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Civil Legal Advice mandatory gateway:

A secondary analysis of management information

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The views expressed are those of the authors and are not necessarily shared by the Ministry of Justice (nor do they represent Government policy).

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Contents

List of tables

List of figures

1. Introduction and research approach

1.1 Introduction

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 made significant changes to the provision of legal aid in England and Wales. This included the implementation of a mandatory gateway in three areas of civil law: debt, discrimination and special educational needs. Prior to 1 April 2013, clients seeking legal aid advice (Legal Help[1]) in these areas[2] could choose to contact a telephone helpline funded by legal aid, which would refer eligible clients to specialist advice, or approach a specialist legal aid provider directly (either in person or through remote channels). Since 1 April 2013, subject to some exemptions,[3] individuals seeking legal aid funded legal help in these areas must contact the single mandatory Civil Legal Aid Gateway (the Gateway) operated as part of the Civil Legal Advice (CLA) service. The LASPO Act marked a new commitment to the development of a single point of contact for legal aid. In all but exceptional circumstances, contact with CLA must be carried out by telephone, online or by post. CLA Operators identify the nature of the legal problem, assess whether it may be in scope for the CLA legal aid advice, and assess the individual's financial eligibility for legal aid. People identified as eligible for legal aid are then referred to a Specialist telephone legal aid provider for further assessment and, if eligible, specialist legal advice predominantly delivered over remote channels.

Much of the discussion surrounding the implementation of the Gateway has contrasted the benefits of ease of access, particularly for those in rural areas or with physical disabilities,[4] with concerns over its suitability for particularly vulnerable groups such as people with communication difficulties or particularly chaotic lives or complex problems.[5]

In light of the concerns highlighted and in line with its commitment to review the operation of the service, the Ministry of Justice committed to carry out research on the operation of the mandatory Civil Legal Advice Gateway. This report presents the findings from one part of this

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[1] '"Legal Help" means the provision of civil legal services other than: a. acting as a mediator or arbitrator; b. issuing or conducting court proceedings; c. instructing an advocate in proceedings; d. preparing to provide advocacy in proceedings; or e. advocacy in proceedings.'

[2] 'Discrimination' is relatively new as a distinct category of legal aid advice. However, prior to April 2013, specific discrimination issues were subsumed at the sub-category level within other categories of law, such as employment, education and consumer.

[3] Users will not be required to use the Gateway if:
- The client has previously been assessed by the mandatory Gateway as requiring face-to-face advice, has accessed face-to-face advice within the last 12 months and is seeking further help to resolve linked problems from the same face-to-face provider
- The client is deprived of their liberty (including in prison, a detention centre or secure hospital)
- The client is a child under 18 years old

[4] See, for example, Lord McNally HL Deb, 14 March 2012, c284

[5] See, for example, Baroness Grey-Thompson HL Deb, 23 April 2012, c1595

mixed methods research project. Other strands were qualitative research with Gateway Users, conducted by NatCen Social Research, and qualitative research with CLA staff and representatives from engagement organisations.[6]

1.2   Research aims

This element of the research uses administrative data collected by the CLA service to assess the use of the service, describe the Users of the service and explore how the service operates (for example, how often service adaptations are used, how cases are concluded, etc.). Due to the nature of the mandatory Gateway and its implementation, as well as other elements of the LASPO reforms, it is not possible to reliably compare prior and current use of legal aid services in the mandatory categories of law. In particular, it is not possible to isolate the impact of the Gateway from other elements of the LASPO reforms and changes to the categorisation of legal issues (in particular, the discrimination category introduced by the LASPO Act has no pre-LASPO comparator).[7] Therefore, an appropriate pre-LASPO base line or comparator group cannot be established to contrast against post-implementation data.

Accordingly the objectives of this element of the research are to:

- Describe the volumes of users accessing the Gateway via different channels (telephone and online/email); requesting and receiving call-backs; being assessed as eligible and in scope (and if not, on what basis); being referred on to and taking up specialist face-to-face and telephone advice.

- Understand the demographic profile of those individuals at each stage of the advice journey, including age, gender, disability, ethnicity, eligibility, as well as problem type and whether reasonable adjustments were provided.

- Identify the reasons why those legal aid clients who were referred to face-to-face advice were assessed as unsuitable for telephone advice.

- Measure the amount of advice provided (as measured in number of minutes of advice) and describe the outcomes achieved for Gateway users.

- Highlight any fluctuations or trends that may have occurred during the first year of delivery of the mandatory Gateway in any of the above metrics.

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[6]   See Paskell *et al* 2014, Patel 2014 and Patel *et al* 2014 all available from here: https://www.gov.uk/.
[7]   Readers interested in viewing broad changes over time in the use of civil legal aid, including the CLA service, should refer to the Ministry of Justice 2014.

1.3   Methodology

This report presents findings from a secondary analysis of administrative data. Data for this element of the research are derived from administrative records collected at both the Operator and Specialist tier of the Civil Legal Advice (CLA) service. Data collected between the two tiers of the service are not consistent and offer different insights, and have varying analytical potential. Data were collected for the 12 months following 1 April 2013, and were received via co-ordination and liaison with the Legal Aid Agency. Data processing validation and analysis was carried out by the Ministry of Justice's Analytical Services Directorate.

CLA Operator tier data

Data regarding the use of CLA Gateway Operator tier were collected by Capita (the contracted supplier delivering this service during the reference period for this research), on behalf of the Legal Aid Agency (LAA). Data were captured via a bespoke Case Handling System (CHS) used by the service to manage the service and provide an interface between the Operators and Specialists to facilitate the transfer of service Users between the two tiers. The dataset was made up of 189,797 records, each relating to an individual User query with the service. Variables relating to a range of client demographics, service adaptations, broad area of inquiry, and case status were included. Client demographic data included gender, date of birth, ethnicity, illness and disability status, sexual orientation and religion. Of these only gender and date of birth were asked of all service Users. Other demographics were only asked of those Users presenting with issues that may fall within the scope of publicly funded legal advice. Data concerning area of inquiry, service adaptations and case status were included for all records.

Specialist tier data

Data related to the use and users of the Specialist tier were obtained from the LAA. Two datasets were used, both of which were from information provided by CLA Specialist providers. The first was based on an *ad hoc* request for aggregated new matter starts volumes for the reference period.

The second dataset comprised row-level closed case data, collected by Specialist providers in accordance with their contractual obligations to the LAA. All records referred to interactions reported as opened and closed within the 12-month reference period. For the purposes of this research, which focuses on the mandatory element of the CLA service, only data related to Debt, Education and Discrimination matters referred to the Specialist service were included for analysis. The dataset used in the final analysis was made up of 5,175

closed case records. The data fields included basic client demographics, use of service adaptations, supplier information and case details such as case type, area of specialism, means assessment status, start and end dates, outcome and advice time. Client demographic data included gender, age, ethnicity and illness and disability status. The types of cases for which providers have delivered legal advice were captured in the data by category and matter type labels.

The closed case Specialist data included information regarding the outcome achieved for the client in all cases. Only one category is recorded for each case and providers are advised that if more than one applies the one which appears to be the most significant for the client is selected. All case records also contained data on the stage reached in the case. This category described the highest level of assistance provided to the client by the provider. For the purposes of analysis, data were recoded into four stage-reached categories, namely 'first meeting', 'further work', 'putting the case for the client', and 'representation at court or tribunal'.[8] Further, a case type variable was introduced to the dataset, derived from advice time and outcome data which identified records as either 'determination' or 'casework'; the first category refers to instances where an issue is referred to the Specialist tier, but is subsequently deemed to be not eligible for publicly funded advice following a specialist advisor's assessment of scope, merits and financial eligibility, and the second category includes all cases where eligibility has been established.

Data limitations

Data were not collected for the purposes of research and analysis and therefore carry certain analytical limitations commonly associated with secondary analysis of administrative data. As described, as a result of systems issues, the Operator level data did not capture key demographic variables in a significant number of cases. Similarly, though aggregated new matter start data provided at the Specialist tier are useful when considering volumes, they present few opportunities to carry out more detailed analysis within the scope of this research.

