



Ministry
of Justice

Civil Legal Advice mandatory Gateway

Findings from interviews with service providers

**Ash Patel, Catherine Mottram, Mandeep Samra,
David Ryan-Mills and Karen Moreton**
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1. Introduction and 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 Help¹) in these areas² 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 Advice Gateway (the Gateway) operated as part of the Civil Legal Advice (CLA) service. Contact with CLA must be carried out by telephone, online or by post. CLA Operators identify the nature of the legal problem, and assess whether it may be in scope for CLA legal aid advice, as well as the individual's financial eligibility. People identified as eligible are referred to a Specialist telephone legal aid provider for further assessment and, if eligible, specialist legal advice predominantly delivered over remote channels. Appendix A provides a full description of the process through the service.

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 undertake an extensive programme of research into the operation of the mandatory Civil Legal Advice Gateway. This report presents the findings from one part of this research programme, qualitative research with providers. Other strands

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 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 For example, see Baroness Grey-Thompson HL Deb, 23 April 2012, c1595.

were qualitative research with Gateway Users, conducted by NatCen Social Research, and analysis of management information.⁶

1.2 Research aims

This research sought to assess the accessibility and efficacy of the CLA Gateway; how effectively the Gateway is functioning; identify potential improvements that could be made to the service to facilitate access; and inform any future policy development. The overarching objectives of the entire research programme are presented in the *Civil Legal Advice: Overarching Research Summary*.⁷ This element of the research sought a provider perspective of the service; specifically it:

- Explored frontline staff's views and experiences of delivering the Gateway service and what would enable them to feel more confident to deliver the service;
- Explored perceptions of the accuracy of User eligibility and scope assessments;
- Examined the use of reasonable adjustments to facilitate access to the service, including when different adjustments are used, and their effectiveness;
- Explored all providers' (i.e. Specialists, Operators and Engagement organisations) perceptions of barriers that individuals may face in accessing and engaging with the Gateway, and what could help to mitigate these;
- Explored the circumstances in which CLA Gateway Users were referred to face-to-face advice, and the effectiveness of the referral mechanism;
- Explored providers' views on whether Users were receiving advice through the most appropriate channel;
- Identified alternative advice services Users engaged with when experiencing a CLA Gateway type issue and the type of support and help these sources provide;
- Sought to understand difficulties faced by Users with specific needs or characteristics in accessing and using the CLA Gateway, and how these could be overcome.

1.3 Methodology

A qualitative research approach was adopted to identify the factors that contribute to successful or unsuccessful delivery, identify outcomes and how they occur, and examine the

⁶ See Patel, A. (2014) *Civil Legal Advice mandatory gateway: A secondary analysis of Management Information*. London: Ministry of Justice and Paskell, C., Rahim, N., Kerr, J., Jago, N., Keeble, J., Balmer, NJ (2014) *Civil Legal Advice mandatory gateway: Findings from interviews from Users*. London: Ministry of Justice (available from <https://www.gov.uk/>)

⁷ Patel, A., Mottram, C. (2014) *Civil Legal Advice mandatory gateway: Overarching summary report*. London: Ministry of Justice (available from <https://www.gov.uk/>).

nature of needs of different population groups. It is not intended to indicate proportionality or prevalence, as its sampling cannot be taken to be statistically representative of the wider population. Instead such research offers robust insights into questions of how and why people have differing experiences and views.⁸ This research presents the individual participant's perceptions of the CLA Gateway.

In-depth, semi-structured qualitative interviews were carried out with:

- **Operators:** interviews with 14 employees of Capita⁹, the contractor responsible for administering the first tier of the Civil Legal Advice service at the time of the fieldwork, including the mandatory Gateway areas of law. Operators usually act as the first point of contact for CLA service Users.
- **Specialists:** interviews with 17 legally trained Specialist advisers drawn from 9 of the 11 organisations possessing contracts to provide specialist legal advice in the areas of debt, discrimination or special educational needs. Specialists are responsible for delivering the second tier (the provision of specialist legal advice) of the CLA service.
- **Engagement:** 7 interviews with individuals from external organisations not involved in delivering the CLA service, but highly experienced in the delivery of frontline advice and support services to specific population groups (for example, older people, people with physical or mental health issues) and/or in specific areas, such as employment, discrimination, community care, etc.

Sampling, interview structures, topic guides and analysis were modified across the groups to better reflect the participants' distinct nature and appropriately explore relevant research questions. For example, while Operator and Specialist topic guides explored participants' experiences of delivering the Gateway service, interviews with Engagement participants focused more on the needs of their clients and whether they would be able to access the Gateway service. Further details around the methodology, including sampling information, are provided in Appendix B.

⁸ See: Lewis, J., Ritchie, J., Ormston, R. and Morrell, G. (2014) 'Generalising from Qualitative Research', in J. Ritchie, J. Lewis, C. McNaughton Nicholls and R. Ormston (eds) *Qualitative research practice: A guide for social science students and researchers. Second edition*. London: Sage. See also: Spencer, L., Ritchie, J., Lewis, J. and Dillon, L. (2003) *Quality in Qualitative Evaluation: A framework for assessing research evidence. A Quality Framework*. London: NatCen Social Research for Government Strategy Unit.

⁹ Accounting for nearly a quarter of the front line delivery staff at the service at the time of fieldwork ('front line staff' included 50 Operators and team leads, 5 quality officers, and 4 customer support advisers).

Challenges and limitations

The implementation of the Gateway was not a discrete policy, but was rather a part of a package of policies introduced by the LASPO Act, which reshaped the delivery of publicly funded specialist civil legal advice.¹⁰ Given the size and complexity of the civil legal aid reforms this research was designed to disentangle findings related to this single policy from the broader programme of reforms. Despite this, it is not possible to categorically assert that research participants' views towards the broader package of reforms have been completely disassociated from their views and perceptions about the mandatory CLA Gateway. Research findings should be viewed in this context.

¹⁰ Other significant changes included narrowing the scope of civil legal aid to fewer areas of law prior to April 2013, a 10% fee reduction for civil and family matters, changes in financial eligibility criteria, and the introduction of a domestic violence criterion for eligibility to legal aid funded private law family issues.

2. Accessing the CLA Gateway

2.1 Operators' and Specialists' perceptions of Users' awareness of the service and routes to contacting it

Many Operators and Specialists felt that awareness of the service was low among the general population and that this in turn influenced the levels of call and case volumes.

Operators and Specialists suggested that causes for low awareness included:

- A lack of marketing of the service generally
- A perception that the media campaign prior to and following the introduction of legal aid reforms perpetuated a belief that civil legal aid is no longer available: *“after the legal aid reform ... I had a quick look at various websites and it was saying that Legal Aid is no longer available, Legal Aid’s abolished, that sort of thing.”* (Operator)¹¹
- Insufficient digital presence: *“I think if you Google it ... it may come up in the rankings but it certainly wasn’t prominently placed that you could access the service. I think you’ve got to be relatively determined in order to find it.”* (Specialist)

As a consequence of the perceived lack of marketing it was unclear to interviewees where Users were finding out about the service. Some Users were made aware of the service through less formal routes, such as via the internet or word of mouth from friends/family members that had heard of or used the service. With regard to Users that found out about the service via the internet, Operators felt that most found contact details using Google or similar search engines; there was little to suggest that governmental websites (such as gov.uk or justice.gov.uk) featured prominently in Users' search strategy.¹² Other commonly cited sources included previous experience of using the service and referral from other advice and support organisations (referrals were commonly received from Shelter, Citizens Advice Bureaux and private practice solicitors). Operators commented that the service received a significant number of contacts from Users experiencing problems no longer in the scope of legal aid who had been directed to the service through outdated materials that were still being circulated, or had been inappropriately referred via external organisations.

Several Specialists also mentioned Users contacting their organisation directly in the first place. In such instances, the User would be referred back to the main CLA Gateway in order to go through the Operator tier of the service. There was then no certainty regarding whether

¹¹ Some Operators also claimed to have fielded calls from solicitors and other advice providers who were unsure whether civil legal aid was available after the introduction of legal aid reforms and/or the process of applying for it.

