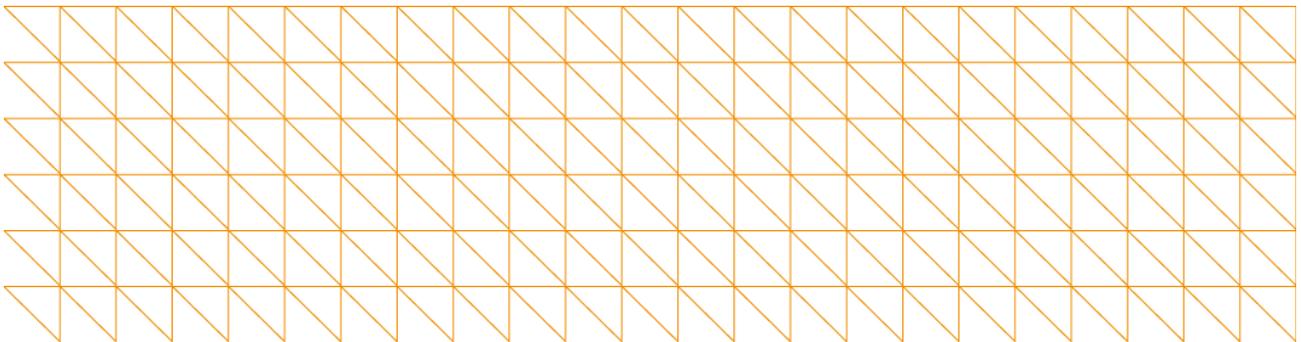




Ministry  
of Justice

# Review of the Civil Legal Advice Mandatory Gateway

This report was published on 9 December 2014







Ministry  
of Justice

## **Review of the Civil Legal Advice Mandatory Gateway**

**Government response to research undertaken by Ministry of Justice Analytical Services  
(in conjunction with NatCen Social Research and the UCL Faculty of Laws) 2014.**

**This information is also available on the Ministry of Justice website: [www.gov.uk/moj](http://www.gov.uk/moj)**



## Contents

|   |   |    |
|---|---|----|
| 1 | Overview and contact details  | 3  |
| 2 | The case for reform and introduction  | 4  |
| 3 | Implementation of the Gateway   | 7  |
| 4 | The Gateway in Operation  | 9  |
| 5 | Government response to the research   | 13 |
| 6 | Conclusions   | 23 |
| 7 | Ongoing and future work   | 24 |
|   | Annex A – Regulation and Rules, Scope of the Gateway  | 26 |
|   | Annex B – Contract Holders for the Operator Service and Specialist Advice                           | 29 |
|   | Annex C – List of Organisations the Government engaged to promote the CLA Service before its launch | 31 |
|   | Annex D – List of Actions   | 32 |
|   | Annex E – Glossary  | 34 |

---



## 1 Overview and contact details

This document is the **Government Response** to the **Research on the Civil Legal Advice Mandatory Gateway** (“the Gateway”) undertaken by the Ministry of Justice (MoJ) Analytical Services Department (in conjunction with NatCen Social Research and the UCL Faculty of Laws). The research the Government is responding to consists of four reports, namely:

- **Civil Legal Advice mandatory Gateway: Overarching research summary;**
- **Findings from Interviews with users;**
- **Findings from qualitative interviews with service providers; and,**
- **A secondary analysis of Management Information.<sup>1</sup>**

The Government Response (this report) will cover:

- the background to the Gateway and the purpose of the review;
- our work prior to its launch;
- our response to the themes emerging from the review;
- our conclusions about the effectiveness of the service; and,
- the related work that has been undertaken by the MoJ and Legal Aid Agency (LAA) relating to the Gateway.

Further copies of this report can be obtained by contacting the legal aid policy team at the address below:

**Legal Aid Policy (Mandatory Gateway)**  
**Ministry of Justice**  
**102 Petty France**  
**London SW1H 9AJ**

**Telephone: 020 3334 3555**

**Email: [LegalAidReformMoJ@justice.gsi.gov.uk](mailto:LegalAidReformMoJ@justice.gsi.gov.uk)**

This report is also available on the Ministry’s website: [www.gov.uk/moj](http://www.gov.uk/moj).

Alternative format versions of this publication can be requested by contacting the team as above. A Welsh language version of this report will be made available at [www.gov.uk/moj](http://www.gov.uk/moj) shortly after the English language publication.

### **Complaints or comments**

If you have any complaints or comments about this report you should contact the Ministry of Justice at the above address.

---

<sup>1</sup> It is highly recommended that this report is read alongside these publications. They are available on [www.gov.uk/moj](http://www.gov.uk/moj)

## 2 The case for reform and introduction

1. By 2010 the legal aid scheme had expanded far beyond its original intentions and was available for a wide range of issues for which it could no longer be justified. An unsustainable burden was being placed on the taxpayer and, in the context of the acute economic situation the country was faced with, the need to reduce expenditure and reform delivery of the scheme was imperative.
2. Alongside the need to reduce expenditure on the legal aid scheme, the Government was also concerned that all too often those seeking civil legal aid found the process time-consuming, inconvenient, and stressful. For those in work, taking time out of the working day to visit an advice service could prove difficult; for the elderly and immobile, getting out of the house to visit an advice service could prove problematic; for the vulnerable living in small communities, a visit to a high street advice service could be inconvenient.
3. The Government sought to redesign the process so that it would better meet the needs of its users; making the most of advances in technology to acknowledge the changes in the structure of our lives and addressing the growing expectation that services are available via telephone and online for the convenience of the user while, simultaneously, contributing to the delivery of necessary savings.
4. A commitment to carry out a review of legal aid was set out in the Coalition's *Programme for Government*, published in May 2010<sup>2</sup>. Consequently, in November of the same year, the Government published the consultation paper *Proposals for the Reform of Legal Aid in England and Wales*<sup>3</sup>. That consultation set out an ambitious programme of reform which aimed to ensure that legal aid was targeted at those who needed it most, for the most serious cases in which legal advice or representation was justified. One of the proposals in that paper was that users should be required to apply for and receive legal advice through a single access point ("the Gateway") rather than going direct to a face-to-face advice provider as had traditionally been the case.
5. The outcome of that consultation was set out in the *Reform of Legal Aid in England and Wales: the Government response*<sup>4</sup> paper which confirmed that that the Gateway would only initially apply to four areas of law: **community care**; **debt** (insofar as it remained in scope); **Special Educational Needs (SEN)**; and **discrimination** cases (claims relating to a contravention of the Equality Act 2010)<sup>5</sup>.
6. The intention was that the reforms would enable a service which would be delivered:
  - at a time convenient to the user;
  - without needing to travel or wait for an appointment with a face-to-face provider; and,

---

<sup>2</sup> See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/78977/coalition\\_programme\\_for\\_government.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78977/coalition_programme_for_government.pdf)

<sup>3</sup> See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228970/7967.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228970/7967.pdf)

<sup>4</sup> See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228890/8072.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228890/8072.pdf)

<sup>5</sup> The categories of law accessed via "the Gateway" are, together, known as the 'mandatory categories' or subject to the 'mandatory gateway'. In this report we will refer to this part of CLA as 'the Gateway'.

- over extended hours (compared with face-to-face), enabling users to resolve their problems more swiftly, and thus reduce stress and anxiety.
7. Importantly, these reforms would reduce the overall cost of the service to the taxpayer so that we live within our means while ensuring those most in need could continue to access the services they require. These reforms would help ensure the long term sustainability of providing legally aided advice to the general public.
  8. The necessary powers to enable the Government to mandate the use of the Gateway were included in the Legal Aid, Sentencing and Punishment of Offenders Bill (LASPO)<sup>6</sup> which had its first reading before the House of Commons on 21 June 2011<sup>7</sup>.
  9. During the passage of the Bill through Parliament, stakeholders and Parliamentarians raised a number of concerns about the potential impact on vulnerable groups (such as people with communication difficulties or particularly chaotic lives or complex problems).
  10. Partly as a result of these concerns, and due to the high proportion of cases that would require Legal Representation, the Government decided to remove **community care** cases from the scope of the Gateway. It also agreed that it would report to Parliament on the operation of the service within 2 years of its implementation and would not expand the Gateway into other areas pending the publication of that report.
  11. LASPO received Royal Assent on 1 May 2012<sup>8</sup>, and the Gateway, delivered via the newly named **Civil Legal Advice (CLA)**<sup>9,10</sup>, went live on 1 April 2013. As a result, unless Legal Representation only is required, all clients in the 3 mandatory categories are required to apply for advice through the Gateway unless they satisfy one or more of the statutory exemption criteria. These are that:
    - they are in detention (including prison, a detention centre, or secure hospital);
    - they are children (defined as being under 18); or,
    - the matter for which they need assistance is one where the user has previously been assessed as requiring face-to-face provision, has accessed face-to-face within the last twelve months, and is seeking further help to resolve linked problems from the same face-to-face provider
  12. To facilitate the review we committed to undertake, research was carried out to assess the implementation of the Gateway during the first year of its operation. It has involved qualitative work (interviewing users, operators, specialists, and engagement organisations) and a quantitative analysis of the available management information (MI). The methodology and findings have been independently peer reviewed. The research is

<sup>6</sup> See: <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

<sup>7</sup> <http://services.parliament.uk/bills/2010-12/legalaidsentencingandpunishmentoffenders/stages.html>

<sup>8</sup> <http://services.parliament.uk/bills/2010-12/legalaidsentencingandpunishmentoffenders/stages.html>

<sup>9</sup> Civil Legal Advice (henceforth 'CLA') replaced the old Community Legal Advice service which had been in service since 2004.

