

A trouble shared - legal problems clusters in solicitors' and advice agencies

**Richard Moorhead and Margaret Robinson
Cardiff Law School, Cardiff University**

and Matrix Research and Consultancy

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The Research Unit, Department for Constitutional Affairs, was formed in April 1996. Its aim is to develop and focus the use of research so that it informs the various stages of policy-making and the implementation and evaluation of policy.

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Disclaimer

The views expressed are those of the authors and are not necessarily shared by the Department for Constitutional Affairs.

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Executive summary

The study examines whether and how clients of 12 solicitor firms and advice agencies present with multiple problems (clusters) and how these problems are dealt with. A mixture of solicitors, Citizens Advice Bureaux (CABx), law centres/specialist advice agencies and local authority providers were considered. We decided to focus on three main areas of social welfare law where clusters were particularly likely to occur: housing, benefits and debt. The organisations were located in London and a range of locations across South Wales and South West England.

The research utilised a multi-method approach including: structured observation of 178 interviews between advisers and clients; structured interviews with advisers on 487 additional cases; and 35 semi-structured interviews with advisers about clients with multiple problems and surrounding service-delivery issues. We interviewed 58 clients about their experiences shortly after the interview, a further 36 of these clients were re-interviewed about their cases three or four months after the interview to get a stronger sense of how their cases had developed. Two workshops were held with advisers and stakeholders to discuss interim research findings.

The main findings of the research are as follows:

- Within the agencies we observed and in casework carried out by those agencies, clusters of problems crossing specialist boundaries presented for about 40–50% of clients.
- The most common clusters we saw were around housing, benefits and debt and relationship breakdown. As important as the clusters themselves, however, was the tendency for a broad range of different problems to occur for clients in unpredictable ways. Problems that involved relationship breakdown/children, home ownership, mental health, domestic violence, employment and homelessness problems gave rise to the most complex, and arguably the most serious, problems.
- Analysis of the observation and client interview data suggests that most problems within clusters interrelate and would benefit from a degree of co-ordinated management.

- Certain clients suffer from more problems because their problems are linked but also because these clients are amongst the most vulnerable in society. These clients' legal and social needs are complex and intersectional: their social and legal problems interrelate and amplify. Here the need for co-ordinated management of solutions to justiciable, and other, problems is strong.
- There is evidence that justiciable problems cause, or are accompanied by, considerable stress, anxiety, and physical and mental health problems leaving clients with little energy for solving their problems.
- As well as any outcome benefits from the specific problem being solved, advice, help and representation typically leave the client feeling more informed and calmer with reported reductions in stress levels and associated health problems.
- The report identified a number of triggers for legal need, with the most common cause of advice seeking being the action or inaction of the local authority. Of the clients we observed, 37% had problems with local authorities.
- Clusters usually presented explicitly, as part of the main issue the client raised initially with their adviser. However, about 12% of problems were raised implicitly, either through pro-active questioning by the adviser or being picked up through general dialogue with the client about the 'main' problem. Adviser interviewing skills played a part in this: those assessed as better interviewers on certain criteria exposed more complex problems.
- A particularly important area is the extent to which advisers failed to expose the true extent of clients' problems during interview. Of the clients we followed up in interview, 29 out of 58 had some additional problems that had not been dealt with in the interviews. These were generally significant problems and about half were linked to their presenting problem(s) in some way (and so might more obviously give rise to a criticism of the adviser for failing to identify them).

- Analysis of our data suggests the structure and organisation of advisers may make a difference to whether and how a client presents multiple problems.
- Advisers, when faced with problems outside their expertise, were often not dealing with them 'seamlessly', particularly when a specialist's own organisation lacked specialist skills in the problem presented by the client.
- Practitioners' understandings of holistic provision appeared to be confined to notions such as putting the client's problems in context and trying, with mixed success, to ensure that clients can be signposted to appropriate providers when the initial adviser cannot deal with a particular problem. Broader notions of holistic practice, such as tackling social as well as legal problems, were not accorded much attention by the practitioners to whom we spoke.
- Barriers to holistic provision include funding arrangements, organisational capacities and skills, information deficits and other barriers to joint working.
- Several advisers articulated that they felt that empowering clients was an important element of effective advice giving. The research highlights that whilst sometimes this worked well, and gave clients the confidence and information necessary to take more control of their own lives, often it did not. Clients were confused by the instructions they were given and left problems to fester or escalate as a result. Clients coping with years of social exclusion or dramatic worsening in their health or lifestyle and poor levels of educational attainment and self-esteem are often ill-equipped to deal with complex bureaucracies or hostile opponents.

Meeting the multiple needs of vulnerable people is a challenging agenda for the public sector. Many public services are seeking to address service users' multiple needs, improve user experience, protect vulnerable people and provide service efficiency through the reconfiguration of services to make services seamless from the point of view of the user. Different models of seamless and holistic services are being developed within the public sector. Responses to the findings of this research may be able to draw on the emerging models and lessons available.

1. Introduction

This report considers the ways in which members of the public present problems to advice agencies and solicitors' firms. It looks, in particular, at the incidence and management of clients with problem clusters; that is, clients with more than one problem that crosses more than one area of practice. The aims of the project were to:

1. Examine how and when clients have, and present with, multiple problems when in contact with advice agencies and solicitors' firms;
2. Consider the ability of legal advice and information services to provide holistic approaches to advice and dispute resolution;
3. Identify barriers to holistic provision; and,
4. Identify examples of good practice approaches to the holistic provision of advice and dispute resolution, including, where possible, outlining the potential for better service delivery for complex problems.

Why are problem clusters important?

The notion of problem clusters has its origins in two elements of the justice sphere. It initially surfaced in the advice movement's advocacy of holistic advice. Non-lawyer organisations (e.g. Citizens Advice Bureaux), or non-traditional lawyer based providers (such as Law Centres) have emphasised that advice service delivery should respond to the notion that clients' problems are often multi-faceted; legal and non-legal; and complex and interrelated and do not simply draw on narrow legal techniques for problem resolution. The reconceptualisation of advice provision that this involved was a main basis for non-lawyer provision challenges to the dominant private practice model of legal services provision (Moorhead et al, 2003). In particular, paraprofessionals sought to claim that they were best placed to recognise and respond to the complexity and subtlety of client problems through more holistic service provision. This claim was founded on the belief that specialist legal training and the economic incentives of private practice, militated against lawyers providing the rounded service that clients needed. Whilst research comparing the provision of advice by these non-traditional providers has tended to confirm that they provide a better service (where providers are themselves specialist), it has not generally demonstrated that the advice provided is more holistic in nature, at least not in the

sense that the advice is more likely to tackle multiple problems (Moorhead et al, 2001; Moorhead and Sherr, 2003; and, Moorhead and Harding, 2004).

The second, and most important, element of interest in problem clusters derives from the increasing body of evidence on justiciable needs in a number of countries (see, for example, Genn, 1999; Genn and Paterson, 2001; Law et al, 2004; van Velthoven et al, 2004; Currie, 2006). The work of the Legal Services Research Centre (LSRC) (i.e. the Legal Service Commission's (LSC) research unit), under the Directorship of Pascoe Pleasence, has particularly emphasised clusters as an analytical framework for understanding legal need (Pleasence et al, 2004a; 2004b and 2006). Part of the motivation for this is the idea that problem clusters might have 'triggers', problems that instigate or make more likely a cluster of problems. An advice service that successfully dealt with trigger problems before they evolved into clusters might reduce overall levels of legal need, reduce the social and economic costs of justiciable problems and more effectively improve the lives of hundreds of thousands of clients.

Existing research also suggests that problems emerge in the way that service providers respond to clusters of problems. Pleasence et al (2004a) quantify levels of referral fatigue. That is where clients present with a problem to an agency that does not specialise in that problem, so clients may be referred or signposted to a more suitable provider, but each time such signposting/referral occurs, the clients become increasingly unlikely to attend at the subsequent provider (Pleasence et al, 2004, pp. 75–78). Problems are then likely to go unresolved or escalate.

A related, but more subtle, approach suggests that for legal and advice needs to be better understood, policy makers need to better understand the interrelationships between problems, how one problem might reinforce another, or might require resolution alongside another problem if the help given to the client is to be constructive. The notion of intersectionality, that apparently separate problems need to be understood and dealt with together, has some purchase in this context (see Chapter 5). In the legal services field there is an increasing amount of evidence of the interrelationships between legal and non-legal fields, especially health (see, Moorhead et al, 2004 on lone parents; and Sherr et al, 2002 on recognition and utility of legal advice in health contexts). Legal aid policy is increasingly developed with an eye on the social exclusion agenda (see, for example, DCA, 2005).

Policy makers, and the LSC in particular, have responded to the challenges posed by problem clusters by seeking ways of building in more holistic (or seamless) provision into their contracting models. The FAINs (Family Advice and Information Networks) have attempted to build more holistic service into the services aimed at family breakdown, with solicitors currently acting as the principal gateway. Similarly, tolerance work¹ has been used under specialist legal help contracts as a means of providing a more holistic service to a client who presents with a specialist problem but who also needs help outside of a firm's core areas of expertise (see Moorhead and Harding, 2004).

Most recently the 2006 Community Legal Service Strategy claims, "People do not face 'legal problems' but clusters of problems to which the law may offer one solution". With the aim of promoting "an integrated and seamless service" (p.3), the strategy proposes to develop: Community Legal Advice Centres (CLACs) and Community Legal Advice Networks (CLANs) as models for delivery of "combined social welfare services". For the purposes of this analysis, the main characteristics of Centres and Networks are expected:²

- to be a service from diagnosis and information through advice and assistance to legal representation in complex court proceedings;
- to include taking legal services to groups of people that currently do not access mainstream services, such as certain Black and Minority Ethnic groups, and clients that are particularly vulnerable, such as clients with mental health problems; and
- to give Centres and Networks the flexibility to decide how best to meet needs in their area.

Both Centres and Networks are important attempts to draw together the specialisms which might lie in otherwise unconnected law firms and advice agencies in any region. Centres, in particular, "will be a jointly-funded single legal entity that provides the whole bundle of core social welfare law services" (ibid, 8). Family law services will also be included in the Centres' work. The LSC aims to use Centres to test easier ways to deliver services together, "for example through a combined 'Money Advice', debt and welfare benefits category" (ibid, 8).

Networks will be somewhat different from Centres. They will rely on groups of organisations to provide collectively, rather than individually, the full range of social

¹ Under legal service contracts firms are permitted to do a limited amount of work outside of their specialism. This work is known as tolerance work.

² These bullet points are paraphrased from LSC (2006) p. 8.

welfare services. The principal idea being that, “No matter at which point a client accesses the Network, the full range of services will be available to them through a case management procedure” (ibid, 9).

Where CLACs or CLANs are established in a particular part of the country it seems likely that LSC funding for other providers of social welfare advice will be reduced or withdrawn (ibid, p. 9).

From these proposals, it can be seen that the LSC places increasing emphasis on the need to service all of the clients legal advice needs, no matter which category of social welfare law that (s)he falls into. It also seeks to draw together, in one organisation, as many areas of specialisation as is feasible. There is considerable latitude for developing models of best practice, and understanding the interface between different specialisms/problem types. This report aims to make some contribution to understanding such interfaces.

Prior research on clusters

As noted above, a substantial amount of empirical work has identified the existence of clusters of advice needs. A Scottish Study, for example, identified six problem clusters: a neighbourhood cluster; a goods and services cluster; a housing cluster; an employment cluster; a relationships/mixed cluster; and, a welfare benefits cluster (Law et al, 2004). The 2003 LSRC study *Causes of Action*, however, identifies different clusters: a *family problems cluster* (e.g. problems with domestic violence, divorce, post-relationships, relating to children); a *low incomes cluster* (e.g. rented housing, homelessness, unfair treatment by police and being the subject of legal action); a *welfare benefits cluster* (e.g. welfare benefits, mental health, immigration and medical negligence); a *consumer cluster* (e.g. owned housing, money, debt and threat of legal action); and what they refer to as an *employment sector dichotomy* (clustering either employment and personal injury matters, or consumer and neighbourhood problems). The 2006 *Causes of Action* study is subtly different: it presents a family cluster, a housing and benefits cluster and a third cluster (essentially a set of clusters comprising a broad range of problems) (Pleasence et al, 2006, 65–74).

The data from which cluster analysis is derived are largely quantitative in nature. Perhaps partly for that reason, the concept of clusters does not always accord with a common sense interpretation of what ‘clustered’ advice needs means and how

advice services might be structured to meet 'clustered' needs. So, for example, the Scottish study refers to a consumer cluster that was dominated by problems to do with goods or services, while only much smaller groups within the cluster comprised problems to do with neighbours, housing, and benefits. Other clusters, however, do make more intuitive sense: For example, the employment cluster contains a large minority (i.e. 20–30%) of clients with housing and/or benefits problems, and all of those clients in the 'welfare benefits' cluster also had problems with housing.

From a policy formulation perspective, and for all the strengths of the survey work undertaken, there may be limitations in such a top-down, quantitative approach. First, quantitative data are unsuited to explaining links between different disparate problem types within clusters. Also this data cannot be used to explain how such clusters manifest themselves within real life contexts. As a result, cluster analysis does not lend itself to understanding how clients view their problems or how they might then seek advice. For instance, it cannot be used to explain why clients seek advice for some problems and not others (Moorhead et al, 2004): why they are not uniformly advice seekers. Or, why the same person employs different advice seeking behaviour depending on factors including the nature of the problem and the perceived availability of help. Interest in holistic resolution of problems must take account of such patterns of behaviour.

Second, save in very general terms, the research conducted to date does not indicate the time across which the problems occur.³ Thus clusters of problems may in fact be temporally discrete and in the eyes of the client or adviser, not clusters at all.

A related issue is the extent to which members of the public coming to advice services and lawyers, *present* with multiple problems that are amenable to more holistic resolution. (Hereafter we refer to these members of the public as 'clients' and lawyers/advisers as advisers.) There are two reasons why clients might not present with multiple problems:

³ For example, Moorhead et al have demonstrated, in the context of lone parents, that problems can occur and persist across long periods of time (Moorhead et al, 2004).

1. The extent to which multiple problems are strung out over time. This is recognised in the need surveys referred to above in the finding that certain ‘trigger problems’ may cause (or ‘cascade’) into further problems later in the client’s life (Genn, 1999; Currie, 2006). So for example, an employment problem might lead to a debt problem, which in turn leads to a matrimonial problem, and then into a homelessness problem. When cascading problems occur outside the period when advice is taken on the trigger problems, clients will not present with multiple problems. Similarly, clients presenting with cascaded problems might not think to seek advice on the trigger problems, as these are problems they may have lived with for some time.
2. Clients may have multiple problems at any one period in time but may seek help only with a single presenting problem, and not all of their other problems. Clients may be reluctant to reveal underlying or associated problems when discussing presenting problems, perhaps because of stigma, guilt or a feeling that the adviser is there to deal with a particular problem type only and should not have their time wasted with the client’s ancillary worries.

To date, attempts to demonstrate and explore holistic advice provision have relied on largely quantitative measures or anecdotal evidence from advisers. This has proved unsatisfactory (see, especially, Moorhead et al, 1999). Very little is known about how those problems present to advisers. The extent to which multiple problems present to advisers, either explicitly or implicitly, is unknown. Similarly, the ways in which advisers work to identify and resolve multiple advice needs has not been adequately researched (for instance, the extent to which hidden advice needs can be revealed through the course of interviews and advice giving). Similarly, barriers to such working (such as the increasing specialisation of advice work; inadequacy of referral mechanisms, in spite of strengthening through Community Legal Service Partnerships (CLSPs) and the Specialist Quality Mark) have not been examined through objective evidence-based research or systematic analysis.

With the LSC turning towards CLACs and CLANs as mechanisms for service delivery, there is a pressing need to understand more of the interrelationships between problem clusters and advice providers’ expertise. The concept of holistic or seamless responses to the complex needs of different client groups is not restricted to legal advice. Within the health sector, Integrated Care Pathways (ICPs) are used

to embed guidelines, protocols and locally agreed, evidence-based, best practice into day-to-day care for the patient.⁴

Methods

This study aimed to provide a detailed consideration of how problem clusters manifested and were dealt with within the main types of organisations currently operating within the CLS. We had sufficient resources to study 12 organisations and sought to include four types of advice provider. Given the emphasis on clusters we decided to focus on three main areas of social welfare law where existing research suggested clusters were particularly likely to occur, namely: housing, welfare benefits and debt. We successfully recruited to our four target groups:

- 3 solicitors,
- 3 CABx,
- 3 law centres/specialist advice agencies, and
- 3 local authority providers.

The organisations were located in London and a range of locations across South Wales and South West England. We sought to recruit providers with different specialist expertise because we were also interested in ways in which organisational expertise might impact on the problems presented and how clients were dealt with.

To this end we recruited suppliers:

- some who specialised in housing, welfare benefits and debt;
- some who specialised in housing (but not welfare benefits or debt); and
- some with specialist expertise in welfare benefits and/or debt (but not housing).

What constitutes a specialist agency and who has specialist expertise will usually excite controversy. Without delving deep into such controversies, and for the purposes of analysis only, we used the LSC's Specialist Quality Mark (SQM) and the existence of specialist contracts when recruiting our sample. For local authority agencies, however, we did not have the SQM as a proxy. Here we had to rely on self-proclaimed specialisation. Given the need to maximise the number of clients we would see in any period of observation we concentrated on suppliers who handled relatively large amounts of work in the relevant social welfare categories. We recruited suppliers to meet our aim of observing how problem clusters around the

⁴ National Electronic Library for Health, *About integrated care pathways (ICPs)*
<http://libraries.nelh.nhs.uk/Pathways/aboutICPs.asp>

debt/housing/welfare benefits axis were dealt with, given different types of expertise within the organisations. One of the organisations we observed had a debt contract but we principally observed family cases.

Whilst our expectation was for debt, housing and welfare benefits to be the main presenting problems, we also collected information on other types of justiciable problems that manifested during the interviews we observed, utilising the broad framework of problem types developed by Hazel Genn and the LSRC for their studies of legal need (see Appendices B – E for the detailed research instruments).

The suppliers' specialisms are presented in Table 1.