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[8]   The stages are defined as: First Meeting, where no further work is undertaken beyond confirming instructions and giving advice, including the confirmation of advice letter; Further Work: Work beyond the first meeting, including work preparatory to putting the case for the client. This applies to where further work has been carried out but there has been no contact with the potential opposing party, other than for the purposes of investigation; Putting the Case for the Client: Includes correspondence with opposing party and pre-action protocol letters and any communication with the third party that involves substantively putting the case for the client, including preparation of representations and evidence for tribunals; Representation at Court/tribunal: Applies where representation before courts or tribunals has been provided or arranged.

Specialist data reported as opened and closed within the 12-month reference period were provided at the row level, with a more consistently applied range of variables (particularly regarding demographics). The dataset was nevertheless prone to missing data and data entry errors.[9] Further, as data were collected by a number of different providers, variable entries are subject to inconsistencies in their interpretation and application. Analysis using closed case data are subject to distortions to the number of cases opened during the reference period and the case and User characteristics as a result of temporal lags in reporting (this is due to cases opened during the reference period but yet to conclude, being excluded from the analytical dataset). While findings presented when using closed case data are likely to be highly indicative of the CLA service's cases and Users, caution should be taken when interpreting findings based on closed case data.

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[9]   For example, looking at the 5,175 referrals reported by Specialists relating to the mandatory CLA categories only, 15.6% were missing data concerning the long-term illness/disability of users and 13.6% ethnicity information. Further, 31.4% of records were missing where the service user was suitable for telephone advice.

2.   CLA Gateway

This chapter presents findings based upon data related to the Operator tier of the service, with a particular focus on the mandatory CLA Gateway. It presents analysis concerning the number and nature of user interactions with the service, the demographic characteristics of users, and the adaptations used to facilitate contact between the CLA Gateway and users.

2.1   User interaction and nature of inquiry

During the 12 months from 1 April 2013, the CLA Operator Service fielded 189,797 user queries, of which 27.9% related to the mandatory CLA Gateway categories (Debt, Discrimination and Education), 39.1% non-mandatory CLA categories (Family, Housing and Welfare Benefits) and 32.9% to non-CLA issues.

Figure 2.1 charts the monthly volumes of contacts the service dealt with over the year. While there is an overall downward trend in the total number of queries the service received over the year, this seems to be principally driven by a steady decline in non-CLA related contacts, and, to a lesser extent, non-mandatory CLA categories. Contacts regarding CLA mandatory Gateway categories appear relatively stable. This latter finding is borne out by Figure 2.2 which breaks queries down further into the mandatory CLA Gateway categories.

Figure 2.1 Queries with the CLA Service by month by scope of service
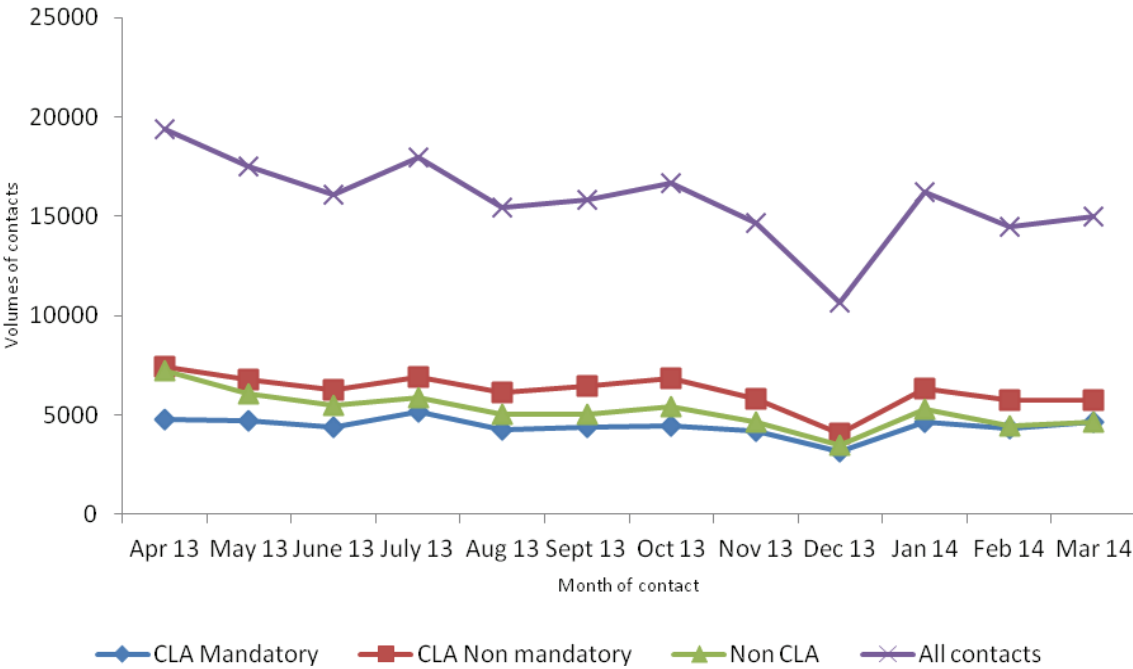
Figure 2.2 Mandatory CLA Gateway queries with the CLA Service by month
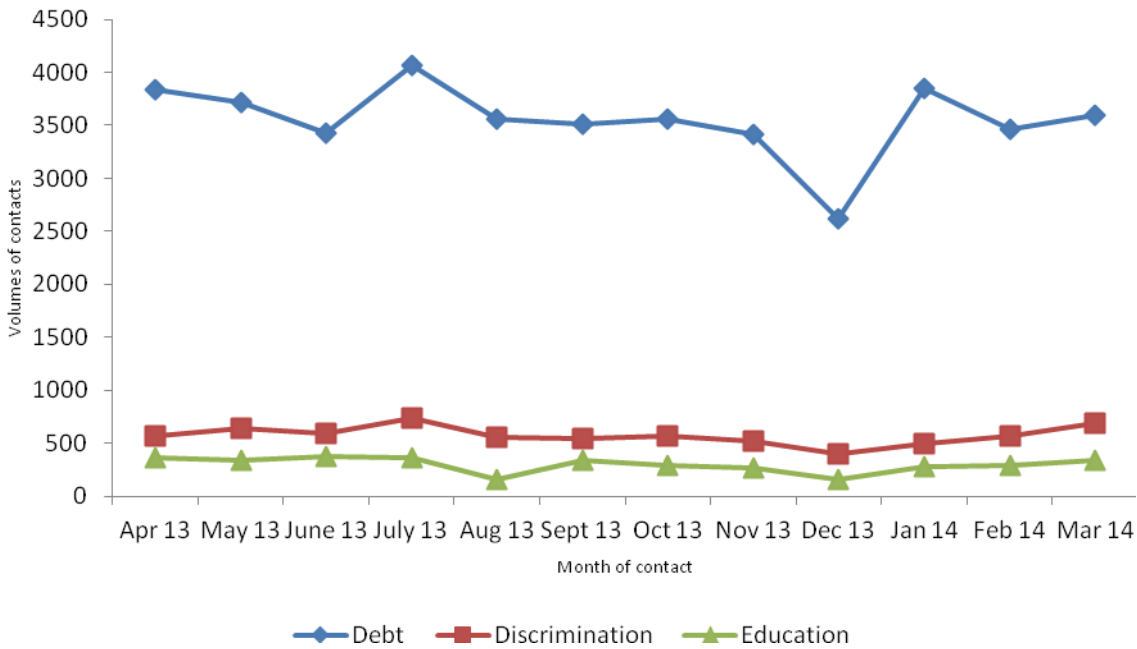
Figure 2.3 shows the query volume flows through the Operator tier of the CLA service. Of the 53,048 queries related to a mandatory CLA Gateway category, 7,257 (13.7%) were referred to the CLA Specialist tier. The remaining 45,791 User queries (the majority of which related to the debt category) were ended at the Operator tier. This was due to the presenting problem falling outside of the scope definitions to qualify for legal aid funding (despite being more broadly categorised as a mandatory CLA Gateway type problem) or failing to meet the financial eligibility criteria. Of the 40,224 Debt queries that ended at the Operator tier, 38,265 (95.1%) fell outside of the scope of legal aid.[10] This compared to 1,582 (70.9%) of 2,244 Education cases and 1,048 (31.5%) of 3,323 Discrimination cases.

