



Ministry  
of Justice

# **Civil Legal Advice mandatory gateway**

## Overarching research summary

**Ash Patel and Catherine Mottram**  
**Ministry of Justice**

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 re-use 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](mailto:psi@nationalarchives.gsi.gov.uk)

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

Any enquiries regarding this publication should be sent to us at [mojanalyticalservices@justice.gsi.gov.uk](mailto:mojanalyticalservices@justice.gsi.gov.uk)

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

ISBN 978-1-84099-677-7

## Acknowledgements

Thanks are due to David Ryan-Mills, Karen Moreton and Mandeep Samra for their contribution to this research. We also offer thanks to the research team from the National Centre for Social Research and University College London, in particular, Caroline Paskell, Caroline Turley and Nilufer Rahim for their expertise and professionalism in delivering a crucial element of this review. We are grateful to colleagues within the Legal Aid Agency who facilitated access to advice sector networks and provided and advised on data relied on for the review.

Finally, we would like to thank everyone who gave up their time to be interviewed as part of this research.

# Contents

## List of figures

<b>1. Summary</b>	<b>1</b>
<b>2. Introduction</b>	<b>4</b>
2.1 Policy context	4
2.2 Drivers of this review	5
<b>3. Research aims</b>	<b>6</b>
<b>4. Methodology</b>	<b>7</b>
4.1 Challenges and limitations	8
<b>5. Overview of the Civil Legal Advice service</b>	<b>9</b>
<b>6. Findings</b>	<b>11</b>
6.1 Effectiveness of the implementation of the Gateway	11
6.2 Assessment of Users' legal aid eligibility and advice needs	13
6.3 Use of reasonable adjustments	15
6.4 Good-practice in the delivery of the Gateway and remote legal advice	18
<b>7. Conclusions</b>	<b>20</b>
7.1 Accessibility	20
7.2 Managing expectations	21
7.3 Accommodating User need	21
<b>References</b>	<b>23</b>

## List of figures

Figure 1 Civil Legal Advice user journey	10
--	----

# 1. Summary

## Background

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 introduced significant reforms to the provision of legal aid in England and Wales, including the introduction of a single mandatory Civil Legal Aid (CLA) Gateway for legal aid funded advice in the areas of debt, discrimination and special education needs. The Act marked a new commitment in delivering publicly funded legal advice over remote means. In line with the Government's commitment to publish a review of the operation of the CLA Gateway within two years of implementation, this report provides research to contribute to this review.

## Aims and methodology

The overarching aim of this research is to assess the accessibility and efficacy of the mandatory Gateway service. It consists of four elements which draw on qualitative and quantitative methods to gauge the perceptions of Service providers, Users, and Operators on the service, as well as to describe uptake and service delivery. The four main elements of the research are:

- Analysis of quantitative management information for the twelve month period ending 31 March 2014.
- Qualitative interviews with Gateway users exploring their experiences of the service. This research was conducted by researchers from NatCen Social Research and University College London.
- Qualitative interviews with CLA operators and specialist advice providers exploring their experiences of delivering the service.
- Qualitative interviews with a range of organisations that represent, support and/or campaign on the behalf of individuals and groups who may experience barriers when trying to access the Gateway and telephone advice service.

## Key findings

- The implementation of the CLA service was described as straightforward and CLA operators delivering the service reported that they had been provided with well received training and resources preparing them for changes to the service.
- Month-to-month contact volumes to the CLA Gateway in the three mandatory categories of law were relatively stable during the first year of the service's operation, though throughput at both the operator and specialist tier of the CLA service was lower than estimated prior to its implementation.

- Many Users felt that the service was convenient though some felt that the use of a non-geographic local rate number was a barrier, particularly for those reliant on mobile telephones. The ability to get instant access to specialist legal advice without an appointment was well regarded.
- Although Users found their way to the CLA Gateway from a range of sources, they nevertheless felt that awareness of the service and knowledge of what it could provide was low and that it didn't have sufficient digital presence. Signposting organisations, who have a significant role in raising the profile of the CLA service and encouraging clients to use it also felt that awareness of the service by their own organisations was low.
- Users underwent a number of assessments at the operator tier, including an assessment of financial means, problem screening and identification and an on-going assessment of users' needs and vulnerabilities. Specialists repeated these assessments, and also carried out a further *merits* test, which needed to be satisfied before legal aid funded advice could be made available.
- User needs and vulnerabilities were assessed throughout their interaction with the CLA service. Usually, needs were self evident or disclosed by the user.
- Operators and specialists felt that the array of adjustments and adaptations available to them to accommodate user needs were sufficient to deliver the CLA service and were generally well regarded. Despite sometimes prolonging interactions, users welcomed adjustments where they were made as they facilitated contact with the service.
- The offer of adjustments did not appear to be routine, and there appeared to be instances where a request of adjustment had been made but not facilitated, or where users believed the offer and application of an adjustment/adaptation would have facilitated their interaction with the service.
- The service is predominantly delivered over the telephone. Where users had initiated contact via digital channels, they were often migrated to telephone where this was felt appropriate and the user was content to do so. Few cases were carried out solely over digital channels.
- Face-to-face advice was provided relatively infrequently. Referrals to face-to-face advice were most common for debt advice, while its use in discrimination and education was negligible. The decision whether to refer users to face-to-face advice was deferred by operators to specialists. There were mixed views on whether there was sufficient flexibility to make referrals to face-to-face advice

with many specialists feeling there was sufficient flexibility while others indicated a preference for more flexibility to do so.