Table 1: Specialisms by Supplier Type

Supplier	Specialisms
CAB	All three
CAB	Benefits and debt
CAB	All three
Local Authority Organisation	Benefits only
Local Authority Organisation	Benefits and debt
Local Authority Organisation	Benefits only
Solicitor	All three
Solicitor	Housing only
Solicitor	Debt and family
Specialist advice agency	Housing only
Specialist advice agency	All three
Specialist advice agency	Benefits and debt

The methods we employed were as follows.

Observation

The first phase of the research was observing meetings between advisers (i.e. solicitors and non-lawyers, specialists and non-specialists, depending on the organisation) and their clients. We tended to concentrate on initial meetings, but also saw some follow-up meetings between advisers and existing clients. We spent between 3 to 5 days in each organisation conducting observations and interviews with advisers. The time spent in each organisation depended on the number of appointments booked, days/times allocated to advice provision i.e. 'surgery hours' etc. The main aims of the observation stage were to:

- **Build up a qualitative and quantitative picture of the nature of problems presenting to advisers.** This involved recording the frequency and nature of multiple presentation; type of problems that presented explicitly and those that tended to present implicitly or were 'hidden', and possible explanations as to why this was; the context of the problem (i.e. background – how the problem arose); how problems manifested themselves (both within the client's life and within the interview); how problems interrelated; and the impact of the adviser's interview style on the client's presentation of problems.
- **Explore how advisers dealt with multiple advice needs.** This involved looking at how problems were managed by the advisers/lawyers. For example, were problems ignored/signposted/referred? Were clients advised but told there was nothing the adviser or client could do to solve their problem? Were they advised and given a plan of action to implement themselves or did the adviser agree to help client further? What level of help/advice was offered?

Data from the observations were collected in a bespoke database, designed to collect both quantitative and qualitative data including relevant organisational characteristics; client demographics; client problems; signposting/referral information; and adviser interview style.

We developed a quantitative schema for classifying problems based in part on the categories and sub-categories employed in LSRC needs studies (Pleasence, 2006). These data were supplemented by qualitative data on the context of the problem including, for example, the circumstances surrounding or leading up to the problem. Both quantitative and qualitative data were obtained in relation to various adviser interview style criteria⁵ and the level and nature of the advice provided. All information relating to the classified problem, coming to light during the observation, was recorded by the researcher.

We observed 178 client interviews during that period.

We anticipated that in some organisations we might only observe low levels of multiple problems so, we decided to boost data on prevalence of multiple problems

⁵ The criteria were derived from checklists used by Avrom Sherr during his study of client interviewing (Sherr, 1998).

as part of the adviser interview (see below). Advisers were asked to review their caseload list over the last six months to enable us to build up a more detailed picture of how many cases in their caseloads involved multiple advice needs, and how these were dealt with. This approach is not as satisfactory as relying solely on observation, as there may be a degree of self-serving in some answers from advisers, nonetheless it provides a useful supplement to the observation data. For reasons discussed in Chapter 2, these data may provide some insight into the types of case that are dealt with as casework, rather than simply the types of cases that an adviser conducts an interview on. It also acted as a validation/triangulation process to the data obtained through the observations in that it helped us to ascertain whether problems observed during the research period were representative of the advisers' typical caseloads. This process enabled us to collect data on 487 additional cases.

Adviser interviews

Three advisers were interviewed in each agency/firm, save in one organisation which only had two advisers. As a result 35 advisers were interviewed. Interviews, which were semi-structured, took place after the period of observation to enable advisers to give their impressions on the advice needs of particular clients and more generally across their client base to describe the options available to them when dealing with clients with multiple problems (see Appendix C for schedule). The adviser interviews were designed to:

- Supplement observation data on prevalence (see above);
- Gather advisers' views on the nature and prevalence of multiple problems;
- Discuss holistic provision within their organisation and/or the broader system;
- Explore barriers to effectively serving all client's advice needs (e.g. funding/supply of 'partners'/own workload/competence and training); and
- Examine optimal ways of dealing with multiple problems.

Adviser participation was dealt with by way of a written consent process. Advisers were provided with written information about the research prior to giving their consent. All adviser interviews were recorded and subsequently transcribed verbatim.

Client interviews

It was important to supplement our observations with an understanding of the clients' perspectives on their problems and advice seeking experience. We aimed to

interview 5 clients from each supplier (a total of 60) and achieved 58 first interviews. The interview schedule was semi-structured (see Appendix B).

The aims of the client interview were to:

- Consider the ability of legal advice and information services to provide holistic approaches to advice and dispute resolution (in particular, the extent to which clients feel all/some of their problems were addressed);
- Consider the existence of non-presenting problems (and why they were non-presenting);
- Identify barriers to holistic provision (including how clients react to proposed strategies for dealing with ancillary problems);
- Identify examples of good practice approaches to the holistic provision of advice and dispute resolution (e.g. what 'works' and what the client prefers in terms of best practice service delivery); and
- Identify, where possible, what the outcomes were for clients.

The available sample comprised clients who agreed to be interviewed by one of the research team on two separate occasions following the observation. All client interviews were conducted by telephone and were semi-structured. Very few clients refused their consent to observation and only one refused to be interviewed after having been observed. Clients provided their agreement to participate by signing a consent form that including their contact details. They were given written information about the study before being asked to consent to participate. When telephoned clients were asked whether they would mind the interview being recorded and were assured of the confidentiality of the information they provided and of their anonymity. All clients agreed to their interviews being recorded; all interviews were transcribed verbatim.

Follow-up interviews with clients

It was anticipated that the observations were likely to be skewed towards the early days of clients' contact with advisers, so the team decided to conduct follow-up interviews with a proportion of clients dealing with two main issues:

- Whether further problems manifested during or after the advice episode (but post-observation) and how that was dealt with;
- Whether after the initial observation, the client and their adviser(s) followed up suggested strategies, to help deal with the full range of problems; what strategies were adopted; and explanations for any failure to take action by either party.

Follow-up interviews generally took place three or four months after the observed adviser-client interview. Out of a target of 39 follow-up telephone interviews, 36 were completed. For 19 clients, observed towards the end of the project, there was insufficient time to conduct these second follow-up interviews. The two interview schedules (initial and follow-up) were therefore integrated to conduct one interview with this group, to ensure consistency of information obtained. The interview schedules used were semi-structured (see Appendices C, D and E).

As with the first client interviews, clients were asked whether they would mind the interview being recorded and were assured of the confidentiality of the information they provided and their anonymity. The follow-up and the 'once only' interviews were all recorded and transcribed verbatim.

Clients were provided with a financial incentive of a £10 gift voucher for participating in a first interview and a £20 gift voucher for a follow-up interview.

Workshops

At the end of the project, building on the initial analysis, the team had planned to conduct a series of process mapping workshops with advisers to explore their approaches to multiple advice problems and contrast them with approaches observed during the research. It proved too difficult to secure adviser participation in these workshops and only one was held. At this workshop emergent findings were discussed and case studies drawn from the observation data were worked through to explore the policy implications of this research. A similar seminar was conducted with stakeholders interested in the Community Legal Service. Lessons from both workshops have informed analysis of the data.

Analysis

Quantitative data from observations and interviews were analysed using SPSS. Where it was possible to conduct quantitative analysis of the data, standard inferential statistics were used to explore potentially statistically significant differences between different types of advice organisation and individual adviser types (notably specialists and generalists). When this was done, the conventional levels of statistical significance were used. That is where inferential testing suggests that there is more than a 1 in 20 chance that the results are statistically significant (i.e. that the probability (p) of the difference occurring by chance is less than .05).

Where this is noted, the results are reported as statistically significant (and so likely to have happened other than by chance).

Qualitative data were analysed with assistance of the N6 package. N6 is a computer package or tool that assists researchers in managing qualitative data. The package is based on the coding or tagging of sections of text (data) that assists researchers in analysing and exploring that data so the analyst can search for information by these codes. This enabled the development of analysis reports to support the identification of key themes and findings.

Summary

The literature and policy on problem clusters suggests a number of important issues might be illuminated by more detailed study of how problem clusters actually manifest in practice and how they are dealt with. In particular, a key issue in developing a more holistic, seamless provision of legal advice services is the way in which specialists and generalists, when faced with problems outside their main areas of expertise, deal with such problems. It is also important to understand the intersectionality of legal (and non-legal) needs that arise when clients have multiple problems. This study addresses some of the main issues raised by problem clusters through a combination of observation and semi-structured interviewing of both advisers and clients. The study also uses workshops to exploring in greater depth the different approaches revealed through the research and the policy implications of those findings.

2. A description of clients and their problems

As noted above 178 clients were observed in 12 organisations in London and Wales /the South West. This chapter describes the clients observed and the problems they faced.

The clients

Although time spent observing clients was evenly balanced across the 12 organisations, the team were able to see more adviser-client interviews in the CABx and specialist advice agencies that were attended (Table 2). This reflected the drop-in and triage services provided by some such agencies, where larger numbers of clients were seen one after the other for a briefer consultation to assess immediacy of need.

Table 2: Breakdown of observations

Supplier	Number of Observations	Percent
CABx	57	32.0
Specialist Advice Agencies	58	32.6
LA providers	28	15.7
Solicitors	35	19.7
Total	178	100.0

The team sought to collect socio-economic data on all clients observed to provide a descriptive backdrop to the client body. The opportunity to collect these data was limited, first, because members of the research team did not wish to disrupt the advice process and, second, because they were generally unable to talk with clients whilst they were attending the advice centre/solicitors'. Therefore, information collected by the adviser, mentioned by the client, or apparent from the client's physical appearance (e.g. gender) was used. Although this approach was sufficient to give a general description of the clients observed, data on many variables was partial because the information was not presented during the adviser-client interview.

The clients observed were split exactly 50:50 in terms of gender although there were differences from agency to agency. Although the team attempted to collect data on ethnicity, they were limited to data recorded by the adviser and from observation of obvious characteristics of clients themselves. This was not ideal but, as diversity was

not a major focus of the study, this method was proportionate. It does mean, however, that ethnicity data was not collected from all clients and potentially there are some inaccuracies. To help counterbalance this, a relatively simple classification for ethnicity was used. The results are presented in Table 3.

Table 3: Apparent ethnicity of clients

Ethnicity	Frequency	Percent
Asian	25	14.0
Black	27	15.2
Mixed	6	3.4
Other	1	0.6
White	112	62.9
Missing/no information	7	3.9
Total	178	100.0

The ethnic minority clients were seen largely in the London-based organisations (17% Asian, 26% Black, 6% other), although 8 (10%) clients observed in the South Wales/South West organisations were not white.

The relationship status of the clients is presented in Table 4.

Table 4: Apparent relationship status

Relationship Status	Frequency	Percent
Cohabiting	7	3.9
Divorced	12	6.7
Married	39	21.9
Separated	21	11.8
Single	35	19.7
No information	64	36.0
Total	178	100.0

For clients whose civil status was identified, the proportion of clients who were single was broadly similar to those who were married/cohabiting and separated/divorced. At least 48 clients (27%) for whom data were available had resident children.⁶ Only 9 clients (approximately 5%) were recorded as having non-resident children.

Table 5 shows results for housing type. Where identified, most clients were in rental accommodation.

⁶ There was no information for this on 33 clients.

Table 5: Apparent housing type

Housing Type	Frequency	Percent
Half-way house	1	0.6
Mortgage	22	12.4
Own	6	3.4
Rent Free	2	1.1
Rent Private	22	12.4
Rent Public	25	14.0
No Information	100	56.2
Total	178	100.0

There is increasing evidence of the correlation between legal need, disability/illness and other common forms of social exclusion (Sherr et al, 2002; Moorhead et al, 2004; Moorhead and Sefton, 2005; Douglas and Moorhead, 2005; Pleasence, 2006). For reasons discussed above this research was only able to collect data on observed socio-economic characteristics. This study found that at least 49 clients (28%) were recorded as having disabilities or chronic illness of one sort or another.⁷ Depression and other mental health problems were particularly prevalent. At least 26 clients (15%) were recorded as on income support and at least 43 (24%) on other means tested benefits.⁸ At least 30 clients (17%) were observed to be in full-time employment. At least 24 clients (14%) were observed to be in receipt of public funding from the LSC for the cases being handled.

Age was only recorded for 44 clients (about a quarter of all clients). For these data age ranged between 17 and 82 years with an average age of 48.

The clients' problems

Do clients present with problem clusters?

As noted above, existing research has established the prevalence of clients who experience multiple justiciable problems, but such research is based on understanding a person's problems over a particular reference period (usually about three years). The research, however, does not establish the extent to which clients actually present their problems to advisers in clusters. It is one thing to observe that over three years a client with debt problems is also likely to experience housing

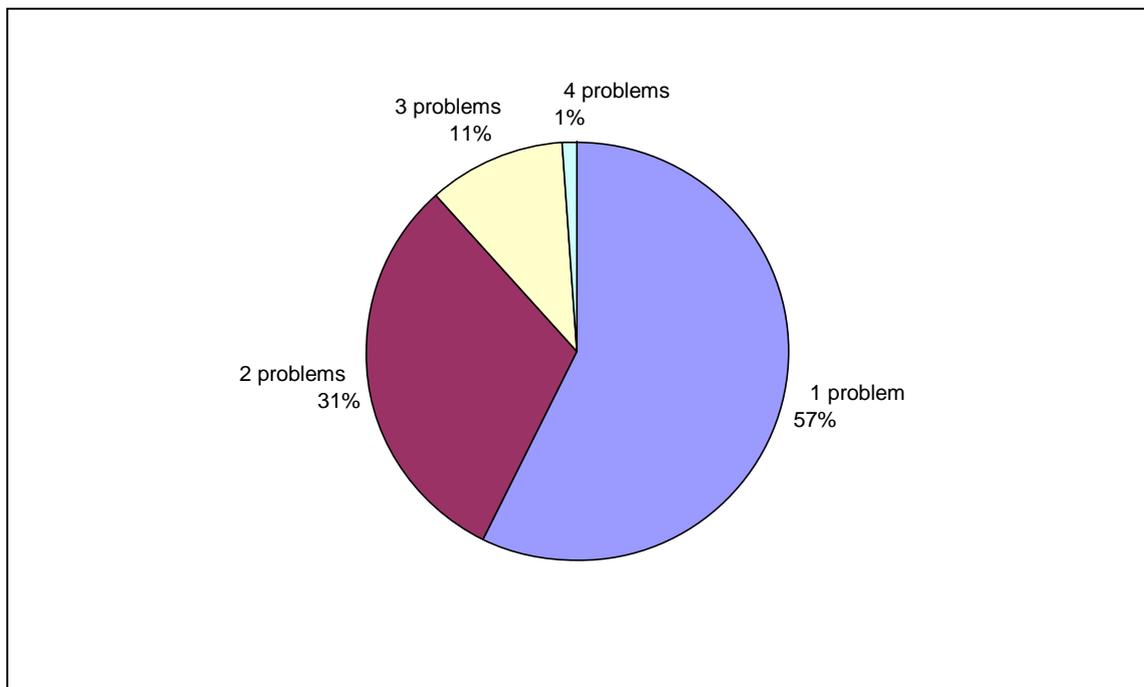
⁷ Various diseases and disabilities were recorded including: alcoholism, Alzheimer's disease, arthritis and recent surgery.

⁸ There was no information for this on 91 clients (51%).

problems. It is another, however, to establish the nature of the links between those problems, or to establish that those problems occurred at sufficiently similar times and in a sufficiently interrelated manner to be a sensible candidate for holistic or seamless service delivery. Thus, a central part of this research was to examine ways in which clients presented to advice agencies and solicitors and to see how far such presentation fitted with notions of the seamless or holistic service which are currently driving Community Legal Service policy.

Pleasence et al have observed that within the general population 37% of clients with justiciable problems report multiple problems (Pleasence et al, 2006, 53). Our observation data is consistent with this finding. Since a primary issue for this study was how advisers dealt with problem clusters across boundaries of expertise, the analysis that follows treats problems as multiple problems only where they cross problem boundaries, with problem boundaries being delineated by LSC contract categories (see Table 6, on page 20, for a breakdown of the main problem boundaries). Figure 1 shows the proportion of clients observed who had multiple problems that cross those problem boundaries.

Figure 1: Proportion of clients with multiple problems (that cross problem boundaries)



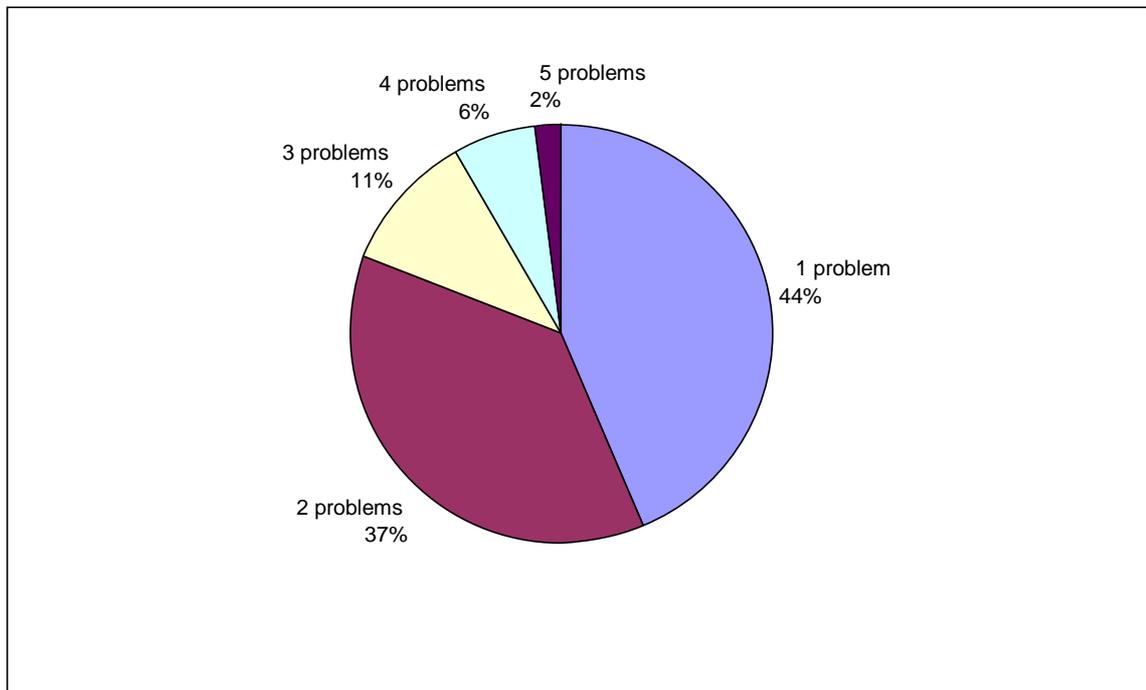
Thus, the majority of clients (57%) we observed had only a single problem, but a substantial proportion (43%) presented with a cluster of (usually 2) problems.