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[10]   The details of what remains in scope of legal aid can be found in the Legal Aid, Sentencing and Punishment of Offenders Act 2012, Schedule 1 [http://www.legislation.gov.uk/ukpga/2012/10/schedule/1/enacted].

Figure 2.3 Volume flows through the mandatory CLA Gateway over the 12-month period ending 31 March 2014
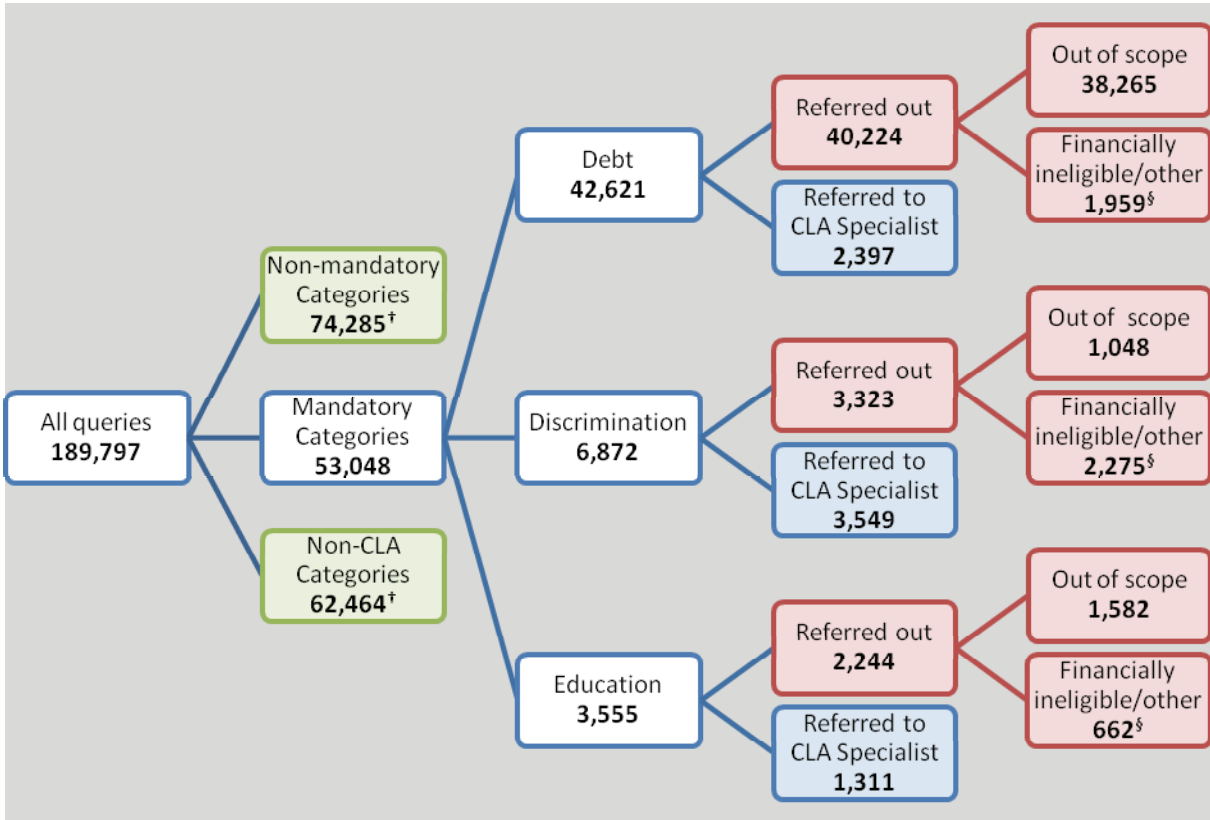
† 'Non-mandatory Categories' include problems related to family, housing and welfare benefits; 'Non-CLA Categories' refer to all categories of problems that do not fall within the scope of civil legal aid.

§ Queries falling within the 'financially ineligible/other' groups were largely made up of service Users who had an out-of-scope problem but were not financially eligible (of the 4,896 contacts that made up the financially ineligible/other group, 4,758 (97.2%) failed to meet the legal aid eligibility criteria).

Of the 53,048 queries that were in the mandatory categories, 7,395 (60.5%)[11] were assessed as being eligible for legal aid of which 7,257 were referred to a CLA Specialist.[12]

2.2   User demographics

A range of demographic information was collected for service Users. However, as mentioned previously, there are noteworthy limitations to some of the demographic variables included in the Operator tier dataset. Of the available demographics only gender and date of birth were fully captured, and are presented here. Data tables relating to other variables have been included in Appendix A for information.

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[11]   The remaining queries would not have progressed to financial assessment as it is likely that presenting issue fell outside of the scope for legal aid funding.

[12]   160 queries were closed at the Operator service either at the request of the service user (accounting for 152 queries) or following a referral to a non-CLA service (accounting for 8 queries). A further 22 were still in progress at the time of this analysis and so are not included as part of the 7,395 financially eligible queries.

With regard to gender, there were a greater proportion of females in the CLA Operator data, accounting for 53.3% of all queries compared to 46.7% of males. However, there was variation when looking across the scope of the service with males overrepresented among all mandatory CLA category Users accounting for 55.7% compared to 44.3% of females. In contrast women were more likely to contact the service with a non-mandatory CLA category issue than men, respectively accounting for 63.0% and 37.0% of such Users. Gender differences were less marked among user contacting the service regarding non-CLA category with males accounting for 51.9% of such contact and females 48.1%.

While there was little discernible difference when looking at age across the scope of the service, differences did become apparent once data were broken down into the mandatory categories of law. As can be seen in Figure 2.4, while Debt contacts, and to a lesser extent Discrimination contacts, were more evenly drawn from the range of age groups, over half of all queries related to Education issues were received from Users aged 35–49. This may be an effect of stage of life, whereby parents of school aged children are more likely to fall within this age bracket.

Figure 2.4 Age of mandatory CLA Gateway User by Mandatory Gateway categories of law in 2013/14
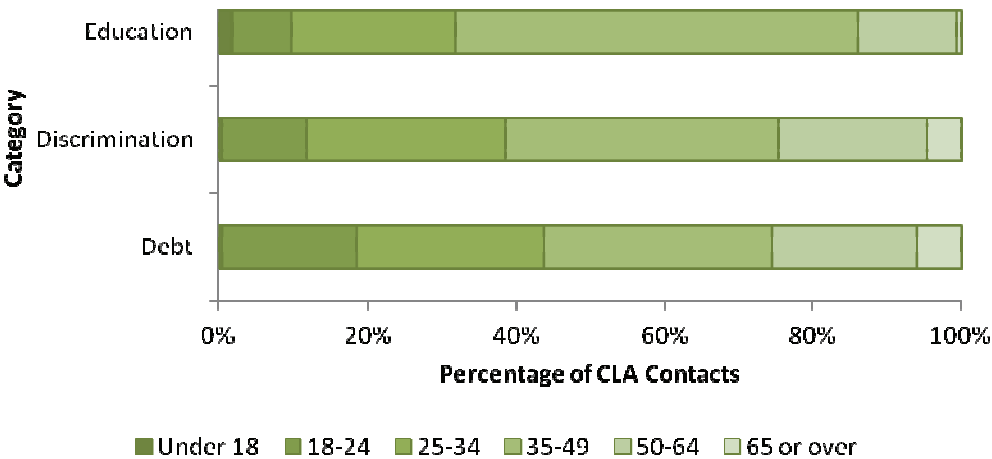
2.3   Use of adaptations

A range of adaptations and reasonable adjustments are available to help people overcome communication and other barriers when using the CLA service. These include a three-way translation service, British Sign Language (BSL) webcam service, a Call Back service for those unable to afford the cost of the phone call, delivering the service by email, and allowing a third party to speak on behalf of the individual experiencing the problem. Adaptations were

used in 25.0% of all queries. Of these, 94.1% used only one adaptation, and the remainder two or more. The most commonly used adaptations were Third Party Contacts and Call Back, both used in about one in ten calls. Online advice accounted for 6% of all queries, and Language Line was used in 1.1% of all queries. While other adaptations were used, they were relatively infrequent. Table 2.1 presents the range and frequency of adaptations used.

