



Ministry
of Justice

Civil Legal Advice mandatory gateway

Findings from interviews with users

**Dr Caroline Paskell, Nilufer Rahim, Jane Kerr, Natalie Jago
and Jasmin Keeble, NatCen Social Research
Dr Nigel Balmer, UCL Faculty of Laws**

Ministry of Justice Analytical Series
2014

Analytical Services exists to improve policy making, decision taking and practice by the Ministry of Justice. It does this by providing robust, timely and relevant data and advice drawn from research and analysis undertaken by the department's analysts and by the wider research community.

Disclaimer

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

First published 2014

© Crown copyright 2014

You may reuse this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or email: psi@nationalarchives.gsi.gov.uk

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

Any enquiries regarding this publication should be sent to us at mojanalyticservices@justice.gsi.gov.uk

This publication is available for download at <http://www.justice.gov.uk/publications/research-and-analysis/moj>

ISBN 978-84099-676-0

Acknowledgements

We would like to thank Ash Patel and Catherine Mottram, who managed this research at the Ministry of Justice (MoJ), for their guidance and support. We also express our kind regards to Will Hayden and the rest of the MoJ project team.

We are grateful to those at the MoJ and LAA who provided comments on previous drafts of this report, and to the two peer reviewers for their considered opinion.

At NatCen, we'd like to say thank you to Camille Aznar for her involvement in the interview fieldwork and analysis.

Most of all we kindly thank all of the Gateway users who gave up their time to take part and shared their experiences and insights.

Contents

List of tables

1.	Introduction and research approach	1
1.1	Introduction	1
1.2	Research aims	2
1.3	Methodological approach	2
2.	Accessing the CLA Gateway	4
2.1	Route to the Gateway	4
2.2	Understanding and expectations of the Gateway	6
2.3	Deciding to use the Gateway	7
2.4	Attempting contact	8
3.	Experience of the CLA Gateway	10
3.1	Nature of contact	10
3.2	The Operator	13
3.3	Adjustments to facilitate contact	15
3.4	Reflections on using the Operator service	16
4.	Using the Specialist service	18
4.1	Contacting the Specialist service	18
4.2	Understanding and expectations of the Specialist	21
4.3	Using the Specialist	23
4.4	Reflections on using the Specialist service	27
5.	Discussion and suggested improvements	29
5.1	Accessibility	29
5.2	Clarity/managing expectations	30
5.3	Vulnerability	31
	References	32
	Appendix A: Further details on qualitative methodology	33

List of tables

Table 1: Sampling frame for primary sampling criteria	33
Table 2: Sampling frame for secondary sampling criteria	34
Table 3: End point reached and conclusion in the achieved sample	35

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. These 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 they could 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 Gateway (the Gateway) operated as part of the Civil Legal Advice (CLA) service. As discussed in Balmer *et al.* (2012), this reform represented a step change from previous strategies. 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 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 they are eligible, specialist legal advice is 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, multiple disadvantages or complex problems.^{5,6}

In light of these issues and in line with its commitment to review the operation of the service, NatCen Social Research was commissioned by the Ministry of Justice (MoJ) in 2013 to

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, before April 2013, specific discrimination issues were subsumed as subcategories within other categories of law, such as employment, education and consumer law.

³ For more detail about exempt categories, see Appendix A.

⁴ For example, see Lord McNally, HL Deb, 14 March 2012, c284.

⁵ For example, see Baroness Grey-Thompson, HL Deb, 23 April 2012, c1595.

⁶ A more detailed account of policy context and development of the CLA service is provided in the overarching summary report (Patel and Mottram 2014), which can be accessed at <https://www.gov.uk/>.

conduct research on Users' experiences of the Operator stage of the Gateway for CLA. The research forms one strand of a wider programme of research on the CLA Gateway, with two other strands conducted by MoJ.⁷ Findings from this research will feed directly into an overarching research report, combining all three strands. Our research plan was approved by NatCen's Research Ethics Committee.

1.2 Research aims

The wider research was conducted to examine the accessibility and efficacy of the mandatory Gateway. It had three objectives, focusing on barriers to using the service, the assessment of Users' needs and whether Users are referred to the most appropriate mode of advice. This report presents findings from the qualitative research commissioned to explore CLA Gateway Users' experiences of using the service, including any enablers and barriers to accessing and successfully engaging with the Gateway.

As defined in the project specification, the aims of this element of the research were to explore:

- Gateway Users' perceptions of their experiences of the Operator service, including barriers and enablers to both contacting and using the service;
- Users' views on the elements of the Gateway that they found positive and accessible, and any elements which they felt could be improved;
- Users' perceptions of the assessment process, including whether they felt the mode of advice they were referred to was suitable for them;
- Users' experiences of how easy and accessible the Specialist advisor was in relation to making contact with them, communicating with them about their legal problem, and acting on the advice provided.

1.3 Methodological approach

The research involved qualitative in-depth interviews with 36 Gateway Users. It was designed to identify the range and diversity of Users' experiences and views of the CLA Gateway. Qualitative research is not intended to indicate proportionality or prevalence, as its sampling is unlikely to be statistically representative of the wider population. Instead, it offers robust insights into questions of how and why Users have differing experiences and views.⁸ However, while this methodology offers a robust qualitative sample and covers key characteristics of a diverse population, it is unlikely that the 36 interviews conducted will

⁷ See Patel and Mottram 2014.

⁸ See Lewis *et al.* 2014 and also Spencer *et al.* 2003.

encompass the multitude of journeys possible via the Gateway. Further research may therefore illuminate additional pathways and contribute further evidence.

Participants were selected from two large samples of Gateway Users who had been referred to Specialists and had agreed to be contacted. The sample represented all three mandatory Gateway areas of law and reflected the broad demographic and geographical diversity of Users. It focused on those who received advice by telephone, post or online rather than face-to-face as almost all who receive advice do so remotely. However, some face-to-face Users were also interviewed, to include those with communication difficulties or other vulnerabilities.

This research presents the individual participant's perceptions and recall of their engagement with the CLA Gateway. It also provides participants' experiences of the service, exploring their circumstances, the nature of their problem and the outcomes arising from their interaction with the service.

The interviews explored Users' journeys through and reflections of the CLA service. They discussed technical aspects of accessing and using the Gateway and Users' satisfaction with the engagement. Participants were interviewed either face-to-face or by telephone. The flexibility of two interview modes increased the ease with which people could participate, enabling those with access or communication needs to select the most suitable mode. All the interviews were recorded, with participants' consent, and stored and transcribed securely. The data was managed using Framework, a systematic approach to qualitative data management developed by NatCen and supported by NVivo 10 software.

Further details on the qualitative methodology, sample and analysis are outlined in Appendix A.

2. Accessing the CLA Gateway

This chapter discusses how participants heard about the CLA Gateway, their understanding and expectations of it, why they chose to use it and their experiences of getting to it.

2.1 Route to the Gateway

Participants included 'repeat callers' who had used the service a number of times (for one or more issues), others who knew of the CLA Gateway from previous use of legal aid services and those who were told about it by other people or found it themselves online. Among those who were told of the service or had to search for information, there was support for better advertising of the Gateway, through daytime TV or online advertising for example.

Being informed by someone else

Participants described being informed about the CLA Gateway by someone who had used it before or searched for information on their behalf, or by organisations, including voluntary sector bodies, statutory agencies and commercial organisations.

Some participants had been signposted to the CLA Gateway by contacts who had used the service, such as friends and people they encountered in the process of addressing the issue (for example, talking with someone else attending court to resolve an employment matter). Participants had also been told of it by relatives who had searched for information for them.

Independent bodies who signposted participants to the service included charities and advice organisations, such as the Citizens Advice Bureau (CAB), Children's Legal Centre, Rethink Mental Health, Advisory, Conciliation and Arbitration Service (ACAS) and health charities. These bodies directed people to the CLA because the level of legal advice required was outside their remit or capabilities. Participants had also been told of the CLA through statutory agencies, including a housing association, the Jobcentre and court services (including papers from the court). Participants also recalled being informed about the CLA service by commercial organisations such as solicitors and banks (where the issue was debt). Participants had been told of it by solicitors under two circumstances. Firstly, some were actively looking for legal aid and contacted a solicitor for information. Secondly, if participants were looking for private representation but realised they could not afford the fees, then solicitors could say they may be eligible for legal aid but would need to contact the Gateway first. Participants routed to the CLA via banks were told about it by staff or in communications, such as a letter regarding the repossession of a participant's home.