- Users were sometimes disappointed about being unable to see someone in person, though many were appeased once specialists were able to explain how the service worked and what it could offer. There was an overall sense that those seeking face-to-face advice often did so out of preference as opposed to need. Users with complex cases were particularly disappointed at not being able to speak to someone in person and expressed a preference for at least one face-to-face meeting.
- Findings emphasised the continued need for *soft skills* at all stages of service delivery, particularly when delivering a service to vulnerable individuals. The application of such skills was evident throughout the CLA service.
- A prevailing theme arising from the research related to the importance of managing User expectations throughout their journey through the service. Evidence from across all of the qualitative elements suggested that understanding and effectively managing user expectations reduced frustration.

## Conclusions

The research identified a number of strengths of the mandatory CLA Gateway, as well as identifying areas that could be further refined and developed to improve the service.

Suggestions for improving the service fell within three broad categories:

- **Accessibility:** Suggestions on improving access focussed on raising awareness of the service by building upon and developing communication with third sector and external referral organisations, providing leaflets at Courts and via better visibility online.
- **Managing expectations:** It was suggested the experience of using the service would be improved if people were provided with some core information including what the service offered; how much calls would cost, outlining the application and assessment process, and informing Users that the service is a remote service primarily delivered by the telephone, and that face-to-face advice can only be provided in exceptional situations.
- **Accommodating User need:** It was suggested that those involved in delivering the CLA service ensure that the offer and application of adaptations is kept under review throughout the service Users' journey. Referrals to face-to-face advice in the 12 months following the introduction of the mandatory CLA Gateway appeared low.

## 2. Introduction

### 2.1 Policy context

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 made changes to the provision of legal aid in England and Wales. These changes were aimed to deliver legal aid more cost effectively and targeted towards those most in need of legal assistance. The reforms were implemented on 1 April 2013. One key element of the LASPO reforms concerned those people seeking legal aid for matters relating to three areas of civil law: debt, discrimination and education.

Prior to 1 April 2013, clients seeking legal aid advice (Legal Help<sup>1</sup>) in these areas<sup>2</sup> 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,<sup>3</sup> individuals seeking legal aid funded legal help in these areas must contact a 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 may be carried out by telephone, online or by post. CLA Operators identify the nature of the legal problem, determine whether it is in scope for the CLA legal aid advice service, and assess the individual's financial eligibility for legal aid. People identified as eligible for legal aid are then referred to a Specialist telephone legal aid provider for further assessment and, if eligible, specialist legal advice predominantly delivered over remote channels. Chapter 5 provides a process diagram and broad overview of CLA Users' journey.

In preparation of the implementation of the Gateway, the Ministry of Justice targeted communications towards organisations engaged in providing support and/or advice services to vulnerable population groups to inform them about the service. Information was also

---

<sup>1</sup> '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.

<sup>2</sup> '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.

<sup>3</sup> For more detail about exempted categories, see Appendix A.



directed towards advice sector providers to facilitate referrals to the Gateway where appropriate.

Other reforms introduced by the LASPO Act 2012 included removing a number of categories and types of legal problems from the scope of civil legal aid, changes to financial eligibility criteria, a 10% fee reduction for civil and family matters and the introduction of a domestic violence criterion for eligibility to legal aid funded private law family issues. Moreover, the reforms were introduced during a period of contraction in the civil legal aid supplier base and followed several consecutive years in which the progressive decline in civil legal help case volumes could be observed (Legal Aid Agency 2014). The reforms were also introduced amid a period of cross-Government reform of public services and its delivery, including a commitment to actively promote a digital by default agenda (Cabinet Office 2013).

## 2.2 Drivers of this review

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,<sup>4</sup> with concerns over how vulnerable groups (such as people with communication difficulties or particularly chaotic lives or complex problems) would access the service.<sup>5</sup>

The Government's initial proposal for the provision of legal aid services was that people seeking civil legal help in all areas of publicly funded civil law would be required to access it via the Gateway.<sup>6</sup> During the passage of the LASPO primary and secondary legislation through Parliament, the Government revised its proposals to restrict the 'mandatory' categories compelled to access legal aid funded advice via the Gateway to debt, discrimination and education. It further committed to publish a review of its operation within two years of implementation and use the outcome of this review to inform the future operation of the mandatory Gateway.<sup>7</sup> This report provides research to contribute to this review.

---

<sup>4</sup> See, for example, Lord McNally HL Deb, 14 March 2012, c284.

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

<sup>6</sup> Proposals for the Reform of Legal Aid in England and Wales – consultation paper CP12/10 – November 2010: <http://webarchive.nationalarchives.gov.uk/20111121205348/http://www.justice.gov.uk/consultations/legal-aid-reform.htm>.