¹² It may be the case that as a consequence of the internet search, Users navigated their way to www.gov.uk, or similar, to glean the necessary information to contact the service, though failed to recall this when asked by the Operator.

that User would be allocated back to that specific Specialist provider. This process was described as “*frustrating*” by some Specialist providers since they had developed close relationships with external referral organisations which would refer Users to that Specialist provider as a trusted and reliable source of advice. The process could also be a source of confusion for the end User:

“it is a problem because ... some of the parents we work with have their own special educational needs or disabilities so it’s a particularly confusing system really if they’ve spoken to us, then they’ve spoken to CLA and then they’ve been transferred to one of the other two providers and not ourselves”. (Specialist)

All Operators and Specialists described Users as predominantly accessing the CLA service and legal advice by telephone. Most also mentioned email and online routes though this was considered an exception to the norm. A few Operators also mentioned the call back service that was available and enquiries arriving by post.

2.2 Engagement organisations’ understanding and awareness of the service

The perceived low awareness of the CLA service amongst Users was also echoed by Engagement participants who suggested that their clients would be unlikely to find the service by themselves. Few Engagement participants were aware of any referrals being made to CLA by their respective organisations and those who reported making referrals, did so very infrequently. Engagement interviewees felt the CLA service did not present an “*obvious*” referral destination for their clients, though some were willing to make such referrals “*if it was appropriate*”.

As well as awareness of the existence of the service, Engagement participants also highlighted that there was little understanding of what the service offered and how it operated, amongst themselves and their clients. These views were also reflected by those who had experience of making referrals to the service (“*I don’t know if it can provide specialist legal advice or really how it works, my understanding is fairly poor*” (Engagement)). Amongst Engagement participants who suggested that they were aware of the Gateway service, the precision of understanding varied. Even within the same organisation there were disparities in understanding the service between individuals interviewed together, with one interviewee able to provide a more accurate description of the service compared to their colleague. None of the Engagement interviewees could provide a full description of the service, which included identifying the broad areas of law that were still in scope.

2.3 Operator and Specialist views around workloads and call volumes

Operators noted that there had been significantly fewer enquiries to the CLA service than had been estimated by both the service and the Legal Aid Agency (LAA) prior to the implementation of the mandatory Gateway and other legal aid reforms in April 2013.

Likewise, Specialists indicated a reduction in work, with fewer referrals to and cases opened at the Specialist tier of the service since April 2013. Both groups attributed this to issues around awareness, described previously. For many Specialist organisations this has led to post-reform restructuring, including attempts to diversify funding streams and staff reductions. For some Specialists the restructuring has been challenging, though necessary to rebalance the overcapacity arising from the lower than anticipated workload:

“It’s not been the best six months ... We are looking at alternative sources of work because we need other stuff to do really, and actually now we’re down to such a low number [of advisers], we’re busy because there aren’t many of us left.” (Specialist)

3. The CLA Gateway

This chapter provides details about how the service operates, and the background of those delivering the CLA Gateway. It describes the service User journey through the CLA Gateway from the perspective of staff operating the service, including Users' expectations when using the service, and the decision and transfer to the Specialist tier of the service.

The CLA service is delivered via a two-stage process. Typically, Users contact a central Operator service. This service is delivered by usually non-legally trained 'Operators', who carry out an initial diagnostic assessment of service Users' issues, and accordingly determine appropriate next steps to assist the User to resolve their problem. If the Operator is unsure or believes the User may have a problem that is in the scope of the legal aid scheme, a financial assessment is carried out to determine whether the User is financially eligible for legal aid. If they appear to be financially eligible, they are referred to the second tier of the service, operated by CLA Specialist advice providers, for further assessment and, if appropriate, provision of legal advice.

3.1 Operators' experience, training and monitoring

Many of the Operators interviewed had worked for the CLA service prior to the introduction of the mandatory Gateway in April 2013. Most had a customer service background, many with call-centre experience, which they saw as beneficial to their current role. They reflected positively on the structured and ongoing training they received prior to beginning work on the Gateway, and with how learning has been shared as the changes began to bed in. When probed about additional training, Operators suggested further training around diagnosing discrimination problems and support for dealing with difficult Users may be useful; however, the overriding sentiment was that the existing training provided the necessary skills and was sufficient for them to do the job well.

Operators described how their work was subject to a variety of monitoring processes; these included real-time monitoring of call handling times and call volumes; random case and recorded call reviews by colleagues from the Quality Team to check for accuracy, compliance with the call process and application of soft skills/appropriate manner; ongoing customer feedback surveys; maintenance of an active complaints log and complaints monitoring; and feedback from the Specialists. Quality thresholds were described as high, with intervention (in the form of advice, mentoring and/or training) from senior colleagues if inaccuracies or aberrations become apparent. Other uses for monitoring and feedback included reviewing the delivery of the overall service (for example, refining scripting, or reviewing implications of any policy or systems changes on the service delivered to Users),

protecting the Operators against unwarranted complaints, as well as providing positive feedback back to Operators: *“It’s a hard job...so it’s nice if we can pick a compliment”* (Operator).

Most Specialists were able to, and did, provide feedback to Operators through a facility built into the Case Handling System (CHS)¹³ to raise complaints around areas of incomplete or inaccurate information. While some were aware of how feedback was used, describing the Operator service’s approach as *“proactive”*, others were unsure and felt frustration that there was no follow-up on negative feedback.

3.2 User expectations upon entering the Operator tier

Feedback from both Operators and Specialists indicated that as well as affecting whether the service was used, User expectations also affected both Users’ experience of using the Gateway service and their own experience of delivering it. Operators described confusion amongst Users at the initial point of contact as to what the service was able to deliver. Some described Users who, upon entering the service, thought that legal aid funded advice was no longer available for any matter. Others had been referred or signposted to the service by external organisations, who themselves were unaware of what the service would or could offer them (this lack of knowledge about the CLA Gateway was reflected in interviews with Engagement participants). Some Users were referred or signposted incorrectly or inappropriately, which further added to the confusion. For example, in one instance Operators described how a Citizens Advice Bureau (CAB) had automatically redirected all of its out of hours calls to the service, leaving callers frustrated when it transpired that they had reached the CLA, and not the CAB office. Operators also claimed that Users with debt issues which were no longer in the scope of legal aid funding often found their way to the Gateway after receiving outdated court fine letters which still included the number of the service. For some, the sources of referrals into the service had an important role in forming User expectations prior to entry to the service:

“From how they come through to us and where they come from I believe clarification of what our service does has massive impact on that because ... there is a lot of people that will come through expecting one thing and then realising that that’s not really what our service can provide. But that information has come from external referrals or come from letters they have received that have misleading information on them.” (Operator)

¹³ The Case Handling System (CHS) is an online system developed to record User information and to facilitate the transfer of Users between the Operator and Specialist tier by enabling real-time data transfer. The system enables Specialists to view information, such as User’s name and contact details, basic information about the User’s reason for contacting the service, and financial information collected by the Operators. It also allows for Specialists to provide feedback on any inaccuracies or complaints regarding the Operator’s performance.

There was a suggestion by Specialists that in some instances the referral source may have had some influence over the Operator. For example, referrals received from Shelter (a housing charity) increasing the likelihood of the User being referred by Operators to a Specialist Housing adviser despite the User presenting with a non-housing issue.

Operators felt Users commonly expected them to be legally trained and offer legal advice straightaway, despite a pre-recorded introductory message informing Users to the contrary. Operators felt that some Users did not expect to be assessed first (in terms of the scope of their problem and financial eligibility) and transferred to a Specialist if deemed eligible, which sometimes frustrated callers. To manage this commonly held assumption, Operators referred to the “script” (used by Operators to guide the conversation and provide consistency in service), which clarified what Users should expect from the service at the outset of the call, aligning their expectations with Operators. Operators described the need to be firm, clear and consistent when pressed for advice on a User’s problem:

“We’ll explain, ‘Right, first of all, I’m going to take some personal information from you; then we’re going to take details about your issue and then we’re going to try and find you the right form of help for your issue.’ So at least people at the beginning of the call know this is how we’re going to deal with the call.” (Operator)

They were very aware of the need to establish that they could not provide legal advice, often being categorical in saying *“I’m not legally trained. I can’t advise you on that”* (Operator).

3.3 Referring to the Specialist tier or other sources of assistance

Operators described how Users with an out-of-scope problem, or those not financially eligible for legal aid (following the assessments described in Chapter 4), were directed to other external organisations and advice sources. These resources were identified via Capita’s ‘Knowledge Base’ directory and were largely ‘passive’ referrals whereby the Operator would provide the User with contact details of appropriate sources of help, though ‘active’ referrals (i.e. via transfer) were available to National Debt Line. Operators mentioned they were sometimes reluctant to make external referrals to private practice solicitors, who they felt made up a significant proportion of the Knowledge Base, as they were aware that in many circumstances such referrals would not be financially viable for the User. They also suggested that the process of adding new advice sources to the Knowledge Base directory could be protracted, and felt there were few options available to refer Users with welfare benefits related problems (which are now out of scope for legal aid), despite such callers tending to be amongst the most distressed.