Regardless of the source, it appeared that participants had received little detailed information about the Gateway other than the contact details, and that it may be able to give advice or be the first step in applying for legal aid. Participants who heard of the Gateway from others were less aware of call charges or eligibility, but assumed they would need to meet financial criteria to receive legal aid. In some cases participants were simply advised to call 'legal aid', but had difficulty finding it without the full name of the Gateway.

Finding it themselves online

The second main route to the CLA was participants finding it themselves online. While experiences varied, there was a view that the Gateway was hard to find online and not well publicised, and that this compromised access. One participant said:

"It seems like it was hidden or something, it's difficult to find it ... Maybe it should be more open or maybe it's not well advertised online, I'm not sure. But ... it was very difficult to find. Well the only way I found it is through a solicitor who said you should try this." (Discrimination matter)

Some participants who found out about the Gateway online had not heard of it before, and came across it without searching for it specifically. This was either by browsing websites providing advice or specifically legal advice, or seeing it on search engine listings when looking up legal aid or more general advice or helplines.

It was felt that the CLA service could be identified more readily via websites giving advice on legal matters than through general internet searches. Notably, participants felt that the CLA seemed to be well cited on websites containing legal information relating to education, such as the Children's Legal Centre. From the accounts of participants who searched for advice on their problem, there seemed to be a pattern in terms of how quickly the CLA came up depending on which search terms were used. It came up relatively early if the search was for 'legal advice', later if participants looked up 'legal aid', and later still if the search terms were focused specifically on the problem rather than legal issues. Evidently, the CLA was easier to find where participants had already identified their problem as a legal issue.

2.2 Understanding and expectations of the Gateway

Understanding recipients' expectations of a service is key to effective evaluation. It enables providers to examine to what extent aspirations are met and the reasons for any frustration. Participants fitted into three groups in their understanding and expectation of the Gateway.

First were participants who had used the Gateway before, and as repeat callers had a good understanding that the CLA involved an initial Operator service, which would assess their financial eligibility and whether the issue was in scope for legal aid. This group also included Users who had gained the same good understanding by reading online or written information. What were seen as CLA web pages (information on gov.uk about CLA) were said to be clear, easy to understand, and to give useful information on financial and substantive eligibility. Similarly, a leaflet about the CLA was reported to be simple, clear and informative, although it was not clear which organisation had produced it.

Second were participants who were familiar with legal aid but knew little of the CLA Gateway itself. These participants called before researching the Gateway. They had not found any information online or received little information from others about the Gateway – they only knew that it might be able to help with their issue. Some therefore called expecting to get through to a solicitor⁹ straight away, but some recalled being informed that they were speaking to an Operator. In a more exceptional case, one participant did not know he was speaking to an Operator until the end of the call and was unhappy to have detailed his case with someone who could not offer advice, while being charged for the call.

The third group were perhaps the least aware, to the extent that their understanding of the Gateway, or that they were in contact with it, was minimal even after the call had ended. As one participant stated, *"I still don't know much about the CLA myself, but I know they helped me with my issue"* (discrimination matter). Among this group were participants with mental health issues and people who used a personal or professional third party. These participants skipped the Operator step during their account of the service and struggled to differentiate between the Operator and Specialist stages. Some thought they were speaking to a Specialist advisor the whole time or, having had contact with numerous organisations in relation to their legal issues, were confused about who they had spoken to at the CLA.

⁹ The CLA Gateway enables qualifying users whose issue is in scope to access a Specialist advisor, after initial discussion with an Operator. Not all Specialist advisors are solicitors but Users tended to refer to Specialist advisors as solicitors, and so we use the term 'solicitors' where it best shows what the Users understood.

Levels of understanding about the CLA service and what it offered also varied. Users who read information about the service or had called before knew it had an Operator stage to assess financial eligibility and scope. Nevertheless, even participants with some initial understanding of the service had wide-ranging expectations of what the service could do for them, such as:

- be channelled to the appropriate legal services;
- find a solicitor to take on their case and represent them in court if necessary;
- find out about their legal rights and legal standing of their case;
- receive expert guidance on the appropriate course of legal action; and
- resolve their legal problem.

There were participants who were unaware that Specialist advisors would not offer face-to-face contact or would not be local. These factors brought significant frustrations when they were discovered later in the process, after a participant had made contact with the Specialist.

2.3 Deciding to use the Gateway

Understanding people's motivations to use the service can assist in determining how to adapt and improve it. Motivations for using the Gateway were described in three ways. First, participants who had used the CLA for advice on debt included those who needed urgent or immediate help, for example after receiving a formal repossession warning from the bank. Participants in this situation wanted to understand their legal rights, see if they could get legal aid and be signposted to organisations that could help. There were those who turned straight to the CLA when they realised what stage they had reached with the bank, taking the contact information from the bank's letter. However, interviewees in this situation also described having contacted solicitors, the CAB, their local authority and a housing association before turning to the CLA.

"It was my solicitor [who had dealt with the participant's divorce] who told me to ring this number. [I rang] the next day ... That was because ... I'd got a letter to say they were repossessing the house." (Debt matter)

Second, the Gateway was accessed after a number of agencies (including private solicitors and charities) had been consulted, and for some it was seen as a last resort. Participants described opting for the CLA if their issue was beyond the remit of other agencies, solicitors were unaffordable or unwilling to take their case, or they could not use other sources of help. This was particularly the case for parents using the Gateway in relation to education matters,

having first approached private solicitors or support groups. These Users understood the purpose and remit of the Gateway service well after using it, if not before.

Third, people chose to use the Gateway because they were directed to it by a friend, relative or agency as being suitable for their needs. This was sometimes based on others' positive accounts of their own experiences of the Gateway.

2.4 Attempting contact

Although all participants had successfully contacted the CLA, their experiences of attempting contact can still help to identify what works well or less well about its entry point.

On the phone

Participants' experiences of attempting contact, when recalled, were broadly positive, and for some exceeded their expectations of a government-funded service. Experiences of this stage were discussed in terms of waiting times, routing and charges, as described below.

The Gateway was generally described as quick to get through to. Where there were queues, they were generally recalled as being around five minutes long, although some times were recalled as busier, mornings in particular. There was a preference for calling back rather than queuing. There were examples of Users being offered a 'call back'; a participant said they appreciated this as it had kept their mobile phone costs down. There were also examples of repeat callers asking the Operator to call them back. However, participants also gave less positive accounts, describing being placed in a long queue, the line being engaged for a longer time, or not being offered a call back despite waiting.

Participants who contacted the CLA on more than one occasion had differing experiences of getting through to the same Operator, for example if they had to call again with more details. A participant recalled being given a reference number or code to mention when they called back with further information, and they found this helpful in terms of avoiding the process of taking their name and other information on each subsequent occasion. Another participant who called the CLA on several occasions described his mixed experiences at this stage.

"I got through reasonably well ... on a couple of occasions and with great difficulty on another couple of occasions. And if I wanted to go back to someone who'd previously spoken to me then that was a major problem." (Debt matter)

With regard to charges, participants were not always aware that there was a charge to call the CLA or had been anxious when they were put on hold. Where people had phone tariffs that allowed free calls to non-geographic numbers, they felt no need to look up the charges. Other participants assumed that there would be a charge and either still went ahead or called from a line for which they did not pay, for example a phone at their Jobcentre. Another group of participants did find call charges problematic, using available credit or accruing a sizeable bill. One mobile phone User, who did not recall being offered a call back, was unaware of the call charges and reported spending so much that he had to borrow to pay a utility bill.