<sup>10</sup> As well as incorporating the Gateway (covering **debt**, **discrimination**, and **Special Educational Needs** cases), CLA also offers services in **family** and **welfare benefits** categories of law, but people can still choose how they receive advice in these latter two categories. They can go through CLA or visit a face-to-face provider, depending on their preferences. As such these categories are 'non mandatory' Thus 'CLA' is a term for all five categories offered through Civil Legal Advice, while 'mandatory gateway' is specifically in relation to debt, SEN, and discrimination.

in four parts and is available online<sup>11</sup>. The research has been undertaken by the MoJ's own Analytical Service Department in conjunction with NatCen Social Research and University College London's (UCL) Faculty of Laws.

13. This report is the Government's policy response to the research and should be read alongside those reports. It is here we respond to the recommendations that have been made and the themes that have emerged. This report and the research, when taken together, constitute the Review of the Civil Legal Advice Mandatory Gateway

---

<sup>11</sup> At [www.gov.uk/moj](http://www.gov.uk/moj)

### 3 Implementation of the Gateway

#### Introduction

1. This section sets out the steps that the Government undertook to ensure that relevant users would be directed to and be able to access the Gateway, in advance of its introduction in April 2013.

#### Signposting

2. Historically, those seeking assistance typically find their way to legal aid advice providers through a variety of different routes, including directly approaching solicitors, the not-for-profit advice sector (such as Citizens Advice), word-of-mouth referral, and so on. Advice organisations usually maintain their own network to refer (or 'signpost') people to the most appropriate form of advice for their particular issue and needs. The Government therefore developed a targeted communication strategy which focused on utilising these pre-existing and well established routes so that these organisations were fully equipped to provide appropriate information to potential users and signpost them to CLA.
3. Therefore, prior to the introduction of the Gateway reforms, officials worked with a wide range of key referral partners (such as Citizens Advice, Shelter, and Law Centres Network<sup>12</sup>) to provide them with appropriate briefing and materials covering CLA, how to apply, and the support available for those with additional needs. This included:
  - meeting with organisations that represent people who may have difficulties accessing an advice line to discuss reasonable adjustments that could be made for disabled callers;
  - developing a leaflet explaining how to contact the CLA Service for debt, discrimination and special educational needs cases which was sent to all referral partners and other organisations including Citizens Advice, National Debtline, Mencap and Age UK; and,
  - a guidance note for advice providers to explain the operation of the Gateway and how to direct potential users to it.
4. Similar work was undertaken with relevant government bodies such as Her Majesty's Courts and Tribunals Service (HMCTS) and the Department of Work and Pensions (DWP) to ensure that their forms and leaflets were also updated to signpost to CLA where relevant.
5. Appropriate training and guidance was made available by the LAA to all contracted legal aid providers ensuring that they were fully equipped with the necessary information to ensure that potential users would be routed to appropriate sources of advice.

---

<sup>12</sup> A full list of the organisations we worked with to promote the CLA Service is available in Annex C.

6. Working collaboratively with the advice sector, the MoJ developed a new online legal aid checker '*Check if you can get Legal Aid*'<sup>13</sup> to allow people to check whether they may qualify for civil legal aid for themselves. The service is free and available 24 hours a day. Where it appears that the user qualifies, the service will signpost them to an appropriate legal aid provider, including to the Gateway or face-to-face advice provider (as necessary). Where it appears that the user does not qualify it will signpost them to other appropriate sources of assistance<sup>14</sup>.

### **Ensuring accessibility**

7. The Gateway is based on the highly successful Community Legal Advice helpline. This service had extensive experience with supporting users with a range of specialist needs and already had a number of specific adaptations available for users with such needs. However, during 2012, MoJ engaged with a range of stakeholders including disability groups to explore whether further adaptations were necessary for specific groups of potential users. Feedback from those engagements was used to inform the approach to implementation of the Gateway and improvements to the existing CLA service. For example, additional training and induction requirements and guidance for CLA delivery partners designed to ensure that they were better able to understand and meet the needs of clients.

---

<sup>13</sup> <https://www.gov.uk/check-legal-aid>

<sup>14</sup> This service is being updated by the MoJ and LAA, as discussed in Chapter 7.

## 4 The Gateway in Operation

### Introduction

1. Here we will describe how the Gateway works in practice.

### Overview

2. The Gateway is delivered by the Civil Legal Advice ('CLA') advice helpline for England and Wales, paid for by legal aid<sup>15</sup>.
3. It provides specialist legal advice, primarily by telephone, online, and by post, in debt, discrimination, Special Educational Needs<sup>16</sup>, housing, and family<sup>17</sup> issues for people who qualify for civil legal aid (see Annex A).
4. It is available Monday to Friday 9am to 8pm and Saturday 9am to 12.30pm. Outside these times users can leave a message and CLA will call back within one working day.
5. Clients who qualify for legal aid in the 3 Gateway categories must usually receive any advice remotely. However, clients who qualify in the other categories of law have a choice about whether to receive any advice remotely or via a face-to-face provider.

### What happens when someone first contacts CLA?

6. When contacting CLA, people initially communicate with the first tier, known as the operator service. Operators are trained to assess whether the user's problem is within scope of legal aid, in one of the areas covered by the advice line, and (if so) whether they qualify financially.
7. When it appears from this initial assessment that a user *will* qualify for legal aid in a CLA category they will be put through to the second tier of the service, to speak to a CLA specialist adviser. The specialist advisers will confirm the initial determination made by the operator and determine whether a remote advice service is appropriate for the client, the 'Assessment of Suitability for Remote Advice'. They will also undertake a merits test which does not happen at the operator tier.
8. If a user *does not* qualify for legal aid, or CLA does not offer advice on their particular issue, the operator will suggest an alternative source of help. This may include giving details of other legal aid contracted providers or appropriate advice from charities or other third sector organisations.

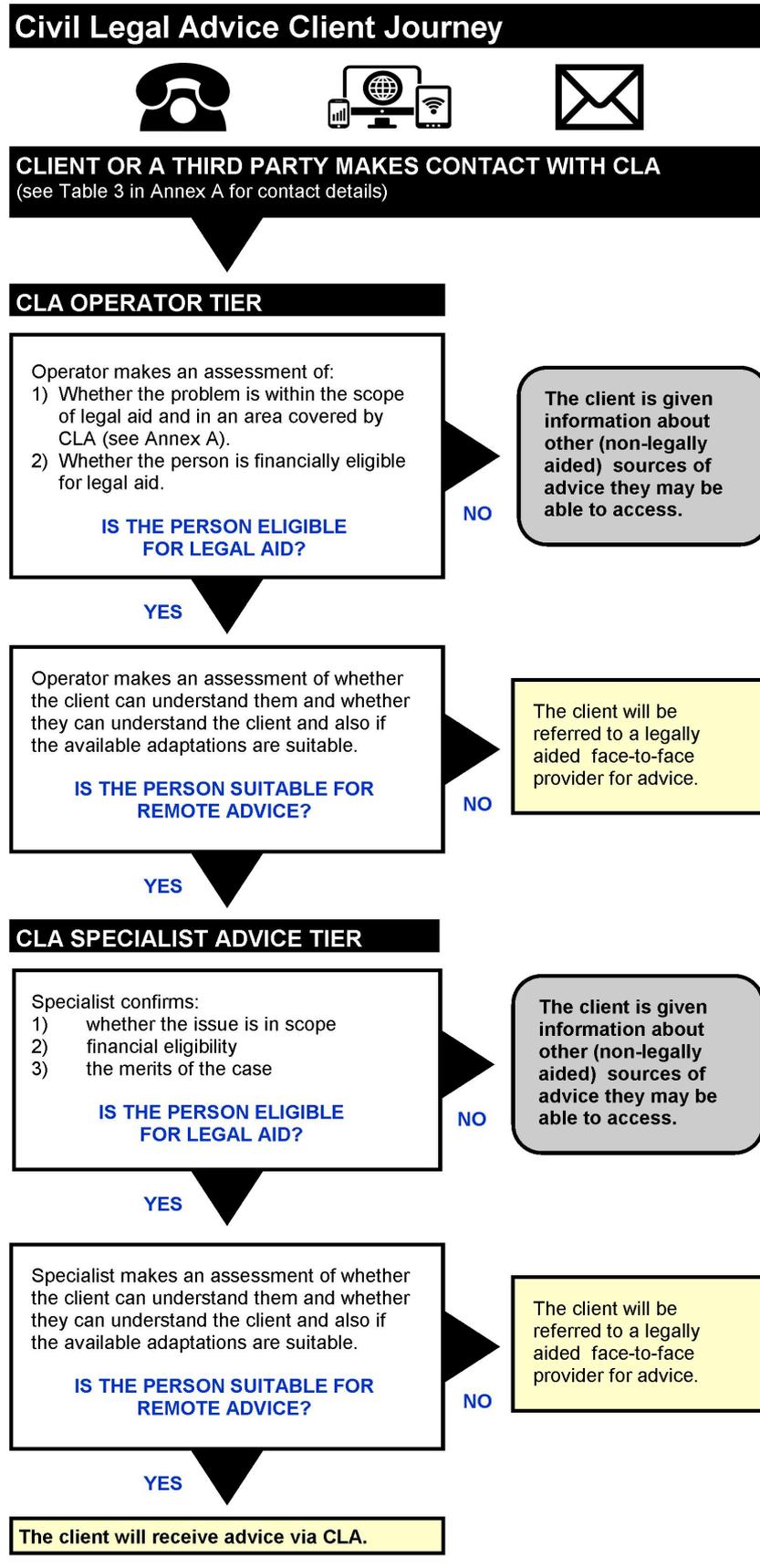
---

<sup>15</sup> <https://www.gov.uk/legal-aid/overview>

<sup>16</sup> The Gateway categories.