The second data set on this issue came from interviews with advisers. Advisers were asked to complete a schedule of problems for 15 of their recent cases, as explained above. The main purpose of this was to provide a secondary data source should the team not observe enough clients with multiple problems during the observation stage. This, however, did not prove to be a problem, but the data have proved useful for triangulation as well as providing an interesting indication of the types of client that progress to casework.

One might expect clients who progress to casework to have more serious or more difficult-to-solve problems, if advisers routinely filter out cases where clients have no practical or legal solution to their problem, where the problems are trivial or where problems can be serviced easily under contracts (sometimes referred to as 'cherry picking'). Conversely, because there was no means of independently checking the information supplied, there was some potential for advisers to suggest their cases were more serious/complex than in fact they were. As the analysis shows, the adviser interview-based data does indeed suggest a greater complexity in casework. This might be consistent with a real difference between the types of problems revealed in observation compared to those revealed in interview, i.e. that more complex cases are dealt with in casework-based samples. Conversely, it may be consistent with interviewee exaggeration. There are some reasons for preferring the explanation that this data indicate more complexity in casework (as opposed to observed) cases. First, the differences between the two sets of data are fairly subtle, and so do not suggest obvious exaggeration on the part of advisers. Second, one of the differences noted is consistent with interviewer/observation effects. In the observation set, one case was observed where the client revealed problems with criminal prosecution. In the adviser case audit interview dataset, 12 such cases were recorded.

Figure 2 shows the results from the adviser case audit data gathered during interview.

Figure 2: Proportion of clients reported with multiple problems (that cross problem boundaries) from adviser interviews



It can be seen that the adviser interviews suggested that a majority of clients (66%) had problem clusters that crossed cluster boundaries, and that about 1 in 5 clients had problems across three or more categories.

Table 6 shows the prevalence of different problem types within the observation data (the 'observation data' column below) and the data on problems reported by advisers during interview (the 'interview data' column below).

Table 6: Prevalence of observed and reported problems

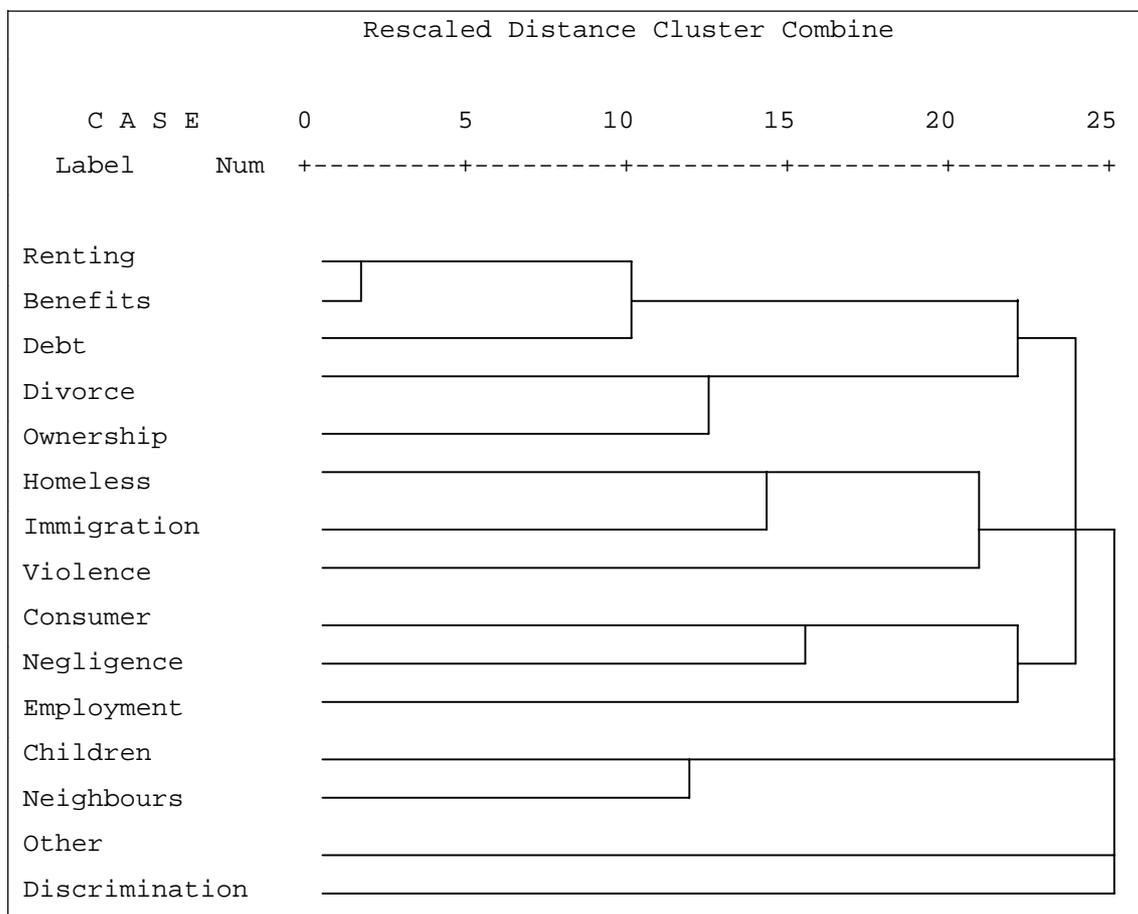
Problem category				
Welfare benefits				
Money/debt				
Employment				
Consumer				
Children				
Other				
Immigration				
Discrimination				
Number of clients	178			

Thus the problems suffered by the clients observed were dominated by problems with money, benefits, debt and rented housing (which were often threatened evictions symptomatic of debt problems). This is not surprising given the nature of suppliers recruited to the study.

Hierarchical cluster analysis was carried out on the above problem data to establish the most common connections between problems researchers observed (Figure 3) and advisers reported on their cases in interviews (Figure 4).⁹ The dendrograms illustrate pictorially through a tree diagram the relationships between the different problem types. The clusters with the closest associations are the ones showing linkages towards the left of the diagram. Graphically, they are closer together. So, for example, in Figure 3, rental and benefits problems are linked together at the top left of the diagram indicating a very close linkage between these problem types. These problems are then next most closely associated with debt.

⁹ The method set out in Pleasence et al (2006: 66) is used. Data was binary so similarities between problem types were used to cluster problem types. Jaccard coefficients were used as similarity measures. Co absences were ignored.

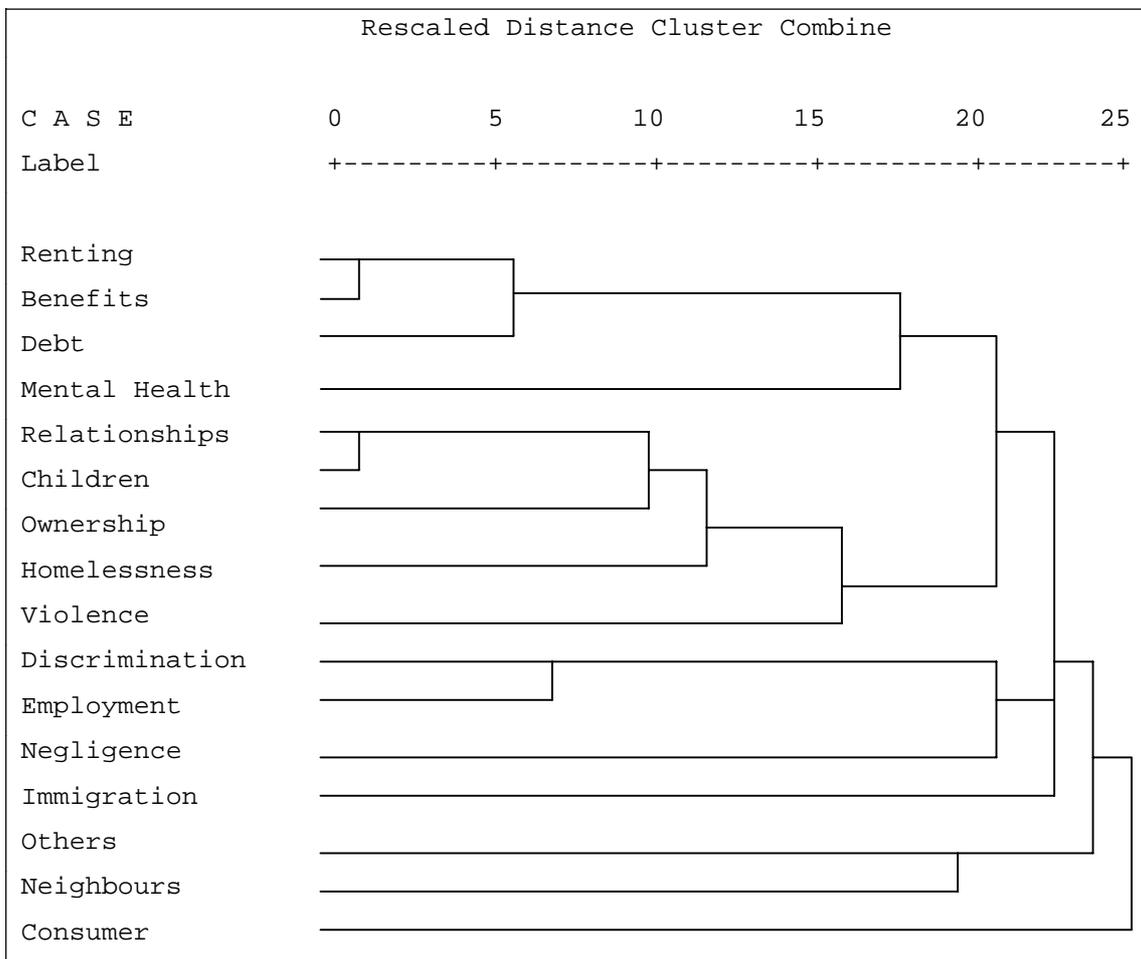
Figure 3: Clusters (Observation Data)
Dendrogram using all problem categories – Average Linkage (Between Groups)



It can be seen that **rented housing** problems and **benefits** problems were commonly associated (out of 83 benefits and 54 rented housing problems, 27 clusters contained both rented housing and benefits problems). **Debt** problems are also closely associated with rented housing and benefit problems (7 problems involved debt, benefits and rented housing). Although other problems show a relationship on the dendrogram the number of problems for these is small and provide only limited evidence of associations.¹⁰ An identical analysis was carried out on the adviser case audit/interview data (Figure 4).

¹⁰ Relationship breakdown and home ownership clustered for four clients. Children and neighbours show an association on the dendrogram but actually only clustered on 3 occasions in the dataset. Consumer and negligence cluster on 3 occasions. Immigration and homelessness clustered on 4 occasions.

**Figure 4: Clusters (Interview Data)
Dendrogram using Average Linkage (Between Groups)**



The main observations from the above analysis are the following:

- It can be seen that as with the observation interview data **rented housing** problems and **benefits** problems were commonly associated (62 clusters contained both rented housing and benefits problems, out of 240 benefits and 135 rented housing problems). **Debt** problems are also closely associated with those two problems (13 problems involved debt, benefits and rented housing). Justiciable mental health problems are the next ones to show links with that cluster (9 clients with debt problems had mental health problems; 24 with benefits problems had mental health problems,

and 8 clients with rental problems had mental health problems).¹¹ Mental health is an addition to the cluster seen in the observation data, where only one client appeared to have justiciable mental health problems.¹²

- When **relationship breakdown** problems occurred they were commonly associated with problems relating to **children** (out of 29 children problems and 44 relationship problems, these clustered on 12 occasions). **Home ownership** issues were the next most closely associated with the relationship cluster (4 clients had relationship breakdown, children and home ownership problems). Interestingly, problems with **domestic violence** only join the relationship cluster later, despite 9 out of 16 clients with domestic violence problems also suffering problems with relationship breakdown or children.
- **Discrimination** and **employment** problems are the next most clearly identified cluster (out of 10 clients with discrimination problems and 51 employment problems, 8 had discrimination and employment problems).

While cluster analysis is a useful way of identifying the most common clusters, it does not identify other ways in which problems commonly overlap. So, for example, benefits problems are most strongly linked with rented housing problems, but they are also linked with a whole host of other problems as indicated below. This can be seen most clearly with the adviser interview data. Derived from these data, Table 7 shows the other problems that the clients with debt, benefits, rented housing, homelessness and employment problems experienced. So, for example, it can be seen that of the clients with debt problems, 14% had problems with employment, 36% had problems with benefits and 24% had problems with rented housing.

¹¹ Some of these clients will be the same clients, for example, three clients had welfare benefits and rental problems (often alongside other problems too).

¹² The word justiciable is important as many clients may have shown symptoms of mental illness but not had it recorded as a justiciable problem.

Table 7: Common overlapping of most prevalent problems (interview data)

Problem category	Debt	Benefits	Rental	Homeless Ness	Employ ment
	%	%	%	%	%
Discrimination	1	1	1	2	16
Relationships	10	6	7	19	10
Violence	3	1	1	8	2
Employment	14	7	7	13	
Homelessness	7	8	16		16
Ownership	9	5	1	14	8
Immigration	1	5	5	8	2
Neighbours	0	0	3	2	0
Non-legal	7	3	5	6	12
Benefits	36		46	28	33
Renting	24	26		33	18
Debt		23	27	16	41
Children	5	2	5	14	4
Negligence	0	1	1	2	2
Mental Health	6	10	6	13	14
Consumer	1	1	0	0	0
Others	9	5	3	0	12
N	153	240	135	64	51

In general, whilst the importance of debt, rented housing and benefits problems to each client was clear (unsurprising of course given the way the suppliers were chosen) other problems also cluster together quite frequently. The same analysis was conducted on the observation data on the three main categories of problem where there were sufficient numbers to justify analysis. Here the clustering occurs more narrowly around the three main problem areas (Table 8).

Table 8: Common overlapping of most prevalent problems (observation data)

Problem category	Debt	Benefits	Renting
Children	0%	1%	4%
Consumer	2%	2%	2%
Discrimination	0%	1%	0%
Divorce	6%	7%	4%
Domestic Violence	2%	0%	2%
Employment	4%	1%	2%
Homelessness	2%	5%	9%
Home owning	6%	2%	0%
Immigration	0%	1%	2%
Renting	24%	33%	
Debt		24%	24%
Neighbours	2%	0%	4%
Other	2%	0%	0%
Personal injury	2%	2%	0%
Benefits	37%		50%
N	54	83	54

Another way of interpreting these data is to identify the average size of cluster associated with each problem type. This analysis is set out in the Table 9, where we show the mean cluster size associated with each problem type. This means, for example, that clients with homelessness had 2.7 problems on average whereas clients with debt problems had 1.9 problems suggesting that clients with homelessness problems were likely to have more problems than those with debt problems.

Table 9: Mean cluster sizes (interview data)

Problem category	Observation Data		Interview Data	
Mental Health				
Negligence				
Neighbours				
Children				
Renting				
Relationships				
Consumer				
Discrimination	1.5	2	3.0	10
Others	1.3	4	2.2	47

Interestingly, the three main focii of the study (benefits, debt and housing) were not the problem types associated with the largest problem clusters for either data set, although they were the most prevalent problem types. In particular, problems that involved relationship breakdown/children, home ownership, mental health, domestic violence, employment and homelessness gave rise to the most complex (and arguably the most serious) problems. This may have policy implications for delivery of services in these areas, and also suggests that these areas may be particularly fruitful avenues for further research on clusters and advice provision. Any policy aimed at targeting clusters has to ensure that it properly deals with clients who have these problems. Interestingly, the problems forming the largest clusters are also those that indicate acute social exclusion. As this report will highlight, it is these clients who are often the most vulnerable and in need of concerted and co-ordinated help.

Local authorities as a source of problems

Another issue that the observations rendered particularly noticeable was the extent to which local authorities were implicated in the problem clusters. This is particularly interesting considering the priority given to the joint funding of CLACs and CLANs by

the LSC and local authorities. The potential conflict of interest is discussed in the final chapter. Of the clients observed, 66 clients had a problem or clusters of problems involving local authorities:¹³

- 37 had housing benefit problems;¹⁴
- 17 had council tax problems;
- 17 had rent arrears problems;
- 17 had housing/re-housing problems;
- 14 had council tax benefit problems;
- 9 had disrepair problems; and
- 3 had overcrowding problems.

These figures do not specifically *in themselves* indicate that local authorities were at fault for each of these problems (e.g. clients may have misinterpreted responsibility for the problems: they may not have been entitled to housing benefit, or rent arrears may simply be the product of his or her spending decisions), although our observations suggested local authorities often were at fault. It must also be remembered that we were concentrating on three areas (debt, housing and welfare benefits) where the local authority was more likely to be implicated. Equally, these three areas are the mainstay of the Community Legal Service and a dominant element in plans for CLACs. As a result, it is clearly important to note that dealing with housing, benefit and council tax issues gave rise to very high levels of legal need (about a third of the cases observed) and is likely to lead to the advisers in CLACs and CLANs opposing the local authority in a large proportion of cases. As discussed below, this gives rise to a potential conflict of interest, because CLACs and CLANs are co-funded by those same local authorities.

Triggers for problems

The idea that problems ‘cascade’ from trigger problems is an important element in the identification of problem clusters. If trigger problems can be identified and tackled, there is potential to reduce the incidence of legal need, reduce expenditure

¹³ The number of problems adds up to more than 66 because some clients were experiencing more than one problem with their local authority.