Participants' recall of automated call routing was limited – some could not recall it at all and others remembered only being given a couple of options. One participant did remember difficulties choosing between call routing options as her issue straddled two areas of law and she was unsure which to opt for, but overall this was not identified as posing challenges. The participants' accounts of call routing emphasised the advantage of the Gateway providing a single point of contact and enabling the Operator to determine the nature of a User's issue.

Online

The sample of participants included those for whom online access was problematic or not possible. However, those who completed the CLA online form described it as easy to complete. It took participants around half an hour to fill in, which was viewed positively. One participant completed the online form, then provided further details by email and received a phone call from the CLA a few days later. This was considered a reasonable time frame. Participants who opted to complete an online form instead of making a phone call included one who preferred online contact in order to keep records of communications and refer back to them when necessary. Communicating by email was also valued by some for being quicker than corresponding by letter, which was seen as an advantage in relation to receiving the news of the case outcome.

3. Experience of the CLA Gateway

The CLA Gateway function delivered via the CLA Operator service is the focus of the research NatCen was commissioned to conduct. This chapter discusses research participants' experiences of the CLA Gateway function, the nature of their contact(s) with it, views on the Operator and the outcome of their contact(s). It also explores any adjustments made to facilitate an individual's contact with the Gateway.

3.1 Nature of contact

Participants had experienced either single or multiple contacts with the Gateway. This section focuses on the initial call; however it also explores the reasons for any subsequent calls, people's experiences of these and the outcome of using the Gateway.

Initial contact

Participants included people who contacted the Gateway online and those who called. Users who called the Gateway recalled that their initial call was relatively short, about 10 to 20 minutes. Longer calls took place when the issue was more complex or when the caller did not qualify for legal aid on that occasion. People in the latter group spent time discussing their case and available options with the Operator and in some instances were given lists of other organisations to contact. They called again when their circumstances had changed and were put in touch with a Specialist (and were thereby included in this research).

The coverage of the initial call/online form included collecting basic details about the caller such as name, address, National Insurance number, diversity characteristics, reason for contacting the Gateway, whether they had used it before, and an overview of their finances. Some callers recalled the Operator reading a confidentiality statement. Participants varied in their understanding of why this information was required. Some clearly understood the purpose of providing it, while for others there was less clarity over why it had to be provided even before they could find out whether the helpline was the appropriate place for their case. Some Users queried the need for (diversity monitoring) details such as sexual orientation.

"That always doesn't go down well with me. I understand the demographic issue but I really don't see with a lot of the services what anybody's sexuality has to do with it ... I just find those sort of questions intrusive. It really isn't relevant whether I'm heterosexual, gay, LBGT or whatever it is nowadays, you know? You're, you're still a person asking for advice." (Education matter)

The pace of the call was generally felt to be appropriate – to the point without being rushed. Where the background information was provided online, individuals felt that this had been a straightforward process.

The purpose of the enquiry was reported in the online form or explained to the Operator. Online applicants answered tick box questions to explain why they were calling and provided additional detail in an open response box. It was found to be fairly easy to complete. Callers had more varied views of how well their issue had been identified. These ranged from feeling their issue was well understood, especially when they were then directed to the correct Specialist within a specified time, to feeling there was a lack of understanding about the purpose of their call and questioning the level of the Operator's training.

"I think she [the operator] understood the basics, but I'm not sure if she truly understood what it was I was ringing for. I don't know if she's, like, trained in that sort of area, or whether she just, like, works in a call centre and has to follow some questions, so I'm not sure." (Education matter)

However, not all Users felt that an in-depth understanding of the issue was necessary at this stage, especially for more complex cases. This was because, although the Operators may not have fully understood the complexities involved, they did gather the information needed to direct Users to the right type of Specialist, which was the overall purpose of the Gateway.

"I don't think they fully understood and I think, if I remember rightly, they admitted to not fully understanding, but they did what they could. And like I say they, they pointed me in the right direction, which is what I wanted, so I got what I wanted out of the call." (Education matter)

The fact that Operators were using a script to conduct the call had not been noted by all participants. Among those who had noted this, one view was that it did not obstruct the call in any way. Another view was that using a script had been less appropriate, especially for third-party callers who had wanted general information about the CLA and its role, yet had to provide detailed information about the case before they could receive this. Some Operators had acknowledged this possible inconvenience at the time.

"[The Operator said] 'I'm sorry, we do have to ask all these questions. We can't, you know, this isn't something we can avoid or – you know, we can't sort of circumvent this. This has to be done before we do anything else.' So they did just explain that was the case. So that's fair enough, really." (Education matter)

Of those participants who recalled being asked questions about their finances, there was a view that the questions had been appropriate for this initial contact and were relatively easy to answer. This was particularly the case if the participant was on benefits or was calling on behalf of someone whose finances were straightforward. However, it was found to be more complex if they were calling on behalf of someone whose financial situation did not readily fit with the questions, for example being asked whether child support payments were being made for a child under 15.

There was variation over the preferred ordering of the initial call, particularly around the questions on financial circumstances. One view was that it was appropriate to have these questions fairly early on in the call, so that financial eligibility for legal aid could be determined from the outset and expectations managed accordingly. An alternative view was that it would be helpful to have the option of an initial discussion about the CLA and its role first, before having to provide financial information. It was felt that giving financial information first could be especially difficult for particular callers, including third parties, younger callers and those with learning difficulties.

“I completely understand the reason why that’s [the financial questions] kinda quite early on in the process ... [but] it’s certainly difficult to answer on behalf of someone else. But even if it was yourself, I think that’s a lot of questions to answer quite early on.” (Education matter)

Subsequent calls

Reasons for participants contacting the Gateway more than once included:

- having a clearer understanding of what they needed to explain or evidence;
- needing to provide supplementary financial information, or authorisation from the client in the case of third parties;
- circumstances having changed (for example, they had been made redundant) which might mean they would now qualify;
- thinking that another Operator may interpret their situation or issue differently;
- choosing to present their situation in a different way (for example, altering the description of their finances, so they may be more likely to qualify);
- issues related to the Specialist advisor (for example a participant called the Gateway again to give her Specialist a new reference number so they would re-open her case; another had not heard from her Specialist so called the Gateway again to follow up).

However, participants did not always fully understand the reason they needed subsequent contact(s) with the Gateway. For example, one participant was unsure why they could not get a response at the end of their first call as to whether they would be eligible, or be transferred to a Specialist advisor – this may have been because further evidence around financial eligibility was required, but the participant did not recall being told this. Where subsequent contacts took place, giving the individual's details such as name, address or the reference number given by the Operator in the initial call was found to be a helpful way of linking up numerous contacts on a case, or linking to a previous case if someone had used the CLA before. Passwords also meant that the Gateway did not need to re-seek permission from the individual each time a third-party caller contacted the Gateway on their behalf.

Outcome of the contact

Participants felt they had a good understanding of the next steps if they had used or thoroughly researched the Gateway before, or when they were:

- told they would be allocated to a Specialist advisor, and then immediately transferred or told the Specialist would call them back;
- told they were not going to be transferred to a Specialist advisor so the call had concluded with a discussion about the next steps they should take and/or they were provided with a list of organisations to help address their issue.

However, participants were less clear of the next steps when they were:

- transferred to a Specialist advisor but were not aware that this was going to happen;
- told someone would call them back, but were not sure why, when this would be or who would be calling; some people found this uncertainty stressful.

“She [the Operator] said to me that somebody else will call you back, so – and she didn't tell me how long it was gonna be. But I think I literally waited for ... between two to three hours ... [This was] very stressful ... because ... I just hoped to have everything done in one telephone conversation.” (Debt matter)

3.2 The Operator

Views of the Operator generally related to their perceived manner, listening skills and knowledge. Positive reflections of the Operator's manner included them being friendly, pleasant, polite, helpful, professional, calm and clear. Good listening skills were also considered an important attribute. Participants also welcomed the Operator being non-judgemental, reassuring and sympathetic, particularly when they had been in crisis

when they called. For some callers the initial contact with an Operator had helped them feel calmer and reassured about their situation and the next steps involved.

