective clients.

The BSB is undertaking a programme of evaluation to assess the impact of the rules on the profession (both the impact of complying and any subsequent impact on barristers' practices) and on legal consumers (the extent to which the changes in levels of transparency have led to better levels of understanding, increased shopping around, and better outcomes.) This report assesses the impact on consumers.

The scope of the consumer side of the evaluation was to assess any change since the introduction of the rules in the proportion of consumers:

- Searching for/obtaining information on barristers' services and prices;
- Finding it easy to find/understand information about barristers' services and prices;
- Comparing different providers when searching for/choosing barristers;
- Aware of the regulatory status of barristers and of routes to redress;
- Satisfied with the prices charged by their barrister or consider that their barrister was value for money; and
- Making complaints about the services they have received from their barrister.

### Key Findings

The evaluation uses four sources of information:

- Data from the 2019 Legal Needs Survey across indicators relevant to the BSB's transparency rules, supplemented by a 2021 survey using the same questions/wording to provide a post-reform measure;
- Responses to the BSB's Regulatory Return from barristers' chambers and other barrister organisations, to determine if they had observed any impact on their clients from implementing the transparency rules;
- Data from the Legal Services Consumer Panel Tracker Survey relating to indicators of market transparency and consumer behaviour, to provide a more general overview of transparency changes within the legal services market over time; and
- Data from complaints to the Legal Ombudsman (LeO) in order to provide evidence of impact on the levels and type of complaints made by barristers' clients.

**Searching for/obtaining information on barristers' services and prices** - Survey evidence suggests that a larger proportion of barristers' clients/potential clients are looking for and obtaining prices and details on services provided when looking for/choosing a barrister. Among barristers' clients, the proportion who obtained details of service or price before choosing a barrister increased from 10.25% on both indicators in 2019, to 23.4% obtaining details of services and 25.7% obtaining prices in 2021. Evidence from barristers, chambers, and other barrister organisations indicates that some have noted positive impacts for their clients since implementing the rules, with greater awareness around fees (particularly the level of fees) and the services offered by their organisation being the most commonly cited benefit for clients. However, the majority have not noted any impacts on their clients since implementing the rules.

**Finding it easy to find/understand information about barristers' services and prices** - Survey evidence suggests that the majority of clients who do search for information find it easy to understand the available information about price and service. However, although more clients are seeking out this information, there is little that suggests the proportion finding information easy to understand has changed substantially since transparency rules were introduced. Across legal services as a whole, satisfaction with the clarity of information received on costs and service have both trended upwards since 2012, with satisfaction on both indicators significantly higher than at the start of data collection in 2012, and higher in 2020 and 2021 than at any previous point. Evidence from clients' complaints about barristers suggests that the levels and proportion of complaints that relate to overall cost and clarity of information around costs have both declined, as has the level and proportion of complaints that relate to the timescales of cases.

**Comparing different providers when searching for/choosing barristers** - The Legal Needs Survey suggests that substantially more clients are looking for and successfully finding information on prices and services for potential providers. In addition, the proportion of clients 'shopping around' when choosing a provider also appears to have increased – in 2019, 7.4% of barristers' clients obtained details of services from more than one provider when making a choice, compared to 17.5% in 2021. Similarly, the proportion of all clients obtaining prices from more than one provider increased from 6.4% in 2019 to 19.8% in 2021.

**Aware of the regulatory status of barristers and of routes to redress** – Survey evidence suggests that the BSB's rules may have had a positive impact in raising awareness among clients of the regulatory status of their barrister - with 71.3% being aware after the introduction of the rules compared to 63.3% before the introduction of the rules. Awareness is higher among public access clients, with 83.7% aware their barrister was regulated following the introduction of the rules. There has been a generally upwards trend in terms of the proportion of legal service clients who are aware of how to make a complaint since 2012, this has shown a more marked increase since 2018. This is supported by evidence from barristers' chambers and other organisations, some of whom stated that clients were more aware of their complaints procedures after they implemented the BSB's rules.

**Satisfied with the prices charged by their barrister or consider that their barrister was value for money** - Evidence from the Legal Needs Survey suggests that there has been a slight decrease in client satisfaction, both with the service provided by their barrister and the value for money of the service received. However, the majority of clients remain satisfied with both the service received and its value. Complaints about fees charged by barristers have declined since the introduction of the rules.

**Making complaints about the services they have received from their barrister** - The trend since the rules were introduced has been a reduction in annual complaint levels, with 2021 in particular seeing the lowest levels of complaints about barristers for any year for which data are available.

### How will the BSB use these findings?

The evidence from this evaluation suggests there has been a change in a number of the indicators relating to the provisions of the transparency rules since they were introduced. This evaluation will be used by the BSB to inform the next phases of its work on continuing to improve transparency for consumers of the Bar. Alongside the supervision report into compliance ([available here](#)) and the 2021 evaluation of the impact of the transparency rules on the profession ([available here](#)) the findings of this evaluation have been used to develop a Transparency Action Plan ([available here](#)) which sets out the BSB's short, medium and long term actions to continue to promote transparency at the Bar.

### What do the findings mean for key stakeholders?

The key message for both barristers and clients is that the new rules are allowing potential clients to shop around – in 2019, 7.4% of barristers' clients obtained details of services from more than one provider when making a choice, compared to 17.5% in 2021 and the proportion of all clients obtaining prices from more than one provider increased from 6.4% in 2019 to 19.8% in 2021.

So barristers need to be aware that their websites are now their shop window and there is likely to be an increasing need to offer transparency to attract customers. The rules may also be helping clients to understand the services that barristers can provide and their likely costs. This may be reducing the likelihood of complaints.

Meanwhile, potential clients need to be reminded that it is now easier to shop around and that there may be real benefit in doing so.

The main report can be found at <https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/research-reports/>