For those assessed as being possibly eligible for legal aid funded Specialist advice Operators and Specialists described how details collected at the Operator tier were transferred between the tiers of the service via the CHS. Operators would (following the script) explain the process and next steps and then either transfer the call through to a Specialist or in some cases, the Specialist would call the User back. If the client was deemed to be in a state of emotional distress or vulnerable by the Operator, this would be flagged on the system. In exceptional circumstances, for example, where a User was highly distressed, Operators could facilitate a 'warm' transfer whereby they would talk directly to the Specialist prior to transferring and introducing the User to the Specialist adviser.

Most Operator and Specialist interviews described the referral process as a 'direct transfer' of Users straight to a Specialist following the Operator's assessment of Users' eligibility. A few Specialists mentioned that in some instances Users had to wait for a call back. Users contacting the service over email also sometimes encountered delays as a result of the case details needing to be placed on a secure online portal using a User set secure password. There was also suggestion that some Specialists were using an 'interim screening' stage whereby support staff rather than specialist caseworkers carry out the initial scope and eligibility assessments before forwarding on to a Specialist adviser if deemed appropriate.

3.4 User expectations upon contacting Specialists

As indicated, feedback from both Operators and Specialists indicated that User expectations affected both Users' experience of using the Gateway service and their own experience of delivering it. Some Specialists raised concerns that Users often reached the Specialist service without being aware that they were speaking to legal advisers and therefore expected to be "*passed on to somebody else who's going to ask them more questions to eventually pass them on to a solicitor*". They felt that once the Specialists' role had been established, they often had to manage the expectations of Users who expected to receive legal advice immediately.

Specialists identified a number of influencing factors on User expectations, including:

- Operators failing to filter out cases which were not eligible as this built up the hopes of Users. This was particularly an issue for wrongly assessed discrimination cases whereby a User would be put through based on having a protected characteristic that is perceived to be commonly discriminated against or on a general perception they have been "*treated unfairly*".
- Related to the above, some Specialists felt that Operators failed to clarify that the Specialists' ability to provide legal advice was conditional on the outcome of further

assessments carried out at the Specialist tier. Some Users, believing their “case was strong”, became annoyed on being advised to the contrary: “[Users] often come in thinking they’ve been terribly aggrieved and they think they’ve got a very strong discrimination case. They often think they know better than you do despite your advice to them.” Specialists sometimes felt Users simply “do not listen” even if the process has been explained by the Operator: “there are situations where information could have been given or given in a different way, but I think more often than not, it’s to do with the User having unrealistic expectations and not listening to anything they have been told” (Specialist).

- Time invested to go through the Gateway and potentially repeating part of the process with a Specialist only to find out that they do not qualify for legal advice: “sometimes it’s very clearly out of scope and we can’t help them and then after they’ve already spent a long time being assessed by CLA we have to tell them we can’t do anything for them and understandably they’re quite annoyed by that”.
- Users’ not fully understanding that Specialists can only provide a service within the parameters of the scope of legal aid; for example, Users expecting more than two hours help and for it to be delivered face-to-face. One Specialist described it being difficult to explain to Users who present with multiple (often associated) issues that they can only deal with those elements falling within the scope of legal aid.
- Specialists felt the expectations of Users with complex/difficult problems were hardest to meet, particularly if the Specialist could only help with one part of the overall problem. Users were often highly disappointed if their case was not taken on.

4. Assessing User needs and civil legal aid eligibility

This chapter describes the various assessments that are carried out at both the Operator and Specialist tiers, highlighting difficulties and effectiveness in their application.

4.1 Problem screening and assessment of legal aid scope

A key role of the Operator tier is to screen problems for issues that may be in the scope of legal aid. Operators in post prior to April 2013 considered it easier to establish whether a problem was likely to be in scope for legal aid funding or not following the implementation of the reforms, as *“it was more regimented, more stripped back”* (Operator) with legal aid focused on a narrower, more specified range of problems. Operators also described the ‘Pinpoint’ system which they use to diagnose Users’ problems. This provides them with a series of questions for each area of law, which directs the Operator to a decision on whether the problem is in or out of scope:

“If you’re going through debt, it would ask ... the first question is, ‘Does the client own their own property?’ We would then select the appropriate answer, then leads onto another set of questions and, ultimately, if it is in scope and if we can pass it through to a Specialist. [Pinpoint] is a very useful tool, very useful.” (Operator)

Specialists also used the initial contact with Users to establish whether their issue was in scope. They went further to assess the relative strength of the case (the merits test) which also has a bearing on whether the User could receive legal aid to resolve their issue. Information provided by Operators regarding Users’ problems was considered *“basic”*, requiring detailed clarification and questioning to fully understand the problem. The level of detail recorded by the Operator also varied from case to case. Specialists felt that Operators had often missed out or overlooked collecting important information, though it was recognised that Operators could only rely on what was said by Users:

“We literally just get the notes, so basically whatever they have told the Operator. So sometimes they can be quite detailed and then other times it can just be like two lines. So it just depends on what notes you get as to how much you know and, like I said, a lot of the time it’s ... they don’t tell you the relevant things so you do have to probe a lot deeper anyway.” (Specialist)

Clarifying the information provided by Operators was usually a straightforward process though sometimes required explaining: *“I just say, ‘Look, you know, the [Operator] has probably been working at speed, they’re in a call centre, they deal with high volumes of calls, they’ve probably done well in catching what they have caught, but I just need to check the*

accuracy with you” (Specialist). However, a few Specialists thought Users often *“get fed up with having to repeat information”*. Much of this frustration was attributed to Users believing that they would be getting advice immediately upon reaching the Specialist tier.

Operators generally felt that through the use of Pinpoint, identifying most problems *“shouldn’t ever really go wrong”* (Operator). However, if after using Pinpoint uncertainty still remained, Operators could get the opinion of more experienced colleagues (such as team leaders) or refer to the Specialist tier. A referral of this type to Specialists would be preceded with a code, ‘SPOR’, to indicate that Specialist opinion was required. Operators viewed this as a good ‘back up’ option as they could still put cases through even if they were unsure whether advice could be offered or not.

The ‘new’ area of law, discrimination, was singled out by Operators as most challenging to identify; this view was also reflected by Specialists. Here, Operators said they were limited in the extent to which they could explore some issues as this could blur lines between problem identification and advice:

“[W]e cannot say to them, for example, okay so do you feel that you are being discriminated against due to this, this or this? ... We can’t give them the options because it’s kind of leading them into saying, ‘well actually I didn’t think of that, yeah okay, I did’.”
(Operator)

As a consequence, Operators routinely referred any problems where there was an indication of discrimination (either overtly or perceived) to the Specialist tier, flagged as requiring a Specialist’s opinion.¹⁴ Indeed, while a Specialist debt adviser estimated around 10–15% of cases referred to them were not in scope, discrimination Specialists estimated that around a half of referrals they received were eligible for legal aid assistance.

However, with the exception of discrimination Specialists, interviewees perceived the lack of information as a more significant issue than incorrect information:

“I think most of the time it’s that we don’t have enough information. It’s not all the time that things are inaccurate. It’s a few ... a couple of times we’re getting inaccurate things but I think most of the time it’s not enough information.” (Specialist)

Overall, Specialists accepted and believed that it was their role to make the final determination on whether a problem falls within the scope of legal aid as Operators were not legally trained: *“you can’t put them [Operators] in a position where they’re going to be able to*

¹⁴ This practice of routine referral to the Specialist tier in these circumstances follows guidelines provided by the Legal Aid Agency.

definitively say whether or not it's in scope or out of scope and it's obviously right for them to put it through if it's sort of a grey area". However, Specialists agreed that Operators could do better to manage User expectations, in particular by clarifying that the Specialist advice is contingent on the outcome of further assessments. Further, Specialists said they often exceeded the 18 minutes allocated under contractual arrangements to determine whether an issue was in scope, despite not being paid for the additional time.

4.2 Assessment of financial eligibility

Where an Operator feels a User's issue may be in scope, they will then carry out an assessment of financial means to determine whether the User is financially eligible for legal aid. This assessment is then confirmed at the Specialist tier where such referrals are made.