<sup>7</sup> Lord McNally HL Deb, 14 March 2012, c284.

### 3. Research aims

The overarching aim of this research was to assess the accessibility and efficacy of the mandatory CLA Gateway service. The findings assess how effectively the Gateway is functioning; identify potential improvements that could be made to the service; and inform any future policy development around the Gateway.

This research sought to:

- Explore how effectively the Gateway has been implemented, including any issues that have been encountered, the reasons for these issues and ways in which they have been overcome;
- Explore Gateway Users' experiences of using the service; identify any barriers or obstacles that they experienced when accessing and using the Gateway and subsequent specialist telephone advice, and identify any enablers or facilitators to effective use of these services;
- Examine how effectively and accurately Users' eligibility for legal aid and their advice needs are being assessed at the Operator and Specialist level;
- Explore how appropriately and effectively the available reasonable adjustments (e.g. third party, British Sign Language (BSL) webcam, translation and call back services) are being used by Gateway Operators and telephone specialist advice providers;
- Identify best-practice in the delivery of the Gateway service and remote legal advice.

## 4. Methodology

The review consisted of three complementary elements and used both quantitative and qualitative approaches and data drawn from a variety of sources. It sought to provide a rounded perspective of the CLA Gateway, from a variety of stakeholders, made up of service Users, CLA staff and external organisations with an interest in the performance of the service and/or representing the needs of a key population group. The elements were:

- **User research:** Qualitative interviews with 36 Users of the CLA service to explore their experiences of using the service, including any obstacles and enablers to accessing the Gateway, and their views about whether the mode through which they accessed advice was appropriate and effective for them. This element of the review was conducted by a team of researchers from the National Centre for Social Research and the University College London School of Law.<sup>8</sup>
- **Service provider research:** Qualitative interviews with individuals responsible for the frontline delivery of the CLA service employed at the Operator and Specialist levels of the service. Overall, 14 interviews were conducted with staff from the Operator service, and 17 with Specialist advisers. These interviews explored their experiences of delivering the service, their views on how accurately and effectively callers are being assessed with regard to problem diagnosis, financial eligibility for legal aid and suitability for telephone/remote advice, and any barriers and enablers that clients experience when accessing, or attempting to access, the service. Qualitative interviews were also held with representatives from seven third sector organisations with experience and insight in delivering services to particular population groups (e.g. older people, people with physical or mental impairment, etc.) to explore their perceptions of the service's accessibility to these groups. Organisations recognised for their expertise in delivering services to hard to reach and vulnerable people were purposively approached to participate in the research.<sup>9</sup>
- **Analysis of administrative data:** Quantitative analysis of administrative data on all CLA Users (i.e. including those assessed as not in scope or eligible) collected over a 12 month period. This provided information on the volumes and demographics of those using the service, case types, the use of reasonable

---

<sup>8</sup> Paskell *et al* 2014.

<sup>9</sup> Patel *et al* 2014.

adjustments, referrals to face-to-face and telephone advice, the length of advice provided, and case outcomes.<sup>10</sup>

This report aims to synthesise findings from all of these elements into a single report. Drawing from data from each of the elements, findings presented are structured around the individual research questions highlighted above. Readers interested in obtaining a more detailed understanding of the research methods and research findings should refer to the individual research reports.

## 4.1 Challenges and limitations

This research focused upon the introduction, operation and efficacy of the Gateway. 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 sought to reshape the delivery of publicly funded civil legal advice. Findings presented relate directly to the Gateway, though given the size and complexity of the package of civil legal aid reforms may also be in part attributable to other policy interventions. Insofar as possible, the research was designed to disentangle findings related to this single policy from the broader programme of reforms. Care has been taken to highlight findings that are likely to have been influenced by other LASPO reforms. Readers are however advised to view findings within this broader policy context.

The research carried out with Users focussed on those with direct experience of using the service. It did not include people who may have been eligible to receive legal aid funded advice through the mandatory CLA Gateway, who did not engage with the service. However, interviews with participants from Engagement organisations were designed to draw on their experience of working with highly vulnerable and/or hard to reach groups and provide a voice on the behalf of those in their client group who were unlikely or would find it challenging to use a service like the CLA Gateway.

---

<sup>10</sup> Patel 2014.

## 5. Overview of the Civil Legal Advice service

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 circumstances,<sup>11</sup> the CLA service will become the mandatory Gateway to access legal aid in the following categories:

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

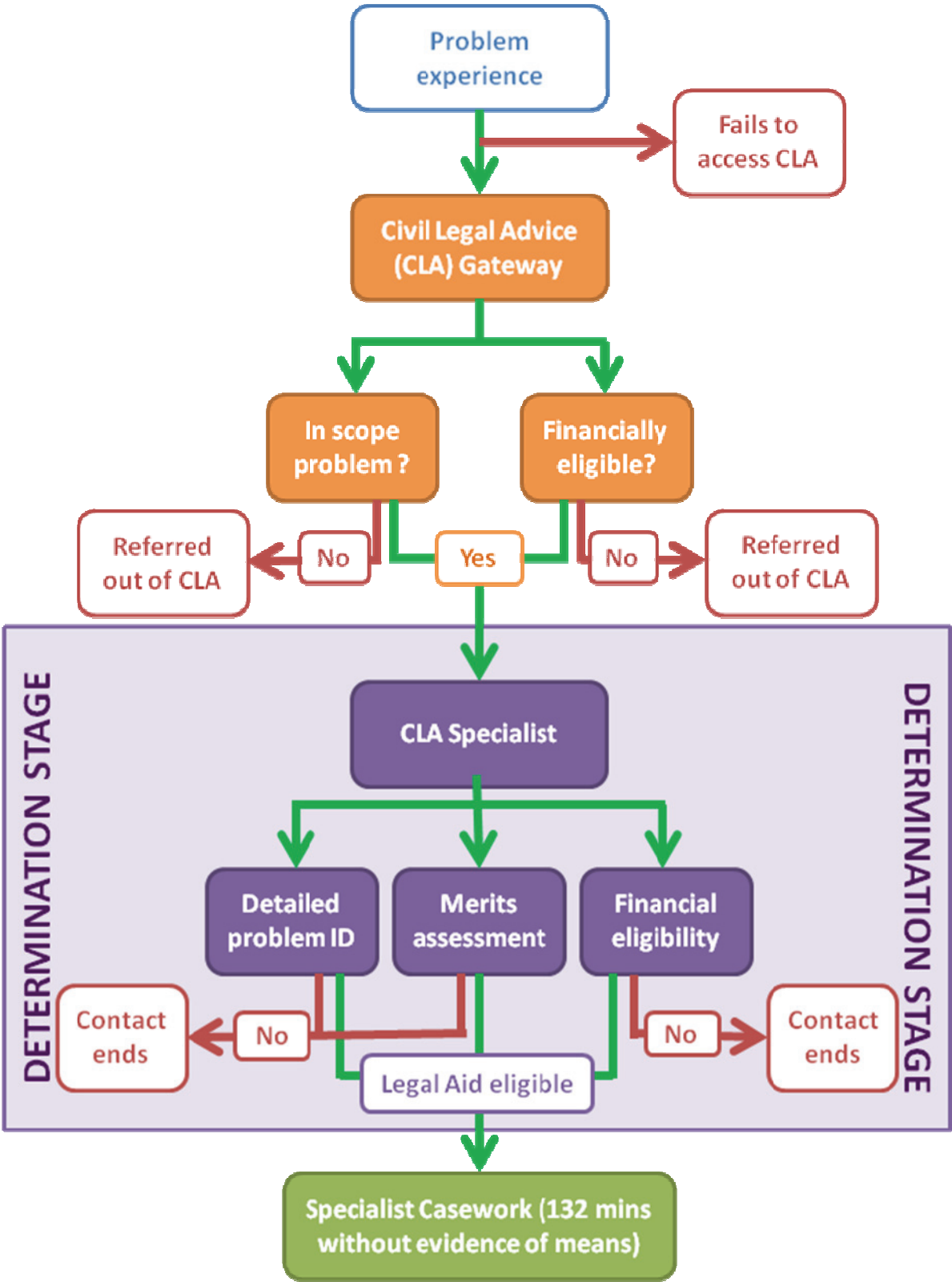
Contacting the mandatory CLA Gateway can be done via a number of remote means, i.e. the telephone, online tool, or via post. Unlike the delivery of legal aid funded advice prior to April 2013, face-to-face advice is no longer available for the above areas of law except in exceptional circumstances. A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

---

<sup>11</sup> 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



## 6. Findings

### 6.1 Effectiveness of the implementation of the Gateway

The research explored a range of issues related to the Gateway's implementation including uptake; accessibility and service delivery. The mandatory Gateway is intended to be a single access point for legal aid services in the relevant areas of law, simplifying the route into service, but also making accessibility dependant on being aware of the service.

#### Transition from Community Legal Advice to Civil Legal Advice service

The overall implementation and transition from the previous incarnation of the service, branded under the Community Legal Advice banner, to the current Civil Legal Advice branding and service configuration appeared, in practical terms, relatively straightforward. Prior to the implementation of the Gateway, Operators were provided with well received classroom and practical 'on the phones' training, which was underpinned by constant quality and performance monitoring.<sup>12</sup> Importantly, Operators who had experience of working for both Community Legal Advice and Civil Legal Advice had found that it had become easier for them to diagnose issues that may be in the scope of legal aid following the reforms as they were provided with a narrower, more specified description of problems for which legal aid was available, and also due to the introduction of a new computer based diagnostic tool to assist frontline Operators.

Users and CLA staff believed that the service offered benefits through remote delivery and extended operating hours by enabling easier access to the service in a shorter time frame and at lower cost by removing the need to travel. Some Users highlighted the benefits of fitting remote engagement around other aspects of their life, for instance, enabling them to pick emails up at night. There was also a specific emphasis on the service's ability to provide 'instant access' to legal aid funded Specialist advice for those that qualified for such without the need for an appointment. Some specialists, however, suggested that it would be useful to have more discretion to refer Users to face-to-face provision. This view was reinforced by some of the Users who found solely communicating with Specialists via remote means challenging and questioned whether solicitors took remote cases seriously.