<sup>17</sup> Not subject to the Gateway. See footnote 10.

9. The Gateway process:



### **How we support access to the Gateway**

10. All operators and specialists must receive training on how to identify and meet user access needs, the available service adaptations, and reasonable adjustments available to support access before they can start work on the advice line. They must also receive ongoing refresher training.
11. There is a clear contractual requirement for CLA delivery partners to ensure that all users are given the opportunity to discuss whether any standard reasonable adjustments or adaptations could be used to support them to access to the service.
12. Where a user is put through to a specialist they are required to determine whether a remote advice service (i.e. provided by telephone, online and post) is suitable. The assessment is based on a consideration of the user's individual circumstances and whether the specialist can:
  - understand and act on the user's instructions; and,
  - the user can understand and act on the advice provided by CLA.
13. When making the assessment of suitability the specialist must take into account the service adaptations and reasonable adjustments available to them to support the user.
14. Users who require Legal Representation will always be given the opportunity to be seen by a face-to-face advice service, either by referral to a local advice service or via the CLA specialists' own face-to-face advice services.
15. In debt, discrimination and special education needs cases (Gateway categories), a user's preference for a face-to-face advice service is not a determining factor in making the decision of suitability for remote advice. If the user is assessed as suitable for remote advice it will be delivered remotely. Users can request a review of the decision if they are dissatisfied.
16. In family and housing cases (non-Gateway categories), users who qualify for legal aid can still choose to be signposted to a face-to-face advice service if they would prefer.

### **Standard adjustments & adaptations available**

17. The following standard service adaptations and adjustments are available:
  - a free telephone interpretation service, if English is not a caller's first language. It is available in over 170 languages;
  - minicom, text relay and British Sign Language via webcam for deaf and deafened users;
  - allowing an authorised friend, family member, support worker or other professional to contact CLA and communicate on behalf of the user;
  - calling the user back where the cost of the call may be an issue; and,
  - access to a freepost service and provision of correspondence in an accessible format for the user e.g. large font, easy read, Braille or audio etc.

### **Key service changes since launch**

18. From the launch of the mandatory elements of the CLA mandatory Gateway until 1<sup>st</sup> November 2014, the contract to deliver the operator tier of CLA was held by Capita. This covers the entirety of the review period. Since then the contract for the delivery of the operator service has transferred to a new delivery partner following a competitive tender.<sup>18</sup> LAA took the opportunity to strengthen some contractual requirements including the need to deliver ongoing training of operators and updating policies relating to protecting confidentiality and client protection policies.

---

<sup>18</sup> See Annex B.

## 5 Government response to the research

### Introduction

1. This section sets out the Government's response to the research findings and should be read in conjunction with those reports<sup>19</sup>.
2. The research recommended that some aspects of the Gateway could be improved. These improvements can be grouped into three broad categories; ensuring users are aware of the **pathways to the Gateway and awareness** of it, **managing expectations** about the service and what it offers, and the **use of adaptations** to support users with specific needs.

### Pathways to the Gateway and awareness

#### Awareness and volumes

##### *Key issues raised*

3. The research noted that fewer users were using the Gateway than had been estimated and suggests that one of the reasons for this may be a lack of awareness both among the public but also, more importantly, amongst advice providers. The general view was that the service is unfamiliar, not widely publicised, and difficult to find. The user research particularly highlighted the importance of the third sector in referring individuals with relevant problems to the service. However, engagement representatives interviewed indicated that knowledge and awareness of the Gateway amongst their organisation was low.
4. The general view was that the service also had a low online profile and that more referrals might be encouraged through the provision of more information about the types of situations supported by the Gateway and the process for applying for assistance.

##### *Government response*

5. Given the changes to scope and merits introduced by LASPO, the Government has always been clear that it could not be precise about the volumes of cases that would be received. Estimates were based on the most recent quality assured data available at the time of tendering. While the current numbers received are lower than indicative estimates, LAA management information confirms that, overall, Gateway contacts were relatively stable during 2013-14 and there is no evidence that substantial numbers of users who qualify are not accessing the service when they need it.
6. The Government primarily sought to ensure appropriate signposting of users through a combination of its targeted communications strategy (with the advice sector and key referral partners) and the provision of the *Check if you can get Legal Aid* online service. We produced leaflets for members of the public and guidance for advice providers alongside working with organisations to ensure their own materials were accurate. It is therefore disappointing that knowledge amongst the advice sector is not as high as it could or should be. To address this, the Government is already working closely with a

---

<sup>19</sup> At [www.gov.uk/moj](http://www.gov.uk/moj)

range of organisations such as Citizens Advice Bureau, Shelter and the Law Centres Network, to ensure that they are able to use information provided about the Gateway effectively. In particular, that they are able to:

- accurately describe the service;
  - understand and explain the assessment process (in terms of scope, financial eligibility and the merits test);
  - understand the areas covered by the Gateway ; and,
  - confirm the adaptations available for those with additional needs.
7. A key aim of the Government's Digital by Default agenda is that people should be able to easily access information and services at a time and in a way that is convenient to them. The LAA and MoJ Digital Services are working together to transform the existing digital elements of CLA in line with Government Digital Service Standards and is using the findings from this research to inform that development. The new service is due to undergo a Beta Assessment with the Cabinet Office in mid-December and should be launched as a Beta service soon after. A new and improved service for citizens to book a call back via gov.uk, has already launched in November 2014.

### **Pathways to the Gateway and awareness conclusion**

8. The Government has always recognised the need to ensure that the availability of appropriate accessible information is essential to ensure that users who qualify are able to access the Gateway when they need to do so. We will ensure that the findings from the research are appropriately reflected in its current ongoing work programme to ensure that:
- a. referral organisations are able to use information provided about the Gateway effectively; and,
  - b. users are signposted to appropriate online information.

### **Managing expectations**

9. The second theme emerging from the research is the need to manage the expectations of Gateway users.

### **Scope assessments**

#### ***Key issues raised***

10. The research noted that the LASPO reforms introduced additional requirements in terms of assessing whether the user's problems are within the scope of civil legal aid.
11. Operators rely on a computer based system which routes them through scripted questioning, to a final decision on whether the issue is in scope and should be referred to a specialist.
12. The research confirmed that this scripting approach is working well for debt and special educational needs issues, but less so for discrimination, where operators expressed concern that, given they were not able to provide any advice, they sometimes felt unable to appropriately probe a user's problem sufficiently to form a definitive view. The outcome of this was that a high proportion of such callers were being referred to the specialist tier.

13. Specialists had mixed views regarding the effectiveness of the problem diagnosis by operators. Whilst many were satisfied that the assessment was usually accurate, some expressed concern about the high proportion of users being referred for discrimination who were subsequently found not to be within the scope of the scheme.

### ***Government response***

14. The Government has always recognised that the changes to the scope of civil legal aid introduced by LASPO would introduce an additional dynamic to the application process. This will apply regardless of whether the user approaches the Gateway or a face-to-face advice service. To ensure practicality and consistency, operators use loose scripted questions to assist them with their assessment process. This method is industry standard and is underpinned by a strong induction programme, refresher training, and quality assurance monitoring.
15. The Government recognised that the introduction of discrimination as a separate and distinct category of law for the first time would require appropriate steps to ensure that users who might qualify would be identified and referred to a specialist. The scope diagnosis process was developed based on advice and input from the Government Equality Office (GEO) and the Equality Advisory and Support Service (EASS), which provides information and advice about discrimination and human rights issues, primarily by telephone and online like CLA.
16. The government took a clear policy decision that, in order to minimise the risks of any misdiagnosis, CLA operators should be required to route all potential cases to specialists, unless they were absolutely satisfied that they were out of scope. While the Government recognises that specialists may prefer that fewer numbers of users who ultimately do not qualify are transferred to them, this is a conscious policy to ensure that users who are likely to qualify are not penalised and we intend that this will continue where necessary.
17. However, as has always been our intention, feedback from Gateway specialists in 2013 has been used to improve the effectiveness of the operator service discrimination diagnosis process through:
- revisions to the scope diagnosis flow and associated scripting;
  - the delivery of further training to Gateway operators (by specialists); and,
  - increasing the time available for Gateway specialists to make the final determination on scope specifically in the discrimination category of law.
18. The LAA also continues to liaise with EASS to share best practice.

### **Financial eligibility**

#### ***Key issues raised***

19. Operators and specialists viewed the financial eligibility assessment as a straightforward process with most users providing financial details once the need for it was explained; which was also confirmed in the user research. There was a general feeling that the financial eligibility process was most straightforward for users in receipt of income related benefits; in contrast users who were self-employed or worked under casual working arrangements found the assessment most difficult. In most instances the information collected by operators, and subsequently confirmed by specialists, was correct. Some common issues were identified, such as not carrying out a full capital assessment and providing insufficient or incorrect information about benefits. However, this was typically

found to be a result of incorrect or insufficient information being provided by the user to the operator which was identified and corrected by the specialist.