Table 2.1 Frequency adaptations used in all CLA Operator contacts in 2013/14

Adaptation Used	Frequency	% of contacts
Third Party Caller	10,465	9.7
Call Back Requested (caller)	9,908	9.2
Online Advice	6,449	6.0
Call Back Requested (online)	2,065	1.9
Language Line	1,154	1.1
Call Back Requested (text)	765	0.7
Other	72	0.1
Type Talk	14	< 0.1
British Sign Language Webcam	7	< 0.1
Mini Com	6	< 0.1
Skype Webcam	4	< 0.1

3. CLA Specialist advice

This chapter presents findings based upon referral data related to a mandatory category received by the Specialist tier. Like the previous chapter, it outlines the number and nature of interactions with the service, the demographic characteristics of users, and the adaptations used to facilitate contacts between the CLA Gateway and users. It goes on to explore when telephone advice is not suitable, measures the amount of advice provided and looks at the outcomes achieved for users.

3.1 Referrals to Specialist tier and nature of interaction

In total, Specialist providers reported receiving 7,261 referrals from the Operator service over the 12-month period from 1 April 2013 (it should be noted that as a consequence of relying upon a non-standard data request, there is a slightly lower number of referrals reported by Specialist providers compared to that reported by Operators in the previous chapter) – of these, 3,506 related to Discrimination, 2,378 to Debt, and 1,377 to Education. Figure 3.1 shows the percentage of referrals that were concluded as 'determinations';[13] accounting for 1,122 (32.0%) of Discrimination referrals, 216 (17.7%) of Education referrals and 308 (12.9%) of Debt referrals.

Figure 3.1 Referral to Specialist split between 'determinations' & 'cases' by Mandatory Gateway categories of law in 2013/14 (based on reported matter starts)

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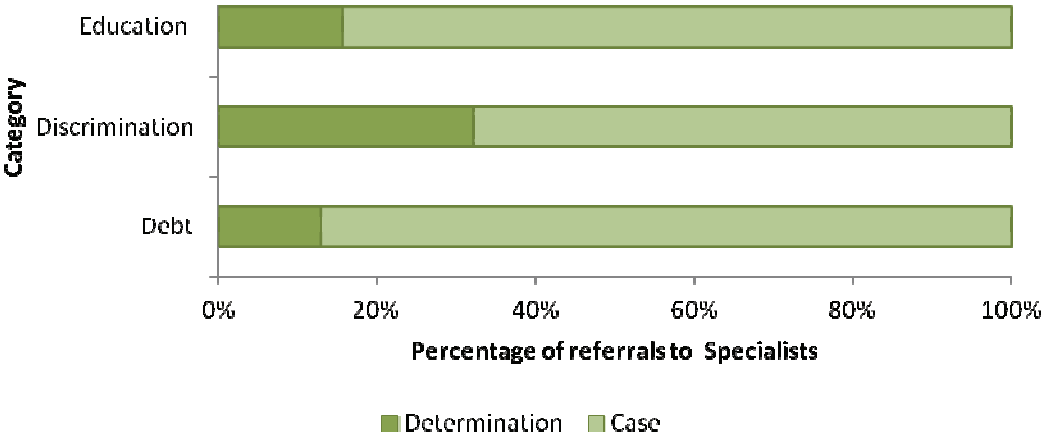
[13]   The term 'determination' denotes a referral to the Specialist service which is not subsequently opened as casework and where no specialist legal advice is provided. Typically such referrals do not progress to casework as the Specialist advisor assesses the issue as out of scope of legal aid, and/or not having sufficient merit (i.e. the issue is unlikely to be successfully contested).

The volumes seen over the 12-month period are a reduction on provisional estimates provided prior to the implementation of the CLA Gateway. Estimates based upon civil legal aid data available at the time[14] suggested there would be approximately 45,773 debt and housing[15] referrals, 6,408 Discrimination referrals and 2,186 Education referrals, per year of the three-year contract term.[16] It was further estimated that of these, 5% would be determination cases.

The remainder of this chapter relies on data reported by Specialist legal advice providers concerning cases **opened and subsequently closed** at the Specialist tier between 1 April 2013 and 31 March 2014 as a broader range of data are collected upon case conclusion, including a more detailed breakdown of the sub-problems (which can be found in Appendix B). While the use of closed case data allows for more detailed analysis, caution should be observed when interpreting finding using this data (for a more detailed explanation of the limitations of using this data, see section 1.3).

Figure 3.2 Stage reached by Mandatory Gateway categories of law in 2013/14 (based on cases reported opened and closed)
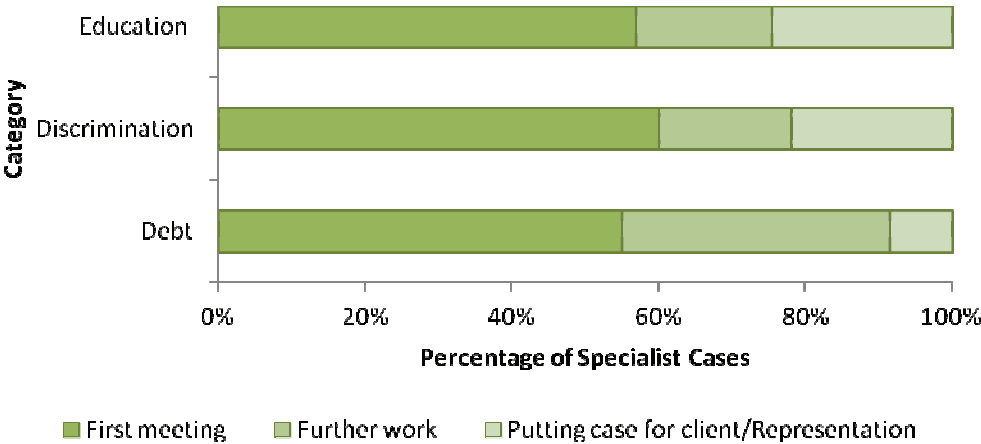
As is clear from Figure 3.2, more than half of the cases across all three mandatory categories concluded at 'First meeting'. While Debt cases were more likely to be concluded

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[14] Estimates for predicted volumes were based upon Legal Services Commission Legal Help data available at the time, collected between 1 April 2009 and 31 March 2010.

[15] Since 1 April 2013, Debt and Housing advice funded by Legal Aid are delivered under a single contract, albeit with issues falling with the Debt category, subject to the mandatory CLA Gateway. In line with the contract, summing actual new matter starts for both categories of law shows that 15,748 debt and housing matters were opened during the reference period.

[16] See *Invitation to Tender to deliver Community Legal Advice Specialist Telephone Advice Services from April 2013 Information for Applicants pack*: https://www.justice.gov.uk/downloads/legal-aid/tenders/cla-itt-ifa-for-2013-cla-contractsv2.pdf

at 'Further work' when compared to the other categories, they were not as likely to report cases concluding at 'Putting the case for client/Representation'[17] (only 8.6% of Debt cases reached these latter stages, compared to 22.0% of Discrimination and 24.6% of Education cases).

There appeared to be a relationship between the stage reached and the point the financial assessment had reached. Given that a high proportion of cases are concluded at the 'First meeting' stage, financial assessments often got no further than re-confirming the Operators' assessment of financial eligibility. Table 3.1 provides a more detailed breakdown of the concluding status of financial eligibility across the mandatory categories. Importantly, there is a marked difference where evidence is actually received by the category of law, with relatively few Debt cases being evidenced when compared to Discrimination and, more so, Education. This may however be reflective of the longer case durations that typify the latter two categories, allowing for a longer period of time to receive the evidence before a case is concluded.[18] This would fit with the much higher requests for evidence without receipt observed within the Debt category.