---

<sup>12</sup> Quality monitoring included following up and reviewing complaints made against individual Operators either by Specialists or service Users, and a regular review of Operators' call recordings to ensure that Operators were complying with the 'script' (a computer assisted routing system, designed to aid Operators route service Users to the most appropriate outcome). Performance measures included the live monitoring of the volume of calls Operators fielded and call lengths. Operators were closely monitored, with feedback being provided if complaints were substantiated, or performance targets were being missed.

## **Awareness of the service**

Users were often made aware of the CLA service through prior experience of using the service, or having being signposted to it from a range of sources including friends and family, existing advice centres (such as solicitors and Citizens Advice Bureaux), community organisations, or other organisations (such as banks/building societies and Courts). Users were sometimes made aware of the service through communications sent by third parties, such as a letter regarding housing repossession sent by a creditor. Regardless of the source, Users received little information about the service other than the contact details, and that it may be able to give advice or be the first step in applying for legal aid.

Users also found out about the service from searching on the internet. Search approaches varied with some coming across details of the service without searching for it specifically. As would be expected, the CLA service could be identified more readily on legal advice websites than through general internet searches.

There was a commonly held perception that the service was not well publicised and for those who used the internet to find out about the service, not easy to find online. Participants suggested that the profile of the service should be raised through targeted communication and improved digital presence. Engagement representatives also perceived the level of knowledge of the service amongst their organisations to be low. They suggested that they would feel more confident signposting clients to the CLA service if provided with relevant information about the service. Information around the types of situations the CLA service might be able to assist and the processes and criteria their clients would be subject to upon entering the CLA service, would support these organisations to confidently make appropriate referrals to the CLA service.

## **Delivering the Service**

Analysis of the management information shows in the twelve months following the implementation of the Gateway, month-to-month contact volumes relating to the mandatory Gateway categories remained relatively stable. The service received 53,048 contacts related to the mandatory CLA Gateway of which 7,261 (13.7%) were referred to the Specialist tier. CLA service use was lower at both tiers of the service than had been estimated prior to 1 April 2013. Some providers involved in delivering the service had undergone staff and service restructuring to adjust to the lower than anticipated volumes.

With regards to delivering the service, positive experiences of the mandatory Gateway were underpinned by Operators having a pleasant manner and sufficient level of knowledge for the



call and appropriate adjustments being made to facilitate contact. Positive experiences were also dependent on the Users' own ability to provide the information requested of them and ultimately receiving a positive outcome (typically receiving Specialist advice).

Operators felt that the need to collect personal information for every User interaction was often unnecessary, particularly to the Users they were ultimately unable to directly help. Evidence from Users suggested that even where the Operators were able to assist, some found the personal information questions intrusive.

Interviewees from across the different elements of the review also commented on the barrier imposed by the use of a non-geographic local rate number. While there was recognition that the 'call back option' did in part address this, Engagement participants argued that if their clients had to pay for the call, they were less likely to call in the first place. This was supported by the views of some Users, who were left frustrated at having to pay for a call, particularly if it did not result in their desired outcome.

## **6.2 Assessment of Users' legal aid eligibility and advice needs**

In order to qualify for legal aid funded advice CLA Users were required to go through a series of assessments. A diagnostic, and financial eligibility assessment were carried out at both tiers of the service, with a further 'merits' test carried out at the Specialist level. User needs were said to be assessed throughout their interaction with the service, with Specialists also carrying out an assessment of the suitability of the delivery channel. Information collected at the Operator tier was relayed to Specialists via an online Case Handling System (CHS).

Users' views on this assessment process were mixed with a range of opinions expressed, from feeling that it was 'very effective' to a 'complete waste of time' where the case was not taken on.

### **Problem diagnosis**

In diagnosing a User's issue, Operators relied upon a computer based system which routed them through scripted questioning, to a final decision on whether the issue may or may not be referred to a Specialist. Operators generally felt the routing system was a useful tool, and this was particularly in the case of debt and special educational needs. However, as further probing on discrimination cases was not always appropriate, operators felt that the script was less useful in these cases. Here, in line with the non-advisory role of the Operator limiting their ability to probe a User's issue sufficiently without being construed as offering advice,

issues would be referred to the Specialist tier as a matter of usual operation practice. Indeed, if after using the routing system, Operators were unsure whether an issue fell within the remit of civil legal aid, the issue could be referred to the Specialist for determination.

Specialists described the information provided by Operators as basic, requiring detailed clarification and questioning to better understand Users' problems. Specialists sometimes felt that Operators had often missed or overlooked collecting important information, though it was recognised that Operators could only rely on what was said by Users. Clarifying the information provided by Operators was usually a straightforward process though a few Specialists thought the Users often get fed up with having to repeat information although this was not apparent from research with Users. Under their contract with the Legal Aid Agency (LAA), CLA Specialists would be paid up to a maximum of 18 minutes of their standard hourly rate to determine whether the User qualified for legal aid and that a remote advice service would be appropriate. A few reported that in reality they often exceeded 18 minutes.