“She was very helpful ... I think she knew what she was talking about. Like possibly she, she knew exactly what I was, like, feeling, you know – I was panicking at the time ... ’cause obviously I don’t want to lose my home you know ... [It was] just a general impression she gave me. She was comfortable with, or she made me feel comfortable you know, like not to worry and like ... there were a lot of other people in the same situation.” (Debt matter)

Aspects of the Operator’s manner and approach which were valued by Users included: not interrupting the User; not requiring the User to repeat themselves; giving sufficient feedback about the nature of the case for Users to consider their issue was well understood; asking the ‘right’ questions so the User felt their issue was being accurately identified; and transferring the User to the correct type of Specialist advisor.

“She [the Operator] was very courteous and helpful and asking the questions to get the case. So that made me comfortable and feel at ease, you know [...] when you feel at ease with the person, then you can open up, and share what you want to share.” (Debt matter)

However the Operator’s level of understanding, knowledge and training was questioned by Users when feedback on the issue was lacking, when it had taken the Operator a long time to understand why the User was calling, if the User had to repeat themselves, or they felt they had not gained any new information.

“As a person they [the Operator] was like [...] somebody you could talk to in the street or somebody that – to talk to in general, fine. But as an advisor who knew what he was doing, I would say zero.” (Debt matter)

Negative views of the Operator were exacerbated by the participant being erroneously transferred to an adviser specialising in a different area of law not relevant to their problem and by failing to get the outcome they had expected (such as being able to see a Specialist face-to-face, or being told by the Specialist that they did not qualify for legal aid).

Users had differing accounts of how clearly the Operator had explained their own role and the purpose of this initial stage in the Gateway. Some Users did not recall being told who they were talking to and what the overall Gateway service involved, and this lack of information was considered unhelpful. Participants valued the Operator setting out their role and the overall process.

“The lady on the phone was really nice. She explained the whole process of what they do, and took a history of obviously what ... our issue was, and next thing we know we heard from the solicitors, so – it came up on the computer with her, this particular solicitors.” (Discrimination matter)

Participants’ accounts highlighted some variation in the role adopted by Operators during the initial call. Some callers who had contacted the CLA more than once felt that there was inconsistency between Operators, for example in their level of understanding of the issue or the questions they were asked. In addition, it appeared from Users’ accounts that whether or not they qualified for legal aid influenced the Operators’ role. Users who were identified as not qualifying described receiving advice from the Operator. Others who did qualify appreciated that the Operator had not tried to give them advice but instead concentrated on gathering information about their case so this could be given to the Specialist advisor. Lastly, some participants recounted how the Operator discussed legal technicalities (such as data protection) with them. Views differed as to whether this was necessary: one participant had deliberately not listened to it as she felt that she did not have the time and thought she already understood what was involved.

3.3 Adjustments to facilitate contact

Understanding the extent to which the Gateway was accessible to the diverse range of callers is critical to this research. Encouragingly, there was evidence of adjustments to facilitate contact with the Gateway. Examples included people using the language line, having a slower-paced ‘triangle conversation’ for a third-party caller and the person for whom they were calling, and call backs so Users did not have to incur the cost of the call. Participants appreciated such adjustments, and generally felt that they had facilitated their contact.

“Basically, she [the Operator] was giving me space on the phone, because I said she’s [the third-party client] at the side of me ... and so if there was anything I needed to say there and then I’d speak to her [the third-party client] and then we’d have like a triangle conversation, which is quite difficult to do, but it was, like I say, she [the Operator] was pretty informative.” (Discrimination matter)

Adjustments had been both suggested by the caller and then implemented, or offered by the CLA Operator. For example a participant had called the CLA from a payphone and so the Operator offered to call him back immediately.

However, there was evidence that adjustments were not always offered, and some participants were not aware of this facility although they may have benefited from it, such as a call back and the use of the language line or an interpreter. As already discussed, the cost of calls was a concern for some participants calling from their mobile phones. In addition, a participant whose first language was not English and who felt more confident talking on the telephone in her first language was unaware that she could have asked for an interpreter, despite having been referred to multiple Specialists.

Lastly, there was evidence of adjustments having been requested but refused. For example a participant with an auditory impairment had called the helpline and asked whether anything could be done to support their use of the service, including whether the Operator could call them back from a quieter room and conducting the call via a webcam. They had found the Operators unhelpful and were eventually told that these adaptations were not possible, and that all contact had to take place by telephone. From the participant's account, it did not appear that other available adjustments such as type talk had been suggested.

"It's shocking 'cause I gave them examples like webcam and they still didn't give me that adjustment either ... It was like they didn't really – couldn't be bothered to make any adjustments for me." (Discrimination matter)

3.4 Reflections on using the Operator service

Reflections on the Operator service are presented here in terms of participants' awareness, Operator style, appropriate direction and mode of contact.

A clear view was that the Gateway was not widely publicised and therefore the helpline was not always easy to find. On making contact, positive experiences were underpinned by: Operators having a pleasant manner and sufficient level of knowledge for the call; the caller being reasonably able to provide the information required, including the reason why they were calling and information about their financial circumstances; appropriate adjustments being made to facilitate contact; and Users receiving a positive outcome. Positive outcomes included being directed to an appropriate Specialist advisor for their case, or receiving advice from the Operator about the next steps they should take to address their issue. Less positive experiences of the Operator service were underpinned by: the complexity and urgency of the problem; dissatisfaction with the lack of adjustments offered (for example around the cost of the call, or for Users with a disability); a lack of explanation of the Gateway; and when an individual's expectations and understanding of the Gateway did not then match the service they received, including receiving a less positive outcome.

Contact either by telephone or online was generally felt to be appropriate at this stage, where the primary aims were to route individuals to Specialist advice or act as a wider signposting service. A telephone service facilitated more people accessing the service in a shorter time frame and removed the need to travel and to book appointments. However, there were exceptions to this. Participants who had difficulty using the phone would have wanted an alternative route to the Specialist advice. Other participants also mentioned a preference for having face-to-face contact as an option even at this initial stage, with concerns that some aspects of communication were being lost over the phone, and the sense that it would help them to feel more at ease. In addition to this, it was felt that the purpose and limitations of the Operator stage could be clearer from the outset.

4. Using the Specialist service

This chapter discusses participants' experiences of using the CLA Specialist advisors who provide civil legal advice on the three mandatory areas of law. It sets out the different ways in which participants came into contact with the Specialists, their understanding and expectations of this stage, and their experiences of using the Specialists.

4.1 Contacting the Specialist service

All participants were recorded by the Gateway provider as having been transferred to a Specialist advisor for legal aid-funded advice (subject to further scope and financial eligibility and merits assessment) through the Gateway; this was a condition of their inclusion in the sample. However, participants described confusion about whether and how the first stage of the Gateway (the Operator) linked to the second stage (using the Specialist advisor). Table 3 in Appendix B outlines the different journeys followed.

Not all participants recalled having been put in touch with an organisation which could offer legal advice. Furthermore, when participants did recall contacting a legal advisor, not all saw the Operator as having linked them to this legal advice Specialist. Three subgroups were evident among participants in relation to contacting a Specialist:

- Users who described their search for legal aid through the Gateway as having **concluded** with the Operator;
- Users who had been identified through the Gateway as eligible for legal aid but who then went **directly** to a Specialist service with that information;
- Users who said the CLA Operator **had** put them in contact with a Specialist that could provide legal advice (whether or not the Specialist then did provide advice).

No contact with Specialist

Some Users who were not put in contact with a Specialist called again at a later stage. Participants included those who were put in contact with a Specialist on a subsequent call, as well as those who did not recall getting past the Operator stage at all (despite the sample data supplied by the contractor, Capita, suggesting the contrary).

Participants who saw their search for civil legal advice as having concluded with the Operator described being told that they did not qualify for civil legal advice or being left unclear as to whether or not they could get advice.

Participants who recalled being told that they did not qualify described the Operator as having been clear about the reasons why. Reasons given included that the issue was out of scope because of a time limit on claims of that kind, and that the User's finances were too great. Participants who were unclear as to whether or not they could get civil legal advice either did not have a clear recall of how their discussion with the Operator concluded or described being in a loop where they were directed to other agencies and then back to the Gateway.