¹⁴ For a discussion of the problems in housing benefit administration generally and their knock-on effect in terms of housing possession cases, see Blandy et al, (2006).

on publicly funded legal services and significantly improve client lives (Pleasence et al, 2004b: 326).

It was often difficult for clients to explain in a coherent way the linkages between their problems and what caused them. Indeed a number simply could not say what caused their problems, perhaps because there was no single cause or trigger, rather the problem resulted from an unfortunate combination of events. Even where clients offered an explanation, in some instances both logically and chronologically the perceived cause could not have been what led to their situation shifting from the manageable to the chaotic. On the basis of our observation data and client interviews we were able to establish the apparent starting point of their problems. Where clients did give such indications of what caused their problems they could be classified as follows:

- 9 clients indicated that either their own or a close relative's illness, disability or bereavement led to their problems;
- 7 clients indicated that a benefits problem triggered their difficulties;
- 6 clients indicated that problems with current or former partners led to their problems;
- 6 clients indicated that employment problems were the causal factor; and
- 4 clients indicated that housing problems were the causal factor.

Illness, disability or bereavement

Either their own or a close relative's illness, disability or bereavement led to a range of problems including: debt; the costs and other burdens of becoming a carer; the inability to get social services to respond to particular needs; and welfare benefits issues arising out of sickness, disability or care needs. Most of the problems were caused either by a sudden disabling illness or by mental health problems (such as depression or a nervous breakdown).

Benefits problems

As would be expected, there was evidence that benefits problems lead to debt problems. This in turn was sometimes associated with housing and/or relationship problems. More often than not the benefit problems were related to housing benefit or council tax benefit, both administered by local authorities. Advisers we spoke to portrayed the administration of housing benefit in particular as very poor. Client interviews suggested that basic administrative problems (losing paper work and severe bureaucratic delays) were a root cause.

Relationship problems as triggers

Several cases were observed where debt problems were created for female clients by their male partners: one partner simply failed to pay a major outgoing without telling his partner; several had serious underlying problems (e.g. gambling) and stopped paying the mortgage as a result. Relationship breakdown tended to cause other problems too: debt, in particular, was a problem caused either by the new financial realities of separation or through the emotional and psychological dominance of relationship breakdown on people's lives. For example, one male client who appeared to be in trouble for harassing his estranged wife, found himself getting into debts apparently because he was more concerned with 'dealing with' his relationship breakdown than with his bills.

Employment problems as triggers

Employment problems included redundancy; dismissal and changes to working conditions (sometimes leading to what might be argued to be constructive dismissal). They led to benefit and debt problems (including bankruptcy). The team was not able to assess whether clients had received appropriate employment advice when their employment problems had manifested, but there are a number of practical and legal implications of employment that would have impacted on their propensity for later problems. Where appropriate claims could have been made but were not, the client may have missed opportunities to receive lump sums that may have mitigated subsequent debt and welfare benefit problems. Similarly, even where such legal claims were not capable of being made, the transition from a regular income to dependence on benefits of various sorts (income related, sickness and disability related and housing related) was clearly not made smoothly by many of the clients observed and interviewed. For many of them, however, employment was a trigger problem that substantially pre-dated the problems they presented to the advisers, leaving little or no opportunity to respond to the employment problems themselves:

Interviewer: You've spoken about the trigger being your employment.

Client: Totally. I think that was the key.... I assumed things would work out pretty soon, you know, three months, six months, but they didn't. You know, then you hope, more, and you work very hard trying to make your connections and it goes on, so obviously the longer it goes on, no money coming in, the more debts [unclear] so that's, that was the main cause. (Client of Specialist advice agency)

There are likely to be three reasons for employment being a historic rather than presenting problem. One is the shortage of specialist employment capacity within the

system for clients who are not trades union members. Another is the tendency for the impact of employment problems to increase over time as the client fails to get replacement work (as shown by the above quote). A third is that the client tries to cope in their newly straightened circumstances and finds that they cannot because debts accumulate and benefits are either insufficient or inappropriately administered (see below).

Housing problems as triggers

Housing problems were seen to trigger clusters of problems in three main ways. One was that they give rise to substantial financial difficulties. For example, one client's flat had been flooded from the flats above leading him into considerable expense for redecorating (this problem was coupled with his insurance company reneging on a policy that he believed should have covered the damage). In another case, major works on the client's property had triggered a large service charge demand. Further problems observed were disrepair to property or otherwise inappropriate living conditions that led to clients having to evacuating the property; or increases in rent that precipitated debt and eviction problems.

How debt problems manifest

Debt problems usually went on for some time before clients sought help. Indeed, we saw several clients who sought to downplay debt problems or indicated that they were coping with them on their own. In this sense, debt problems typically needed some external stimulus to crystallise them from a difficulty the client was coping with to a problem they needed help with. Usually it was legal action or the level of lender harassment that pushed clients from inaction to action. Sometimes, however, it was more practical concerns or external signposting of the client towards an advice source that shifted the situation. Both points are illustrated by the following example.

How it all started was I was told I had no chance of this flat. Then I got a letter saying that within 2 days from that, if I'm not in within 5 days I'd lose it. Now I had the money to pay my electric and gas bill but if I paid that I couldn't pay for the removal people. So I was sort of between two, sort of thing. I wrote to, I forget who I wrote to now, and asked if there was any help they could give me. And then I got a letter from the council saying what they could do for me. I didn't even know I could apply for it sort of thing. (Client of Local authority agency)

The nature of linkages between problems

A key service delivery issue for clients with problem clusters is the extent to which those problems either require or would benefit from co-ordinated service delivery. It is arguable that under existing contractual arrangements advisers are discouraged from

providing services in-house because their legal aid contracts often restrict them to a relatively narrow set of problems within which they specialise. LSC policy is moving towards the merger of, or greater co-ordination of, specialist provision through CLACs and CLANs.

That clients frequently present with multiple problems is itself suggestive of some need for co-ordinated action. Equally, the team's analysis indicates that many linked problems could be dealt with adequately by separate advisers as long as they communicated effectively with each other. Indeed organisations usually indicated that clients with multiple problems who were dealt with in-house, often had their problems dealt with separately by two advisers using two files. Some examples may help to illustrate the points.

Clients with benefits and debt problems will benefit from interim arrangements being made with creditors prior to their benefit problems being resolved, with a view to some more permanent arrangements being reached with creditors thereafter. Co-ordinated action is more strongly indicated where the debt arises directly from a benefit problem, as frequently observed during the study. For example, a client was observed who alleged they had been underpaid Council Tax Benefit and so had not paid their Council Tax in full. The local authority issued a summons for the arrears. The client had also been told by someone in the local authority that his claim form may have been lost. In addition, he was in financial difficulties with an unsecured loan from a High Street Bank. The Council Tax debt was obviously and directly related to the benefit problem and the negotiation as to what happened as regards the arrears would have been likely to depend on the outcome of the benefits problem. The bank loan situation might have been affected by any improved benefits situation, but was not so directly linked to it.

Sometimes the sheer complexity of clients' lives and their vulnerability appears to make co-ordinated management of their multiple problems more of an imperative. In one case a client sought re-housing. He had vacated his property and was currently living with his mother. The client's social worker had done very little to help. The client had mental health and chronic physical illness problems that necessitated, in his view, accommodation close to his mother (who partially cared for him) in an area where he felt safe (he was suffering from harassment from neighbours in his own home). He had been offered accommodation in the past in unsuitable areas and had turned it down due to his vulnerability. There were Council Tax problems relating to

this move to his mother's and there was an outstanding issue with the client's housing benefit being stopped.

In another case, the solicitor we observed was seeking to overturn a council's decision that the client had made herself intentionally homeless (she was joint tenant of a rented property with her sister). The client was currently living in a self-contained flat provided by a domestic violence refuge. The client and her children had to flee their previous property (the one she rented with her sister) because of the severe domestic violence suffered at the hand of her husband, including rape. As a result of the violent end to the client's relationship with her husband, her family were too afraid to see her, thereby reducing a source of her emotional support. The refuge facilities for cooking and cleaning were inadequate and the rent was high, with the client falling into rent arrears. Although this accommodation was provided for the client and her children, the client had to share it when the refuge needed to house further people.

Other problems might be more capable of separate management. However, as these examples indicate, any adviser dealing with the debt or housing problems linked to benefits difficulties would struggle without firm knowledge of the state of play with the client's benefits problems. For example, a client was observed whose benefit status had altered. He was in rent arrears of over £3,000, and was subject to a suspended possession order that the adviser was going to apply to the court to vary downwards in the light of his benefit circumstances. He had various other debt problems: a loan, mobile phone and car, and extensive parking fines. His housing benefit assessment was incorrect and he was not receiving the Child Tax Credits to which he was entitled. Another client presented with a problem about possession of their home because of rent arrears. Her Child Benefit had been wrongly stopped. Moreover, it appeared her husband, who had been in and out of work over recent years because of ill health, was entitled to Incapacity Benefit but was not receiving it. They also had substantial debts (credit cards and bank loans). A personal injury claim for the husband was being pursued through different advisers.

Another way in which linked problems would benefit from co-ordinated action is when clients seek advice on 'trigger problems'. In such cases clients might benefit from advice or help that anticipates the possibility that linked problems arise. For example, we observed a client made redundant who looked like he may have been unfairly dismissed. An inadequate redundancy package was being offered. The client subsequently developed debt problems that he was managing himself. In addition, he

had concerns that his tenancy was in jeopardy because his tenancy agreement specified 'No DSS'. Proactive benefits and debt advice may well have assisted this client.

Other problems were more separate and capable of being resolved separately. For example, a client was observed who was seeking help with a Disability Living Allowance (DLA) application. The client's husband had recently suffered a stroke (at the age of 32) and had become disabled as a result. He had severe difficulties communicating and was agoraphobic. They lived in a flat that was fairly small and had no garden. They were trying to get re-housed on the basis of the husband's new needs. Their re-housing needs and the DLA application might conceivably be dealt with successfully separately.

Another client had a County Court Judgment (CCJ) issue against him for a £2,000 debt owed to a furniture company by a third party with whom the client had been implicated. He did not attend the court case because of mental health problems for which he was hospitalised from time to time. The client wanted to challenge the CCJ on these grounds. He was already being pursued by bailiffs on the basis of the Judgment. Also, the client faced possession proceedings relating to a housing benefit claim that he said had been maladministered. The client's furniture debt needed to be challenged and could probably be done effectively without reference to the rent arrears/housing benefits problem, but then, if the client was unsuccessful and needed to reschedule payments of the debt, this would be beneficially done with reference to the rent and benefits situation.

Our interviews with clients suggested that they were content to be helped by different advisers, even advisers in different locations. Their main concern was that their problems were dealt with. Some clients recognised that even when they had all their problems dealt with in-house, they would be required to make a series of appointments (with attendant delay and waiting time). In this way, the problems of referral fatigue might apply to in-house as well as external dealing.

However, this analysis of clusters and interviews with advisers suggests that problem types are often viewed by advisers as logically and naturally requiring, or at least benefiting from, co-ordinated action.

Summary

A major role of this research was to examine the extent to which general population survey data, which has presented problem clusters as a meaningful and important element in our understanding of legal need, is borne out in practice when looking at the ways clients present in advice agencies and solicitors firms. This will help establish the extent to which clusters of problems are meaningful and useful concepts from the point of view of service delivery. Observation and interview data confirms that for clients attending the types of agencies observed, clients presented with multiple problems that crossed the main boundaries between specialisms relatively frequently (we estimate between 43% and 56% of clients in the agencies we dealt with had multiple problems across problem types). The strongest clusters of problems found were:

- Rented housing, benefits and debt;
- Relationship breakdown, children, home ownership and domestic violence;
- Discrimination and employment.

The nature of clusters found will, of course, depend on the nature of advisers observed. The advisers the study observed concentrated on housing, debt and benefits, with one also concentrating on family work. The clusters present a reasonably strong similarity to those found by Pleasence et al (2006), confirming in broad terms within the suppliers observed that the problems that clients say they have in surveys also present in practice. A further important observation is that the statistical concept of clusters is limited (as is any statistical concept). Hierarchical cluster analysis sorts problem categories into the most strongly associated clusters but simply focusing on these clusters does not capture the full interrelationships between problem types across categories. An alternative approach, simple cross-tabulation of problems, shows that benefits, homelessness and employment problems linked with a wide range of problems (debt in particular). Mental health problems also has linkages across a range of problems.

A related finding is the extent to which clients with justiciable problems are coping with other significant problems, most notably physical and mental health issues. At least 28% of the clients observed had disability or chronic illness of one sort or another. Often clients were caring for elderly or sick partners or relatives. The interview data also suggested advisers had identified 34 out of 487 (7%) of their clients had mental problems. Later chapters will consider the ways in which social problems interrelate with and compound justiciable problems but it is worth noting in

passing, as Currie has noted in the context of emerging work on clusters of justiciable problems in the Canadian context, problem triggers are often coupled with “a resultant decline in levels of personal coping and self-efficacy... ..an already shaky edifice of daily life begins to crumble even further.” (Currie, 2006: 13).

The analysis also considered the causes and triggers for the clients’ problems. A particularly interesting finding is the extent to which local authorities were implicated. Of the observed clients, 37% (66 out of 178) had problems with local authorities. This does not mean the local authority was always at fault but it does show how the actions (or failures) of local authorities can give rise to needs for legal advice and, often, legal help. This can be due to problems occurring in relation to housing benefit; council tax and council tax benefit; as well as housing (disrepair, repossession, rehousing and overcrowding).

Other causes or triggers for problems were illness/disability (of the client or a close relative); benefits problems; problems with current or former partners; employment difficulties and housing problems.

A final issue is the extent to which clusters of problems simply occur together or interrelate. As Pleasence et al state:

Problem types do not have to cause or follow on from one other in order for there to be a connection between them. Connections can also stem from coinciding characteristics of vulnerability to problem types, or coinciding defining circumstances of problem types. (Pleasence et al, 2004a, 37)

What appears to be a rather delicate distinction is, in fact, important. The extent to which problems genuinely interrelate will determine the extent to which solutions to those problems will be similarly intertwined. Our analysis of the observation and client interview data suggests that most problem clusters would benefit from, but not require, co-ordinated management, and for a minority of very complex clusters, with particularly vulnerable clients, the need for co-ordinated management is strong.

3. The presentation and management of problems

Having shown that upward of 40% of clients in this study came to advice providers with multiple problems, it is important to understand how those problems present. Do clients reveal those problems explicitly as part of their own explanation for needing advice or are they revealed more implicitly, either in passing by the client or as the result of careful questioning by advisers? Similarly, in understanding the extent and nature of provision for clients with these problems, it is important to know how advisers respond to clients with multiple problems, particularly those outside their own expertise. As a result, during the observation information was collected on how problems presented, the extent to which the adviser responded to these problems and the action proposed by the advisers.

Three frames of analysis were adopted to help make sense of the data and build up an understanding of the ways in which problems present and are dealt with by advisers. The first frame was the nature of the organisation itself. As noted in the methods section, four different types of organisation were observed: CABx, specialist advice agencies, solicitors, and local authority agencies. The differences between these agencies was often a matter of degree, and in particular it is not appropriate to imply that any particular agency lacked specialist advisers. For instance, whilst some generalist, volunteer advisers in CABx were observed, alongside solicitors and specialist advice agencies, they all had specialist legal help contracts. Similarly agencies other than those in the solicitors' firms employed solicitors and within each organisation there were advisers who were identifiably specialist in a particular area of law. As a result the analysis focuses also on the specialisms of the particular advisers who were interviewed, and also the specialisms contained within the organisation. This enabled the team to explore the extent to which the adviser's expertise and/or the expertise available within their organisation, shapes the trajectory of client service delivery.

Complexity and nature of the presenting problems, broken down by supplier type

Table 10 shows the distribution of problem clusters broken down by supplier type.

Table 10: Number of problem clusters across categories by supplier groups (observation data)

Supplier	Number of problems (%)				N
	1	2	3	4	
CABx	70.2	22.8	5.3	1.8	57
Specialist Advice Agencies	50.0	36.2	13.8	0.0	58
LA providers	64.3	28.6	7.1	0.0	28
Solicitors	42.9	37.1	17.1	2.9	35
All providers	57.3	30.9	10.7	1.1	178

The analysis shown in Table 10 indicates differences in the tendency of clients attending certain types of supplier to present with multiple problems. From the observations, solicitors averaged (mean) 1.8 problems per client; specialist advice agencies averaged 1.7 problems; local authority agencies averaged 1.4; and, CABx averaged 1.3 problems. The difference in mean numbers of problems across categories was statistically significant between solicitors and CABx and between specialist advice agencies and CABx,¹⁵ suggesting that the clients of solicitors and specialist advice agencies that we saw had larger problem clusters than the CABx clients we observed.

The same analysis was carried out on the adviser interview data (Table 11).

Table 11: Number of problem clusters across categories by supplier groups (interview data)

Supplier	Number of problems (%)					N
	1	2	3	4	5	
CABx	49.7	29.4	9.8	7.0	4.2	143
Specialist Advice Agencies	36.2	46.7	14.5	2.6	0.0	152
LA providers	54.2	38.6	2.4	2.4	2.4	83
Solicitors	38.5	33.0	13.8	12.8	1.8	109
All providers	43.7	37.2	10.9	6.2	2.1	487

Local authority agency clients did not reveal multiple problems as often as other clients. They averaged 1.6 problems per client compared with 2.1 per client for solicitors' clients, 1.9 per client per CABx, and 1.8 per Specialist advice agency

¹⁵ T-test, p = .006 (solicitors and CABx) and p = .015 (specialist advice agencies and CABx).

client. These differences are statistically significant.¹⁶ There were no other significant differences,¹⁷ although the difference between solicitors and specialist advice agencies neared significance.¹⁸

The data tends to support the view that solicitors are most likely to have clients who present with multiple problems across legal aid categories. The data on specialist advice agencies is similar to that of solicitors (i.e. they were not statistically different). This finding provides an interesting counterpoint to the concern that specialists may tend to focus too narrowly on ‘what they know’ excluding problems that clients have that fall outside of their specialism (how they were dealt with is discussed below). The picture for CABx is more complex. In terms of observed interviews their clients were (along with local authority agencies) less likely to reveal multiple problems. This is interesting, given the common perception that CABx are more likely to provide an accessible point for clients to bring ‘all’ their problems and also the perception that they provide a particularly ‘holistic’ service. However, the adviser interview data suggests that clients who have become ‘cases’ in the minds of advisers have more complex needs. This may represent some filtering of those they interview (with fewer multiple problems on average) and those who become cases (who have more multiple problems on average). It may also be because of the relative inexperience of some of the CABx advisers who were observed.