Specialists had mixed views regarding problem diagnosis carried out by Operators with many suggesting that the assessment was usually accurate. Others felt that Operators often referred Users with problems that were out of the scope of legal aid. Misdiagnosis seemed more of an issue for discrimination. Specialists thought this was likely to be reflective of the Operators' usual operational practice to refer issues where discrimination may be an issue to the Specialist tier, discussed above.

In order to determine whether Users qualified for Legal Aid Funding, Specialists also carried out a 'merits' test which measures the relative strength of a case (in terms of its likelihood to achieve a positive outcome). This assessment is not carried out at the Operator tier, and can often be the determining factor whether the issue qualifies for legal aid advice. Specialists accepted 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 and worked to more stringent time constraints. However, there was consensus among Specialists that the Operator service could better manage User expectations, in particular by clarifying that legal advice is contingent on the outcome of further assessments.

### **Financial eligibility**

Operators and Specialists viewed the financial eligibility assessment as a straightforward process with most Users providing financial details once the need for it was explained; which was also confirmed in the Users' research. There was a general feeling across Operators and Specialists that the financial eligibility process was most straightforward for Users in

receipt of income-related benefits. In contrast Users who were self-employed or worked under casual working arrangements found the assessment most difficult. In most instances the information collected by Operators, and subsequently confirmed by Specialists, was felt to be correct. Some common errors were identified, such as failing to carry out a full capital assessment and providing insufficient or incorrect information about benefit receipt. However, where such errors were reported by Specialists to the Operator tier it was often apparent upon review of call recordings, that the error reflected information provided by the User to the Operator.

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

### **Identification and assessment of User needs**

Both Operators and Specialists suggested that in many cases, needs and vulnerabilities were self-evident or volunteered by the User. Specialists often felt that it was the Operator's role to identify Users' additional needs and vulnerabilities, though it was noted that some needs (such as mental health issues or learning difficulties) were often only disclosed as a result of the longer interaction period between Specialists and the User, their own previous experience of working with vulnerable Users and sensitive probing which encouraged Users to 'open up' about any additional needs or vulnerabilities. Specific to delivering the service remotely, Specialists felt it was sometimes challenging to identify needs over the telephone with a few feeling that vulnerable Users were in some instances more inclined to disclose particular needs or sensitivities in face-to-face settings as body language could be used to reassure, empathise and build trust.

Where a vulnerable User did present at the Operator tier, this information was relayed to the Specialist (though Specialists felt more detail could be provided). In circumstances where a User was highly vulnerable or distressed, there was a facility for Operators and Specialists to liaise directly prior to transferring the User, though this was described as an infrequent occurrence. Ultimately, the assessment of User needs influenced how the service was delivered and what adjustments could be made to support this.

### **6.3 Use of reasonable adjustments**

Operators and specialists were aware of the range of service adaptations and adjustments that were available to facilitate interactions with Users and these were used where

appropriate. Overall, Operators and Specialists felt that the array of adaptations available to them was sufficient to deliver the CLA service, though in practice few had experience of using many of those that are potentially available. Encouragingly, evidence from Users suggested that where adjustments were made, they facilitated the contact with the CLA service. In addition to the positive views held towards the potential adjustments, many participants also stressed the importance of *soft skills*, particularly when dealing with vulnerable individuals. Engagement participants suggested these skills could only be obtained through specific training and experience of delivering services to such individuals. Operators agreed that soft skills were very important and acknowledged that training and ongoing monitoring of the application of soft skills did occur.

Adaptations were used in a quarter of contacts to the CLA service, most commonly call back and third party contacts (both accounting for about one in ten calls), online advice and Language Line. The use of other types of adaptation was comparatively infrequent. The use of adaptations was lower at the Specialist tier, accounting for only 11% of cases overall. This may in part reflect that some adaptations, such as call back, would only be required at the Specialist tier if they were required to make a subsequent call to the User (which, as is evident from the analysis of management information, is unlikely given that relatively few cases go beyond the determination or initial meeting stages).

Some Specialists felt that the use of some adaptations, such as Language Line or Minicom, increased advice times when interacting with Users. This 'slower paced' interaction was also noted by Users. Though the quantitative analysis did not support this claim, it may be that the perceived longer advice times are more closely related to the additional needs of the Users who require adaptations to be made. Their use was nevertheless welcomed, as they often enabled otherwise difficult interactions to take place.

Research with CLA staff and Users indicated that in many instances Users approached the service with their own adaptation (frequently a third party) or were quick to volunteer the information necessary to identify the need for an adaptation. Though Operators and Specialists were able to provide examples of situations where an adaptation may have been offered in response to an identified User need (for example, where it is clear that a User is struggling to communicate in English), they were not routinely offered. Some Users believed that their experience of the service would have benefited from the application of a particular adjustment. There was also evidence from the User research that despite requesting specific adaptations, these requests were not always accommodated.

With regard to deciding the most appropriate channels for delivering advice, Specialists suggested that, with the exception of the provision of face-to-face delivery, this was usually User preference led. In practice, the service remains one predominantly delivered by the telephone, with only six per cent of contacts with the Operator service being carried out online with a significantly lower proportion of online cases reported at the Specialist level.