20. Across all three of the mandatory categories, reassessment at the specialist tier usually got no further than re-confirming the operator's assessment of financial eligibility (a likely consequence of the proportion of cases concluding at 'first meeting').

### ***Government response***

21. The Government is pleased to note that review's assessment of the financial eligibility section of the application process as effective and viewed so by users and specialists alike. It should be noted that whilst the operators play an important role in assessing financial eligibility, it is ultimately the obligation of specialists to confirm financial eligibility.

### **Transfer to the specialist tier**

#### ***Key issues raised***

22. The review highlighted the need to further manage user expectations prior to transferring people through to a specialist; including what should happen when they cannot. Where users were called back by a specialist, users felt that minimising delays between assessment for and delivery of specialist advice, as well as being clear about the nature of the call (specifically details about who was going to be calling and when they would do so) helped to manage their anxiety.
23. In this context, it noted that some specialists use an interim screening stage to complete the determination process prior to users actually interacting with a specialist adviser. While the effect of this was not fully explored by the researchers, as would be expected users typically reflected on the specialist tier more positively if delays were kept to a minimum.
24. Users were sometimes disappointed upon establishing that they would not be able to see a specialist in person, chiefly in more complex cases or cases requiring ongoing remote engagement. Exchanging documentation remotely could be more challenging for some, with concerns around security as well as practicality (for example, needing to pay for copying documents to facilitate transfer to specialists).
25. The research also suggested that there is scope to improve the messaging around informing users that, once they have passed the scope and financial eligibility requirement, the specialist adviser will need to undertake further checks including a merits test on the case which could result in their case not being taken forward. This assessment is not carried out by operators and can often be the determining factor whether the issue qualifies for legal aid advice. While specialists accepted that it was rightly their role to make the final determination on whether a case can be funded under legal aid, there was consensus that the operator service could manage user expectations, in particular by clarifying that legal aid is contingent on the outcome of further more detailed assessments.

### ***Government response***

26. The Government recognises that different approaches may be taken by CLA specialist advice providers. For example, some providers may use a triage service to determine whether the caller qualifies for legal aid before transferring to an adviser. However, this approach is also used by face-to-face advice providers and so is not unique to the Gateway. The Government considers that provided that they deliver the level of service required under their contract it is a matter for the advice provider themselves how they deliver that service.

27. In this context, there is a clear contractual requirement for CLA specialists to answer all calls referred to them from operators within 30 seconds. This needs to be a person and not by an automated message. On the few occasions where this does not take place, users are able to leave a message. We stipulate that the specialists must call them back within 2 business hours, including messages left out of hours. LAA monitor and review these key performance indicators on a monthly basis and, where performance drops below 95%, specialists are required to deliver a detailed action plan to remedy the default. Further performance failure will result in the application of contract sanctions.
28. Call answering key performance indicators are an important tool used by the LAA to monitor and maintain service performance used both subsequent to and prior to the implementation of the Gateway reforms. All key performance indicators are closely monitored by the LAA and, whilst the vast majority of our delivery partners meet the target, any failure will result in swift action both by the LAA and the delivery partner.
29. The LAA has also worked closely with its new Gateway operator service delivery partner to review what information is provided to users about the remit of the service, the criteria for determining whether people will qualify, and the various stages in the determination process to better manage user expectations. This has resulted in a series of further refinements to the scope diagnosis tool, associated guidance, scripting, and scope diagnosis prompts being made available to operators within the new case handling system for Gateway providers launched in October 2014.

## **Data gathering**

### ***Key issues raised***

30. There was concern among operators and specialists regarding aspects of the service they felt inflexible. For operators, the need to collect personal information for every user interaction was often considered unnecessary particularly to users that they were ultimately unable to directly help. Evidence from qualifying users suggested that they found particular personal questions intrusive.

### ***Government response***

31. The need to provide and sometimes repeat or confirm information is a reflection of the function of the first tier (the operator service) filtering of those that may or may not be in scope and those who may or do not qualify, and the second tier (the specialist advisers) needing to confirm the details of their users in line with their professional and contractual obligations alongside the need to undertake an assessment of the merits of the individual case.
32. The new CLA case handling system, launched in October 2014, is designed to facilitate the collection of user and case information by CLA staff more quickly. As part of the development, the LAA reviewed the amount of personal data that needs to be collected to meet business needs whilst minimising user frustration. As a result, they have reduced the amount of data collected where a user is calling about a problem CLA does not cover. The associated guidance for both CLA staff and citizens has also been updated. Once the new CLA online service is launched, clients will be able to enter basic information directly themselves which will be immediately available to operators to view in the case

handling system before communicating with the client. This will reduce the current amount of repeated information gathering and checking.<sup>20</sup>

33. In order to monitor use of the service CLA do ask routine diversity monitoring questions, which some users may find intrusive. It is not mandatory for users to answer these questions and all operators are trained on the best way to ask them, this includes giving an explanation of why the questions are asked.

### ***Managing expectations conclusion***

34. The Government is satisfied that the referral process between operators and the specialist tier is working as intended. However we have already taken steps with the new operator service provider to review what information is provided to users about the remit of the service, the criteria for determining whether people will qualify, and the various stages in the determination process to better manage user expectations. As a result, some of the service scripting and operator prompts were updated in November 2014. We will continue to monitor this.
35. The Government recognises that a high proportion of discrimination clients were referred to the CLA specialist advisers who upon further assessment by an advisor did not in fact qualify. However, the resulting feedback from specialists has, as was intended, lead to improvements in the operator service process enabling them to undertake more accurate diagnosis at an earlier stage. Further improvements are expected to be delivered by the new operator service contractor. The Government considers that these improvements will address the issues identified in the report but will monitor progress and consider if any further steps may be necessary.
36. The Government will, as part of its wider work on ensuring that appropriate information is effectively provided to users who qualify and the advice sector, provide greater detail about the Gateway process.

## **Adaptations**

37. Perhaps of greatest concern prior to the launch of the Gateway was the range and use of adaptations to assist those who may have additional needs when using a predominately based telephone service. The research took a particular focus of the range of adaptations available and their use during the first year of operation and this constitutes the third major strand of the research's outcomes and recommendations

### ***Key issues raised***

38. Both operators and specialists suggested that, in many cases, needs and vulnerabilities were self evident or volunteered by the user. Specialists considered that it was the operators' role to identify users' additional needs and vulnerabilities, though it was noted that some needs (such as mental health issues or learning difficulties) were often only disclosed by users as a result of the longer interaction period between themselves and the user, and this was largely due to their own previous experience of working with vulnerable users and sensitive probing which encouraged users to "open up" about any additional needs or vulnerabilities.

---

<sup>20</sup> See Chapter 7.

39. Specific to delivering the service remotely, specialists felt it sometimes challenging to identify needs over the telephone with a few feeling that vulnerable users were in some instances more inclined to disclose particular needs or sensitivities in face-to-face settings as body language could be used to reassure, empathise and build trust. In contrast, other specialists considered the telephone an equally capable medium as face-to-face to deliver specialist legal advice highlighting a number of approaches used to overcome the lack of physical co-location.
40. While information about a vulnerable user was relayed to specialists by the operators, specialists felt more detail could sometimes be provided. It was noted that it is already possible for the operators to liaise directly prior to the transfer of the case where a user was highly vulnerable or distressed. However, it was felt that this was not used very frequently.
41. Overall, both operators and specialists felt that the current range of adaptations available to them was sufficient to effectively deliver the Gateway, although in practice few had experience of using many of those that are potentially available. Evidence from users suggested that, where adjustments were made, they facilitated the contact with CLA.
42. While some engagement participants regarded the range of adjustments available to CLA staff positively, others stressed that *soft skills* were more important, particularly when dealing with vulnerable individuals. They went on to suggest that these skills could only be obtained through specific training and experience of delivering services to such individuals. This view was echoed by operators who confirmed that training on and ongoing monitoring of the application of soft skills did occur
43. Adaptations were used in a quarter of contacts to CLA, most commonly Call Back and third party contacts (both accounting for about in about one in ten calls), online advice and Language Line. The use of other types of adaptation was relatively infrequent. The use of adaptations were far lower at the specialist tier, accounting for only 11% of cases overall. This may in part reflect the fact that some adaptations, such as call back, would only be required at the specialist tier if they needed to make a subsequent call to the user.
44. The research noted that the provision of adaptations currently relies on either the individual alerting the service to an additional need or the operator offering an adaptation if they consider that the user would benefit from it. However, some users considered that their experience of the service would have benefited from the application of a particular adjustment that was not offered.
45. There was some evidence from the user research that, on a few occasions, user requests for *non-standard* reasonable adjustments were not always accommodated. E.g. access to a webcam or operator moving to a quieter location.
46. There was evidence of different views amongst specialists in relation to their ability/scope to refer relevant users who qualify to face-to-face advice services with some considering that more discretion was needed while others considered that this was already sufficient. This latter view contrasts with the low numbers of referrals made to face-to-face service from the analysis of CLA management information, as well as views from users which suggested that remote engagement may have compromised their ability to present the required information. Users who had received face-to-face advice did find this helpful, even where this did not translate into satisfaction with the advice.