"[The] Operator really just explained the situation what he could explain and ... I don't think he really gave me an answer. I don't really think he says, 'You need to go and seek solicitor or you need ...' I think he probably more or less says wait and see what kind of response I get from [the] police ... and then more or less the conversation were over, the phone went down and that was it."

(Discrimination matter)

'Indirect' contact with Specialist

A number of participants described having used the Gateway service to establish that they were eligible for legal aid, but then going to a solicitor of their own choice, rather than the Specialist to which they were directed by the Operator. In the participants' terms, these solicitors were described as independent of the Gateway. Having discussed this route with MoJ, the Legal Aid Agency and the CLA Gateway provider, the research team understands that there is some provision within the Gateway for Users to confirm their eligibility and then contact a solicitor themselves with this proof, but it is referred to here as 'indirect' contact with Specialists because this is how it appeared to the Users interviewed.

It was not evident from the Users' accounts exactly how their use of the service fitted with its usual provisions, but all were identified in the sample as having progressed to the Specialist stage. In some cases, participants contacted a solicitor, then used the Gateway to assess whether they could get legal aid and returned to the solicitor with proof that they could. Some were returning to a solicitor they had used on a previous occasion. In addition, some participants sought out local solicitors from whom they could receive face-to-face advice, after the calls to the Gateway had identified that they were eligible for this specifically.

"[In the first call] I told them that I've already got a solicitor and all I needed was a reference, so they put me through to another person. They asked me about the whole scenario of what happened. I explained and they said 'you know, you're eligible for legal aid' and they gave me a reference. I told them 'I advised by my solicitor to give you a call because I needed a reference to get back to them to do

the legal aid work', and so that is when she said to me that 'somebody will get back to you'." [Issued reference in a later call] (Debt matter)

Direct contact with Specialist

Participants who had been put in direct contact with a Specialist by the Operator reported different routes between the two. First were those who were transferred straight across at the end of their call with the Operator. Second were those who were put on hold for a while (between two and ten minutes) – some of whom had been concerned that the call had ended as the line was silent while on hold. Third were those who were told they would be called back by the Specialist service. Here the time taken to be called back was variously reported as 20 minutes, an hour, the same day, the next day and up to six days later. There was no indication from participants' accounts as to why there was such variation, but there was a view that being called back within 24 hours was acceptable and that over two days later was more problematic due to the stress of waiting.

"When I phone up and want advice, it's because I want it right there and then and I want action right there and then. Having such a long wait and such a stressful situation isn't great." (Education matter)

This view was also shared by a participant who used the Gateway online throughout, who reflected that other agencies are more immediate with their decisions, such as HM Revenue and Customs regarding eligibility for tax credits.

The basis on which Specialist advisors were selected by the Operator was not made clear to all Users, but there was evidence of Operators explaining their rationale,¹⁰ and it was appreciated where participants recalled it.

"They [the Operator] gave me a range of options of who to contact. But they specifically recommended this lady because of her track history ... So, you know, if you go on her record and her qualifications and the victories that she's had then ... she was the right one." (Education matter)

¹⁰ The Legal Aid Agency has noted that CLA Operators should not recommend specific Specialist advisors.

4.2 Understanding and expectations of the Specialist

Understanding the Specialist's role

As noted in Chapter 2, participants had varied ideas of the second stage of the CLA Gateway, including whether or not they understood that it was distinct from the Operator stage. Participants who had 'indirect' contact through the Gateway with the Specialist (arranging it themselves after having established eligibility) did see this as a separate stage. Those who were put in touch with a Specialist by the Operator varied in whether or not they saw the two stages as being distinct. There was evidence of difficulty for some participants in distinguishing between the advice they accessed through the Gateway and via other agencies.

Participants were sometimes unclear about who they had spoken to at the Specialist stage – descriptions of the initial contact varying between an administrator, a legal secretary, a trainee or a solicitor. It appeared that initial calls to a Specialist could be taken by junior or administrative staff, but this was not always anticipated by the User, and could compound confusion about the Specialist's role as being distinct from the Operator.

Clarity about the distinct roles of the Operator and Specialist services appeared to ease Users' transitions between the two stages – although it did not necessarily impact on their subsequent experience of the Specialist. Participants who had a clear idea that they were being linked to another organisation which *might* be able to give legal advice described satisfaction with the transition. Participants who thought the Operator was assessing the legal case, or who thought being put through to a legal Specialist meant that their case would certainly be taken on, described disappointment and confusion.

"It [the Operator stage] raised my hopes that yes I will get help, but then when I spoke to the legal advisor, or solicitor ... it was like hitting a brick wall. So it changed the whole perception." (Discrimination matter)

The interviews indicated that there is further scope for clarifying the 'triage' function of the Operator stage and the conditional nature of the Specialist's involvement – which would serve to appropriately structure Users' expectations and reduce frustration.

Expectations of the Specialist service

Participants' expectations can be categorised in two ways. First, there were participants who did not realise that they were being put through to a different stage. Second, where the Operator had explained that the User was being transferred to a Specialist, or the User had contacted a Specialist themselves, participants described having at least a basic understanding of what the Specialist offered. Nevertheless, participants could still be unclear about the details of the provision, including whether the Specialist would be able to represent them in court.

Furthermore, participants recalled being given different amounts of information about the Specialist, including those who felt they had been given detailed information. However, in terms of empowering all callers through the service, some participants described being told little about where the Specialist was, what they could offer, or how long the process might take.

There was a particular issue for participants who expected to be given face-to-face advice, or at least to be able to visit the Specialist in person occasionally. Although people had to use the telephone/online Gateway to access advice, there was an expectation that the advice itself would not be fully remote. This expectation was not usually mentioned to the Operator, but one participant recalled the Operator saying they would be eligible for face-to-face advice but the Specialist then saying that it was no longer available, which led to a sense of confusion that undermined their view of the service.

"They can't just have these telephone-only contracts because what about people who can't access telephone – can't access that type of contract? ... The only place you can go for disability discrimination is Civil Legal Advice."

(Discrimination matter)

Participants also included Users who had expected representation in court, and found this limitation a particular frustration, especially if it was identified later in the course of their involvement with the Specialist.

"I thought they were supposed to come and represent, but [the Specialist] said, 'No we can only give you legal advice on the phone.'" (Debt matter)

Where participants expected a degree of face-to-face contact, but were not able to fulfil this, it had a notable impact on their overall view of the service. Again, this may be an area where improvements can be made as to how clearly the conditional nature of the Specialist advice is communicated to Gateway Users.

4.3 Using the Specialist

The experience of using the Specialist was discussed in terms of reviewing the case, the process and nature of communication with the Specialist and receiving advice.

Reviewing the case

Although not all participants were clear who they had spoken to at the Specialist stage, there was recall of having a preliminary conversation in which the details of their case and eligibility were reviewed. Participants anticipated being asked to repeat these matters so being asked again was rarely seen as problematic, but the amount of information required and the process of supplying it caused some concern.

There were three matters to be established: the User's identity, their financial eligibility, and the details and merits of the case. The first (identity) was not widely reported to be difficult, although people who were seeking advice around discrimination were more wary of sending personal documentation than those seeking advice on other matters. The second (financial eligibility) was easier to establish in cases where Operators had given detailed information to the Specialist, so participants had to confirm and clarify only a few matters; this was appreciated by participants. Establishing financial eligibility was more difficult where the caller was a third party, and there were indications that it was more complicated still for professionals who were acting as a third party. The third (merits of the case) was the area of greatest variation, with some participants' cases being quickly assessed as suitable for legal advice and other decisions taking significant time and requiring an extensive amount of documentation. It was not possible from the cases in this research to identify whether the degree of variation was linked to the area of law involved.

Participants' views of the process of reviewing their case ranged from very efficient to onerous and, for some, "*a complete waste of time*" where the case was not taken on. The outcome of the process appeared to have influenced people's judgement of it.

Communicating with the Specialist

A number of key themes emerged around Users' experiences of communicating with the Specialist. These related to issues of practicality, confidentiality and information security, being taken seriously by and/or having confidence in the Specialist, and how the manner and clarity of communication could be inhibited by Users' additional needs or vulnerability and/or the complexity of their legal problem.