While many were content with remote engagement, some Users were frustrated at not being able to obtain face-to-face advice. Those identified as having particularly complex cases expressed a preference for at least one face-to-face meeting with a Specialist to ensure their case was understood. For some, the frustration of not being able to see someone face-to-face was compounded by having to send sensitive material over remote channels such as post or email, perceived as being less secure than delivering the documents to the Specialist in person. Additionally, some Users had expected the possibility of face-to-face advice upon being transferred to a Specialist. Specialists had mixed views in this respect with some reporting that they felt there was sufficient provision to refer to face-to-face advice where needed, whereas others said that they would prefer greater flexibility to refer to face-to-face advice. Some Specialists felt they should be given more flexibility to refer to face-to-face advice, though others felt that there was sufficient provision to do so already in place. Overall, there have been few referrals to face-to-face advice during the twelve months following the implementation of the mandatory Gateway. Of the 5,615 Specialist cases opened and closed in the twelve months following the introduction of the mandatory Gateway, 177 (3.1%) cases<sup>13</sup> were considered not appropriate for the telephone. Users who had received face-to-face advice did find this helpful, even where this did not translate into satisfaction with the advice. Quantitative analysis of issues when telephone advice was not appropriate was carried out using management information. Due to the few discrimination and education referrals being assessed as not appropriate for telephone advice,<sup>14</sup> the analysis focused only on issues related to debt.<sup>15</sup> Findings from this analysis suggested that Users with learning difficulties/disabilities, mental health issues and/or mobility impairment were more likely to be assessed as telephone advice not appropriate when compared to other groups. Issues brought by Users aged 65 and over were also more likely to be considered inappropriate for telephone advice, when compared to younger individuals. The analysis suggested that there was also some variation by User ethnicity with 'Chinese &

---

<sup>13</sup> Of these 177 cases, 172 cases related to Debt and the remaining 5 cases, discrimination. There were no reported instance of cases relating to education law being considered not appropriate for telephone advice.

<sup>14</sup> While there were 172 instances of Specialists assessing an issue related to debt as not being appropriate for telephone advice, only 5 discrimination issues and no education issues did likewise.

<sup>15</sup> For further detail about this analysis, see Patel 2014.

Other' Users more likely to be assessed as telephone advice not appropriate compared to 'White British' Users (no significant differences were found among other minority ethnic groups).

## 6.4 Good-practice in the delivery of the Gateway and remote legal advice

For Users, positive experiences of the service were underpinned by Operators having a pleasant and professional manner, having good listening and clear delivery skills and being non-judgemental, reassuring and sympathetic; all traits highlighted by Operators as falling within the notion of *soft skills*. Engagement organisations also stressed the need for *soft skills* at all stages of service delivery, particularly when delivering a service to vulnerable individuals. Though there was some suggestion from Operators that performance monitoring often encouraged Operators to rush interactions with Users, this was not reflected in interviews with service Users.

Concerning Specialists, it was apparent from interviews with Users that some were directly transferred to a Specialist adviser, while others were told that they would be called back. Where Users were called back by a Specialist, Users felt that minimising delays between assessment for and delivery of specialist advice, and being clear about the nature of the call (specifically details about who was going to be calling and when they would do so) helped to manage User anxiety. There was some limited evidence from Specialists of an interim screening stage prior to Users actually interacting with a Specialist adviser, though this was not fully explored during the fieldwork. As would be expected, Users reflected on the Specialist service more positively if delays were kept to a minimum.

Typically Specialists appeared confident in being able to deliver appropriate legal advice over remote channels. In describing how advisers adapted to remote means, Specialists presented a range of methods to ensure advice was effectively delivered; these included:

- 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.

A prevailing theme apparent in all of the qualitative strands of the review related to the importance of managing User expectations throughout their journey through the service. Evidence from across all of the qualitative elements suggested that understanding and effectively managing User expectations reduced User frustrations. While Operators stressed statements, both recorded and spoken, to manage User expectations were already present in their interaction with Users, views from Users and Specialists suggested that these statements failed to align expectations with the reality of the service. Specialists indicated that the overall interaction with service Users benefited where Users had more realistic expectations.

From the research, several points in the User's journey were identified to manage their expectations; they were:

- **Prior to entry or immediately upon entry into the service** – providing a description of the service and clearly outlining the role of the Operator and the process including brief description of the various assessment stages. Users who had researched the service (either online or through written material, such as a leaflet describing the CLA service) prior to entry demonstrated a good understanding of the service. Engagement respondents felt that they currently did not have enough information about what using the CLA service would require of their clients, and the benefit that their clients may gain using the service. Having this information would allow them to confidently make referrals and also help to manage User expectations prior to entry to the CLA service.
- **Prior to referral to the Specialist tier** – explaining the next stage of the referral, including a brief description of the Specialist service, the remit of the service (including the limited circumstances in which face-to-face advice could be provided) and the service it could offer. Importantly, clarifying that the referral to the Specialist did not necessarily mean that the User would be provided legal advice from the outset, but that it was conditional on a reassessment of the User's issue.
- **Upon entry to the Specialist tier** – providing a description of the Specialist service and clearly outlining the role of the Specialist adviser, the assessment process (in terms of scope, financial eligibility and merits test) and the remit of the service if the User qualifies for legal aid.