Financial eligibility assessment was considered a straightforward process. Operators and Specialists described how most Users were happy to provide financial details once it was explained why they were needed. Operators suggested Users who assumed they were ineligible were more resistant to providing this information.

Operators described how callers did not always have the necessary financial documents to hand and highlighted situations where Users provided estimates despite emphasising the need for accurate financial information. In some instances, Users would re-contact the service after obtaining precise figures. Operators felt the accuracy of information depended on the honesty of Users. Some Users were confused by terms like 'average earnings' and 'gross income'. There was a general feeling that the eligibility process was easiest 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.

Where referrals were made, Specialists confirmed that they verified the information collected by Operators. User reaction to providing financial information again was varied with some Specialists reporting that Users were *"happy with it"* while others felt Users sometimes get *"frustrated with repeating themselves"*. While acknowledging that the information was often correct, Specialists were still critical of the accuracy of the means assessment information provided by Operators. Along with 'general typos', Specialists identified three key areas for inaccuracies:

- Operators sometimes failed to correctly assess User's capital, particularly if the User is on a passported benefit.
- Failing to specify the benefits the User is in receipt of and the amount received.

- Incorrectly noting benefits as income and not contribution based: *“A lot of the time it’s wrong because of passported benefits, especially ... Job Seeker’s Allowance ... if you’ve been employed you’ve been making a contribution, so you’re on contribution based, which doesn’t make you automatically eligible but we find a lot of the time they just get put through as being on income based ... that is something that the Operator could know.”* (Specialist)

Some Specialists attributed the discrepancies in the financial assessment to Operators failing to ask the right questions, not probing or capturing Users’ responses incorrectly. Others acknowledged that Users may withhold information from Operators but were more open with Specialists (this was largely perceived to be due to the Specialists’ role as trained legal advisers). This view was supported by Operators who dealt with Specialist complaints often finding that Users altered or provided more accurate information to Specialists on discovering that evidence of their finances would be required to progress their case: *“I’ve had Specialists say the User didn’t say that, they said something else. They’ve [the User] gone through to the Specialist and realised that they have to give proof ... And then they’ve changed their minds and told the Specialist the correct figure”* (Operator).

Where the Specialist has confirmed eligibility for legal aid, a hard copy of a ‘legal help form’ populated with the financial information provided to the service, would be sent to the User along with instructions about the types of original documentary evidence required to confirm their financial means. The form must be checked, signed by the User and returned with all of the original evidence requested for further work to be carried out. Specialists’ estimates for receiving evidence of means ranged from *“most of the time”*, to *“well below half of the time”*. A few felt there was sometimes a reluctance to send personal information through the post:

“if they have to post it off to someone they’ve not met and they’ve spoken for a couple of hours who’s promised to save their house, they kind of feel a bit reluctant, I think, to send that document to you and the postage costs involved as well. They don’t feel probably comfortable sending documents ... sensitive documents, through the post and not knowing where they’ll end up.” (Specialist)

In order to provide the User with immediate assistance, and bridge any delays caused by the need to receive the signed Legal Help form and associated evidence, Specialists reported being able to *“work up to two hours 12 minutes on a file”* before receiving the User’s Legal Help form and proof of eligibility. In urgent cases, such as those involving the immediate threat of homelessness, *“there was a bit of leeway”* for them to conduct more casework than this. Specialists claimed that this two hour allocation was easily spent on further discussing

the User's problem, reviewing the User's financial eligibility and confirming the initial advice in writing. A few Specialists felt that they often went over this time limit, knowing that it could not be reimbursed, in order to conclude a case swiftly or due to the additional time required to provide advice to some Users, particularly those needing adaptations. In one example, a Specialist highlighted an instance which involved providing telephone advice to a deaf client mediated by a touch-type adaptation, which was described as taking twice as long.

Specialists generally accepted the financial eligibility process as "*a necessary evil*" though views on its impact on the delivery of the service ranged from being "*one of the most difficult parts of our job*" and "*very time consuming*" to "*valuable*". Some Specialists felt this aspect of the service would be easier to carry out in person as Users would be less suspicious about sharing the documents and the Specialist could help them identify the correct information and save the User the expense and inconvenience of printing and sending documents.

Overall, the financial eligibility test relied heavily on Users openly and accurately providing information. Some Specialists said that despite the process being "*ultimately effective*", it was not effective at the Operator stage and thus felt there could be improvement from Operators, via the use of more relevant questions and clearer emphasis to Users that they will be expected to share documents to evidence their eligibility: "*I mean, the Operators are clearly asking the questions that enable them to fill out a legal help form, but what I don't think clients realise is that their actual ... you know, their bank statement's going to be looked at and they're going to be quizzed on other transactions and I think they probably ought to know that earlier on*" (Specialist).

4.3 Outcome of Specialist assessments

In addition to confirming problem diagnosis and financial eligibility, Specialists described how their initial call with a User involved a merits test (assessing the relative strength of an issue). As a consequence of all three assessments, Users fell into two categories; those deemed eligible who would receive advice, and those who were out of scope and would be told by the Specialist that they could not be helped by the service. As indicated, many Specialists felt it was difficult to make a "*determination*" within the 18 minutes allocated in their LAA contract.

For Users who were not eligible for advice, the call would be ended with a "*sensitive*" explanation of why the User was not eligible. Some Specialists felt frustrated with not being able to provide any further support or signposting to the User beyond broad suggestions: "*It's very difficult really ... we just have to explain that there is no longer funding available to assist them with their problem and we would recommend that they try and find someone*

local to them, whether it's a law centre that's still got some kind of funding or it's Citizen's Advice, or whoever, to see if they can help them, and they say, 'Yes, but I've been to Citizen's Advice and they're busy for the next six weeks and they haven't got an appointment'" (Specialist).

For Users who qualified, in almost all cases advice was provided over the phone and followed up in writing by either an email or letter. Specialists outlined a range of tasks they performed once they were confident the User was eligible:

"We'd assist with ... negotiating and liaising with the other side or their solicitors if they had one ... all the time obviously we'd be updating the client and confirming our advice in writing to them about what's happening and sending them copies of any documents that we've got that they need to see." (Specialist)

4.4 Identification of User needs and application of adaptations

User needs were described as being assessed throughout a User's interaction with the service. Operators and Specialists differed in their understanding of User 'vulnerability', applying different associations to the term. Operators associated the term with those who were highly distressed or posing or threatening risk to self or others. Specialists were more likely to associate the term with characteristics or disabilities resulting in specific needs.

Specialists felt that it was the Operators' role to identify Users' additional needs and vulnerabilities, though they recognised that in practice some needs only became apparent after the User was transferred. Mental health issues or learning difficulties were provided as examples that were often missed by Operators as they were not explicitly asked about and/or information was not volunteered from Users. Specialists felt that the longer interaction period between themselves and the User, their own experience of working with vulnerable people and sensitive probing encouraged Users to "open up" about any additional needs or vulnerabilities.

In most cases needs and vulnerabilities were self-evident or volunteered by the User. Clear indicators of an additional need included initial contact by a third party, language difficulties, and emotional distress. Operators also described how the 'script' directed them to check for vulnerabilities or needs. They indicated that needs could also come through via probing throughout the Operator/User interaction or responses to diversity monitoring questions. Operators said that Users sometimes found it easier to disclose vulnerability over the phone (as opposed to face-to-face) while others mentioned it was hard to identify domestic violence issues and some mental health problems. Specialists broadly felt it was harder to identify needs over the phone (or remote means) as they were reliant on Users' tone of voice and

willingness to disclose their needs/vulnerabilities. Some Specialists felt it would be easier to deal with vulnerable Users or sensitive issues face-to-face as body language could be used to reassure, empathise and build trust with the User (discussed in more detail in Chapter 5).

Where a User was identified as vulnerable or having additional needs, Specialists and Operators agreed that this would usually be “*flagged*” on the CHS. They confirmed that there was facility for Operators and Specialists to directly liaise prior to transferring a vulnerable User, though this was an infrequent occurrence. In some instances, Specialists felt Operators could have been more active before transferring vulnerable Users. Some Specialists were critical of the level of detail passed on by Operators; for example, identifying a User as vulnerable but providing no further detail.