Table 3.1 Financial eligibility status at Case conclusion for the Mandatory Gateway categories of law in 2013/14

	Category of law			
Financial assessment stage	**Debt (n=1516)**	**Discrimination (n=1573)**	**Education (n=297)**	**All (n=3386)**
Eligible by Operator	38.2%	52.7%	44.8%	45.5%
Evidence impossible to obtain	0.5%	0.2%	0.0%	0.3%
Evidence received	11.9%	33.7%	45.5%	25.0%
Ineligible after evidence received	1.7%	5.3%	0.7%	3.3%
Evidence requested, none received	47.8%	8.1%	9.1%	25.9%

3.2   User demographics

There were marginally more females referred to the Specialist service, accounting for 52.6% of referrals compared to 47.4% for males. However, when separated by category, difference became more marked with females accounting for 74.7% of all Education referrals compared to 51.5% of Discrimination and 47.9% of Debt referrals.

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[17]   Due to a variety of different coding used for 'stage reached', data were recoded into four commonly used categories for the purposes of analysis; they are 'First meeting', 'Putting the case for the Client' and 'Representation at Court/Tribunal'. The latter two stages were further collapsed as very few cases reached the 'Representation' stage.

[18]   Mean durations for Debt were 55 days (median = 42 days), compared to 78 days (median = 57 days) for discrimination and 100 days (median = 87 days) for Education.

There was some variation in User ethnicity by category of law, with White British Users accounting for 1,174 (69.2%) of 1,696 debt issues, 263 (59.1%) of 445 education, and 333 (51.9%) of 642 Discrimination cases. Black and minority ethnic groups were over-represented across all of the mandatory categories of law when compared to the population of England and Wales.[19] [20] For a more detailed breakdown see Figure 3.3.

Figure 3.3 Ethnic origin of Specialist service Users by Mandatory Gateway categories of law in 2013/14 (based on cases reported opened and closed)[†]
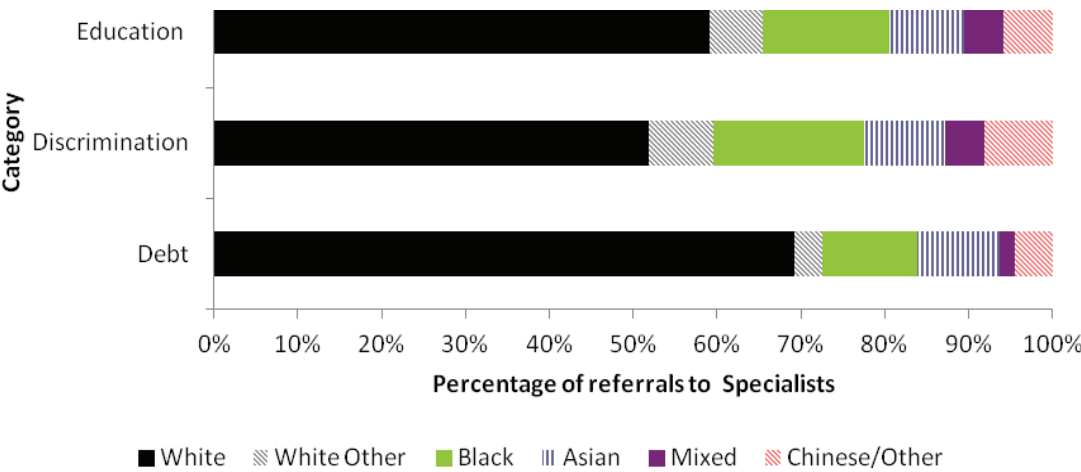
† Ethnicity data provided by one specific Specialist provider were excluded as a result of apparent misreporting of User ethnicity.

With regard to long standing illness/disability, 45.3% of service users identified as having a illness/disability. As might be expected, users with a long standing illness/disability were most common within the discrimination category, accounting for 58.3% of users. Table 3.2 provides a more detailed breakdown of the types of user illness or disability by category of law.

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[19] Black and minority ethnic groups accounted for 19.5% of the English and Welsh population at the time of the 2011 Census; see Office for National Statistics 2012 *Ethnicity and National Identity in England and Wales 2011,* London: Office for National Statistics: http://www.ons.gov.uk/ons/dcp171776_290558.pdf

[20] Note, while an initial analysis of User ethnicity showed that there was a significantly higher proportion of Users falling within the 'other' ethnic group for discrimination-related issues, this was largely caused by a single Specialist provider recording the Users it assisted nearly exclusively under this category. It is highly unlikely that 'other' ethnicity would have such prominence among a Specialist provider's Users, indicating miscoding of User ethnicity by the particular provider. As such, data presented excludes *any* ethnicity data provided by the specific Specialist provider.

Table 3.2 Long standing illness/disability of Specialist service Users by Mandatory Gateway categories of law in 2013/14 (based on cases reported opened and closed)

Illness/Disability	Debt (n=1787)	Discrimination (2103)	Education (n=476)
Blind	0.2%	0.2%	0.6%
Deaf	0.2%	0.3%	0.2%
Hearing impairment	0.2%	1.0%	0.2%
Long standing illness/health condition	12.5%	17.5%	8.6%
Learning Disability/Difficulty	1.8%	7.1%	7.8%
Mental Health condition	8.0%	16.7%	7.4%
Mobility impairment	4.8%	8.9%	3.2%
Not Considered Disabled	65.3%	41.7%	67.9%
Other	5.0%	6.5%	4.2%
Prefer not to say	2.0%	0.0%	0.0%

While Education and Discrimination appear to have a similar service user age profile, Debt services tended to be older, as can be seen in Figure 3.4. Moreover, the age profile of Specialist service Debt users contrasts strongly with Operator Debt users, who tended to have a much younger age profile (see section 2.2). Indeed, more than 40% of Operator tier Debt contacts were aged 34 or under, compared to less than 10% of those being referred to a specialist. A likely cause of this may be the narrowing of the scope for Specialist Debt advice to issues related to mortgage arrears and/or repossessions – a problem associated with home ownership and a later stage of life.

Figure 3.4 Age profile of Specialist service Users by Mandatory Gateway categories of law in 2013/14 (based on cases reported opened and closed)
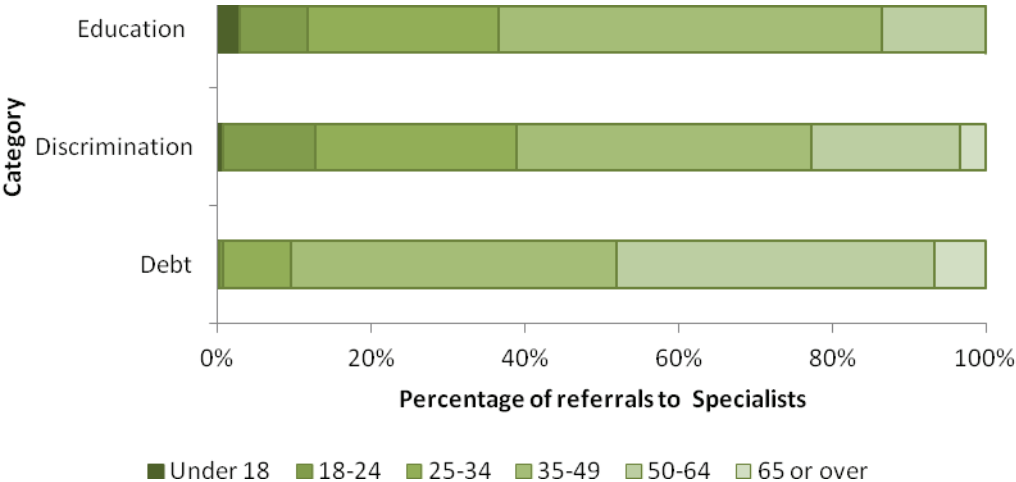
3.3   Use of adaptations

Service users for whom telephone advice was not appropriate were identified in 177 instances. This group was largely made up of Debt-related referrals, which accounted for 172 (97.2%) of cases, with the remaining five cases related to Discrimination; there were no Education cases closed within the period which were considered unsuitable for telephone advice. Given the few (if any) referrals made in the discrimination and education categories, the following analysis looking at the relationship between User characteristics (gender, broad ethnicity, illness/disability and broad age) and the likelihood of telephone advice not being appropriate, focuses solely on issues related to the Debt category.[21] A binary logistic regression model was fitted to data to test the influence of User characteristics and their suitability for Specialist Debt telephone advice. Each of the characteristics included in the model has a reference category, to which other categories are compared. For example, in the case of 'age', each of the other age groups is compared to '35–49' (the reference category). Statistical output from the model is presented in Appendix C along with technical notes.