## 7. Conclusions

This review has identified a number of strengths of the mandatory CLA Gateway, as well as identifying areas that could be further refined and developed to improve the service. Chief amongst the strengths of the service highlighted by a number of research participants was the accessible nature of the service arising from the extended opening hours, convenience (in terms of time and removing transport costs) of being able to engage with the services by remote means and flexibility of being able to obtain 'quick' advice without having to attend an appointment.

The strengths of the service should be viewed within the context of the lower utilisation of the service than had initially been expected. It is not possible from this review alone to establish the causes of the lower than anticipated volume of service use or the impact, if any, the introduction of the mandatory CLA Gateway has had on volumes. However, where the service has been engaged, the conversion rate between contact with the mandatory CLA Gateway and referral to the Specialist tier suggests that the CLA Gateway may, in fact, be receiving an excessive number of contacts. Efficiencies may be achieved by reducing this number while maintaining appropriate referrals to the Specialist tier.

A key objective of this review was identifying potential areas for improvement and making clear recommendations grounded in evidence to address these areas. While more detailed recommendations can be found in the reports of the two qualitative research elements,<sup>16</sup> a number of common themes recommended by research participants to improve the CLA service emerged. These related to raising the profile and improving access of the service, more effective management of User expectations and building greater flexibility in delivering the service to better accommodate User needs.

### 7.1 Accessibility

The CLA service (encompassing both mandatory and non-mandatory elements of the service) was considered as having a low profile across all research participants. While it is unclear whether civil legal aid services ever had a particularly high profile among the general population, awareness of the service among Engagement organisations which often serve vulnerable and socially excluded groups was also highly variable. Suggestions on raising awareness of the service focused on building upon and developing MoJ's and LAA's

---

<sup>16</sup> See Paskell *et al* 2014 and Patel *et al* 2014.



previous communication with third sector and external referral organisations, providing leaflets at Courts and via better visibility online (it was also recommended that thought be given to the online search strategies, including the specific search terms, likely to be used by potential service Users).

## **7.2 Managing expectations**

It was apparent that User frustrations often related to a disjunction between their expectations and the operational delivery of the service. User interviews indicated strongly that the role of the CLA service, structure and process were not clear, even once the person had used it. As Specialist advisers highlighted, failing to appropriately manage User expectations could aggravate Users and impact on their overall interaction.

Participants argued that people would be more inclined to use the service if:

- They were provided core information prior to contacting the service. including what the service 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;
- ensuring that materials referring to the CLA service (including the online presence) carry a simple outline of the two stages;
- informing Users that the service is a remote service primarily delivered by the telephone, and that face-to-face advice can only be provided in exceptional situations;
- ensuring that Users are given information about the Specialist prior to being transferred by the Operator, such as where they are located, their role and/or experience, etc.; and,
- that receiving specialist advice is contingent on the outcome of further assessments.

## **7.3 Accommodating User need**

Despite having access to a range of service adaptations and adjustments, Operators and Specialists relied upon a relatively narrow range (these included third parties, call back, and, for Operators, online). In practice, most adaptations were infrequently applied. However, staff at both tiers of the service felt that the adaptations available were sufficient to deliver the service in most situations, though this contrasted with the experience of some Users who felt that they would have benefited from the application of an adjustment. It would be advisable for those involved in delivering the CLA service to ensure that the offer and application of

adaptations is kept under review throughout the service Users journey. Consideration should also be given to offering the option of a call back where it is apparent that a User is calling from a mobile phone.

Both Specialists and Users argued for more flexibility around when face-to-face advice could be offered, for example to people with particular disabilities or for situations where face-to-face delivery could expedite the delivery of help for someone in an urgent situation. Referrals to the face-to-face advice in the areas of discrimination and education were very low in the 12 months following the introduction of the mandatory CLA Gateway.<sup>17</sup> However, looking only at data related to the debt category of law, characteristics associated with being more likely to be unsuitable for telephone advice included having a learning difficulty/disability, a mental health issue and/or mobility impairment. Further, older Users (those aged 65 and over) were also more likely than younger Users to be assessed as 'telephone advice not appropriate'. It would be advisable to closely monitor cases where it is felt that remote advice is not suitable, capturing additional data as required to enable a better understanding of the circumstances where referrals to face-to-face advice are made.

---

<sup>17</sup> There were five instances related to discrimination law where telephone advice was assessed as not appropriate, and no education cases.

## 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

Cabinet Office (2013) *Government digital strategy 2013*, London: Cabinet Office

Legal Aid Agency (2014) *Legal aid statistics: April 2013 to March 2014*, London: Ministry of Justice

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/>)

Patel, A. (2014) *Civil Legal Advice mandatory gateway: A secondary analysis of Management Information*. London: Ministry of Justice (available from <https://www.gov.uk/>)

Patel, A., Mottram, C., Samra, M., Ryan-Mills, D., Moreton, K. (2014) *Civil Legal Advice mandatory gateway: Findings from interviews with service providers*. London: Ministry of Justice (available from <https://www.gov.uk/>)