With regard to adaptations, Specialists felt that for “*more obvious*” cases, adaptations would be in place prior to the User reaching a Specialist, and often instigated by the User: “*I think, obviously, third parties I think most of them are involved from the beginning, but I think that’s more about the fact that that person’s [the third party] the one who’s phoned up rather than the fact that the Operator’s put it into place. Whereas things like LanguageLine ... they [the Operator] will put it through with a LanguageLine interpreter*” (Specialist). In more complex cases, for example, the needs of a User with cerebral palsy who struggled to speak on the phone for extended periods of time, only become apparent later, and therefore fell within the Specialists’ responsibility to apply adjustments.

Both Operators and Specialists were aware of the broad range of adaptations available, though in practice few had applied adjustments beyond a very narrow range (most commonly, call back, third party and LanguageLine). However, the overriding sentiment was that the adaptations available were adequate: “*We’ll do whatever we can to get their assistance basically. I don’t think there’s been any cases where we haven’t been able to assist someone because of a disability*” (Operator). Despite limited exposure to some of the adaptations, Operators were broadly enthusiastic about the resources available.

Specialists also viewed the range of adaptations positively, but some criticisms were made relating to the effectiveness of specific adaptations. While there was some positivity about LanguageLine, others were more critical. In particular, it was said that the quality of the service was dependent on the quality of the translator, which was considered variable. Others commented that in some cases Users could still not be understood due to speaking a specific dialect or speaking a combination of English and their native language. Specialists also mentioned that using LanguageLine added significant time to User/ Specialist interactions; a complaint also made in relation to the use of email or Mincom/textphone.

Operators and Specialists agreed that adaptations could not accommodate the additional needs of those who were distressed, angry or had severe mental health issues. Here, they focused on the application of ‘soft skills’ (adapting tone and delivery), for which they received training and mentoring. Acknowledging that Operators often had to deal with highly emotive and distressing issues, some participants working within the Operator tier highlighted the need for additional support and training on how to manage such calls and cope with the aftermath once the interaction has ended.¹⁵

4.5 Channels of delivering advice and ongoing casework

Specialists generally felt they were able to effectively deliver specialist legal advice and continued casework over remote means (primarily telephone). They described a range of methods which they used to ensure Users understood the advice they had given, including:

- encouraging Users to ask questions throughout the call,
- avoiding jargon and legal terms,
- asking Users if they have understood a specific point,
- repeating complex information more accessibly where needed,
- adding summaries with clear actions at the end of the call,
- following up with a written account of what was discussed, and
- adapting to needs of the specific User.

With the exception of face-to-face provision (discussed below), Specialists agreed that channel of delivery was User-led, with them taking instructions or responding to the Users’ preferences and needs. Other considerations included the urgency of the problem, where the person lived, the complexity and sensitivity of their problem and the User’s own particular circumstances; for example, if a User does not have a phone or is in prison.

Specialists emphasised that “*every case is different*” and therefore they would “*continually monitor the situation to make sure clients can access the service and [would] make alternative arrangements if necessary*”. For example, some Specialists had shifted from telephone to email for Users who found it difficult to process information aurally. In one case a User had been shifted to email advice after being verbally abusive to Specialists over the telephone rather than remove the User’s access to the service altogether.

¹⁵ Though there was a comprehensive well-being package including a confidential counselling service available to Operators, few Operator interviewees had referred to it in their work.

4.6 Face-to-face service provision

None of the Operators interviewed had experience of facilitating a referral to face-to-face advice in the mandatory areas of law, but had experienced Users requesting face-to-face advice. These Users were still transferred to the Specialist tier where it would be determined if face-to-face advice was appropriate. When probed about when the Operator themselves might make a referral to a face-to-face provider, a few suggested that they may where the User fulfilled one of the exemption criteria though this would be a rare occurrence.

Likewise, Specialists had experienced Users requesting face-to-face advice, though few had facilitated such requests. Specialists believed that User expectation often drove preference *“because they thought they were entitled to see someone, not because they actually needed it to be face-to-face”*. In the few instances where a referral had been made to face-to-face it was due to the User having a complex disability, language barrier or being in prison.

There was a mix of opinion whether there was sufficient flexibility to offer face-to-face advice, with some frustrated by inflexibility while others feeling there was enough for those who needed it. Some Specialists, including those who had no experience of referring to a face-to-face service, indicated a preference to offer such a service to Users in their local vicinity.

In practice there had been few instances where a face-to-face service had been offered; many Specialist participants had no direct experience to draw on. In the few examples provided, there was a clear difference in the ease with which Users could be referred to face-to-face provision delivered in-house or through another organisation (for example, through an agency arrangement, or, in the case of debt, a local LAA contracted Housing and Debt advice provider). Referrals to other organisations were described as unnecessarily complex:

“when we’re referring people on to other solicitors or local people, that’s absolutely awful. We use the website and half the people ring up: ‘We don’t do housing anymore’; ‘We’re not doing housing at the moment, but if you ring us back in two weeks, we’re doing it’. Some of the companies don’t exist anymore. You ring up and it’s come on as being 2 miles away and they’ve sort of said, ‘We’re not 2 miles away at all’.” (Specialist)

5. Views of the CLA Gateway service

5.1 Overall view of the CLA service

Operators were broadly positive about the service. The prevailing view was that it was a 'good service'. While there was concern around broader impacts of the legal aid reforms,¹⁶ Operators felt the reforms and other operational changes improved the delivery of the service, with fewer ambiguous queries coming through.

Specialists were more critical, though also positive about the CLA service itself: *"Things can always be improved, I think, but I think it does offer a good service"* (Specialist). While some Specialists were more negative, dissatisfaction principally arose from opposition to wider legal aid reforms (specifically, scope changes) and other Government led austerity measures, and the commercial implications flowing from the lower than estimated case volumes. For some, the cumulative effect of the wider reforms, as well as the introduction of the mandatory Gateway undermined the utility of the service:

"Somebody walking down the street doesn't understand the difference between housing, what's in scope, what's not. The telephone number, nobody knows where it is or anything. How are they meant to know to ring that up? And then, when they do ring it up, they have to explain it to one person, then explain it to another person and then go back possibly to where they originally went in the first place." (Specialist)

There was some resistance to the CLA Gateway among some Engagement participants. Reasons for this included the belief that some services were better met by the participant's own organisation (*"I don't think if somebody presents with [this] issue they would receive the level of advice and support that they would from ourselves"* (Engagement)) and explicit protest against the introduction of the Gateway. Most, however, were indifferent with regard to the Gateway due to a low level of understanding about the service and limited use to their specific clients: *"if there's sort of confusion over eligibility and over what the service offers, it doesn't necessarily fill you with confidence that you're going to hand that client over to an effective outcome"*.

Operationally, some Specialists were frustrated about the referral of non-eligible service Users to the Specialist tier, though this was mitigated by the knowledge that Operators were not *"legally trained"*:

¹⁶ In particular, concern about users presenting with problems no longer in the scope of legal aid was voiced, with particular emphasis on those facing problems related to welfare benefits, where alternative advice resources were considered limited.

“About 25% of our cases have been determination cases where it’s not been a discrimination case at all. Obviously, that’s a big chunk out of our allocation¹⁷ and we get 18 minutes to deal with those cases ... So that’s quite frustrating.” (Specialist)

5.2 Views of delivering the service by remote means

Views around delivering the service by remote means varied, particularly among Specialist and Engagement participants. For Operators remote delivery carried all the User benefits commonly associated with it (such as time and costs savings, convenience, etc.).

There was strong support for remote service delivery from some Specialist and Engagement participants, with acknowledgement of the greater reach achieved. Participants suggested in most cases there was little difference in delivering the service: *“it’s not too dissimilar to face-to-face. You literally just do exactly the same over the phone and as much as you can say it’s face-to-face advice, yes the initial meeting’s face-to-face but most of the rest of the work’s done on telephone”* (Specialist). Another participant holding this view commented that difficulties in delivering the service stemmed from the nature of the client group, and not the delivery mode:

“No, not because it’s remote, no ... A very large proportion of our Users have mental health problems and we experience sometimes that the conversations go on far longer than you would ordinarily expect them to go on, because the User has difficulty focusing or suffers from some form of paranoia or becomes extraordinarily hostile ... but that’s just an issue about the fact that our User base is disproportionately high with mental health problems, but that’s not an issue with the Gateway.” (Specialist)

Others felt that remote channels could not replicate benefits associated with face-to-face delivery, particularly those focused on softer skills such as empathising and building trust:

“it can be so much more effective for a practitioner to commiserate with a client that you are having to give bad news to [face-to-face]. It’s much more problematical to do that over the phone when it’s just disembodied voices.” (Specialist)

Inability to immediately obtain and peruse documentation, including evidence of financial eligibility, was considered a drawback of remote delivery as there is *“obviously going to be an automatic delay”*. However, it was unclear whether the delay had an overall detrimental impact on the service delivered to service Users.