"Also what you've got to consider is that, somebody who makes a phone call may struggle to actually send things, as to what may have been put on the forms. So

they may have a very good case but they may struggle to explain things.”

(Discrimination matter)

Participants reported increased use of email to send relevant documents at this stage and some saw this as positive, facilitating the process of accessing advice. However there were some concerns about sending documents (via email or post) rather than giving them in person, and these were influenced by a mistrust of information security in the post, email or Specialist service, as well as by Users' limited knowledge of who the Specialist was and their exact role. Participants also varied in how readily they could use email, which was described by many as the required means for sending documents to Specialists. In some cases, a third party had been used specifically to aid online communication, either someone already known to the User (such as a family member) or someone in a commercial role. One participant paid almost £200 for staff in a high-street internet service to write up notes and send emails as they could not find an alternative way to communicate with the Specialist. However, their very low income meant this posed financial difficulties for them. The research indicated that having additional needs or vulnerabilities could inhibit the ease with which Users could send emails, and increase recourse to unfamiliar intermediaries for assistance.

Participants who expressed concern about sending documents preferred taking them to Specialists in person. This was viewed as more secure and more reliable in terms of ensuring that a Specialist gave their case the required attention.

Communication with the Specialist about the legal issue itself was conducted through telephone calls and email or letter, with face-to-face engagement only in very specific cases. The participants who did engage with the Specialist face-to-face found this helpful as they found communicating over the telephone especially stressful. Although they had also used the telephone at the Operator stage, they identified communication with a Specialist as more demanding and therefore more difficult to conduct by telephone. Seeing a Specialist face-to-face did not, however, necessarily translate into satisfaction at their advice.

[Third-party caller] *“We went face-to-face but ... I still can't get through to her, up to today, because this all started last year ... and up to today I still cannot get through to her what I want, or what we want. She's not listening to us.”*

[Third-party client] *“She's not really on our side really.”* (Education matter)

Participants who only had remote engagement expressed a range of differing views as to how satisfactory this arrangement was. Some felt that the manner of the engagement might not always influence the quality of contact.

“[Does it matter if the solicitor is local?] Not always. It’s been handy where I’ve needed to drop in forms to her or reports and rather than wait three days for Royal Mail to deliver it I’ve been able to drive to the office and just say, ‘Right, there you go.’ But I’m now 250 miles away from her and it’s not really made too much of a difference so I don’t think they always need to be on your doorstep. I think they need to be the best solicitor that you can access either by email, phone or, you know, otherwise.” (Education matter)

One set of views indicated satisfaction with remote engagement, highlighting the ease with which participants could fit this communication around other aspects of their life (for instance, picking up emails at night, or phoning the Specialist whilst their child was playing at home). Some participants focused on the additional burdens that could arise in having to see someone face-to-face, anticipating that travel costs and waiting times could be problematic.

A second set of views was less positive about remote engagement and expressed doubts as to whether Specialists take remote cases seriously, or emphasised that seeing the person would add credibility to the engagement – on both sides.

“When the solicitor was talking to me, he goes – first, he has very limited time and, two, the telephone line wasn’t good, and then when I start, he ask me to send emails, my ... impression was that he didn’t even read the emails.”

(Discrimination matter)

Participants who expressed doubts about how seriously Specialists take remote cases included some whose accounts suggested that engaging remotely had compromised their ability to present the required information. These included people with disabilities, communication and mental health difficulties.

Receiving advice

The participants included four types of Gateway Users:

- those who had received advice;
- those who were in the process of being advised;
- those who were waiting to hear whether they would get advice; and
- those who had not received legal advice through the Gateway.

For those who had received or were in the process of receiving advice (aside from sending documentation), acting on advice involved allowing the Specialist to represent them in court

or at the tribunal, or to act on their behalf – for example by writing to local education authorities. In these cases, Users were not required to take any other action. In contrast, acting on the Specialist's advice could require the User to take direct action themselves and follow the steps recommended by the Specialist. For example, a User experiencing discrimination was advised to inform their employer of their intention to take legal action. This in fact led to early resolution as the employer consequently offered acceptable terms for settlement.

Opinions on the process of receiving advice ranged from very positive (timely response and informative, professional approach) to positive (receiving useful advice but issues raised over the time taken, or the issue being partially resolved to the User's satisfaction) and critical (key time limits being missed by the Specialist, sense of not being taken seriously by them, nothing heard at all). Where time limits were raised by Users as having been missed or tight, the Users had started the process of contacting the Specialist well in advance of the limits so it did appear that there had been delays. The range of views was evident for participants from each of the areas of law and regardless of whether they had completed their journey or not.

There were some concerns raised when the case had been dealt with by more than one solicitor at a particular Specialist organisation. Participants who reported dealing first with a trainee or junior solicitor to assess the case and then with a more senior solicitor once the case was underway did not identify problems with this. However, participants also reported dealing first with a senior solicitor and then with a junior colleague. In these cases, one view was that the initial contact with the Specialist was good, with the engagement of a senior or fully qualified solicitor, but that subsequent casework was protracted or unclear. For example, participants thought that the case was being handled by a trainee who did not have sufficient knowledge.

In addition, there was a view among participants that people on legal aid received a "lesser" kind of service from their Specialist compared to those who were funding their case privately. Users could perceive CLA Specialists as being less qualified and experienced than other solicitors – and this is in addition to the disappointment some expressed when they found that they could not be represented in court under the Legal Aid scheme.

"I feel let down by legal aid because we cannot see a solicitor, a proper solicitor that is professional and study and pass their bar, whatever. We cannot get access to those because we're legal aid. So we're nobody." (Education matter)

Lastly, there was evidence of Users' accessibility considerations not being relayed to Specialists by Operators. In addition, participants questioned the provision of adjustments made at the Specialist stage. For example, one participant was concerned with the quality of interpretation used by a Specialist for their telephone contact; this participant saw the more appropriate adjustment as being face-to-face contact, but this option was not made available.

There were also indications of real satisfaction with the quality of the service provided. Participants felt their case was well understood and appropriately handled, whether or not they had a successful outcome. The extent and clarity of communication between the User and Specialist appears to have been a factor influencing satisfaction levels. It could be that being given a baseline frequency of contact would manage expectations and reassure Users that they were being taken seriously.

"If there was anything I wasn't sure about from a letter I received, just to get onto the phone and, if she [the Specialist] wasn't there, a message was left and she would speak to me." (Debt matter)

4.4 Reflections on using the Specialist service

Reflections on the Specialist service are presented in terms of how, and how quickly, participants were put in contact with the Specialist, the process of being re-assessed, the nature of communication with the Specialist and levels of satisfaction.

It was unclear why some participants were directly transferred to a Specialist advisor by the Operator while others were told they would be called back, but overall participants were pleased when they were in contact with a Specialist within a day. Greater delays in knowing the outcome of eligibility and being contacted by a Specialist were felt to have impacted on participants' anxiety levels, especially as the outcome and their ability to resolve the issue would have a great effect on them.

Repeating the financial assessment and explanation of the issue was considered appropriate, but there were participants who found the process of establishing the validity of their claim problematic due to its duration, complexity or the documents required. These participants included those who were using the service for each of the three areas of law, but there was some indication that there were additional difficulties encountered by those using it for issues of discrimination or education rather than debt.

Ongoing remote engagement with the Specialist by telephone, email or post presented some challenges for Users. This was especially true when they were required to supply supporting documentation, which could be costly and technically difficult, and it could also inhibit a User's confidence that their issue was being taken seriously and addressed in an appropriate way. Users with particularly complex cases sometimes found the remote engagement frustrating, and would have preferred to discuss the wealth of information relating to their case or the complicated details face-to-face on at least one occasion, to ensure it was properly understood.