47. Some specialists felt that the use of some adaptations, such as Language Line or Minicom, increased advice times when interacting with users. This 'slower paced' interaction was also noted by users. Though the quantitative analysis did not support this claim, it may be that the perceived longer advice times are more closely related to the additional needs of the users who require adaptations to be made. Their use was nevertheless welcomed, as they often enabled otherwise difficult interactions to take place.
48. Interviewees from across the different elements of the research also commented on the practical implications of the use of a non-geographic local rate telephone number for the Gateway. While there was recognition that the Call Back option did in part address this, engagement participants argued that if their users had to pay for the initial call, they were less likely to call in the first place. This was supported by the views of some users, who were left frustrated at having to pay for a call, particularly if it did not subsequently resolve their problem, for example, because they were not in scope or did not qualify financially.
49. While many were content with remote engagement, some users were frustrated at not being able to obtain face-to-face advice. Those identified as having particularly complex cases expressed a preference for at least one face-to-face meeting with a specialist to ensure their case was understood. For some, the frustration of not being able to see someone face-to-face was compounded by having to send sensitive material over remote channels such as post or email, perceived as being less secure than delivering the documents to the specialist in person. Additionally, some users had expected the possibility of face-to-face advice upon being transferred to a specialist.

### ***Government response***

50. The Government recognises that identifying a user's specific additional needs is vital to ensuring that the specialist is able to make a robust assessment of the user's suitability for remote advice and that the operator has a key role in this.
51. Effective soft skills are a key tool for ensuring that user's needs are identified at an early stage and appropriately addressed. As noted in the research, there are already requirements in the operator service contract to appropriately train operators and CLA specialist advisers on how to identify user needs and a specific requirement within the contract to offer call backs wherever appropriate.
52. The guidance provided to specialists to support them in assessing whether users are suitable for remote advice contains a wide range of factors, including disabilities and communication needs that should be considered when making the decision about whether remote advice is appropriate.
53. Improvements have already been made to the new case handling system in terms of how information about the needs of users is collected and shared within the Gateway and CLA specialists are now more readily able to identify where users have specific access needs.
54. The Government welcomes the finding that operators consider that the current range of adaptations are able to accommodate most specific needs and that, broadly speaking, the range of adaptations it put in place are being utilised by those who need them. There is a clear expectation that standard adjustments and adaptations should be routinely offered but the Government recognises that the research has highlighted that on occasion this has not happened in practice. We will review with our service delivery partners how such adaptations and adjustments are offered by CLA to see if improved

scripting and use of messaging online and in other communication materials to promote available adjustments and adaptations will ensure their full utilisation by those who may benefit from them.

55. CLA specialists are required to support users by offering a range of adaptations and adjustments for ongoing cases. We acknowledge that the recorded use of adaptations was far lower at the specialist tier; however there are other ad hoc and ongoing adaptations which may not have been recorded for ongoing casework. It should also be noted that it is only in discrimination cases where it is more likely that one off calls occur.
56. While the research noted that identifying additional user needs was easier during face-to-face interactions, it ultimately concluded that identifying these needs via remote interactions was working well in the vast majority of interactions. We are pleased to see that many specialists were confident in delivering advice over the telephone. Working with our delivery partners, we will seek to embed the good practices in delivering telephone advice identified in the research across the service.
57. The use of non-standard reasonable adjustments will continue to be considered on a case-by-case basis and, in some instances when what is requested is not *required* but is rather *desired* by the user, this may not be accommodated.
58. In terms of increased time needed where certain adjustments or adaptations are used, the Government has always recognised that the use of reasonable adaptations was likely to impact on the time taken to deal with an individual user. However, the impact of an interpreter, for example, is likely to be the same regardless of whether the interaction takes place via the Gateway or a face-to-face advice provider in that it will invariably increase times in both instances. Overall it considers that such impacts are necessary and acceptable.
59. As noted in the research, the Gateway offers a range of adaptations to limit the financial impact of calling the service, including a call back service available via the answer-phone, text, or online system. However, in accordance with its wider approach to the provision of remote services, the Government has already replaced the 0845 number with a 0345 telephone number, thereby reducing the potential financial burden for some users as they are more typically included in call allowances and bundled or 'free' minutes on the same basis as regular landline numbers. We have also introduced a free postal system, to further mitigate the cost of using the service.
60. It has always been recognised that individual users may *prefer* to receive their advice in specific ways, in particular from a face-to-face advice provider. However, this does not necessarily mean that are not able to receive it remotely and the Gateway process has been specifically designed to ensure that user's ability to do so is assessed by legally trained staff who are able to make an informed decision about their ability to do so.
61. Outside the immediate research findings that we have responded to here, there are other indicators we can use to measure the efficacy of the Gateway and the wider CLA service. For example, the positive results from the Customer Service feedback surveys carried out before and after the reforms had been implemented demonstrate that **94%** of users would recommend the service. CLA has also achieved re-accreditation of the Customer Service Excellence standard and volume of user complaints remains low, at less than **0.2%** of total contacts, including unjustified where any expression of dissatisfaction counted as a complaint.

62. In this context, the National Audit Office (NAO) has recently undertaken a review of the implementation of the civil legal aid reforms which confirmed that the LAA could demonstrate that it was providing an excellent level of service through its telephone helpline, conducting regular user surveys and making appropriate changes in response.

***Adaptations Conclusion***

63. The Government will, as part of its wider work on ensuring that appropriate information and explanation is effectively provided to users who qualify and the advice sector, ensure that users are aware of the need to discuss their access needs with both CLA operators and specialists.

64. We will review with our service delivery partners how such adaptations and adjustments are offered by CLA to see if improved scripting and use of messaging online and in other communication materials to promote available adjustments and adaptations will ensure their full utilisation by those who may benefit from them.

65. Furthermore, the Government will work closely with its CLA delivery partners to ensure that the range of available adaptations is kept under review and remain appropriate to what is required by users who qualify to access the service.

## 6 Conclusions

1. Overall, the research confirms that the Gateway is effectively meeting the specific needs of users who qualify and contact the service. It is encouraging that the research findings were broadly positive of the Gateway, recognising its flexibility and ease of use including; the extended opening hours, convenience (in terms of time and avoiding transport costs and inconvenience), and being able to obtain 'quick' advice without having to attend an appointment. The research highlighted the benefits of the range of adaptations that are available to support users who require them to access the service.
2. The Government also warmly welcomes the recognition that the Gateway is performing well as regards the use of "soft skills" and understands that excellent customer service (with operators having a pleasant and professional manner, having good listening and clear delivery skills and being non-judgemental, reassuring and sympathetic) is crucial to delivering a positive user experience. However, in line with many new service initiatives, the research has highlighted some areas where specific improvements could be made. Given the time that has already elapsed since the research was conducted, many of these have either already been addressed or are being undertaken.
3. Given our ongoing engagement, we expected there to be a greater understanding of the Gateway among the advice sector, and it is disappointing that this is not the case. However, we are currently working collaboratively with the sector to ensure that they are able to effectively provide clients with accurate information about the Gateway, appropriately signpost them to it, and ensure that they approach the Gateway with a clear understanding of its requirements and facilities to further manage people expectations.
4. As detailed in the report, although some CLA specialists expressed dissatisfaction with the scope diagnosis process for discrimination cases Government is content that the system is generally operating as intended and following improvements already delivered believe the concerns raised by CLA specialists have largely been addressed.
5. The Government is satisfied that the range of adaptations available is sufficient, and considers that operators and specialists have ample scope and training to refer those who are not suitable for remote advice to face-to-face providers. Important improvements have already been delivered and we will keep the range of adaptations, along with how they are offered and utilised, under review in line with our ongoing contract management arrangements.
6. Annex D lists these actions alongside fuller explanations and detail of the action we have already undertaken, or will be undertaking in the near future.

## 7 Ongoing and future work

### Introduction

1. The Government has continually been monitoring CLA and working to refine the service and its promotion. We will use the outcomes of this review to further inform our thinking as this work continues.
2. Some of the work already being carried out to improve CLA is described below.

### CLA online

3. The LAA and MoJ Digital Services are working together to transform the existing digital elements of CLA in line with Government Digital Service Standards<sup>21</sup>.
4. The next phase is to launch a new CLA digital interface for citizens on gov.uk. The prototype has already passed the rigorous GDS Alpha assessment. And we expect to take it for GDS Beta assessment towards the end of the year.
5. Like the online service it's replacing, it will enable users to check whether they may qualify for legal aided services, including CLA. If it looks like they don't they will be provided with alternative sources of help. However, users will now also be able to input their own personal and case details before requesting an operator to contact them. The information input by users will be visible as a new case within the CLA case handling system for CLA staff to view before contacting the user back.
6. The service has been designed around the needs of users following extensive testing. The aim is to make the new online elements of the CLA Service so straightforward and convenient that all those who can use it will *choose* to do so.
7. Over time it is expected that the service will be further improved so that:
  - a. It targets the types of users who are unlikely to qualify but who nevertheless contact the service, based on service analytics, at an early stage and direct to more appropriate sources of help.
  - b. Users will be able to input sufficient information themselves for operators to be able to make an initial determination as to whether people accessing the service digitally are likely to qualify without making follow up contact.
8. At present a high proportion (just over 50%) of people who contact CLA by telephone do not qualify or have a problem that CLA cannot help with. The digital solution will direct users who clearly do not qualify for advice from CLA to other appropriate sources of help, including face-to-face advice, at an earlier stage.
9. The Government recognises that a high proportion of people that qualify for legal aid will lack digital skills and capability so people will still be able to access the CLA telephone service where needed. For example, people struggling with the CLA digital service will

---

<sup>21</sup> <https://www.gov.uk/service-manual/digital-by-default>

still be able to speak to an operator should this be necessary to support them to complete their transaction.