¹⁷ Note that determinations are actually not included in a provider’s allocation.

There was agreement across a number of Specialist and Engagement participants that face-to-face advice *“is still needed”* for certain types of problem or for certain user groups (e.g. younger people, older people, people with mental health issues or suffering extreme mental/emotional distress). Some pointed to the benefits of providing an in-person service, such as being better able to gauge client understanding through their body language or immediately consider documentary evidence. While these benefits could not be replicated or replaced using remote means, participants explained how they adapted the manner in which they delivered a telephone/remote service to overcome limitations, and highlighted the value of the training they received to compensate for challenges posed by remote service delivery: *“it’s more difficult to judge what people are saying to you and their reactions over the phone than it is face-to-face, but once you’ve done the training it’s been completely fine”* (Specialist). For Engagement participants, offering adaptations specific to User needs and ensuring frontline staff at both the Operator and Specialist level had experience and training related to particular User groups was repeatedly emphasised. Specifically the need for soft skills in handling vulnerable individuals: *“it would really only be appropriate to have people on the telephones who interact with people with mental health problems if there was some sort of training and support [for advisers] in place”* (Engagement).

Alluding to the issue of ‘trust’, one Specialist claimed that *“in all my experience, the local ... population who access advice services, they are very trusting of their local advice centres”*. The participant felt this could not be easily replicated through a national telephone service, a sentiment echoed by other Specialist and Engagement respondents.

Participants from all three interview groups identified that Users were often aggrieved by not being able to access a local face-to-face advice provider for their issue, but recognised that *“there’s always those that need face-to-face versus those that prefer face-to-face”* (Engagement). Users’ initial discontent being unable to obtain face-to-face advice could be addressed by reassuring them about what CLA service can do, as one Specialist explained:

“[Users] start off saying that they would like face-to-face ... I explain to them that we can do that and then I explain the remote service to them and often they actually then decide they want to use the remote service, because it’s easier for them.”

This approach of highlighting how the service works and the benefits of the service was commonly used by Specialists, and appeared to reassure Users.

5.3 Strengths of the service

All three groups were consistent in viewing the CLA Gateway as offering benefits in terms of improving accessibility through extended opening hours, convenience (in terms of time and transport costs) of being able to engage with the services by remote means and being able to obtain 'quick' advice without having to attend an appointment.

Though Operators and Specialists viewed the online route as cumbersome (with some Specialists steering Users to a combined telephone and online route, if appropriate), there was recognition of benefits for recipients particularly those with health issues (such as hearing loss) and those who could not use the service during regular hours due to work commitments. Engagement interviewees suggested that channel plurality was important for some groups as it allowed them to select the most comfortable mode of contact. The array of adaptations available to the CLA service was positively regarded across all interview groups, with some Engagement participants claiming the available adjustments exceeded their expectations of a service akin to the CLA Gateway.

5.4 Barriers to using the service

Common barriers were identified across the various interview groups. Awareness of the service was considered low at both the individual User and organisational level. While Operators and Specialists focused on awareness in terms of the existence of the CLA service, Engagement interviewees highlighted that awareness of the remit and the process of using the service was low despite being crucial to build 'trust' and make the service "*more human*". Interviewees commented that the 'Civil Legal Aid' brand was likely to be a barrier as the term legal is "*quite scary*" and "*it sounds formal which can be daunting for those who just want a little advice*" (Operator). Service use was also dependent on the User characterising their issue as a 'civil law' issue, which many may not necessarily do. Participants stressed the need to ensure the CLA service was perceived as being independent of Government as any association could deter potential Users from using the service. Engagement interviewees felt that they did not have enough information about what using the CLA service would require of their clients or the benefit that they may gain by using the service. Having this information would allow Engagement organisations to make more appropriate referrals and help to manage User expectations prior to entering the CLA service.¹⁸ Highlighting how low awareness of the CLA service's existence, remit, and process conflate to make referrals and use of the service less likely, one participant stated:

¹⁸ One interviewee whose service had made referrals to the CLA Gateway commented that a lot of users that they referred to the service "*haven't been very happy*" but the reason for this was "*because they're not happy that they've not had legal aid as opposed to being not happy with who they've spoken to*" (Engagement).

“if they do get to the stage of the [service user] and the [advising] agency realising that it’s a discrimination problem and it’s categorised as that and that it requires a legal adviser, then the agency would have to then understand that that [service user] needs to go through the telephone gateway, which is again unlikely. And then they would have to know of how the gateway works which they may not have.” (Engagement, emphasis added)

There was a sense of frustration among Operators and Specialists regarding inflexibility in delivering the service. For Operators, the need to collect personal information for every User interaction was often considered unnecessary and “*irritated*” a lot of users that they were ultimately unable to directly help (as their problem was out of scope or they were financially ineligible). Some Specialists expressed frustration at having to refer potential service Users that approached them directly (for example, because of previous use) or had been referred by partner organisations, to the CLA Gateway with little assurance that the client would be allocated back to that Specialist provider.

Finally, interviewees commented on the cost incurred by Users contacting the CLA service’s non-geographic number using mobile phones. While the ‘call back’ option could address this, it was argued that Users were less likely to call in the first place if they had to pay for the call.

5.5 Use of alternative advice services

As discussed, Operators and Specialists described how some Users were referred to the CLA Gateway by other advice and support organisations, such as Shelter and Citizens Advice Bureaux, or private practice solicitors. Specialists also mentioned referrals being made to them by local charities or local advice organisations. Though this suggests that referrals to the CLA Gateway were received from a range of different advice and support services, interviews with Engagement organisations indicated that very few, if any, referrals were being made to the service by their own organisations. Some of the Engagement organisations explained that if one of their clients presented with a problem related to debt, discrimination or education, they were likely to refer those clients to in-house assistance or another external organisation with whom they had an existing relationship.

It is clear that the CLA service is not the only advice source available to people with a relevant problem, and that many are likely to engage with alternative advice sources instead of the CLA Gateway rather than in addition to it. It is not possible to comment upon the suitability or appropriateness of all the possible alternative advice sources, though Engagement participants generally felt that the services that they, or their referral partners, offered were appropriate for the needs of their clients.

6. Improving the service

Interviews with Operators and Specialists explored their views and suggestions on improving the Gateway service. While participants from Engagement organisations were not asked directly for recommendations as to how to improve the service, they were asked about what they would expect in terms of training, expertise and resources to ensure the service is able to deliver to vulnerable and hard to reach groups.

Promoting the service to increase awareness

As indicated, there was consensus across Operators and Specialists that awareness of the CLA service was very low with few people having any knowledge of it; this low level of awareness was attributed as the main reason for lower than estimated User volumes. Some interviewees put the low awareness down to unbalanced media coverage prior to and following the introduction of the LASPO reforms: *“I had a look at various websites and it was saying that Legal Aid is no longer available, Legal Aid’s abolished, that sort of thing”* (Operator).

Further it was felt that details of the service were difficult to find on the internet, whether using generic search engines (such as Google) or via the MoJ, LAA or direct.gov websites.

While most Operators and Specialists suggested that the Gateway service should be better marketed, it was felt that general advertising would not be appropriate: *“it’s not the sort of thing where you can put it on telly or whatever, but it’s a good service that people can get help with if they just knew a bit more”* (Operator). Suggestions on improving awareness of the service focused on developing communication with third sector and external referral organisations, providing leaflets at courts and via better visibility online. Interviews with Engagement organisations supported these suggestions, arguing for communications geared towards the sector delivered via posters, workshops and road shows. Also, Operators stressed the need to correct obsolete material, such as court letters that suggested that the CLA service could still assist people, who were now out of scope due to legal aid reforms.

Operators suggested that promoting the service could also improve Users’ expectations of the Gateway, which were often incorrect or unclear. Participants from Engagement organisations reflected this view, arguing their clients would be more likely to use the Gateway service if they were made aware of what it offered; how much calls would cost them; when they could call; who else could call on their behalf; who they would speak to and what would happen during the call (i.e. scope and eligibility assessments).

Specialists thought that they should be able to leverage the trust and reputation that their own organisations had developed locally and through external networks. Some Education Specialists in particular were keen to stress that they received a number of User referrals from external organisations with whom they had an established relationship, which they in turn had to refer to the CLA Gateway without any certainty of hearing from that User again. They felt that as well as adding an unnecessary step in the process for Users to access the service, any value brought by the 'trust' in the organisation was lost.