Presentation within and outside specialism

The observation data (but not the adviser interview data, which was less detailed) allows more detailed analysis of the relationship between the adviser specialisation and problem presentation. This supports investigation of the reasons why one set of clients approaching one adviser presented more clusters of problems than another set approaching another adviser. Given the type of advisers and problems the data suggests that problems presented in three major categories of problem–adviser interaction:

- problems presenting to specialists that were within their specialism;
- problems presenting to specialists that were outside their specialism; and
- problems presenting to generalists (who by definition did not have a specialism).

¹⁶ Local authority means were compared with solicitors (t-test, $p = .001$), CABx (t-test, $p = .047$) and specialist advice agencies (t-test, $p = .034$)

¹⁷ T-tests, $p > .05$.

¹⁸ T-test, $p = .063$.

There are no commonly accepted definitions of what constitutes a specialist adviser in any particular category of work. This is in contrast to the LSC's accreditation of organisations, and supervisors within those organisations, as sufficiently competent to be accredited with an SQM. The researchers thus categorised advisers based on their role within their organisation and their workload. For example, advisers who solely or mainly concentrated on one or two areas of work were categorised as being specialists in that area. Advisers who were volunteers, providing generalist advice on a drop-in basis to any clients were categorised as generalists. Whilst this may not fully capture all the skills of each adviser, it provides a reasonably robust framework for the purposes of analysing general patterns within the advice providers observed.

Of the problems observed, 39% were dealt with by advisers who specialised in dealing with those problems, 30% were dealt with by generalists and 31% were problems dealt with by specialists outside their area of expertise (e.g. an ancillary problem to the main presenting problem). A breakdown by subject area for the problems is presented in Table 12.

Table 12: Presentation of problems within and outside adviser specialism

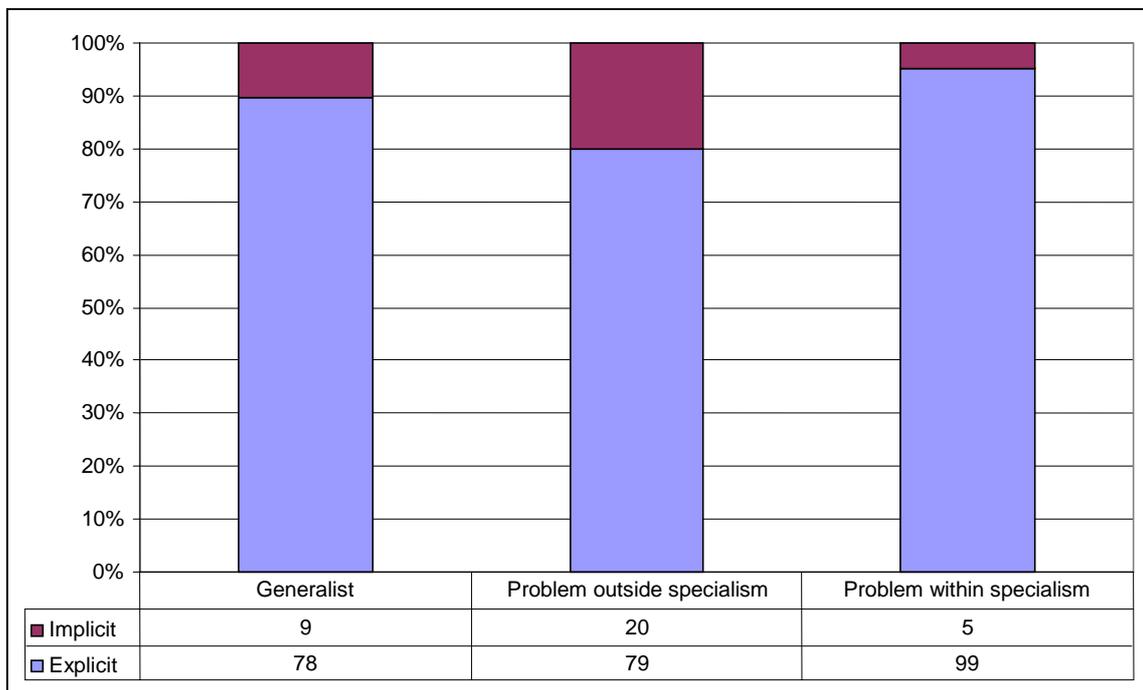
Problem category	Generalists	Specialists	
		outside specialism	within specialism
	%	%	%
Benefits	18.2	33.3	33.3
Consumer	6.8	1.1	
Debt	23.9	16.7	18.8
Discrimination	2.3		
Employment	8.0	4.4	
Family	5.7	17.8	11.1
Housing	27.3	17.8	35.9
Immigration	1.1	2.2	
Mental Health		1.1	
Neighbour problems		3.3	
Personal Injury	3.4	1.1	
Other	3.4	1.1	
N	88	90	117

At the level of these broad problem boundaries neither generalists nor specialists facing problems outside their specialism are presented with problems in a particularly narrow range, although housing, debt and benefits are the most prevalent.

Nature of presentation

The team also sought to gain some understanding of how problems presented in the observed adviser–client interviews. One parameter was the extent to which problems presented **explicitly** as one of the main issues the client raised initially with their adviser or **implicitly** either through pro-active questioning by the adviser or being ‘picked-up on’ through general dialogue with the client about the ‘main’ problem. Here, interesting differences are apparent between the three main categories of problem–adviser interaction.

Figure 5: How problems presented: specialists and generalists



The figure shows that whether or not a problem accords with a specialist’s area of expertise appears to have an effect on the way in which problems present. There are three possibilities. One is that presentation is determined principally by client choices about where they take problems and what they are willing to raise with their advisers. For example, a client with a housing problem might be likely to take that problem to a housing specialist, but might be less likely to raise problems outside the stated expertise of the adviser (or their organisation). A second possibility is that advisers tend to manage their interviews to exclude, or diminish the possibility of, clients raising problems outside of the adviser’s expertise. A third more subtle possibility is that client choices and adviser’s approaches to interviews interact to diminish the likelihood of certain problems (outside the adviser’s expertise) being raised either

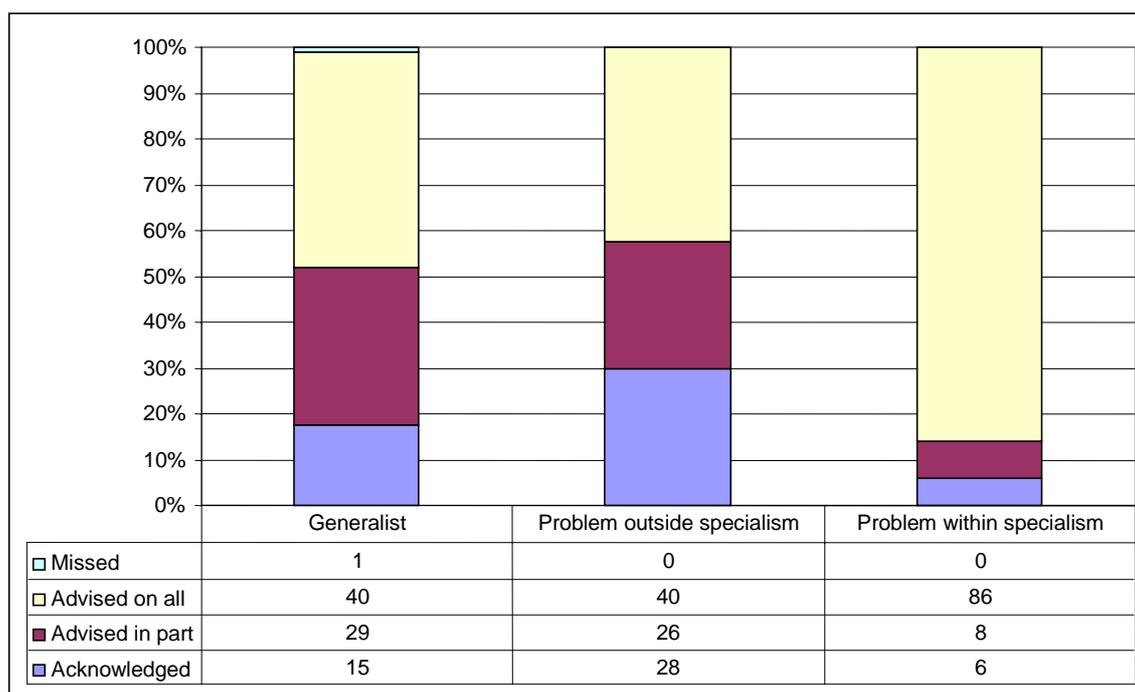
explicitly or implicitly. The team's experience from the observations suggests that the latter, interaction explanation is the most plausible.

The method by which clients were received into an organisation also had an important impact on how they were dealt with. Some advice agencies operated a triage system, which quickly identified the main presenting problem as perceived by the client, whether it was serious enough to need specialist advice and then ensured it was dealt with appropriately. This was a deliberately truncated process which advisers themselves felt limited the capacity to develop a full picture of the client's needs. It did however enable the agency to provide initial contact to more clients and protect the time of specialist advisers for those clients who were identified as being in greater need. Clearly though, this model of triage is dependent upon the client's view of their problem and the time period within which triage is conducted (i.e. often rapid turnover) is not always conducive to the presentation of multiple problems by the client.

Under some of these scenarios, problems that do not 'fit' closely with adviser specialism might be predicted to be less likely to present explicitly in interview. As seen above in Figure 5, the analysis of the observation data supports this hypothesis: more problems were observed presenting implicitly when they presented outside an adviser's specialism. The difference in the above distributions was statistically significant.¹⁹ Whilst differences in problem presentation may be caused either by advisers, by clients or by both, the ways in which advisers responded to those problems is much more likely to be caused by the advisers and whether the problem was within or outside their expertise. Figure 6 shows how the same advisers responded to these problems. The researchers assessed from their observations whether the adviser had dealt with each problem in full (dealing with each aspect of the problem and advising on it or signposting/referring the client on for it all to be dealt with), in part (perhaps beginning to address the problem but not dealing with it in its entirety) or had simply acknowledged the problem.

¹⁹ Pearson Chi-square, $p = .003$.

Figure 6: Response to problem by adviser categorisation



Again the difference in the distributions for generalists and specialists dealing with problems within and outside their specialisms was significantly different.²⁰ The main difference appeared to be that the specialists advising within their expertise were much more likely to advise on the problem in its entirety whereas generalists and specialists who uncovered problems outside their main expertise were more likely to advise on the problem in part, or to simply acknowledge the problem. Thus, these data tend to fit with the idea that generalist advisers or specialists who are faced with problems outside their expertise are less able or willing to deal fully with such problems. It is the first evidence suggesting there are problems with providing holistic or seamless services. The possible reasons for this are discussed in Chapter 5. Table 13 focuses on the nature of action the adviser agrees with the client. From the advice given the researcher could assess what the adviser was likely to do for the client. Sometimes the client was advised that they should deal with the matter themselves. Where a general indication was given that the adviser would probably help, but it was not clear precisely how extensive that help would be, the advice was coded as 'adviser likely to help'. A more specific indication that the adviser would be likely to negotiate with the other side was coded as 'likely to negotiate' and an

²⁰ Pearson Chi-square, $p = .000$ to three significant figures.

indication that the adviser would represent them in court or tribunal proceedings if necessary was 'likely to represent'. If the client was advised that there was nothing they could do it was coded as 'no action the client could take'. Clients who were told they needed to speak to someone else, and where the adviser took steps to ensure that an appointment was booked with a specific individual, were coded as having been referred (often this was referral to a colleague). Less specific referral behaviour was coded as 'signposting'.

Table 13: Nature of action adviser agrees with client

	Generalist	Specialist	
		Problem outside specialism	Problem within specialism
	%	%	%
Advised – client to deal themselves	20.6	10.1	9.3
Advised – adviser likely to help	14.7	44.3	40.2
Advised – adviser likely to negotiate	0.0	5.1	6.2
Advised – adviser likely to represent	27.9	11.4	37.1
Advised – no action that client could take	5.9	13.9	4.1
Advised – other	2.9	2.5	3.1
Referred	14.7	6.3	0.0
Signposted	13.2	6.3	0.0
N	68	79	97

The difference in distributions is again significant,²¹ but there are basically two main sub-categories of strategy indicated: referral/signposting and the provision of some form of advice.

Signposting and referral

It is helpful to concentrate on levels of signposting/referral. Referral was defined as making an appointment for the client with a named adviser. The referrals observed were largely internal ones (i.e. clients being booked appointments with colleagues of the adviser being observed). The level of referral is in contrast to earlier work (the *Anatomy of Access* study by Moorhead and Sherr, 2003); this can be explained by the Moorhead and Sherr Study focusing on agencies without in-house expertise to deal with particular problems. As might be expected, the generalists were most likely to signpost/refer (which they did with 28% of problems); specialists did this for 13% of

²¹ Pearson Chi-square, $p = .000$ to three significant figures.

problems they were not specialist in and (as one would expect) specialists did not signpost or refer for any problems within their expertise.

The difference in signposting/referral activity is intriguing. Why were generalists signposting/referring more often than specialists? One explanation is that for generalists, signposting was a more central part of their job. They were expected to identify problems, deal with those that were not complex, and signpost on those that required more detailed assistance. Specialists were in a different position. They were typically faced with a client who presented with a problem within their expertise and one or more problems outside their specialism. Whilst expected under legal aid contracting requirements to signpost or refer clients on,²² this expectation may not be as firmly entrenched as it ought to be in practice. Previous research has suggested that signposting activity has been relatively high but that the quality of that activity was of more concern (Moorhead and Sherr, 2003). The explanation may be linked to a reluctance to signpost given other suppliers' lacking capacity to deal with the other problems for which the adviser wishes to signpost the client. This is discussed in the next chapter.

The *Anatomy of Access* study looked in depth at the quality of signposting activity and found that about half the signposts were of questionable quality (Moorhead and Sherr, 2003, 26–32). Consistent with *Anatomy of Access*, this study found that resources used by advice providers to aid signposting were variable, suggesting the concerns about quality of signposting are still prevalent to a degree at least. Some advisers used the Community Legal Service (CLS) website directory, whereas others used the phone book or other directories (e.g. their own or the Law Society's). Some criticised the LSC list ("I find it quite difficult to find my way through it."). The perceived barriers to signposting are discussed in Chapter 5.

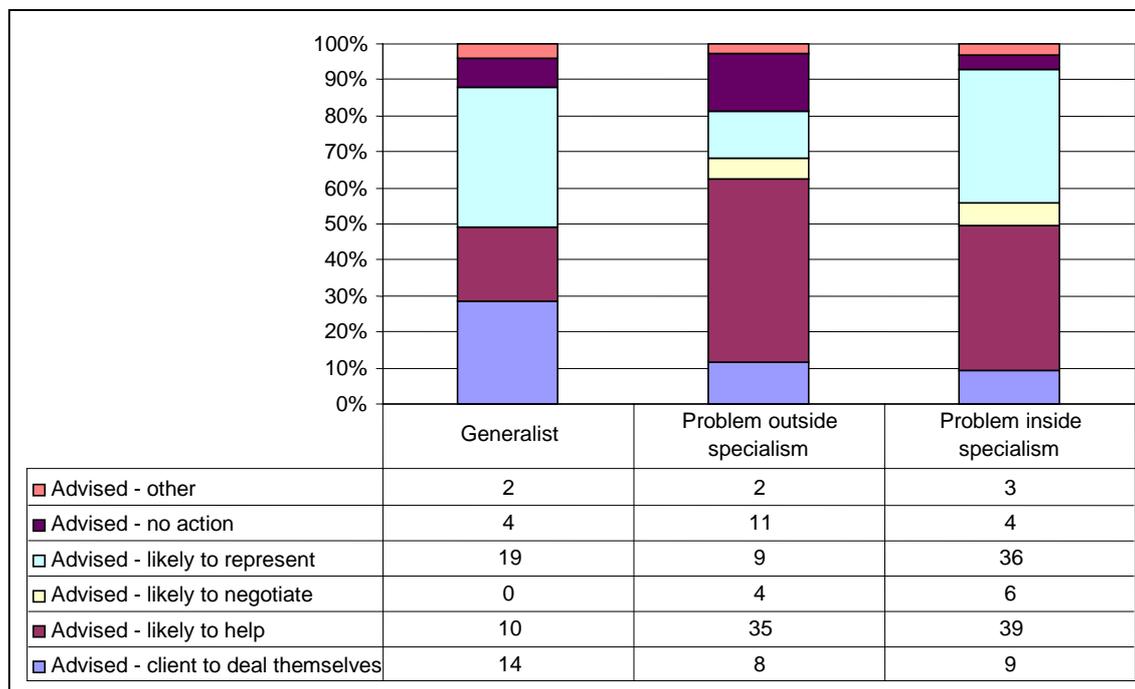
Nature of advice given

In addition to signposting/referral activity, during observations the team also sought to collect data on advice strategies. When the client was advised there was a statistically significant difference in advice strategy depending on adviser–problem interactions (Figure 7).²³

²² The *Specialist Quality Mark Standard* states that, "Where a member of the Community Legal Service (CLS) or the Criminal Defence Service (CDS) cannot provide the particular service needed by the client, they must inform the client and direct them to an alternative service provider, where available." LSC (2005), p. 32.

²³ Pearson Chi-square, $p < .000$ to three significant figures.

Figure 7: Advice strategy by category of adviser



Generalists seemed most likely to advise that the client should deal with the problem themselves. *Anatomy of Access* showed the dangers of this (Moorhead and Sherr, 2003, 57–58) and the capacities of clients to deal with problems themselves are discussed in Chapter 5. The specialists dealing with a problem outside their specialism more often indicated a willingness to help which did not commit to representation or negotiation on behalf of the client and also more often indicated no action was available. Again, there is an evidenced risk that advisers dealing with problems outside of their own specialism, misdiagnose them as ones for which there is no solution when in fact a solution does exist (Moorhead and Sherr, 2003, 57).