Controlling for other variables included in the model, gender was the only User characteristic that was not statistically significant. With regard to ethnicity, 'Chinese or Other' Users were more likely than 'White British' Users to be identified as being unsuitable for telephone debt advice (simulating from the model estimates, 10.3% of White British Users were not suitable for telephone advice compared to 20.2% for 'Chinese or Other').

Age also proved to be a statistically significant predictor for Specialist Debt telephone advice not being considered appropriate, with older Users (specifically those aged 65 and over) tending towards this group when compared to the reference category (those aged 35–49). Again, simulating from the model estimates, 15.0% of Users aged 65 or over are likely to be deemed unsuited to telephone advice compared to 9.6% of those aged 35–49.

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[21]   Noting the differences in User demographics and the low incidence of telephone advice not being appropriate outside of the debt category, excluding discrimination and education in this instance is desirable in order to fully understand the characteristics that may tend toward making telephone advice less appropriate. By way of example, when looking at the data overall Users with any long-term illness/disability findings suggest no statistically significant differences; of the 1,743 Users with no illness/disability 82 (4.9%) were flagged as not being suitable for telephone advice compared to 81 (5.6%) of 1,448 who were identified with a disability (χ^2_1 = 1.291, p = .256). Replicating this analysis while only looking at the Debt category shows differences between Users *are* statistically significant; respectively, 81 (8.2%) of 983 non-ill/disabled Users were considered not suitable for telephone advice, compared to 80 (16.9%) of 473 of ill/disabled Users (χ^2_1 = 24.425, p < 0.001)

As would be expected, the most influential predictor of debt telephone advice not being appropriate was related to Users' health status. Users identified as having 'learning difficulties/disability', 'mental health issues' or 'mobility impairment' were significantly more likely to be unsuited to telephone advice (Users identified as being deaf fell just outside of statistical significance). Figure 3.5 shows the appropriateness of telephone advice by these particular health issues compared to the reference category of 'not considered disabled', simulated from model estimates.

Figure 3.5 Telephone advice not appropriate by health status simulated from the model in Appendix C
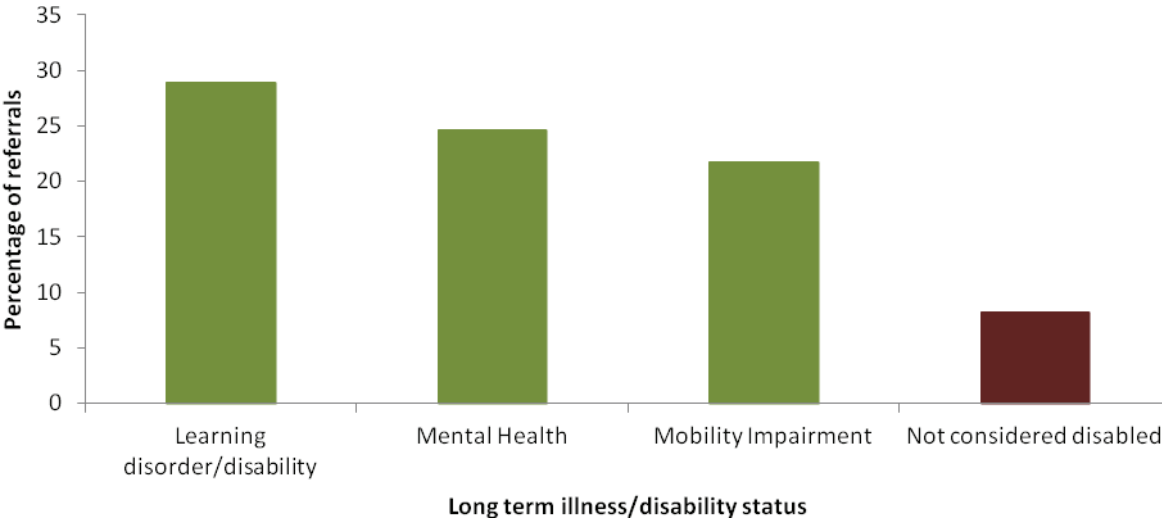
One in ten referrals made to Specialists used some form of adaptation to facilitate the interaction; though this dropped to 8.0% if the 'Call Back' adaptation was excluded from the list.[22] Table 3.3 shows array and frequency with which an adaptation was used to facilitate an interaction by the category of law. Use of some adaptations, such as British Sign Language, Minicom, and Skype/Webcam, were modest. More common were call back, third party callers, and Other. Overall, the most used Adaptation was the Freepost service, though this was almost entirely used within the Debt category.

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[22] 'Call Backs' are a popular adaptation that enable Users to ask Specialists to contact them. The Adaptation can be requested online, by text or while the User is talking to the Specialist on the telephone.

Table 3.3 Frequency with which adaptations were used by Mandatory Gateway categories of law in 2013/14 (based on cases reported opened and closed)

Adaptation	Debt	Discrimination	Education	Total	
				N	%
No adaptations required	1523	2205	503	4,231	90.2%
Freepost service	123	1	0	124	2.6%
Call Back	67	4	13	84	1.8%
Third party caller	36	37	7	80	1.7%
Other	54	6	4	64	1.4%
Online advice	23	11	1	35	0.8%
Multiple Adaptations Required	16	17	1	34	0.7%
Language Line	12	7	0	19	0.4%
BSL	3	8	0	11	0.2%
Translation or alt. format required	2	2	1	5	0.1%
Skype/webcam	0	3	0	3	<0.1%
Minicom	1	0	0	1	<0.1%

3.4   Advice times

As would be expected, given the amount of time allowed under the CLA contract, advice times for determinations averaged 18 minutes.[23]

The mean advice time for all cases was 193 minutes (median = 120). Debt, Discrimination and Education cases had mean advice times of 129 minutes, 218 minutes and 362 minutes respectively. However, while the median advice time for debt cases was similar to the mean at 126 minutes, for discrimination and Education, median advice times were much lower than the reported mean at 120 and 78 minutes respectively. This difference between mean and median times reported in discrimination and education cases is caused by a higher number of cases taking longer to conclude, as can be seen in Figure 3.5 which shows the distribution of advice times. Indeed, while 92.0% of Debt cases concluded within 144 minutes[24] of advice, only 83.0% of Discrimination cases and 73.1% of Education concluded within this time.

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[23]   While the contract initially allowed 18 minutes for Determinations at the Specialist tier, from 1 January 2014, Discrimination providers could spend up to 42 minutes making a determination. However, difference in reported advice times were not yet apparent. This is likely to be reflective of supplier behaviour in reporting a maximum of 18 minutes for such interactions.

[24]   For the purposes of Figure 3.5, advice times were binned into 18 minute ranges. The 144 minutes advice time was used here as it is clear from Figure 3.5 that the majority of cases conclude within this time.

There are a number of possible reasons which may contribute to the abrupt fall in case volumes after 144 minutes of advice, though none are clear from the data. Firstly, it may be related to contractual arrangements between the LAA and the Specialist providers which allow for up to 132 minutes of Specialist advice and assistance to be provided prior to receiving proof of financial eligibility. Secondly, Specialist providers are paid under a regime whereby they can usually only claim a maximum cost per case; as such, providers are incentivised to conclude cases before the maximum cost per case is reached. Finally, the short advice times may reflect the 'one off' nature of the advice being delivered, which would fit with the large proportion of cases concluding at the first meeting stage.

In order to identify possible predictors of advice times, a Generalised Linear Model was fitted to data which modelled advice time on the basis of the category of law, social and demographic characteristics, and the use of adaptations. Statistical output from the model is presented in Appendix D along with technical notes.