Training

Though broadly content with the training received, Operators suggested some additional or modified training. Suggestions related to providing additional guidance for Operators to more effectively determine if issues are in scope (a view supported by some discrimination Specialists, who suggested that specific training on discrimination law could reduce the numbers of out of scope calls being referred to Specialists).

Also, despite training on soft skills already being offered, there was indication that the service could be improved if there was further and ongoing training on soft skills: *"more emphasis on soft skills, how to speak to people, because a lot of people here [the Operator Service] have not come from a customer services background ... and I do find that there was no sort of training on how to deal with people, how to, generally, how to speak to people in a customer services environment"* (Operator). The need for soft skills was strongly encouraged by Engagement organisations particularly if targeted towards vulnerable clients.

Other service recommendations:

- **Managing User expectations prior to transfer to the Specialist tier:** Though Specialists broadly accepted that Operators should err on the side of caution and refer to the Specialist tier if there is any uncertainty as to whether an issue is in the scope of legal aid funding, the service would be improved if Operators ensured that User expectations were better managed by emphasising the additional checks that would need to be carried out by the Specialist adviser before a decision is made on whether more substantive legal advice could be provided.
- **Signposting people with out of scope problems to alternative sources of help:** Operators felt the service could be improved through having more places to signpost people with two out of scope problems: welfare benefits issues and debt problems (where the client's home is not at risk). Those concerned about welfare benefits drew attention to such Users being amongst the most distressed and vulnerable (a view also echoed by Engagement interviewees). There was also some indication among the

Specialist interviewees of a need for a more flexible approach to make onward referrals to Users determined as out of scope.

- **Gateway call structure:** Some Operators felt that the process and scripting Users had to go through at the Operator tier was not sufficiently flexible and suggested that the interaction structure should be altered to more efficiently filter out Users who are clearly out of scope, thus reducing time and data collection burden on Users and resulting in a better customer experience.
- **Emotive issues and distressed Users:** Operators highlighted the need for better support and guidance on handling particularly challenging Users (for example, those threatening self-harm or who have experienced highly distressing situations). Engagement interviewees experienced in helping highly vulnerable individuals also highlighted the need for frontline employee support. Though there was some indication among Operators of a support and well-being package available to call-centre staff, knowledge of it appeared limited.
- **Increase flexibility to offer face-to-face advice:** Specialists argued that Specialist advisers should be given more flexibility about when to offer face-to-face advice such as for people with particular disabilities or for situations where face-to-face delivery could expedite the delivery of help.
- **Increase advice times for determinations and initial advice:** Specialists suggested that making determinations (deciding whether a problem is in scope or not) often took longer than the 18 minutes allocated to the task, and this should be recalibrated to reflect this. This sentiment was particularly strong among discrimination Specialists who felt that a substantial proportion of determinations did not translate into casework. Further, a couple of Specialists suggested that the two hours and twelve minutes sometimes fell just short of being able to conclusively deal with a User's issue within the initial interaction. They argued that greater flexibility to provide additional advice within the initial advice stage, which should also be reflected in payment arrangements, would allow them to conclude a greater proportion of cases at an earlier stage.

Appendix A: CLA Gateway description and process diagram

The CLA service is usually delivered via a two-stage process. Typically, Users contact the central Operator service, which at the time of fieldwork was being delivered by Capita under contract with the Legal Aid Agency, who carry out an initial diagnostic assessment of the service User's issues, and accordingly determine appropriate next steps to assist the User to resolve their problem. If the Operator is unsure or believes the User may have a problem that is in the scope of the legal aid scheme, an assessment of User means is carried out to determine whether they are financially eligible for legal aid. In the event that the User does appear to be financially eligible, they are referred to a relevant CLA specialist advice provider. Upon transfer to the specialist advice provider, the User is re-assessed to establish whether they are eligible for legal aid funded advice. The re-assessment carried out by Specialists is commonly referred to as the determination stage. If following the determination the User is considered eligible for legal aid funded advice, the Specialist is able to provide up to 132 minutes of advice immediately. If necessary, further case work can be carried out once evidence of the Users' financial means is received.

Though the CLA service can provide specialist legal advice in several other areas of law, reforms to the delivery of legal aid, introduced as part of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, meant that from April 2013, apart from in exceptional circumstances¹⁹, the CLA service will become the mandatory Gateway to access legal aid in the following categories:

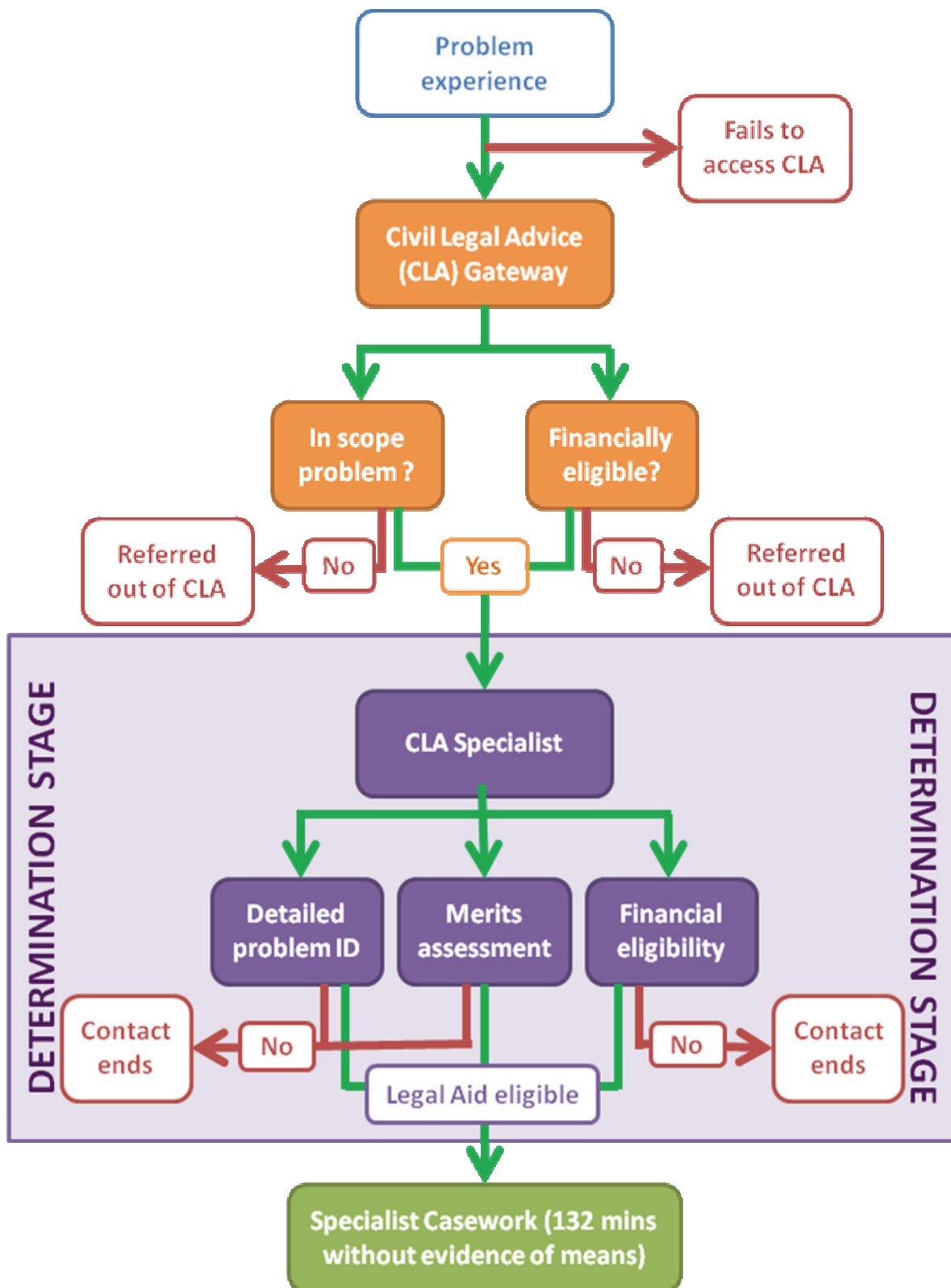
- Debt (principally related to mortgage debt)
- Education
- Discrimination

Contacting the mandatory CLA Gateway can be done via a number of remote means, i.e. the telephone, online tool, or via post. Unlike the delivery of legal aid funded advice prior to April 2013, face-to-face advice is no longer available for the above areas of law except in exceptional circumstances. A process diagram, mapping Users' journey through the CLA service, can be found below.