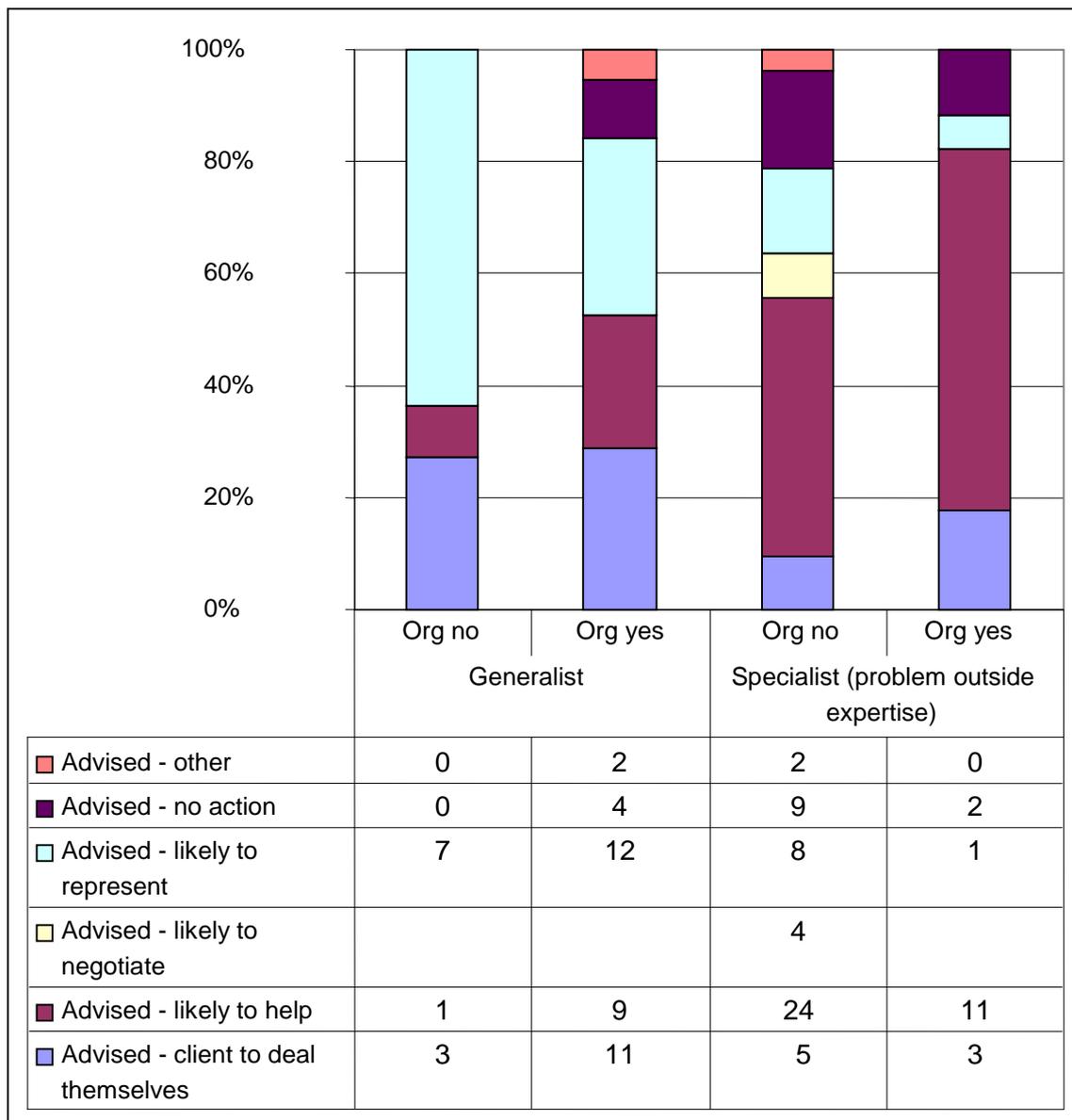
Organisational expertise

There is a further level to the analysis that is of interest. In addition to the expertise of the adviser, it is important to consider whether the expertise of the organisation had an impact on the way the client’s problem manifested and was dealt with. For example, client choices and adviser strategies during interviews might both be influenced by the organisation within which an interview was taking place. A client might be more likely to raise problems outside an adviser’s expertise where they

know that the organisation deals with such problems. Furthermore, an adviser might be more likely to, or more confident in, dealing with problems that they know their colleagues deal with either because they are more sensitised to those (e.g. through intra-organisational training or the opportunity to discuss a wider range of problems with colleagues). Alternatively, they may have a stronger incentive to identify and deal with problems where it helps their organisation fund more cases under contracts. The opposite is also possible. Suppliers who are operating beyond their capacity may have an incentive to pass cases on to other suppliers, even where they deal with those problems in-house.

To begin to analyse such relationships, adviser–problem–organisation interactions must be focused on. The effect of organisation capacities on advice strategies are apparent in Figure 8. The figure compares the advice strategy of generalist advisers dealing with problems that their organisation has expertise in ('Org yes') with generalists dealing with problems in areas of law for which their organisation does not have specialist expertise ('Org no'). The same comparison is made for specialists facing problems outside their own expertise that either are ('Org yes') or are not ('Org no') within their organisation's expertise.

Figure 8: Comparing effect of organisation on generalists and specialists when faced with problems outside their specialism



The advice strategy for generalists did not differ significantly depending on their institutional context²⁴ nor did that for specialists.²⁵ However, differences between the specialists and generalists within these two categories persisted. So, specialist advisers dealing with a problem outside their own and their organisation's expertise behaved significantly differently from generalist advisers dealing with problems outside their own and their organisation's expertise.²⁶ Generalists tended to confine

²⁴ P = .298

²⁵ P = .456

²⁶ Chi-square, p = .004

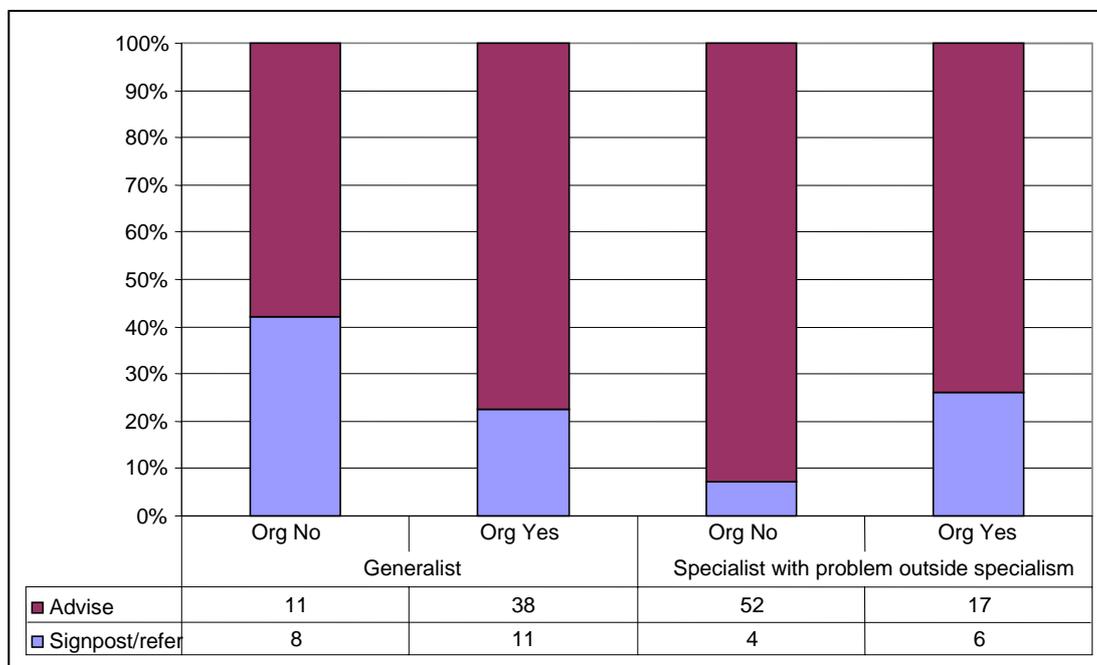
themselves to saying the client should deal with the problem themselves or that they would represent them. Specialists' approaches were much more varied, including a tendency to advise the client there was nothing that could be done for them.

Similarly, specialists without expertise behaved significantly differently from generalists without expertise when their organisations had the relevant expertise.²⁷

These results suggest that adviser characteristics and roles are more important determinants of advice strategy than the organisation's capacities.

The same analysis was conducted to examine the extent of signposting/referral behaviour by generalists and specialists.

Figure 9: Comparing effect of organisation on signposting and referral by generalists and specialists when faced with problems outside their specialism



Where organisations did not have the relevant expertise, generalists were much more likely to signpost/refer (over 40% of problems were dealt with in this way) than specialists (less than 10% of problems). The difference was highly significant.²⁸

Interestingly, where the organisation did have the relevant expertise signposting/referral frequency was very similar for generalists and specialist advisers (at around 25%).²⁹ Generalist advisers' levels of signposting did not differ significantly

²⁷ Chi-square, $p = .037$

²⁸ Chi-square, $p = .000$ to three sig. figures.

²⁹ The differences were not significant (Chi-square, $p > .05$).

depending on the organisational context³⁰ but specialists did.³¹ So the results for signposting and referral behaviour are therefore more complex than for actual advice strategies. Specialist behaviour was similar to generalists in one organisational context (when the organisation had the relevant expertise but the adviser did not) and dramatically different in another (when neither the adviser nor the organisation had the relevant expertise). This is suggestive of a reluctance by specialists to refer/signpost clients outside of their own organisations.

Interview styles

The interviewing skills of individual advisers was another element the team hypothesised might have an impact on the extent to which clusters of problems manifested. To examine this, information was collected on the interview styles seen during our observations, attending to aspects likely to relate to the advisers' propensity to uncover and understand the full range of the client's problems. The team focused on elements around which information could be collected reasonably objectively, namely:³²

- the extent to which the adviser checked that they had understood the client's problem(s);
- the extent to which the adviser checked for additional facts associated with the client's situation;
- the extent to which the adviser took notes about the client's problem(s); and
- the extent to which the adviser stated a plan of action.

The results are set out in Table 14.

³⁰ Chi-square, $p = .105$

³¹ Chi-square, $p = .021$

³² The criteria were derived from checklists used by Avrom Sherr during his study of client interviewing (Sherr, 1998).

Table 14: Interview styles by group

Adviser checking understanding	Frequently	Sometimes	Not at all	N
	%	%	%	
CABx	81.4	18.6	0.0	43
Specialist Advice Agencies	69.1	30.9	0.0	55
LA providers	85.2	7.4	7.4	27
Solicitors	91.4	2.9	5.7	35
Questioning for additional facts	Frequently	Sometimes	Not at all	N
CABx	85.7	14.3	0.0	42
Specialist Advice Agencies	78.2	21.8	0.0	55
LA providers	66.7	33.3	0.0	27
Solicitors	80.0	14.3	5.7	35
Note taking	Frequently	Sometimes	Not at all	N
CABx	64.1	30.8	5.1	39
Specialist Advice Agencies	83.6	14.5	1.8	55
LA providers	29.6	63.0	7.4	27
Solicitors	60.0	34.3	5.7	35
Stating advice or plan of action	Frequently	Sometimes	Not at all	N
CABx	77.5	20.0	2.5	40
Specialist Advice Agencies	90.4	9.6	0.0	52
LA providers	44.4	55.6	0.0	27
Solicitors	88.2	11.8	0.0	34

The data was analysed to see if different adviser interview styles were more or less likely to lead clients to reveal more problems. Those advisers who frequently questioned their clients for additional facts also had more clients reveal problem clusters. Interviews where there was frequent questioning for additional facts revealed an average of 1.6 problems per client, whereas those where additional facts were only asked sometimes revealed 1.4 problems per client on average. The difference is borderline significant.³³ Similarly, advisers who took notes more frequently were also more likely to have clients with clusters of problems. On average 1.7 problems were reported when note taking was frequent and 1.4 problems were reported when advisers only sometimes took notes (again the difference is significant).³⁴ The results

³³ T-test, $p = .050$ to three significant figures.

³⁴ Again, this was significant, T-test $p = .025$.

are similar for stating a plan of action (those who did this frequently averaged 1.7 problems per client, whereas those who only did this sometimes averaged 1.4 per client, not quite a significant difference³⁵) and for checking understanding (on average 1.6 problems per client were reported where the adviser did this frequently, compared to 1.5 per client where they only did this sometimes, these differences were not statistically significant³⁶).

These figures suggest that there may well be a relationship between interviewing style, and/or competence and the likelihood that clients reveal more than one problem. The team's interviews with advisers supported the view that interview style could impact on the extent to which multiple problems were revealed during adviser–client interview (see Chapter 5).

Non-manifesting problems

The data presented so far suggest that clients with more complex problems chose, or were signposted towards, solicitors and specialist advisers. It also suggests that the advisers' interviewing skills, as well as their own specialist frame of reference, had an impact on how often problem clusters were identified and, in particular, how they were dealt with. A crucial issue, however, was the extent to which advisers had *failed* to identify problems that the client had and, if so, to establish the nature of those non-manifesting problems.

To collect evidence on this, each client the team interviewed was asked about problems they had other than those they presented to their advisers. Rather than undertake this in general terms, an advice needs audit was conducted based on the outline structure of the LSRC's needs survey. Clients were asked whether they had experienced problems in a list of problem categories with some examples of the main problem types being mentioned as prompts (see Appendix B). This is not a wholly perfect method of ascertaining whether latent legal needs remained unidentified (clients were still likely to fail to recall some problems for a variety of reasons, as is true with any method). However, as this only formed part of our interviews – conducted over the telephone – this was considered to be the most proportionate means of seeking to identify non-manifesting legal need.

³⁵ T-test, $p = .056$

³⁶ T-test, $p = .600$

In spite of the limitations, these interviews did reveal 29 out of 58 clients who had further problems of a justiciable nature over and above those with which they presented. Problems fell into a range of categories: council tax, serious complaints about medical care, housing, consumer, debt, immigration, benefits, harassment, family and special educational needs. Interestingly, non-manifestation was more common for clients of solicitors and Specialist advice agency advisers, supporting the view that these two types of adviser tended to deal with clients with problems of greater complexity.

For about half of these problems, the non-manifesting issues appeared to have some link with the other presenting problems that were, or had been, dealt with by the client's adviser. 'Linked' means here that solving the non-manifesting problem would have contributed materially to the solution of the other problem (e.g. solving a benefits problem when the client presented with debt, or solving one benefit problem when the client had other benefit issues), or would have led to progress on an issue related to the problem the client presented with (e.g. a client with disrepair problems who also had an overcrowding problem would render the disrepair problem irrelevant if they were re-housed). Linked problems included the following:

- A client who had attended to query his level of entitlement to Disability Living Allowance had also received an allegation of a Council Tax Benefit overpayment. (LA Agency)
- A couple presented with mortgage arrears related to sickness of one of the couple (the husband had to take time off work to care for his partner after the birth of their child). During the team's interview, it became apparent that the clients believed they had accident and sickness cover for their mortgage but had a claim turned down under the policy. They had not raised this with their adviser. "To be honest, if we do sort out this re-mortgage and we get ourselves straight and we've got a bit more time then maybe we could look into it." (CAB)
- A client with employment problems had debt problems that he was dealing with himself. (Specialist advice agency)
- A client who went to an adviser with a housing benefit problem that the adviser rectified but which had led to rent arrears. They were also suffering from overcrowding (living in a one bedroom flat with her partner

and their child) with the local authority refusing to do anything about it until the rent arrears were cleared. (Specialist advice agency)

- A client presented with a housing disrepair problem although she had also sought to be re-housed due to the condition of the property and overcrowding (she had a one-bedroom flat and lived with her two children). She also had a problem with a neighbour being noisy and abusive. The client also mentioned debt problems but the adviser said they were not allowed to deal with debt issues as they do not have a legal aid contract to do debt work. The adviser dealt with the repair problem and advised the client how to complain to the local authority as regards the neighbour. In the research interview, it became clear that the client also had an immigration problem: she was trying to get her adult son into the country. It was clear she had received no advice on the overcrowding issue, and in spite of seeing a housing specialist for advice on her disrepair problem, the client indicated she did not know where she could go for advice on her overcrowding problem. (Solicitor)
- A client presented with serious debt problems following a prolonged period of unemployment but also had welfare benefits problems. (Specialist advice agency)
- A client with debt problems had a developing housing benefit and housing problem that they feared would lead to eviction. (CABx)
- A client presented with housing benefit and debt problems but also had a problem with Council Tax arrears and Council Tax Benefit having been turned down. (Solicitor)
- A client presented with problems with neighbours and a desire to be re-housed (partly due to overcrowding). During the observation it became clear she was in the process of fostering children, which would impact on her overcrowding/re-housing issue. In the research interview with her, it also became clear that the client thought she had been inappropriately turned down for Child Benefit relating to the fostered children. (Solicitor)

It was not always clear why clients did not present all their problems to advisers, particularly where there were links. One reason may be that clients do not always perceive links between their problems that are obvious to an outsider. It was clear

that the clients had usually gone through months (or even years) of struggling with the problems that they sought advice on, until that problem become acute. This suggests clients often lived with latent problems that they just endured. Sometimes, often with complaints about medical treatment, clients were reluctant to complain or uncertain how to go about it.

We don't know who to complain to, to be honest. And it's awful when, you know, we're not a complaining sort of people and you don't know what to do about it. (CAB client)

It's not about putting in a claim, I think the NHS is squeezed enough without people going and complaining about this, that and the other. What I'd like is if there is something wrong I'd like to know a little bit. That's where I'm at. I just want to find out. I don't want to put in a claim, it's not about that. You know I like a quiet life. I don't want to be going on about claims this, that and the other. (Specialist advice agency client)

I've been told by the doctor and everyone that I've got grounds to sue but there's no point. I had to declare when I was a bankrupt was there any law, insurance claim and that pending. I would have done something about it if I'd not gone bankrupt but not now. (Specialist advice agency client)

Failure to present was sometimes because the client did not know they could get advice or where they could go for it, but also because of the way their interviews were conducted.