10. Following Beta launch the service will be further improved to better meet user needs. For example, by facilitating ongoing digital communication where appropriate. We will continue to support the many people who qualify for legal aid with limited digital capability, who will still be able to access the CLA telephone service where needed.

### **Information about the service**

11. The MoJ will continue to focus on raising awareness with referrers and providers, as well as managing user expectations, of the legal aid available for the mandatory categories of law for the Gateway – debt, education and discrimination.
12. Based on stakeholder insight, we have reviewed existing guidance and produced three new user leaflets (one each for debt, discrimination, and special educational needs) and a new guide for practitioners. The leaflets will be made available on [www.gov.uk](http://www.gov.uk), as well as being disseminated directly to referrers and providers. The new leaflets aim to explain more clearly what the service offers, how to use the service and also make it easier for practitioners to identify and refer users who qualify to CLA.
13. Using existing helpline data, we have developed a targeted stakeholder engagement strategy to raise awareness of the CLA with existing and potential referral organisations. Direct engagement has already begun with a number of organisations and we will continue to work with them to promote the service. We will also focus on ensuring information about the CLA and legal aid is clear and consistent across the advice sector. We will work with other organisations to help them update their websites and link to [gov.uk](http://gov.uk).
14. Digital channels form an important part of our communications strategy and as part of this we are updating [www.gov.uk](http://www.gov.uk) content to make our advice easier to find and ensure it is clear and engaging. We will also begin a tranche of activity to promote the CLA through our social media channels, thereby reaching a wider audience

## Annex A – Regulation and Rules, Scope of the Gateway

### Introduction

1. Below is a summary of how CLA is governed

### Rules and Regulations

2. The CLA Service is governed by Part 2 of the Civil Legal Aid (Procedure) Regulations 2012 (Procedure Regulations)<sup>22</sup> and guidance has been issued by the Lord Chancellor to the Director of legal aid casework<sup>23</sup> and by the Legal Aid Agency to providers<sup>24</sup>.
3. It is outlined in Part 2 of the Procedure Regulations that any individual intending to apply for legal help in certain categories of law (defined in guidance and Regulations as “Gateway work”) must, in most circumstances do so through the CLA Service (which acts as the Gateway). The Regulations make provision for how to contact the Gateway, including by telephone and other electronic means. An application for legal help in Gateway Work cannot be made to a provider with a face-to-face contract in the first instance and providers cannot make determinations in these matters except in the circumstances set out below. The areas of work to which this Part applies are applications for legal help in the **discrimination, education and debt** categories and are described in Regulation 20 of the Procedure Regulations.
4. Although advice is available through CLA Service in two other areas of law (family and housing), users in these non-Gateway areas will have a choice as to whether to access advice over the telephone/email/post or by attending at a face-to-face provider. Part 2 of the Procedure Regulations does not therefore apply to these housing and family cases.
5. The Regulations go on to outline how certain users will also be exempt from the requirement to seek advice through the Gateway and may chose either to contact the Gateway or to seek face-to-face advice. These users are described as “exempted persons”. They are:
  - (a) Users who have been deprived of their liberty;
  - (b) Children under the age of 18; and
  - (c) Users who have been previously assessed as qualifying for face-to-face advice and who now have a linked problem. The user must have been previously assessed as qualifying for face-to-face advice in the preceding 12 months and the current matter on which the user requires assistance must arise out of the first matter or be related to that matter. The user must be applying for advice from the same face-to-face provider. In those circumstances the user does not need to first contact the Gateway. However, the provider should obtain the unique reference allocated to the

---

<sup>22</sup> <http://www.legislation.gov.uk/uksi/2012/3098/made>. A useful explanatory memorandum on The Civil Legal Aid (Procedure) Regulations 2012 No.3098 is available here:

[http://www.legislation.gov.uk/uksi/2012/3098/pdfs/uksiem\\_20123098\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/3098/pdfs/uksiem_20123098_en.pdf)

<sup>23</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/332795/legal-aid-lord-chancellors-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332795/legal-aid-lord-chancellors-guidance.pdf)

<sup>24</sup> <https://www.gov.uk/government/publications/civil-legal-advice-guidance-for-civil-contracted-providers>

user (the “CLA Reference number”) which may be obtained either from CLA or the user to show that the initial face-to-face advice was appropriate.

6. The Regulations make clear that, unless the user is an exempted person, as described above, a provider cannot provide legal help unless the matter has been assessed by the Gateway as requiring face-to-face advice. In most cases it is anticipated that the Gateway will be able to provide the user with legal help over the telephone/email/post. However, in certain cases the Gateway may determine that the case is such that it is not suitable for advice by telephone/e-mail/post and that face-to-face advice may be required. In these circumstances the Gateway will inform the user that they may seek advice from a face-to-face provider and will allocate the user a CLA Reference Number confirming that they have been assessed and qualify for face-to-face advice.
7. Any provider making a determination following an application for legal help to which Part 2 applies should therefore ensure that either the user is an exempted person or that they have a CLA Reference Number for the user confirming that they have sought advice through the Gateway but that face-to-face advice is required.
8. Part 2 of the Procedure Regulations do not apply to applications for licensed work. A provider will therefore be able to make an application for licensed work in Gateway areas of law on behalf of a user. However, an application for licensed work should not be made until all work which could have been carried out under legal help has been completed. Unless, therefore, the matter is urgent and legal representation is immediately required it would usually be expected that an application for the initial legal help should be made through the Gateway. If not, the application for licensed work may be premature.

## Scope of the Gateway

| <b>Table 1: MANDATORY categories of Law where one must contact CLA<sup>25</sup></b> |   |
|---|---|
| <b>Debt</b>   | Cases relating to:<br>a. court orders for sale of an individual’s home<br>b. a court order for possession of an individual’s home because of mortgage arrears<br>c. a Bankruptcy Order where the estate includes the person’s home and the order is being sought by someone other than that person  |
| <b>Special Educational Needs</b>  | a. matters arising under Part 4 of Education Act 1996 (Special Educational Needs)<br>b. assessments relating to learning difficulties under sections 139A and 140 of the Learning and Skills Act 2000<br>Education discrimination cases will also be eligible for legal aid [see ‘Discrimination below’].   |
| <b>Discrimination</b>   | This became a distinct area of scope from April 2013 covering claims –including in relation to areas of law no longer within the scope of civil legal aid (for example, employment and consumer) - relating to a contravention of the Equality Act 2010 or previous discrimination legislation. It is only mandatory to use the CLA for discrimination matters <u>not</u> relating to the following category definitions that form part of the 2010 Standard Civil Contract or the 2013 Standard Civil Contract: Actions against the police; Clinical Negligence; Community Care; Family; Housing; Immigration and Asylum; Mental Health; Public Law; Welfare Benefits. |

<sup>25</sup> This summary is for general guidance only. It is not exhaustive and should be read subject to the full provisions of Schedule 1 of LASPO Act 2012: <http://www.legislation.gov.uk/ukpga/2012/10/schedule/1/enacted>

| <b>Table 2: NON-MANDATORY categories of law also offered by CLA<sup>26</sup></b> |   |
|--|---|
| <b>Housing</b>   | Housing areas still covered by legal aid include: eviction and possession cases, injunctions to get housing disrepairs fixed where these pose a serious risk to health or safety, injunctions concerning harassment in the home, homelessness assistance and certain ASBO matters   |
| <b>Family</b>  | <p><b>Public:</b> advice, assistance and representation in care and supervision proceedings where the State taking action to protect children. Adoption proceedings and cases concerning the inherent jurisdiction of the High Court in relation to children. Most cases not means tested</p> <p><b>Private:</b> cases concerning disputes between private individuals about family matters (generally child contact or finance issues arising from separation), mediation and domestic violence injunctions.</p> <p>(i) general private family law cases e.g. contact and residence where there is evidenced domestic violence or child abuse</p> <p>(ii) orders to prevent child abduction or to secure their return</p> <p>(iii) legal aid for a child where they have been made a party to a private family law case</p> <p>(iv) mediation</p> <p>(v) domestic violence / forced marriage injunctions (with means waiver)</p> <p>(vi) 'international' family cases where required by EU or other international Agreements</p> <p>Legal advice in support of mediation</p> |