¹⁹ 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 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.

Figure 1 Civil Legal Advice user journey



Appendix B: Details of methodology

Interviews with CLA Operators

Operator interviews were carried out over two consecutive days in October 2013 at the Operators' place of work; all interviews were conducted face-to-face in private meeting rooms to ensure that the interviews could not be overheard. Letters were sent to call-centre staff prior to the interviews, introducing the research and the nature of the interview. Given the nature of the call-centre environment, a convenience sampling approach was adopted to ensure that the service was sufficiently staffed and that research participants were not unduly pressured to complete interviews. Fourteen interviews were carried out: 7 with frontline Operators; 2 with Operator Team Leaders; 2 with Customer Support (responsible for reviewing User and Specialist complaints); 3 with Quality Assurance (responsible for monitoring performance, and reviewing Service/User interactions). All interviewees had ongoing or recent experience of providing a frontline service to Users. Mean interview length was 67 minutes.

Interviews with Operators sought to explore their experiences of delivering the Gateway service, including whether they feel they have sufficient training, knowledge, and support; their perceptions about the accuracy of their assessment of Users' issues and financial eligibility; use of and satisfaction with adjustments available to them to facilitate access to the CLA service; and their perceptions of the barriers that Users face in accessing and engaging with the Gateway, and what could help to mitigate them.²⁰

Interviews with Specialist Legal Advisers

Interviews with Specialist advisers were conducted during November and December 2013. In total, 17 interviews were carried out, of which 7 were face-to-face and the remainder over the telephone, depending upon interviewee preference. All participants were provided with letters introducing the research prior to agreeing to participate in the research. A purposive sampling approach was adopted to ensure that detailed views and experiences were gained from a range of Specialists with experience of providing advice in one of the mandatory areas of law. Sampling criteria included organisational context, employee role, and the area of specialism – this data was provided by the organisations themselves. Nine of the 11 organisations with CLA contracts to provide specialist advice in the mandatory areas of law participated in the research. Table 1 outlines the sample frame and the number of interviews achieved against each of the criteria.

²⁰ Full topic guides for the Operator interviews can be found in Appendix C, page 36.

Table 1: Specialist adviser sample frame

Criteria		Target	Achieved
Organisation type	Solicitor	8	7
	Not for profit	8	8
	Alternative business model	2	2
Employee role	Paralegal/Caseworker	4	4
	Trainee	4	2
	Solicitor/Senior	4	7
	Supervisor	4	4
Area of law	Debt	6	7
	Discrimination	6	6
	Education	6	4

Interviews were similar in structure and content to those carried out with Operators, but also sought to reflect upon the work of the Operators and also their views and experience of delivering advice through remote channels and the circumstance in which they have referred Users to face-to-face services.²¹ Interviews averaged 69 minutes.

Interviews with Advice Sector Engagement representatives

Seven interviews were carried out with representatives of external organisations experienced in the delivery of frontline advice and support services to specific population groups and/or in discrete areas of advice between December 2013 and February 2014. Of the 7 interviews, 2 were paired whereby two individuals representing an organisation were interviewed simultaneously; reflecting participant preference. One interview was conducted face-to-face with all the rest conducted via telephone. Topic guides with Engagement participants departed from those carried out with Operators and Specialists and explored detailed information about the services clients required and their advice and support needs; the propensity among their clients to experience mandatory CLA Gateway type issues and their likely response to these issues; the barriers their clients commonly encounter when engaging with unfamiliar services and what can be done to mitigate these; and their familiarity and utilisation of the CLA service since the implementation of the LASPO Act.²² Interviews lasted 60 minutes on average.

External organisations were selected based on their work with particular groups identified as being less likely to use remote advice services prior to the introduction of the mandatory CLA

²¹ Full topic guides for the Specialist interviews can be found in Appendix C, page 37.

²² Full topic guides for the Engagement interviews can be found in Appendix C, page 38 .

Gateway (see, for example, Balmer *et al* 2012²³), or alluded to during the course of the fieldwork with Operators and Specialists as groups for whom providing advice may be challenging. The sample included representation from organisations which had particular experience of working with older people, younger people, people with mental health issues, people with physical and/or sensory impairments, and people with learning difficulties.

Initial contact was made at the organisational level, with a request to interview individuals responsible for the delivery of client-facing services, with warming letters sent directly to potential research participants, prior to the interview.

²³ Balmer, N.J., Smith, M., Denvir, C. and Patel, A. (2012) Just a phone call away: Is telephone advice enough? *Journal of Social Welfare and Family Law*, 34(1), 63–85

Appendix C: Topic Guide Structure

GATEWAY OPERATOR INTERVIEWS

Research objective: To explore issues around how services are provided to clients and how Operators experience providing advice over the telephone

- 1. Introduction** - *To introduce the Ministry of Justice and the research*
- 2. Description of organisation** - *To explore the Gateway and Operator service delivered by the organisation*
- 3. Operator experience** - *To explore background of the Operator, experience within call-centre environments and familiarity of advice sector*
- 4. Interacting and communicating with User** - *To explore Operator experience and perceptions of communicating and interacting with User over remote means*
- 5. Identifying the client's problem** - *Detailed understanding of process of detailed problem identification and assessment of legal aid scope*
- 6. Determining financial eligibility** - *Understanding of process of establishing Users' legal aid financial eligibility*
- 7. Deciding courses of action** - *To examine the factors which determine case progression and the courses of action to be taken*
- 8. Monitoring** - *Understanding how Gateway interactions and the service overall are monitored*
- 9. Views on the operation of the mandatory Gateway** - *To explore Operator perceptions as to the effectiveness of the mandatory Gateway*
- 10. Operators' opportunity to add anything that has been missed & close**

SPECIALIST ADVICE PROVIDER INTERVIEWS

Research objective: To explore issues around how services are provided to clients and how advisers experience providing advice over the telephone

- 1. Introduction** - *To introduce the Ministry of Justice and the research*
- 2. Adviser experience** - *To explore background of the adviser, experience within advice sector, legal knowledge and customer service/call-centre experience*
- 3. Description of organisation** - *To explore the Gateway and Specialist advice service delivered by the organisation*
- 4. Referral process** - *To explore how Users reach the Specialist advice service, understand how Operators transition cases to Specialist advisers and the usefulness of information provided (on client need, scope of problem and eligibility)*
- 5. Identifying client needs and vulnerabilities** - *To explore adviser approach to identifying and accommodating the specific needs of a client and efficacy of Gateway service in the process*
- 6. Identifying the client's problem** - *Detailed understanding of process of detailed problem identification and assessment of legal aid scope, as well as accuracy/usefulness of initial Operator assessment*
- 7. Determining financial eligibility** - *Understand process and effectiveness of establishing Users' legal aid financial eligibility and efficacy of Gateway service in the process*
- 8. Provision of advice** - *To explore the factors considered about how advice is delivered*
- 9. Advisers' views on the mandatory Gateway and providing advice remotely** - *To explore perceptions as to the effectiveness of the mandatory Gateway*
- 10. Advisers' opportunity to add anything that has been missed & close**

ENGAGEMENT ORGANISATION INTERVIEWS

Research objective: To explore issues around and how services are provided to clients and how advisers experience providing advice over the telephone

1. **Introduction** - *To introduce the Ministry of Justice and the research*
2. **Description of organisation** - *To understand the service delivered by the organisation and its core users*
3. **Interviewee role and experience** - *To explore the role and background of the interviewee*
4. **Detailed exploration of users/clients and implications for service** - *To explore the characteristics of users/clients of the services and how this determines the delivery of their service*
5. **Knowledge and familiarity of the mandatory CLA Gateway** - *To explore the organisation's awareness of the CLA service, the mandatory CLA Gateway, how it operates and any direct experience the interviewee and/or organisation have with the service*
6. **Suitability to services' users/clients** - *To explore perceptions around the suitability and appropriateness of the mandatory CLA Gateway for the organisation's service users*
7. **Views on what could be done to facilitate access to advice through the mandatory CLA Gateway** - *Understand what could be done to improve accessibility and experience of the CLA Gateway specifically for the service's users*
8. **Interviewees' opportunity to add anything that has been missed & close**