Client: I do not know any, anywhere I can get help for that.

Interviewer: Ok, why did you decide not to tell [the adviser] about these problems, or did you think it wasn't relevant, or?

Client: Well it wasn't asked. One it wasn't asked. Two it was because of the time, very quick. [pause] That's right, it was to do with.... ...I felt rushed, really. (Specialist advice agency, client with employment problem who revealed to the research team he had a debt problem)

Another client had her own view as to when it was appropriate to tackle a problem:

Client: I think before I didn't want to be taking money off him if he wasn't seeing [our child] and now that he is seeing [the child] I suppose that it's fair that he makes some kind of contribution. It's never been discussed as we're only a week into the contact.

Interviewer: Would you think to raise it with [the adviser] or anyone else?

Client: I think I would the next time I see [the adviser] because she's on holiday at the minute but she'll be back end of this week. I need to ring her anyway before I go back to court on the 10th so I could bring that up as well. (Solicitor's client with relationship problems)

Although during the team's follow-up interview the client said she had not sought advice because, "Well basically I went through the CSA at that point because I wasn't seeing solicitors."

Similarly, some clients simply were not ready to tackle more than one problem:

"to get rent rebate and council, poll tax (sic) rebate was another science – a real science".

The application had been turned down but the client nevertheless did not seek advice:

"to try and sort that out, it's another science and I just haven't got the time or the patience to be worried about it at the moment". (CAB client with unfair dismissal problem)

These data suggest that, despite the extent to which clients were revealing clusters of problems to advisers, a number had problems that were not revealed to their advisers. Even more worryingly, several of these had problems that were linked to the problems they had presented to their advisers. This suggests the need for a more proactive approach to clients with multiple problems.

Summary

The aim of this part of the research was to see how clusters presented and how they were dealt with by the advisers observed by the team. A particular focus was whether the expertise of advisers or their organisations affected the ways in which problems were dealt with. Interest in this area has been accentuated by the shift in LSC policy towards encouraging the bringing together of expertise through CLACs or CLANs aiming to provide an 'integrated and seamless service'.

Data from the observation showed how the type of supplier observed affected the nature and size of clusters. Specialists, and solicitors in particular, tended to see clients with larger numbers of problems. The observations suggested that this was a combination of two factors. The ways in which clients chose, or were referred to, such suppliers meant they were more likely to have more serious and complex problems. Conversely, differences in the approach to interviewing of clients also rendered the exposure of latent multiple problems more likely.

Another important issue is the extent to which advisers are failing to expose the true extent of clients' problems during interview. Of the clients followed up in interview by the team, 29 out of 58 had some additional problems not dealt with in the adviser–client interviews. These were generally significant problems and about half were

linked to their presenting problems in some way (and so might more obviously give rise to a criticism of the adviser for failing to expose them). There are a variety of possible reasons for not exposing the full range of a client's problems. The following are all factors: pressures of time, the natural tendency of advisers to concentrate on the presenting problems, and client reluctance to raise problems that are (to them) separate from the ones they wanted advice on.

A particular interest was how advisers dealt with clients with problems that were outside the areas of work in which they specialised. This would arise where clients saw generalist advisers, who had no particular specialism and were often volunteers; and specialists, where the client saw the adviser with one problem but raised other, supplementary problems. There was clear evidence that advisers, faced with problems outside their expertise, were far more likely to simply acknowledge those problems or only deal with them in part than specialist advisers dealing with problems within their expertise. There is also an interesting difference between generalists and specialists in the extent to which they signposted/referred clients for problems outside their own expertise. Specialists, faced with problems outside their own expertise, were more likely to signpost or refer clients to another adviser where their organisation had the relevant expertise (and so could deal with the problem). These findings suggest a specific problem with the willingness or ability of specialists to refer/signpost clients outside their organisation. Some of the possible reasons for this are discussed in Chapter 5.

Other than that difference, the adviser's own skills and expertise seemed to be the strongest indicator of how clients would be dealt with. Generalists were more likely to advise clients to deal with problems themselves. This is consistent with an ethos of empowerment. Whilst non-specialists recommended self-dealing on the part of the client may be appropriate for some straightforward problems, other research points to the dangers of such advice (Moorhead and Sherr, 2003). Evidence from this study highlights the problems such advice can represent to clients (see Chapter 5).

4. Impact of problems on clients

Part of the background to understanding clients' advice-seeking behaviour and to understanding problem clusters (and attempts to solve those clusters) is an understanding of the impact of those problems on the clients' lives. In the research interviews, many clients spoke of feeling under pressure, or of the stress and anxiety of dealing with their problems. Many also pointed to health problems being caused or aggravated by the stress (including eczema, blood pressure, and hair loss). Others mentioned sleepless nights. One client even related a recent diagnosis of cancer to the stresses of their problems. Several clients had mental health problems that required treatment, although these may as often have contributed to justiciable problems as been caused by them. The following quotes exemplify client reactions to their problems.

Oh, the stress is terrible. I'm very depressed, I'm seeing a counsellor at the moment. (Client with welfare benefits and rehousing problems prompted by her husband's sudden debilitating illness, seeing Solicitor)

I wasn't eating, I wasn't sleeping. I was dreading the post coming thinking 'Oh my God what am I going to have today?'... ..I couldn't even speak on the phone without crying. (Client with multiple debt problems, CAB)

They are tremendously stressful. [pause] Not being able to get what one is entitled to in a timely manner – produces total depression. And feelings of insecurity for the future... ..The question that I'm now concerned about, my landlady giving me notice where maybe she wouldn't have. Because she's going to say well, you know, you couldn't pay your rent on time and etc.... ..And that is placing me in a very – I take anti-depressants. Because of my age you know, the future etc, yes, it has a huge bearing on me, it's not just minimal for me. It's a daily, daily problem, wondering what's going to happen next, and not being satisfied etc. So yes. Sorry to say but that, that is something which is immense in my life. (Client who had debt problems and a housing benefit problem which had meant he could not pay the rent, CAB)

...it's like living on a time bomb. And, I just basically can't go on much longer with it. It's just getting too stressful. You know. Because over the last six months I've been on medication, on anti-depressants. Because it just got so bad here. (Client with a violent neighbour problem and rehousing needs, with long term fostering application being processed, Solicitor)

A client with housing benefit and debt problems captured the relationships between their problems, stress and health.

Interviewer: How has it affected you?

Client: Oh dear, oh lord. I hear the UK theme nearly every morning at half past five, from the World Service, and all that sort of thing. And – you know, sleep, and restlessness and I had a sort of fluttering in the heart with me, well, round the chest area. And I got in touch with the out of [hours] doctor-service one time and they, they thought I wouldn't die at that moment but, get in touch with doctor's next day, which I did. And, they sent me to, for X-rays and ECGs and all that type of thing. And, but – you know, it's affected me mentally. You know, with lack of sleep and, all the time I'm sort of running through things in me mind and, you know – when I do go to sleep and, once I wake up it's in me mind again and I just can't go back to sleep, and all that sort of thing.

The isolating and unnerving impact of bureaucratic fiat on a client's life was a common theme. The same client is talking about a housing benefit application having been declined, although they also had debt problems.

They ignored me, which is a great hardship for an elderly person. Like, you know, you feel you're being ignored and, they put it down I think, Age Concern said age discrimination. And something like that, you know. You know, just that, you feel you're out on your own like, you know. (Solicitor)

The clients' reactions may be so strong because of the context within which the problems occurred. Sudden illness, bereavement and/or the taking on of significant care responsibilities would have an impact independent of the legal problems, but for clients the social and legal problems interacted.

Client: I mean, this was one of the reasons that I had the breakdown in the first place.

Interviewer: Oh really?

Client: You know, not just my mother dying but, you know, because the council immediately applied to get, get us, evicted from the house and, you know, there's pressures really.

Many clients had been grappling with their problems for years (especially debt problems) but had reached a crisis point at which they were no longer willing to just endure them. For many there seemed to be a paradoxical combination of the active demands of a crisis and the paralysing effects of hopelessness (or in the words of one client feeling 'drained'). Many went through a period of 'burying their heads in the sand'. Some gave up on their problems. The following excerpt is from a client who had suffered domestic violence, had been rehoused, faced a threat of eviction and was living in accommodation that was in very poor condition. Her coping strategy was alcohol.

Everything is just a mess for me.... ...Right now yeah, I'm not really bothered. I've kind of like just given up hope and everything. But I'm just, I'm just going to stay here, whatever the, whatever happens after 28 days, happens. If it doesn't happen, I'm just going to stay. Because – I can't leave, I've got two kids. I can't do anything. ...sometimes I just can't do, I just do, I just have to drink alcohol. Because, because the tablet I take is not enough and, for me to not think too much, you know, to feel a bit happy, I just, I drink alcohol. That's what I do. (Solicitors)

Associated depression and an inability to concentrate were commonly mentioned. For some clients, this led to a more general feeling of being unsettled and out of control:

And then you become suspect about other things going wrong where, you think you're in control and you realise you're not. (Client with housing and debt problems, Specialist advice agency)

Simply dealing with problems was regarded by some clients as being very time consuming.

It affects everything really, you know. You're getting all these phone calls, and and not only that, having to jiggle, and juggle, and jiggle! You know, and it's so time consuming. It's so time consuming. Where I could be doing other things, I'm spending time trying to work out and make sure we're not going to get any charges here, or there, and – you know? (Client with debt problems, Specialist advice agency)

A number of clients suggested that time spent on problems was inhibiting attempts to find employment to alleviate their problems.

Some pointed to the impact of their problems on personal relationships. The following excerpt is from a client with serious debt problems that were leading to the sale of the family home. He pointed to the problem putting a modest strain on his relationship.

A lot of people have a good relationship, and when things like this happen, it breaks down, they get divorced. In our case, it's, it was kind of middle of the road – when it's very comfortable you don't see any problems. When it's uncomfortable, you've got more tension... (Specialist advice agency)

There are obvious dangers in suggesting a direct causal relationship between a specific legal problem and the breakdown of a client's family relationships; relationship problems might predate other justiciable problems but several clients suggested relationship problems were caused or exacerbated by other justiciable problems. One client had been dismissed from his employment in questionable circumstances. At the time of his second interview with the team (about four months after he went to the agency for advice) indicated he would, "probably be going for legal separation... Unfortunately since the incident of the dismissal, things have gone – gone worse." (Specialist advice agency)

Debt problems were a source of continuing misery for some clients, with many creditors adopting an approach of regularly telephoning debtors in a way that clients plausibly described as harassment. This sometimes recurred after the debts had been rescheduled, which prompted ongoing uncertainty:

...[T]hey phoned again saying that I was to increase it to £11 – you know the stress, the worry started to come back again. I mean, if one gets an increase, you know, the others will want an increase. (Client with debt problems, Specialist advice agency)

The importance of context

The team's observations suggested that at least 28% of the clients observed had mental health or chronic illness problems. This often meant that as well as the impact of problems themselves, many clients had had significant illness during the time that they were dealing with their problems. Clients were often beset by a series of problems. For example:

And on top of that, my wife has had a hysterectomy and, had a bad time with that. And she's down with my daughter at the moment in Kent, convalescent. And, I've been diagnosed with cancer as well, so it never rains but it pours... (Solicitors' client with benefit and debt problems)

Another client was caring for an 82 year old relative, their own mental health issues and had recently undergone heart surgery. A third client had treatment for a heart attack and a mini-stroke. A fourth had chronic asthma and what they described as nervous depression. She was also caring for her mother. A fifth client's hospitalisation with blood pressure problems had led to them missing a court appearance to defend a debt case. A sixth was one of a disabled couple who's disabilities (including severe arthritis) led them to want rehousing. A seventh's mother had just died, the client had had a recent knee operation and her husband had fallen and now needed care. She also had asthma. An eighth was caring for a relative with ME. A ninth was helping with the care of his dying wife who also had Alzheimers and had an ongoing back problem. A tenth was caring for a disabled son.

The advisers the team interviewed also recognised such problems. On average, they estimated that 44% of the clients they interviewed had non-legal problems (e.g. health or mental health problems, relationship issues and unemployment) in addition to those they could advise on. Amongst the most common non-legal problems mentioned were mental health issues and some related the problems to the context:

I'm finding now that an awful lot of my clients have got mental health problems. A lot of them do tend to fall into that category as well as having their other problems. (CAB adviser)

I would say maybe 70% of my clients are depressed or have a mental illness. And that's probably because, well, from my experience they've been battling with the system and getting nowhere. (Solicitor)

Well I think what we notice is a lot of our clients suffer with depression. I don't know if they get in debt because they can't work or whether the debt itself caused them to be depressed. But we do find that with both our welfare clients and our debt clients that they are depressed. (Specialist advice agency adviser)

Advisers were not in a position to determine a causal relationship between mental health issues and presenting problems, but most agreed it was necessary at least to be aware of mental health issues when dealing with clients. The following quotations are typical:

It's not necessarily checked that they can afford loans properly. Then some of these people with mental health problems, things just become too much for them. So, they are bringing with them personal problems as well as the debt. (Specialist advice agency adviser)

If a client had a mental health problem I might arrange for a support worker or for a friend or a family member to come with them to help explain and to support them. (Solicitor)

Some advisers, though, reported mental health issues more in terms of the impact they had on the advice process, the gaps highlighted in service provision and perhaps, by extension, gaps in training.

Sometimes it can be a problem. But, because of my background in social care, I think I'm able to deal with clients' mental health issues quite effectively. I think it's important to do that. There's no point working with somebody who's suffering from depression, if you're not able to listen and understand the problems as they see it. I do know, from my background when this happens conflict arises and something it means there's no point to the work that we do. There's no success, there's no results. Clients tend not to come back. They don't want to cooperate, they can't remember things – it's not effective. (Specialist advice agency adviser)

I mean we couldn't provide the type of service we do here if we had to be, you know, counsellors and supporters as well as debt advisers, solicitors and everything. We could bring other people in, specialising in counselling, people who could do follow-up visits, different people doing different things. But, there's always going to be a need to refer people on to other organisations. (Specialist advice agency adviser)

The team's observations suggested some advisers were uncomfortable dealing with emotional clients and those with mental health problems and that this might be an area where training would be useful and relevant. Independent of that judgment, in interviews advisers expressed views shared by a number of other advisers about the need for training.

But also I need training on how to deal with people with mental health problems and I can't find anything, I looked even in London, I can't find any. I can't find anyone to say 'This training is aimed at professionals'. It could be anybody, it doesn't need to be just for lawyers because you all need the same skills, it could be anyone who does face-to-face interviews. You know, 'This is how you deal with this situation with these difficulties'. I need something specifically tailored to professionals on how to give advice and how to treat somebody. I mean it could be across the board for example MIND have courses on emotional clients, but it would also be useful to know how to deal with an aggressive client, a very angry client. Only twice so far I've had that issue where I was not in control of my own office, which freaked me out. And then the training could go on to people who are suicidal, people who don't have the capacity to understand what you're telling them no matter how much you break it down. That's what's missing. (Solicitor)

Other advisers reacted against the idea that they could or ought to deal more specifically with clients' mental health issues.

But we can only go so far... ...we're an advice agency we're not a counselling agency, and we're finding a lot lately that the counselling and the advice are getting really very close and overlapping and clients want us to counsel them, which we can't do. What we tend to do then is try and refer them to a counselling agency. We've got quite good ties with MIND and with some of the social workers, so we would then pass them on. (CAB adviser)

Impact of solutions

Clients were interviewed, and follow-up interviewed, up to four months after our observation of adviser–client interviews. During that period many of the clients' problems had been sorted out. Debts had been rescheduled, benefits were being paid regularly (sometimes with substantial backdating), repossessions had been averted with rent arrears being repaid on a more manageable basis. The more entrenched problems were ongoing, employment problems and benefits appeal were going to tribunals, housing disrepair and rehousing issues were still being negotiated and sometimes creditors were still being negotiated with. In terms of the impact of advice on the clients, they perceived the immediate benefits of the solution but they also perceived a broader burden being lifted, and could see themselves starting to take control of their lives.

I had all the weight on my shoulders and now it's removed. (Client with debt problem, Local authority agency adviser).

Even clients who faced ongoing problems (e.g. with creditors) were more able to cope.

I just sort of take it in my stride now and think – oh, well, if they want to waste their time and mine, fine. (CABx client talking about debt problems)

Advice also reduced the clients' feelings of isolation.

And I think also having someone to help you, so you're not on your own, if you know what I mean. It's a lot, a lot easier for someone, for you to say someone else, well do you think we should do this. Rather than having to do it on your own. So yeah, I would say yes, that has benefited us. (Solicitors' client with benefit and rehousing problem related to partner's sudden illness)

Simply having someone to talk to was felt to be beneficial, although the advisers typically did much more than that. Clients talked about being calmed down, cheered up and made to understand their rights.

You can tell your family and friends but if you believe you need to speak to somebody with a bit more authority, a bit more knowledge of what's going on in the world, somebody to share your burden with basically. That's what I thought anyway. (Client with employment problem who went to a CAB)

Many clients spoke of dramatic reductions in stress levels, feeling much more relaxed about their situations and many of those who had reported health problems arising from the stress talked about how the advice had led to their problems abating. Some simply talked of the adviser putting their problem in context. Whilst some clients had felt victimised by the poor quality of, for example, benefits administration, their advisers had explained the situation and that such problems were unfortunately common. In these situations advisers could act as an antidote to bureaucratic indifference. Adviser involvement would give clients more clout and make it less likely that local authorities and benefits administrators would ignore them. The sense of advisers validating the client's perspective, but also needing to respond 'humanly', comes through in this excerpt from a client who had a family problem.

It's feeling that someone is listening to you and someone is responding to your concerns, your fears, your questions – it's not sympathy, it's understanding.... The humanistic approach. You know it's ok being professional but sometimes we need to know when that hat has to come off. (Solicitor's client)

Some clients felt they could deal better with their problems, having become more capable in their dealings with bureaucrats.