Controlling for other variables in the model, Debt cases were shorter by 115 minutes compared to the reference category, Discrimination;[25] there was no significant difference between Education and Discrimination. In terms of socio-demographic characteristics, gender, age and ethnicity do not appear to be significant predictors of advice time. However, there were significant differences by illness/disability with people with a Learning Difficulty/Disability having advice times estimated to be 100 minutes longer compared to those without an illness or disability,[26] and 21 minutes longer for those reporting a Long Standing Illness/Health Condition.[27]

3.5   Outcomes for User

Cases concluded with an array of outcomes, specific to the category of law. Tables outlining the possible outcomes and their prevalence can be found in Appendix E. Around half of all cases across the mandatory categories concluded with 'Client advised and able to plan and/or manage their affairs better'. While 15.0% of specialist Discrimination Users, and 8.5% of Debt Users ended with 'Outcome not known/client ceased to give instructions', there were no reported incidents of Education cases doing likewise.

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[25]   Z = -3.25, p = 0.001
[26]   Z = 2.17, p = 0.030
[27]   Z = 2.12, p = 0.034

Of the 177 cases in the closed case dataset identified as not being appropriate for telephone advice, outcome information was captured for 150 cases. Of these, 124 (82.7%) were referred to 'another organisation'. Although it is not possible to conclusively identify what type of organisations these were, the vast majority of cases falling within this group related to debt, so there is a strong possibility they were specialist debt providers holding LAA contracts to provide a face-to-face service. The remainder were 'proceeded under other CLS funding' (10.7%), 'stopped upon advisor recommendation' (4.0%), 'Client advised and able to plan and/or manage their affairs better' (1.3%), 'client advised and taking action themselves' (0.7%) or 'client ceased to give instruction' (0.7%).

Figure 3.6 Distribution of advice time Mandatory Gateway categories of law in 2013/14 (based on cases reported opened and closed)
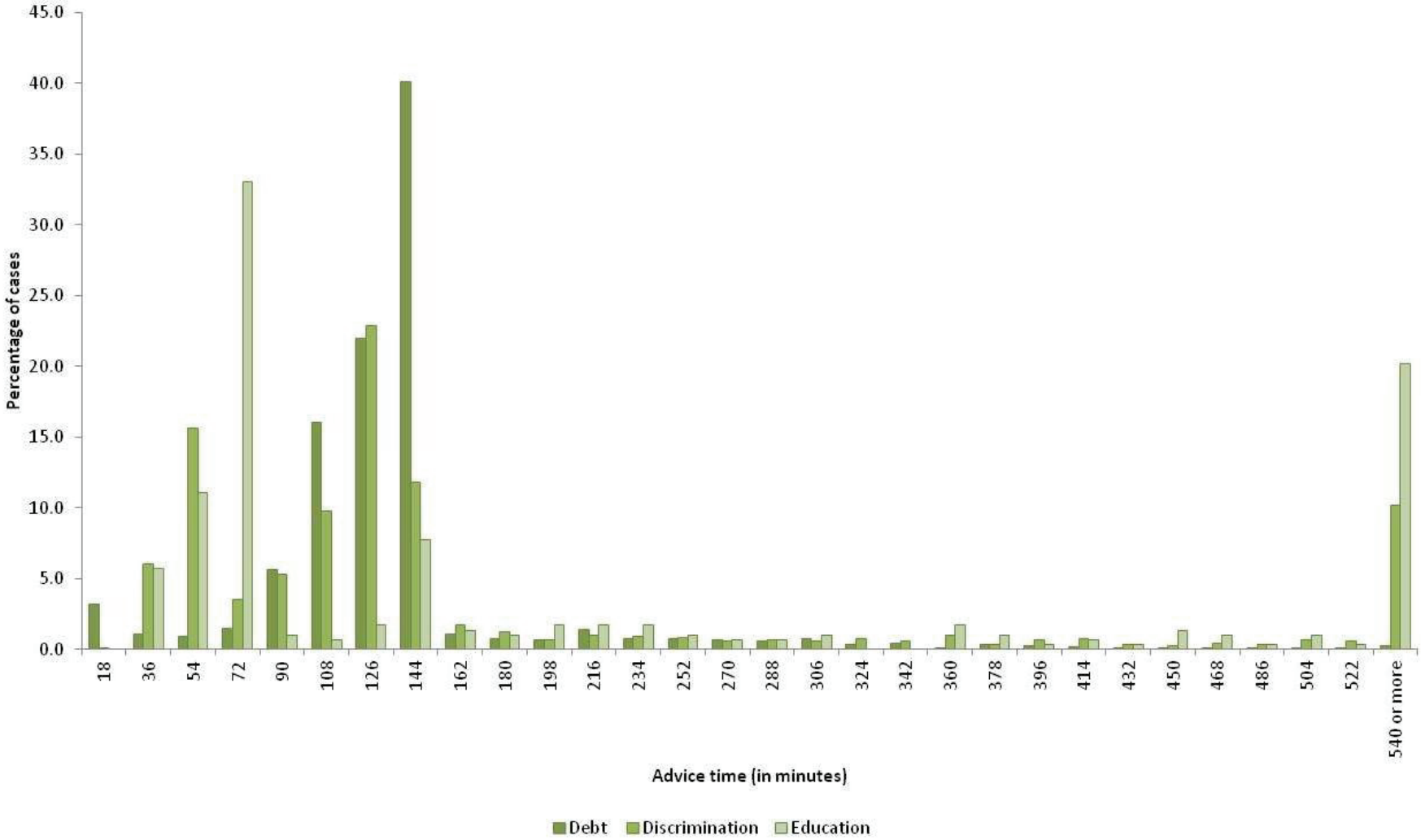
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Appendix A

CLA Operator tier User demographic profile

Table A1 CLA Operator tier User demographics by scope of contact in 2013/14

Demographic variable	Level	Scope of contact		
		CLA Mandatory	CLA Non mandatory	Non CLA
Sexual Orientation (n=47671)	Bisexual	0.7%	0.8%	0.5%
	Gay man	1.1%	0.7%	0.7%
	Gay woman/lesbian	0.7%	0.6%	0.2%
	Heterosexual/straight	72.5%	76.1%	56.6%
	Other	1.6%	0.9%	2.4%
	Prefer not to say	23.4%	20.8%	39.7%
Religion and belief (n=47743)	Buddhist	0.5%	0.5%	0.3%
	Christian	30.0%	27.4%	24.5%
	Hindu	0.9%	0.6%	0.9%
	Jewish	0.5%	0.3%	0.4%
	Muslim	7.2%	7.0%	5.0%
	No religion	32.3%	39.4%	23.7%
	Other religions	7.1%	5.7%	6.6%
	Sikh	0.7%	0.5%	0.7%
	Prefer not to say	20.8%	18.5%	37.9%
Illness/disability (n=57667)	Not Considered Disabled	51.5%	57.5%	52.4%
	Sensory	0.7%	0.6%	0.2%
	Long standing illness/health condition	10.4%	9.1%	5.5%
	Learning Disability/Difficulty	2.4%	1.7%	0.6%
	Mental Health condition	10.6%	8.7%	16.4%
	Mobility impairment	4.8%	3.6%	3.5%
	Other	4.2%	3.3%	2.7%
	Prefer not to say	15.5%	15.5%	18.6%
Broad ethnicity (n=39024)	White	58.5%	63.2%	57.8%
	White Other	6.9%	7.2%	7.1%
	Black	15.4%	13.3%	13.4%
	Asian	9.9%	7.5%	11.2%
	Mixed	4.1%	4.3%	3.4%
	Chinese or Other	5.1%	4.6%	7.2%