"[Why did you want to see a Specialist face-to-face?] Because I had so much to tell him and I found it hard to put it all into emails. It was quite difficult you know. I mean, if I'd say something it'd lead to another question and another question and another question and another email, and I would have preferred to have been able to sit face-to-face and speak it with him." (Education matter)

Some Users were disappointed when they found out at the Specialist stage that face-to-face contact was unavailable, and felt that they would have been receiving a better service if they were funding the solicitors privately themselves, but they could not afford to do this. There were also Users, however, who were satisfied by remote advice.

Levels of satisfaction with the Specialist service varied considerably, with some people viewing it as a waste of their time (when the decision over whether to take a case was drawn out and ultimately negative), others expressing concern over the knowledge or level of attention from the Specialist, and others viewing the service as very effective. These varied views were expressed by participants who had used the service for each of the three areas of law.

"Well I spoke to the woman, she took a very, very, very thorough description of everything. She actually understood me, which is very, very rare in this day and age – that you get someone listening to you. But she listened to me, my needs, and put me through to the appropriate person. It couldn't have been more perfect ... I just think CLA was an excellent service. If I was going to rate it from one to ten, I would give them 11." (Discrimination matter)

5. Discussion and suggested improvements

In essence, the research indicates that there are advantages in delivering the Operator stage of the Gateway remotely, but that these do not automatically transfer through to the Specialist stage. Advantages of the remote Operator stage highlighted in this study include the flexibility it offers Users, and the capacity it has for saving Users' time in not having to call many providers to find the right Specialist. Some Users highlighted the convenience offered by the remote service. Alongside these positive experiences, however, were indications that some people who would greatly benefit from face-to-face advice (because of their communication difficulties, mental health or other mental capacity needs, or because of the particular complexity of their case) were not being accurately identified at either stage. In addition, there is a broader issue with how Users' understanding and expectations of the overall CLA service are managed. At a number of points through their journey it appears that Users can become frustrated or disappointed by limitations of the service, which they could be more effectively made aware of earlier in their engagement with the Gateway.

This chapter identifies possible ways of improving the service emerging from the research, specifically from the Users themselves, as to how the mandatory Gateway for CLA could be improved for the User, in large part to address the points of frustration which have been highlighted in the research. Participants were asked over the course of their interview to reflect on how issues they identified with the service could be improved. In addition, they were asked explicitly at the end of the interview to reflect on whether and why they would or would not recommend the Gateway to someone else, and to identify what could be done to improve the service. This section presents their ideas.

5.1 Accessibility

The nature of the sample meant that all participants had managed to contact the CLA, but it was evident that even these people had encountered obstacles in accessing the service. Its low profile prompted some to consider that it was being marginalised to deter uptake. While participants expressed support for the need to reduce legal costs to the state, they also asserted a clear belief in a citizen's right to access justice.

Recommendation: given that people do not always conceive of their issue as a *legal* problem, ensure that web searches do not need to be so precisely phrased to identify the CLA pages on gov.uk (in particular, 'legal aid' does not lead to it). This could be remedied by gathering a set of associated search terms (possibly supplied from our and MoJ's research) and adapting the key terms on the CLA pages on gov.uk.

Recommendation: refresh relevant agencies' understanding of what the Gateway can offer so that prospective Users are both more readily directed to the Gateway if it is suitable, and better informed about why it may not be suitable and its limitations.

Recommendation: assess whether cultural communities/ethnic minority communities are sufficiently well informed about the Gateway and ensure that local community-based agencies supporting them are included directly or indirectly in updates about it. This was an observation made specifically by a User who was concerned that other members of their community would be very unlikely to hear about the service, despite needing it.

5.2 Clarity/managing expectations

Our interviews with people who had used the CLA Gateway indicated strongly that its role, structure and process were not very clear, even once the person had used it. The research also indicates that there are key issues over which Users can be disappointed by the service, and where Users' expectations could possibly be better managed.

Recommendation: ensure that key messages used to inform other agencies about the CLA Gateway and all online information about the service (links from other websites and the web presence on gov.uk) include a simple outline of the two stages and a clear statement that decisions as to whether a case will be taken on can take some time.

Recommendation: ensure that Users are told that the Operator will do a *first* check of whether the person and the issue may qualify for legal advice, and the Specialist will automatically do a *second* check, and may well ask for more detailed information.

Recommendation: ensure that when the Specialist responds to a new User, the User is told that it may take some time before a decision is made about taking on the case.

Recommendation: tell Users that the service is delivered by telephone, post or email only, except in very rare cases, and does not provide opportunities to see a Specialist; state that this also applies for the exchange of documents.

Recommendation: ensure that Users are given core information about the Specialist (where they are, their specialism) and why they have been selected for that User/issue.

Recommendation: establish a baseline level of contact for Users once they are put through to a Specialist, so there is clear understanding that the Specialist will send regular updates, but also make clear to the User that this may be a routine ‘holding’ email/letter/phone call where there is no progress. This may seem onerous, but it would address the confusion and sense of doubt that Users expressed over whether and how their issue was being dealt with, which undermined their satisfaction with the service overall.

5.3 Vulnerability

The research suggests that some people who use the CLA Gateway are not being diverted to face-to-face advice even though this is the most suitable service for them, and that some people are not being offered appropriate adjustments. Users make their own adjustments by engaging third parties to represent them throughout, at key stages, or to manage correspondence, but our research identified people for whom this was not immediately practical or for whom it raised further challenges or risks (giving extensive personal information to be emailed by a retail assistant, for example).

Recommendation: review monitoring data to assess the implementation and uptake of adjustments, including translators, communication support and referral to face-to-face contact.

Recommendation: ensure Specialists monitor vulnerability/capacity and offer or divert to face-to-face contact where remote access is presenting undue challenges to the User.

Recommendation: consider whether professional third parties can be engaged where Users do appear to have notable vulnerabilities but face-to-face access is not practical.

In conclusion, the qualitative research on User experiences of the mandatory Gateway for CLA has both highlighted positive experiences (with participants citing it as convenient and helpful in terms of directing them to the correct Specialist) and identified multiple ways in which the provision of this important service can be improved. The key themes which have emerged from the research are the need to facilitate access, the value of clarifying what the service can offer and its conditional nature, the advantages of managing Users’ expectations as they enter and journey through it, and the importance of ensuring that the service is flexible and attentive enough to identify and respond to Users with vulnerabilities.

The changes we suggest could contribute substantially to improving these areas.

References

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.

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.

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

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.

Appendix A: Further details on qualitative methodology

Sample and sampling approach

Participants were selected from two large samples of Gateway Users who had given consent to be contacted for the study. All of their contact details were transmitted securely from the Gateway Operator (Capita) to NatCen.

It was important to include key variables in the sample. Administrative data from the Gateway provided a number of variables, including how Users had made contact with the service and when; whether they used it directly or with the support of a third party; and whether or not they were referred to face-to-face advice. A number of geographical, socio-demographic and accessibility-related variables were also accommodated in the sampling to ensure that the researchers explored the wider range of factors and influences which have a bearing on Users' experience of the Gateway. A total of 36 interviews were carried out. The primary sampling criteria were the area of law for which Users received advice and the mode of communication by which they received advice (remotely or face-to-face). The achieved sample is set out in Table 1.

Table 1: Sampling frame for primary sampling criteria

Area of law	Mode of communication		Total
	Remote	Face-to-face	
Debt	9	2	11
Discrimination	11	1	12
Education	12	1	13
Total	32	4	36

A second set of sampling criteria was used to ensure diversity among the participants. Some criteria were provided within the administrative data supplied by Capita, but all contacts were screened for these again at recruitment to ensure accuracy. These criteria include socio-demographic characteristics, third-party status, region/nation and rural/urban location. The achieved sample is set out in Table 2.

Table 2: Sampling frame for secondary sampling criteria

Gender	Female	Male		
	21	15		
Age	18–21	22–39	40–65	66+
	1	11	17	7
Ethnicity	Asian	Black	Other	White
	4	8	6	18
Disability¹	Yes (aid)	Yes (no aid)	No	Carer
	4	11	14	7
Language²	English 1st	Welsh 1st	Other 1st (trans.)	Other 1st (not)
	30	0	1	5
Dependents³	Parent (res.)	Parent (non)	Carer (res.)	None
	18	4	4	10
Employment	Employed	In ed./training	Unemployed	Retired
	11	0	20	5
Nation/region	Eng (midlands)	Eng (north)	Eng (south)	Wales
	5	10	20	1
Location	Rural	Semi-rural	Urban	
	8	3	25	
Third party⁴	No	Yes – caller	Yes – client⁵	
	29	6	2	

1 'Aid' shows interviewee said they use assistance for their disability.