## Contacting Civil Legal Advice

| <b>Table 3: How to contact Civil Legal Advice:</b> |   |
|--|---|
| <b>Online</b>                                      | <p>General information about legal aid was available on the Ministry of Justice website. On 3 September 2013, the MoJ moved its online content to the centralised Government website <a href="http://www.gov.uk">www.gov.uk</a>. The page specifically relating to CLA can be found here: <a href="https://www.gov.uk/civil-legal-advice">https://www.gov.uk/civil-legal-advice</a>.</p> <p>Until November 2014 users could also choose to continue interacting with the operator service via a secure online portal, they would be directed here: <a href="https://claonlineadvice.justice.gov.uk/">https://claonlineadvice.justice.gov.uk/</a>.</p> <p>LAA and MoJ Digital Services are now working together to transform the existing digital elements of CLA in line with Government Digital Service Standards. This will include a new digital interface for citizens on <a href="http://gov.uk">gov.uk</a>. The service is expected to launch in Autumn 2014.</p> |
| <b>Telephone</b>                                   | <p>0345 345 4 345 - Calls will cost approximately 9p per minute from a landline. Calls from mobiles may cost more but are more likely to be included within call allowances.</p> <p>The telephone line is open Monday to Friday 9am to 8pm and Saturday 9am to 12.30pm. Outside these times users can leave a message and CLA will call back within one working day.</p> <p>People who are worried about call costs can ask CLA to call them back or text 'legalaid' and your name to 80010.</p>  |
| <b>Call back</b>                                   | <p>CLA users can request a call back service by texting 'legalaid' and their name to 80010, or by visiting <a href="http://www.gov.uk/civil-legal-advice">www.gov.uk/civil-legal-advice</a> where they can navigate to a form to request a call back at the time and date convenient to them and request a suitable adaptation, such as language preference, minicom or typetalk.</p> <p>The existing call back service was re-launched in November 2014, to include additional information for users.</p>  |
| <b>Minicom</b>                                     | A minicom service is available at: 0845 609 6677  |

<sup>26</sup> This summary is for general guidance only. It is not exhaustive and should be read subject to the full provisions of Schedule 1 of LASPO Act 2012: <http://www.legislation.gov.uk/ukpga/2012/10/schedule/1/enacted>

## Annex B – Contract Holders for the Operator Service and Specialist Advice

1. The Civil Legal Advice Service is a two tier service.
2. The operator service provides a triage service to clients, diagnosing the user's problem and making an initial determination on the scope and financial eligibility for the CLA specialist advice service funded by Legal Aid.
3. If a client appears to qualify they are transferred to the second tier of the service. A specialist adviser who will check the determination made at tier one assess the merits and suitability for remote advice and seek the relevant advice from clients.
4. Where the client qualifies, the specialist adviser will provide a full casework service.

### Operator service tier

5. From the launch of the mandatory elements of the Gateway until 1 November 2014, the contract to deliver the operator service was held by Capita.
6. The operator service was re-commissioned in 2013, and a new contract was awarded to Freedom Communications following an open and transparent tender process using Lot 10 of the Crown Commercial Services Public Services Network (PSN) Services Framework.
7. From 2 November 2014, Freedom Communications, via their sub-contractor Agilisys, took over the delivery of the operator service.

### Specialist advice tier

8. The CLA specialist advice provider contracts are held by the organisations listed below. They were awarded through a competitive tender process.
9. Cases are automatically allocated to each provider in proportion to the size of their contract. A rota is used during the evening and weekends where contact volumes are lower. But in exceptional circumstances operators can manually allocate cases e.g. where a client requests to be advised by a specific provider who has previously advised them.
10. Several organisations provide the specialist advice tier of the service. They are:

| Category of Law: | Specialist Advice Provider:  |
|------------------|--|
| Debt and Housing | <ol style="list-style-type: none"> <li>1. Carillion Energy Services</li> <li>2. Duncan Lewis &amp; Co</li> <li>3. Direct Help and Advice</li> <li>4. Shelter</li> <li>5. Ty Arian</li> </ol> |
| Education        | <ol style="list-style-type: none"> <li>1. The Children's Legal Centre</li> <li>2. M G Law Ltd</li> <li>3. Tower Hamlets Law Centre</li> </ol>  |

| <b>Category of Law:</b> | <b>Specialist Advice Provider:</b>  |
|-------------------------|---|
| Discrimination          | 1. Howell LLP<br>2. Merseyside Employment Law<br>3. Stephenson Solicitors LLP |
| Family                  | 1. Co-operative Legal Services Limited<br>2. Duncan Lewis & Co<br>3. FLG Ltd  |

## **Annex C – List of Organisations the Government engaged to promote the CLA Service before its launch**

|  |   |
|--|---|
| Learning disabilities                  | Legal Services Consumer Panel                         |
| MENCAP                                 | Office of Disability Issues                           |
| National Autistic Society              | Equality 2025   |
| Adult Dyslexia Organisation            | Civil Service Disability Network                      |
| British Dyslexia Association           | Government Equalities Office <sup>27</sup>            |
| United Response                        | Citizens Advice <sup>28</sup>                         |
| Deaf Tag                               | Money Advice Service (MAS)                            |
| British Deaf Association               | Money Advice Trust (MAT)                              |
| Royal Association for Deaf People      | Law Centres   |
| Action on Hearing Loss                 | LawWorks  |
| Royal Association for the Blind (RNIB) | Shelter   |
| Action for Blind People                | Advisory, Conciliation and Arbitration Service (ACAS) |
| Age UK                                 | Independent Parental Special Education Advice (IPSEA) |
| Carers UK                              | Equality Advisory Support Service (EASS)              |
| Mind                                   | Financial Ombudsman Services                          |
| Rethink                                | Refugee Council                                       |
| Sane                                   | Age UK  |
| Young Minds                            | Law Society   |
| RADAR (Disability Rights UK)           | Bar Pro Bono  |
| Shaw Trust                             | Step Change   |
| Leonard Cheshire Disability            | Coram Children's Legal                                |
| Scope                                  | Mind  |
| British Stammering Association         | Advice Services Alliance (ASA)                        |
| Equality and Human Rights Commission   |   |
| Action for Advocacy                    |   |

---

<sup>27</sup> Consulted on reasonable adjustments.

<sup>28</sup> Consulted on the online tool and launch of the Gateway

## Annex D – List of Key Actions

The below table outlines actions relating to the ongoing development of CLA.

| Action:                           | Detail:   | Indicative Timing:  |
|-----------------------------------|---|---|
| Updated communications materials  | <p>Debt, discrimination, and Special Educational Needs leaflets and an advice booklet for the advice sector to use.</p> <p>The leaflets include updated messages about what the service can help with and to whom, alongside an outline of the adaptations available.</p> <p>The advice booklet will explain the service, its scope and who qualifies, the adaptations available and its recent successes to advice providers.</p> <p>See Chapter 7 for additional details.</p> | These will be made available to the sector in early 2015.   |
| Refreshed communications strategy | We have had several successful meetings with representatives from the advice sector and have revised our communications strategy (and materials, see above). See Chapter 7 for additional details.  | We expect to undertake another round of CLA engagement activity with the advice sector in early 2015. |
| Monitor core messaging            | The LAA will continue with its contract management to ensure CLA delivery partners continue to discuss access needs with clients.   | Ongoing   |
| Monitor the range of adaptations  | The LAA will work closely with its CLA delivery partners to ensure the range of available adaptations is kept under review and remain appropriate to what is required by users who qualify to access the service.   | Ongoing   |

|  |  |  |
|--|--|--|
| Change the telephone number from an 0845 to a cheaper 0345 code. | This action has reduced the potential financial burden for some users as 0345 numbers are more typically included in call allowances and bundled 'free' minutes on the same basis as regular landline numbers. | This was completed in April 2014.  |
| Introduce a free post system                                     | This action will further mitigate cost concerns of interacting with CLA.   | Freepost was a requirement of the contract starting in April 2013.   |
| Launching a new CLA digital service                              | The LAA and MoJ Digital Services are working together to transform the existing digital elements of CLA in line with Government Digital Service Standards. See Chapter 7 for additional details.               | The new service will undergo Government Digital Service Beta assessment in December 2014 with a view to launching the service in Beta in early 2015. |
| Revising the legal aid content on gov.uk                         | The MoJ and LAA have updated the four main legal aid pages on gov.uk.  | Completed in November 2014.  |

## Annex E – Glossary

|                                    |   |
|------------------------------------|---|
| <b>Age UK</b>                      | A charity helping everyone make the most of later life. Website: <a href="http://www.ageuk.org.uk">www.ageuk.org.uk</a>   |
| <b>Alpha</b>                       | A phase in digital services development. A short phase in which the developers prototype solutions around users' needs. Testing is undertaken with a small group of users or stakeholders, resulting in early feedback about the design of the service. The next stage is Beta (see below).   |
| <b>Analytical Services</b>         | Provides research and analysis to underpin evidence based policy and delivery across MoJ.   |
| <b>Beta</b>                        | A phase in digital services development. Still in the development stage but the service is now available to use as if it was fully launched. However, the developers are using this 'Beta' stage to further understand how to build and scale the service while meeting user needs. This is a test version for the public to use. The next stage is Live (see below). |
| <b>British Sign Language (BSL)</b> | A form of communication predominately used by deaf and deafened people.   |
| <b>Cabinet Office</b>              | A Government department. Website: <a href="https://www.gov.uk/government/organisations/cabinet-office">https://www.gov.uk/government/organisations/cabinet-office</a>   |
| <b>Call Back</b>                   | See Table 3 in Annex A  |
| <b>Capita</b>                      | The contract holder for the operator tier during the review period and up until 1 November 2014. It's a provider of business process management and integrated professional support service solutions. Website: <a href="http://www.capita.co.uk/">www.capita.co.uk/</a> . See Annex B.   |
| <b>Category / area of law</b>      | The LAA defines areas of law (debt, discrimination, Special Educational Needs, housing, family etc) thematically and contracts for the provision of advice and representation based on these categories.  |
| <b>Citizens Advice</b>             | A charity which helps people resolve their legal, money and other problems by providing free, independent and confidential advice.  |
| <b>Civil</b>                       | The area of law that concerns the rights and relations of private citizens – for example, disputes relating to unpaid debts or the enforcement/breach of contracts. Covers civil and family law but excludes criminal matters.  |
| <b>Civil Legal Advice (CLA)</b>    | An advice helpline for England and Wales paid for by legal aid. It provides specialist legal advice, primarily by telephone, e-mail and post in debt, discrimination, Special Educational Needs (the gateway categories), housing, and family issues for people who qualify for civil legal aid. See Chapter 4 and Annex A for additional explanation.                |
| <b>Civil Legal Aid</b>             | Civil legal aid provided in accordance with Part 1 Schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. This includes civil legal services to be funded under civil or family legal aid but excludes services required to be funded by criminal legal aid.   |