Appendix B

Category sub-group frequencies

Table B1 Specialist referrals category sub-group frequencies in 2013/14 (based on cases opened and closed)

| | | Referral type | | | |
| | | Determination | | Case | |
Category	Sub group	N	% of determinations	N	% of Cases
Debt	Court advocacy assistance	3	0.9%	1	0.1%
	Involuntary Bankruptcy (where client's estate includes their home)	21	6.5%	52	3.4%
	Mortgage Arrears/Possession	155	47.8%	1338	87.1%
	Non priority debt(s)	2	0.6%	0	0.0%
	Order for Sale of the Home	49	15.1%	111	7.2%
	Other	94	29.0%	34	2.2%
Discrimination	Contracts	13	1.5%	12	0.6%
	Education*	53	5.9%	69	3.6%
	Employment	315	35.3%	1007	53.2%
	Equality of terms/Equal pay	3	0.3%	1	0.1%
	Exercise of public function	193	21.6%	203	10.7%
	Premises/Housing	100	11.2%	192	10.1%
	Provision of goods and services	138	15.5%	316	16.7%
	Public sector equality duty	78	8.7%	92	4.9%
Education	Admission/choice of an institution (non-SEN and non-DDA)	9	3.9%	0	0.0%
	Concern over level or quality of education, bullying or other professional negligence	8	3.4%	0	0.0%
	Contravention of Equality 2010 (non-Disability Discrimination)	12	5.2%	3	1.0%
	Disability discrimination at nursery, school, college or LEA	30	12.9%	60	20.2%
	Exclusion/refusal to provide full time education (non-SEN and non-DDA)	4	1.7%	0	0.0%
	Non-attendance and proceedings against parents	1	0.4%	0	0.0%
	Other	124	53.2%	31	10.4%
	Special educational needs and/or children unable to attend school	45	19.3%	203	68.4%

Appendix C
Specialist Debt telephone advice not appropriate

A binary logistic regression model was fitted to data using STATA 11.1 to explore the relationship between User characteristics and whether telephone advice was considered not appropriate for issues related to the Debt category. Acknowledging that Specialist advisors were more or less likely to consider Users suitable for Specialist Debt telephone advice, standard errors were clustered around supplier. Predictors were entered in the model as main effects. Each explanatory variable had a reference category, to which other categories are compared. Positive estimates indicate an increase in the likelihood for telephone advice not to be appropriate, compared to the reference category, while negative estimates indicate a decrease.

Statistically significant findings (i.e. a p-value less than 0.05) are indicated in bold in the statistical output table, below.

Table C1 Binary Logistic model of 'telephone advice not appropriate' in 2013/14

Variable	Level	Coef.	Std. Err.
Constant		**-2.58**	**0.56**
Gender	Female	*Reference category*	
	Male	0.17	0.21
Ethnicity	White British	*Reference category*	
	Asian	0.05	0.05
	Black	0.37	0.29
	Chinese/Other	**0.79**	**0.20**
	Mixed	-0.34	1.19
	White other	-0.58	0.31
Age	Under 35	0.02	0.30
	35–49	*Reference category*	
	50–64	0.26	0.16
	65 and over	**0.51**	**0.25**
Illness/Disability	Not considered disabled	*Reference category*	
	Blind	2.41	1.70
	Deaf	2.14	1.13
	Hearing impairment	1.91	1.15
	Learning Disability/Difficulty	**1.51**	**0.35**
	Long standing illness/health condition	0.19	0.14
	Mental/cognitive impairment	**1.30**	**0.25**
	Physical/Mobility impairment	**1.13**	**0.54**
	Other/unspecified impairment	0.11	0.41

Appendix D
Advice Time

A Generalised Linear Model was fitted to data to model advice time using STATA 11.1. The generalised linear model is a generalisation of ordinary least squared regression (McCullagh & Nelder, 1989). The model used was a gamma model with an identity link. The gamma distribution function was chosen since advice time (as with cost data, e.g. Barber & Thompson, 2004; Montez-Rath et al. 2006) can only take positive values and is highly skewed. This is reflected by the gamma distribution (e.g. see Hardin & Hilbe, 2007). The linear predictor incorporates information about the independent variables into the model. The link function provides the relationship between the linear predictor and the mean of the distribution function. In this case, an identity link was attractive as the interpretation of coefficients remains unchanged from a standard ordinary least squared model (see Barber & Thompson, 2004, for a discussion). Robust standard errors were calculated since variance estimates were adjusted for within-cluster correlation in advice time as a result of suppliers (e.g. see Williams, 2000).

Each explanatory variable had a reference category, to which other categories are compared. Positive estimates indicate an increase in advice time, compared to the reference category, while negative estimates indicate a decrease. Since an identity link was used, estimates relate to advice time changes in minutes. Statistically significant findings (i.e. a p-value less than 0.05) are indicated in bold in the statistical output table, below.

Table D1 Generalised linear model of advice time in 2013/14 (based on cases opened and closed)

Variable	Level	Coef.	Std. Err.
Constant		**244.36**	**34.59**
Category	Discrimination	*Reference category*	
	Debt	**-114.83**	**35.29**
	Education	94.91	76.13
Gender	Female	*Reference category*	
	Male	-3.14	3.8
Ethnicity	White British	*Reference category*	
	Asian	-0.39	6.5
	Black	1.08	6.42
	Chinese/Other	-27.61	20.41
	Mixed	-22.74	18.1
	White other	0.35	14.47

Variable	Level	Coef.	Std. Err.
Age	35–49	*Reference category*	
	u18	-30.95	76.01
	18–24	-12.79	25.73
	25–34	2.25	3.07
	50–64	-3.73	6.01
	65+	1.43	14.36
Illness/Disability	Not considered disabled	*Reference category*	
	Blind	74.27	172.05
	Deaf	-13.76	89.18
	Hearing impairment	-11.54	15.92
	Learning Disability/Difficulty	**99.54**	**45.9**
	Long standing illness/health condition	**20.69**	**9.76**
	Mental/cognitive impairment	12.68	14.69
	Physical/Mobility impairment	8.73	12.64
	Other/unspecified impairment	-3.62	9.97
	Prefer not to say	-12.72	10.18
Adaptation	None	*Reference category*	
	Call back	**-22.84**	**8.98**
	Other adaptation	8.02	11.04

Appendix E

Outcome for Client

Table E1 Outcomes achieved in Specialist level Debt cases in 2013/14 (based on cases opened and closed)

Outcome achieved	Frequency	Percent (%)
Client advised and able to plan and/or manage their affairs better	860	57.0
Affordable payment arrangements negotiated on behalf of client	125	8.3
Client advised and taking action themselves or with the help of a third party	106	7.0
Client advised and third party action or decision awaited	8	0.5
Client referred to another organisation	137	9.1
Debt reduced	6	0.4
Liability contested successfully	2	0.1
Matter concluded otherwise	99	6.6
Matter proceeded under other CLS Funding	19	1.3
Matter stopped on advisor's recommendation	19	1.3
Outcome not known/client ceased to give instructions	129	8.5

Table E2 Outcomes achieved in Specialist level Discrimination cases in 2013/14 (based on cases opened and closed)

Outcome achieved	Frequency	Percent (%)
Client advised and better able to plan/manage their affairs	903	57.4
Client advised and taking action themselves or with the help of a third party	106	6.7
Client advised and third party action or decision awaited	8	0.5
Client obtained a declaration of their rights	5	0.3
Client obtained a recommendation in their favour	3	0.2
Client received a financial award from a court/tribunal	4	0.3
Client received a financial settlement outside of court/tribunal	57	3.6
Client received new or increased periodical payment	2	0.1
Client referred to another organisation	13	0.8
Client secured a redetermination of a decision	3	0.2
Client secured new, resumed or improved goods or services	3	0.2
Client secured the making of a reasonable adjustment	5	0.3
Client secures explanation or apology only	8	0.5
Matter concluded otherwise	86	5.5
Matter continued under a private funding arrangement (e.g. CFA)	1	0.1
Matter proceeded under other CLS Funding	2	0.1
Matter stopped on advisor's recommendation	113	7.2
Opponent/other party action benefits client	11	0.7
Opponent/other party action prevented or delayed	4	0.3
Outcome not known/client ceased to give instructions	236	15.0

Table E3 Outcomes achieved in Specialist level Education cases in 2013/14 (based on cases opened and closed)

Outcome achieved	Frequency	Percent (%)
Client advised and able to plan and/or manage their affairs better	138	47.8
Client advised and taking action themselves or with the help of a third party	22	7.6
Client receives damages	1	0.3
Client receives damages or property and new increased periodical payments	2	0.7
Client referred to another organisation	6	2.1
Client secures explanation or apology only	5	1.7
Matter concluded otherwise	40	13.8
Matter proceeded under other CLS Funding	5	1.7
Matter stopped on advisor's recommendation	14	4.8
Opponent/other party action benefits client	52	18.0
Opponent/other party action delayed	1	0.3
Opponent/other party action prevented	3	1.0