2 'Trans./'not' shows whether interviewee required a translator for the interview.

3 'Res./'non' shows whether interviewee lived with children/those they cared for.

4 'Caller' shows that the interviewee was the third party; 'client' shows that the interviewee had used a third party but had also had some direct contact.

5 'Client' includes a client who sat in on an interview with their third party.

The achieved sample of 36 interviews comprised a wide range of 'journeys' through the CLA Gateway, ranging from people who described themselves as not having been transferred to a Specialist, to people whose case was taken on by the Specialist. Table 3 shows the broad spread of journey types, with many different combinations of Gateway point reached and conclusion for the User's legal problem. Indeed, 27 different 'journeys' were identified in the sample of 36 Users, even without factoring in the different areas of law for which they used the CLA Gateway.

Table 3: End point reached and conclusion in the achieved sample

End point reached	Conclusion						Total
	Ongoing: active	Ongoing: cold	Concluded (positive)	Concluded (negative)	Withdraw (positive)	Withdraw (ongoing)	
Operator did not transfer caller (according to caller's recall of engagement with CLA)	1			1			2
Operator transferred caller to Specialist (but caller did not subsequently speak to Specialist)					2	1	3
Caller returned to own solicitor (remote)	1		1				2
Caller returned to own solicitor (face-to-face)	1			1			2
Caller spoke to Specialist but rejected				2			2
Caller spoke to Specialist; given basic advice (<18 min)			1			1	2
Caller spoke to Specialist; given basic advice (?18 min)			1				1
Caller spoke to Specialist: given basic advice (>18 min)			1	1			2
Caller spoke to Specialist; sent documents (>18 min)						1	1
Caller spoke to Specialist; sent documents but case not taken on				3			3
Caller spoke to Specialist; case taken on (<18 m)	1		1				2
Caller spoke to Specialist; case taken on (?18 m)	2	1	2	1			6
Caller spoke to Specialist; case taken on (>18 m)	3		2	1			6
Caller saw Specialist face-to-face on occasions		1					1
Caller saw Specialist face-to-face, case taken on						1	1
Total	9	2	9	10	2	4	36

Ongoing active: the participant was actively engaged with the CLA, whether waiting for additional information to call Operator again or with Specialist.

Ongoing cold: the participant had not heard from the solicitor in months.

Concluded (positive): the participant had used the CLA as far as they needed to on this occasion, and their issue had been resolved through the engagement.

Concluded (negative): the participant had used the CLA as far as they could on this occasion, but their issue had not been resolved through the engagement.

Withdraw (positive): the participant had withdrawn from using the CLA and had been successful in using other routes to get legal advice and resolve their issue.

Withdraw (ongoing): the participant had withdrawn from using the CLA and was using other routes to get legal advice.

Time with Specialist is based on the participant's account of how much time was taken by the Specialist, premised on how much time they took to speak or email with the Specialist and incorporating other aspects of their account.

<18 min – participant clearly received less than 18 minutes of Specialist support

?18 min – unclear whether a participant received more or less than 18 minutes

>18 min – participant clearly received more than 18 minutes of Specialist support

Recruitment

Gateway Users in the selected sample were sent a letter and leaflet explaining what the study was about and giving them notice that the researchers may phone them to discuss participating in an interview. The researchers also added a link to a 'Taking part' page on NatCen's website – now standard procedure for ensuring that potential participants can be sure of NatCen's credentials. The researchers provided an opt-out period within which the recipient could reply to opt out (by freepost using a form and envelope enclosed with the letter, by email, or by freephone). All materials were framed sensitively to ensure that participants were clear about the basis and purpose of the research, what it would involve, and that they were not obliged to take part. Financial incentives (in the form of a £20 high-street shopping voucher issued on completion of an interview) were used to encourage the involvement of people who might otherwise have been deterred when balancing interest in the study with multiple factors which hamper participation.

Where prospective participants had been identified in the Capita samples as having used a third party, the researchers wrote separate letters to them and the third party (if there were contact details). Letters to the third party explained that the researchers were interested in speaking with them, as the person who had used the Gateway, and also with the person for whom they had used the service if that was appropriate.

The researchers first contacted people who had used the Gateway between April and early October 2013, and then extended this to Users from late October to December 2013. The time between use of the Gateway and invitation to participate in the study appeared to be one of the key factors in securing participation, with those who had used the service recently generally being more willing to take part. Few opted out of the study in advance of recruitment calls, but a frequent explanation when people opted out at recruitment was their limited confidence in being able to recall their experience of the service; this confidence appeared to fall as the time between Gateway use and feedback increased. Using the second sample to contact more recent Users worked well, with a higher uptake rate for people who used the Gateway in Autumn/Winter 2013.

Conduct of interviews

Interviews were conducted at each participant's convenience, typically within the working day but also between 6–9pm Monday to Friday to facilitate participation and ensure the diversity of the sample. The majority of interviews were conducted by telephone, as this option was preferred by most participants. Phone interviews were arranged so that participants could speak without interruption and without being overheard, and participants were encouraged to

let the interviewer know if someone else came into the room, so that the interview could be paused or rearranged if this was the participant's preference. Where participants preferred to be interviewed face-to-face, they were given the option of being interviewed in a public venue (such as a private room in a library) or at home, depending on which was most suitable for them. A minority of participants opted for face-to-face interviews, and all chose their home.

All interviews were recorded on encrypted devices, with the participant's consent, and transcribed verbatim for detailed analysis. Interviews lasted between 40 and 90 minutes, with most lasting about an hour. The discussion was directed by a topic guide which explored Users' journeys through and perceptions of the Gateway and allowed for discussion of unanticipated themes or issues of significance to specific Users. The guide prompted sensitivity around whether the problem for which advice was sought had been resolved, and ways of avoiding or resolving distress to the participant.

After the interview, participants were given a list of agencies which might be able to provide further support or advice if the discussion had raised any issues. They were also sent a personal thank you letter.

Topic guide

A topic guide was used to help ensure a consistent approach across all of the interviews and between members of the research team. The main headings and subheadings of the topic guide are provided below.

- 1 Introduction
 - Introduce self and NatCen
 - Explain the aims and objectives of the research
 - Explain confidentiality, anonymity and potential caveats
 - Interview practicalities
 - Questions
- 2 Background
 - Participant background
 - Background to use of CLA
 - Overview of CLA use (for most recent case)
- 3 Route to the Gateway
 - Hearing about the Gateway
 - Deciding to use the Gateway

- 4 Making contact with the Operator
 - Attempting contact
 - Making contact with an Operator
 - Assessments
 - Reasonable adjustments
 - Overall views of the Operator service
 - Direction to Specialist advice

- 5 Contacting the Specialist service
 - Accessing the Specialist service
 - Using the Specialist service
 - Overall views of the Specialist service

- 6 Concluding thoughts
 - Reflection on overall impression of the Gateway service

Analysis of data

All the interviews were recorded, with participants' consent, and then stored and transcribed securely in compliance with NatCen's security standards and to meet MoJ data protection guidance. The data was charted and analysed using Framework, a systematic approach to qualitative data management developed by NatCen and supported in the software package NVivo 10.¹¹ The initial analytical framework was agreed with MoJ, and seen by the Legal Aid Agency for comment. Key topics and issues emerging from the research objectives and data were then identified through familiarisation with the transcripts, and the research team devised a series of thematic charts into which the interview data was entered. Summarising the data in this way means that it is grounded in participants' accounts, while oriented to the research objectives. The charted data was then reviewed in detail, drawing out the range of experiences or views, identifying similarities and differences, developing and testing hypotheses, and interrogating data to seek to explain emergent patterns and findings.

¹¹ <http://www.qsrinternational.com/products.aspx>