|   |   |
|---|---|
| <b>Client</b>                                       | Someone who contacts the CLA.   |
| <b>Community Legal Advice</b>                       | The precursor to Civil Legal Advice in service between 2004 and 31 March 2013. A service which provided legally-aided initial advice and assistance to clients in civil cases via a telephone helpline, information leaflets and a website.   |
| <b>Criminal</b>                                     | The area of law that defines conduct which is prohibited by the Government because it is held to threaten, harm or otherwise endanger the safety and welfare of the public, and that sets out the punishment to be imposed on those who breach these laws.  |
| <b>Criminal legal aid</b>                           | Criminal legal aid means advice and assistance (including advocacy assistance) and representation for the purposes of criminal proceedings (as defined in section 14 of LASPO and the Criminal Legal Aid (General) Regulations 2013).   |
| <b>Debt</b>   | See Table 1 in Annex A.   |
| <b>Delivery partner</b>                             | An organisation contracted by the LAA to deliver services. See Annex B for a list.  |
| <b>Discrimination</b>                               | See Table 1 See Annex A.  |
| <b>Department of Work and Pensions (DWP)</b>        | A Government department. Website: <a href="http://www.gov.uk/dwp">www.gov.uk/dwp</a>  |
| <b>Equality Advisory and Support Service (EASS)</b> | Provides information and advice about discrimination and human rights issues. Website: <a href="http://www.equalityadvisoryservice.com">www.equalityadvisoryservice.com</a>   |
| <b>Exempted Person / Exemption Criteria</b>         | See paragraph 11 of Chapter 2.  |
| <b>Family</b>                                       | See Table 2 in Annex A.   |
| <b>First Tier</b>                                   | See 'Operator / Operator Tier'.   |
| <b>Freedom Communications</b>                       | Partner firm of Agilisys and contract holder for the operator service of CLA since 2 November 2014. See Annex B.  |
| <b>Gateway</b>                                      | The Gateway covers debt, discrimination and Special Educational Needs. People with issues in these categories and seeking legally aided assistance must apply via 'the Gateway', the single access point for such advice, rather than going to a face-to-face provider. See Chapter 4 and Annex B for additional explanation. |
| <b>Government Digital Service (GDS)</b>             | Leads the digital transformation of Government, making public services digital by default, and simpler, clearer and faster to use. Website: <a href="https://gds.blog.gov.uk/about/">https://gds.blog.gov.uk/about/</a>   |
| <b>Government Equalities Office (GEO)</b>           | Responsible for equality strategy and legislation across Government. Website: <a href="http://www.gov.uk/geo">www.gov.uk/geo</a>  |

|   |  |
|---|--|
| <b>Her Majesty's Courts and Tribunals Service (HMCTS)</b>                 | The agency is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.  |
| <b>Housing</b>  | See Table 2 in Annex A.  |
| <b>Law Centres Network</b>  | An independent, not-for-profit organisation offering legal advice, casework and representation to individuals and groups. Website: <a href="http://www.lawcentres.org.uk">www.lawcentres.org.uk</a>  |
| <b>Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)</b> | Legal Aid, Sentencing, and Punishment of Offenders Act 2012. An Act of Parliament which was given Royal Assent on 1 May 2012. More information: <a href="http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted">www.legislation.gov.uk/ukpga/2012/10/contents/enacted</a>   |
| <b>Legal Aid Agency (LAA)</b>   | An executive agency of the Ministry of Justice, established on 1 April 2013, replacing the Legal Services Commission. The body responsible for commissioning and administering civil, family and criminal legal aid services in England and Wales.   |
| <b>Legal Help</b>   | A form of civil legal services which includes advice and assistance about a legal problem, but does not include representation or advocacy in proceedings.   |
| <b>Legal Representation</b>   | A type of legal aid that pays for a solicitor or barrister to represent a client in court, if they are taking or defending court proceedings. Sometimes referred to as 'emergency cases' in some CLA literature.   |
| <b>Live</b>   | A phase in digital services development. The full service is launched and available for people to use. However, the developers will be iteratively improving the service, reacting to new needs and demands, and meeting targets set during its development.   |
| <b>Mandatory Gateway</b>  | See 'Gateway'.   |
| <b>Minicom</b>  | See Table 3 in Annex A.  |
| <b>Ministry of Justice (MoJ)</b>  | The Government department responsible for legal aid policy. Website: <a href="http://www.gov.uk/moj">www.gov.uk/moj</a>  |
| <b>Means</b>  | The process by which an assessment of clients' financial eligibility for public funding is made.   |
| <b>Mencap</b>   | Charity for people with learning disabilities. Website: <a href="http://www.mencap.org.uk">www.mencap.org.uk</a>   |
| <b>Merits</b>   | One of the aims of the merits test is to ensure that only cases with reasonable prospects of success receive legal aid. The test does this by seeking to replicate the decision-making process that somebody who pays privately would make when deciding whether to bring, defend or continue to pursue proceedings. The full merits test also take account of factors other than the prospects of success (including for example whether it is reasonable to provide legal aid in all the circumstances of the case). The merits test is set out in the Civil Legal Aid (Merits Criteria) Regulations 2013. |

|  |   |
|--|---|
| <b>NatCen</b>  | An independent, not-for-profit social research organisation. Website: <a href="http://www.natcen.ac.uk">www.natcen.ac.uk</a>  |
| <b>National Audit Office (NAO)</b>                       | The National Audit Office (NAO) scrutinises public spending on behalf of Parliament. Website: <a href="http://www.nao.org.uk">www.nao.org.uk</a>  |
| <b>National Debtline</b>                                 | National Debtline is a free, independent and confidential debt advice service run by the charity Money Advice Trust. Website: <a href="http://www.nationaldebtline.org">www.nationaldebtline.org</a>  |
| <b>Operator / Operator Tier</b>                          | The first tier in a two tier process when contacting CLA. The operator will make an initial assessment of whether the client is financially eligible for legal aid and whether their problem falls within scope of legal aid. If the client qualifies for legal aid, they will be transferred to the second tier of CLA, the specialist. See specialist.  |
| <b>Scope</b>   | Whether the category of law is covered by the legal aid scheme. Consult Schedule 1 of LASPO: <a href="http://www.legislation.gov.uk/ukpga/2012/10/schedule/1/enacted">www.legislation.gov.uk/ukpga/2012/10/schedule/1/enacted</a>   |
| <b>Second Tier</b>                                       | See 'Specialist / Specialist Adviser / Specialist Tier'.  |
| <b>Shelter</b>   | A charity assisting people with housing and homelessness issues. Website: <a href="http://www.shelter.org.uk/">www.shelter.org.uk/</a>  |
| <b>Special Educational Needs (SEN)</b>                   | Issues that affect a child's ability to learn can include their: <ul style="list-style-type: none"> <li>• behaviour or ability to socialise, e.g. not being able to make friends</li> <li>• reading and writing, e.g. they have dyslexia</li> <li>• ability to understand things</li> <li>• concentration levels, e.g. they have Attention Deficit Hyperactivity Disorder</li> <li>• physical needs or impairments</li> </ul> |
| <b>Specialist / Specialist Adviser / Specialist Tier</b> | Specialists are the second tier of the two tier CLA service. They are still required to complete the legal aid application process on behalf of the client which will include assessing the merits of the clients case (see 'merits' above) or seeking evidence to confirm the client's financial eligibility.  |
| <b>University College London (UCL)</b>                   | A university based in London. Website: <a href="http://www.ucl.ac.uk">www.ucl.ac.uk</a>   |
| <b>User</b>  | Someone using the CLA service. Typically applied once someone has passed the scope, means, and merits tests.  |

Acronyms:

|             |                                       |
|-------------|---------------------------------------|
| <b>BSL</b>  | British Sign Language                 |
| <b>CLA</b>  | Civil Legal Advice                    |
| <b>DWP</b>  | Department of Work and Pensions       |
| <b>EASS</b> | Equality Advisory and Support Service |
| <b>GDS</b>  | Government Digital Service            |
| <b>GEO</b>  | Government Equalities Office          |

|              |   |
|--------------|---|
| <b>HMCTS</b> | Her Majesty's Courts and Tribunals Service.                 |
| <b>LAA</b>   | Legal Aid Agency  |
| <b>LASPO</b> | Legal Aid, Sentencing, and Punishment of Offenders Act 2012 |
| <b>MoJ</b>   | Ministry of Justice   |
| <b>NAO</b>   | National Audit Office                                       |
| <b>SEN</b>   | Special Educational Needs                                   |
| <b>UCL</b>   | University College London                                   |



© Crown copyright 2014  
Produced by the Ministry of Justice

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3/](http://nationalarchives.gov.uk/doc/open-government-licence/version/3/) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

Alternative format versions of this report are available on request from [LegalAidReformMoJ@justice.gsi.gov.uk](mailto:LegalAidReformMoJ@justice.gsi.gov.uk)