I've got a lot more confidence. I can resolve some of these issues that the Social is throwing up at me at the moment which I couldn't resolve myself which I thought I could resolve originally. The way the forms need filling out, you need to be careful with the Social over the phone, it's now a phone call when they speak to you, what you tell them over the phone isn't necessarily what they put down when they send the form back to you you've got to beware what's been put down. Whether it's deliberate done or incompetence or what I don't know. (Client with welfare benefits problems who had gone to a Specialist advice agency)

Client satisfaction

As one would hope and expect (Moorhead et al, 2003 have shown that recipients of legal aid services have generally shown high levels of satisfaction with those services), most clients were satisfied with the service they had received and several had recommended the advisers to friends and family. The characteristics clients singled out for praise were as follows:

Being helpful and caring.

I just think they're very caring. And they do everything to help you. They really do. I mean, I couldn't fault anything really. You know. Sort of, points out of ten, definitely nine. (CAB client)

Being positive and accessible.

You know, [the adviser] was really, you know, really helpful, really sort of positive, you know, with things he was doing. I can't think of anything bad. You know, he was – every time we phoned he returned a call. You know, if we had a problem he, he answered it straightaway. (Solicitor's client)

You only need to ring him up and he's on it straight away. (Local authority agency client)

Providing clients with some clout.

They take more notice of the CAB, than they will of the private individual. (CAB client)

They speed up things (Local authority agency client)

And also what's another good thing is that because of who he is he's got an in-road. I mean my husband tried to ring up the benefits agency and was on the phone for about well, I don't know how long, it was over an hour just waiting. Whereas [the Adviser] can kind of get through, well I don't know if he waits an hour, I sure he doesn't! (Local authority agency client)

Being on their side.

But, everything was good, because, as you say, it was just a person to put you at your ease and, he listened to what you were saying, and – you know, he took it all in and – you know. Being blunt, he was on my side. (Solicitor's client)

Providing clients with good clear information on what their rights were, even when this only really extended to putting the client's mind at rest as to what could happen to them.

And [the adviser has] come in, he's explained to me, you know, he's obviously explained to me how bad the situation is, but at the same time he's also, given me the confidence to say, 'look they can't just do this to you without having to go through the whole procedure correctly'. (Specialist advice agency)

Well they told me something I didn't know nothing at all about. (Local authority agency client)

Such advice and information could have real positive benefits: letting clients know they were entitled to benefits that they had no idea about. Also, in debt cases, clear advice about what creditors could do was crucial:

The way that they were helpful, like how they sort of said to me like 'Listen don't worry' because I was worrying. Like when they said to me 'Don't pay anybody' this was like in the November I was getting a bit paranoid over that but they said 'No, don't worry about it. They can't take you to prison. They can't take your home off you' and they reassured me more than anything else. You know, reassurance. (CAB client)

It was common for clients to speak of the need for advisers to act as translators for the bureaucracy. As well as writing letters for clients and filling in forms more carefully and persuasively than the clients were capable of, they were able to explain what correspondence from local authorities and the Benefits Agency actually meant.

Interviewer: What aspects of that kind of service have you found helpful?

Client: I think filling in the forms. But also knowing what we're entitled to because there is a lot of fear, you know. If you try for something else [you fear] you might look that or you might lose, you know. And it's dealing with forms as well. You know even the forms they send you with all the details on we don't understand. It doesn't make sense. They send us regularly thing saying what's happening and none of it adds up! (Local authority agency client)

You know we just hand it across to [the adviser] and he seems to know what exactly is going on and be able to explain it as well. (Local authority agency client)

Dealing with clients in a human manner.

They've always worked in a very considerate manner. They've always understood my feeling on the case and whenever there's been a problem they've always managed to sort it out in some way for me. And I've never had to wait too long for an appointment, it's been a week at the most. (Solicitor's client)

Being dealt with in a non-judgmental manner.

Well the nerves of going there, well basically they don't judge you. They don't say 'Oh you shouldn't have done this. You were an idiot', you know they don't make you feel a pigmy. I found that [the Adviser] was brilliant. (Specialist advice agency)

It was not uncommon for CABx services to be rated positively in the context of the advisers not being lawyers and being volunteers, the implication being that the clients expectations of service from volunteer non-lawyers had been exceeded. Sometimes this was made very explicit.

I'm a qualified accountant, so therefore I'm in that awful position of being able sometimes to assess her capabilities. But by and large, I am perfectly happy with [the Adviser]. More than perfectly happy, I think, you know, she's doing the best within her ability. (CAB client)

Perceived problems with service

Whilst the clients the team interviewed were generally positive about the service they had received, this was not uniformly the case. The most common complaint was around accessibility. CABx in particular were criticised for their waiting times and appointment making arrangements (where they were available at all). For solicitors, and some other advisers, the accessibility complaints were more subtle, with some clients clearly finding it difficult, or being reluctant to, speak to solicitors who were seen as being very busy. Waiting, for example, for a first appointment for debt advice can exacerbate problems (clients might seek to consolidate loans for example with a private loan company on disadvantageous terms). One of our agencies had shortened waiting times for specialist advice workers and this had reduced problems with clients not attending appointments. The following quotations exemplify the client views.

They don't make it easy for you to get to advisers. But once you get in, you're ok. (CAB client)

That's right she must be very busy as well I don't know what's happening. But I wish, I wish at least she could contact me, you know. Just to let me know what's happening. (Specialist advice agency adviser)

You do have to wait a long time. (CAB client)

Well you can't really make an appointment, you know, it's, it's difficult to make an appointment there.... ...I spoke to a, another young lady... ...and, she – she did her best, but she wasn't really au fait with it. (CAB client)

Another client complained about having left four messages and receiving no response.

The service is alright but – you know, there are delays. (Specialist advice agency)

Another CAB client said they had to wait two hours to be seen initially, but recognised that the agency was stretched. And a third complained about having to make repeated appointments with different advisers to deal with a problem. One client was forced to wait and when they were finally seen was told they could not be helped; this prompted dissatisfaction and might point to the importance of a good early triage system.

No, I'm not happy with that advice really. Because she, she couldn't do anything. I told her, why you made appointment for me to come here and you can't do anything. (Specialist advice agency)

This client also complained about the short time the adviser spent with them.

And then also, the interview was rather – short, and abrupt, I thought. Whereas when I went to somewhere else, they were a bit more... ..they had more time, yes. And was willing to listen carefully, and also – had their own input. (Specialist advice agency)

Sometimes the feeling of an adviser watching the clock had significant impact on the way the client felt treated. This client is comparing the first organisation (where they were observed) and a second organisation (a law centre) they had gone to for advice on the same problem. This second organisation had ascertained information the first adviser had missed.

I think perhaps she was trying to... ..prove that she's not taking too much taxpayers' money, as well, as well as trying to help me. So I – I don't know, she was probably trying to balance the two... ..I felt that they were not very – also, the points picked up. Unless I didn't make myself very clear, was that she, how can I say? [pause] You know, like this procedure for example, was not mentioned. I would have thought from solicitor point of view she probably would have picked that up, perhaps.... ..I have to praise the [second organisation]. They're really very good actually. Lets put it this way – they gave me hope. I was in a state whereby I was being sacked. And I was in a turmoil. You know, trauma and everything. And, and, and then they gave me encouragement really. Whereas when I went to [the first organisation] it was like – you – I felt like I was ok, banished. (Specialist advice agency)

To a degree the crux of the client's complaint is about the adviser not giving them enough time and not responding sufficiently to their problem. Some examples of concerns about poor communication style were also observed, although this was largely confined to one adviser.

I find [the Adviser] very difficult to converse with. There's no rapport there whatsoever. I find her very dictatorial. She don't listen to what, she doesn't want to listen. Maybe she doesn't need to listen, you know maybe she's heard it all before and she so she's telling you what you need to do and either you take my advice or you don't. But there is no, what's the word I'm looking for, you feel very much a pawn. You're being moved around and you really don't have a lot of say in it. There's no real personal contact. (Solicitor's client)

A different client had similar concerns about the same solicitor, and makes a very pertinent observation about the problems with the solicitor's approach.

And I felt [the Adviser] was a bit bossy quite frankly and not listening. When I went to say something it was like 'You are here to take my advice' and I thought 'No I'm not, I'm here to make a decision on whether or not I wish to take your advice'. (Solicitors' client)

Occasionally clients complained about continuity problems.

But because she was off ill, and for sort of about, I think it was about a month. But nobody else really picked it up. But then I suppose its work, everybody's got their own workloads and everything else. (Specialist advice agency)

You talk to one person you feel you've got some sort of relationship developing and then to go and see another one, and they are for me entirely different personalities. (Solicitors' client)

Partly because clients were generally relatively happy with the service they received they generally did not have suggestions as to how to improve the service they received. The most common suggestions that were made were better advertising of the availability of services and greater accessibility: in particular more organisations providing service in more locations. Some expressed a desire to deal with only one person suggesting that for some clients continuity of adviser is important.

Summary

This chapter has sought to explore the impact of justiciable problems on clients' lives. Many spoke of stress and anxiety with a substantial group also pointing to health problems being caused or aggravated by the stress. The isolating and unnerving impact of bureaucratic decisions on a client's life was a common theme. An important element also was the fact that sudden illness, bereavement and/or the taking on of significant care responsibilities often coexisted and interacted with the clients' justiciable problems.

In terms of the impact of advice, clients perceived a burden being lifted, and could see themselves starting to get in control of their lives. Partly clients experienced a 'process benefit' of feeling informed and calmer. Many clients spoke of a dramatic reduction in stress levels, and the associated health problems also abating. Whilst clients were generally very satisfied with the service they had received, some concerns were expressed around accessibility and some other issues.

5. Holistic service: barriers and benefits

This research illustrates how clients with justiciable problems often have interlinked problems, and live in circumstances of poverty and ill health, giving or receiving substantial amounts of care, and lacking the energy or capacity to help themselves when faced with clusters of justiciable problems. For a substantial proportion of clients, need is acute and complex, and appears to indicate a holistic response:

everyday legal problems are rarely experienced within the narrow silos of legal aid categories; rather they involve numerous issues of basic social well-being, and commonly those with unmet legal needs experience issues with the civil law as “problem clusters”. This points to the clear need and priority for delivering advice and representation services in a holistic model (Citizens Advice, 2005).

The suggestion that provision should be holistic has not gone unheeded. The LSC reorganised in 2004 and took the opportunity to emphasise the development of more holistic provision.³⁷ FAINs were built around the idea of more holistic provision and many of the early Community Legal Service Partnership (CLSP) planning documents made reference to more holistic provision. In a joint paper with the Law Centres Federation (LCF), the Department for Constitutional Affairs (DCA) have also emphasised the importance of holistic provision (DCA and LCF, 2004). Most recently both the DCA and the LSC have indicated a drive towards encouraging ‘the provision of holistic services’ (DCA and LSC, 2006 and DCA 2006). The recent Carter review of legal aid procurement also emphasises the need to address clusters of problems more effectively ‘based on a holistic approach’. (Carter, 2006, 4 and 85)

Equally, however, in the context of legal aid services, the phrase holistic advice has been as well used as it has been ill defined. Often, its meaning is treated as being self-evident (Citizens Advice, 2004). It is associated with ‘full service provision’ (although ‘full service’ is itself ill defined (Fresh Minds, 2005)). Most recently, the Legal Service Commission appears simply to associate holistic advice with the concentration of different specialist services in one centre or network and the idea that these services should be ‘integrated’.³⁸ The DCA and LCF have emphasised joining up of government departments and government agencies in the assessment

³⁷ Legal Services Commission re-organises: New structure reflects focus on delivering quality services for clients, LSC Press Release 21 June 2004.

³⁸ Appendix One: Partial Regulatory Impact Assessment and Equality Impact Assessment, http://www.legalservices.gov.uk/docs/civil_contracting/Appendix_one.pdf

and meeting of advice needs (DCA and LCF, 2004, 10) as well as relating it to a more thoughtful problem diagnosis.

Finding the 'root' cause is part of the 'holistic' approach taken by some advisers – one where the causes of difficulties are explored and different types of remedies discussed to find the most effective solutions. (DCA and LCF, 2004, 33)

The LCF have also associated an holistic approach with, “Co-ordination between the various services... access to services, to justice and to independent legal services... look[ing] wider than the traditional model with regards to how legal services were delivered”.³⁹ Citizen’s Advice, the umbrella organisation for CABx, have suggested that it means, that “social welfare law advocacy, independent advice, and other statutory and voluntary sector services should be delivered in a joined up process”, and has linked holism to “one stop shops’, ‘triage services’, ‘and seamless service delivery” (Citizens Advice, 2005). They also use the term ‘holistic services’ to cover the aligning of funding streams within their advice bureaux to provide advice services to clients who do and do not meet the legal aid eligibility tests. A fuller definition has been provided in relation to debt advice: holistic money advice aims to look at solutions to an individual’s debt problem that take account of the client’s wider financial and social situation (Citizen’s Advice, 2006).⁴⁰

Sometimes holistic provision is taken to mean the provision of, or linking with, services that are not legal advisory in nature. This can be seen in some of the documentation surrounding FAINs.⁴¹ In some public defenders in the US, social workers and drugs workers work alongside public defenders to provide a more holistic service to clients.

³⁹ Minutes of the Fifty-first Meeting of the Legal Services Consultative Panel, 28th June 2004. pg. 3.

⁴⁰ The document goes on to specify holistic service as involving: exploring the extent of the client’s debt problem, including establishing the amount the client owes, details of all the creditors and the action each creditor has taken to collect the debt; checking liability for all the debts; checking whether the client’s income could be increased, e.g. by claiming benefits or tax credits; advising on expenditure; drafting a financial statement which sets out the client’s income, expenditure and debts, including whether any income is available to repay creditors. This will be used to negotiate with creditors and to provide evidence of the client’s circumstances to county courts and magistrates courts; advising on strategies for dealing with the client’s debts, including making repayments and bankruptcy. Separate strategies will be needed to deal with priority debts where the ultimate sanction for non-payment is loss of home, fuel supply, liberty or essential goods on hire purchase; helping the client negotiate with creditors and respond to any court action to recover the debt.

⁴¹ See, for example, the leaflet on the LSC website at http://www.legalservices.gov.uk/docs/fains_and_mediation/Suppliers_Leaflet.pdf [downloaded July 2006.]

An analogous idea to holism is that of seamlessness. For a while, the LSC seems to have preferred the concept.⁴²

“...a vision which recognises that people need access to an integrated and seamless service, and do not face ‘legal problems’ but problems to which the law may offer a solution.” (LSC 2005b, 7).

Seamlessness is not overtly defined, but in defining CLACs as an optimal approach it may be assumed that seamlessness covers, “basic advice and assistance to specialist representation in the highest courts” and “a broad range of categories of law,”⁴³ and, “effective links with suppliers in other specialist areas of law” (LSC 2005b, 10). Seamless services should also mirror client circumstances (LSC 2005b, 31) and link with family and criminal services, as well as a host of local authority and government initiatives (LSC 2005b, 32) and CLS direct, the telephone advice service (LSC 2005b, 39). Seamless services must also be “capable of addressing the clustering of problems that clients often face” (LSC 2005b, 39).

Implicit in many of these comments is the idea that clients’ legal needs and social needs are complex and intersectional.⁴⁴ Certainly, many of the clients observed and interviewed during this study provided examples of how individual exclusions and problems, such as those based on socio-economic group or gender or ethnicity, do not act independently of one another, but interrelate and amplify. For some clients, the multiple disadvantages of poor health, disability, low income, debt, inflexible bureaucracy and unstable personal relationships compound or are compounded by weak personal competencies and a lack of comprehension of basic rights. Ethnicity, gender and age-related barriers were also manifest.

Thus the ideas behind seamlessness and holistic provision are reasonably complex and open to the differing emphasis, perhaps inevitable with weakly defined aspirational concepts. However, on our reading of the relevant policy literature on

⁴² The LSC consultation on Community Legal Service Strategy did not make reference to holistic services. However, they referred to ‘integrated and seamless’ services (LSC 2005b). Seamless(ness) is referred to 27 times in the document. The shift in language is not clearly explained, and appears to have been abandoned in the latest consultation (DCA and LSC, 2006) but some of the underlying ideas are similar.

⁴³ Initially debt, housing, welfare benefits, community care and employment.

⁴⁴ Intersectionality literature appears typically to focus on gender, race and class issues (See, Crenshaw, 1990 and 1991, and for a recent review of the literature, see Brandser Kalsem, 2005). It draws on the analysis of power relations attached to those aspects of social characteristics, and the cultural stereotypes attached to them, and makes the point that the depth and nature of any exclusion cannot be appreciated without a fuller comprehension of the interrelationships of each of the problems and characteristics.

legal services, there are a number of apparent elements to the idea of holistic or seamless service:

- **Understanding:** Seeing a client's legal problems in their wider social context, and addressing the legal problem within that context. For instance, this might include acknowledging the impact of a client's mental health, disability of caring obligations on their ability to solve their 'legal' problems.
- **Diagnosing:** Diagnosing and dealing with *all* of a client's *legal* problems (i.e. going beyond the presenting problem or the problem that a particular adviser is geared up to deal with, to see what other legal needs might be present).
- **Delivering or networking:** Ensuring a client receives appropriate levels of advice on their *legal* problems through appropriate provision by the adviser themselves, or through referral/signposting to colleagues or other providers in the system.
- **Broadening:** Seeing a client's non-legal problems as requiring some level of intervention if the client's legal problems are to be addressed and delivering those interventions directly or through signposting/referring the client to the relevant services and ensuring those services are carried out.⁴⁵
- **Taking some strategic initiative:** Identifying and tackling the root cause of a client's legal problems (to use a medical analogy, tackling causes not symptoms).

As highlighted in earlier sections of the report, for a significant proportion of clients, there was a level of failure to identify all of their apparent legal advice needs, suggesting problems of diagnosis. Similarly concerns were identified about the level of signposting being carried out (particularly by specialists) and the quality of that signposting activity, thus inhibiting delivery and networking. There was also evidence that when advisers were faced with problems outside their expertise, they were tending only to deal with such problems in part, rather than in full. The quantitative analysis of data shows that part of the delivery and networking problem was associated with the nature of expertise available in-house within the organisations (signposting/referral activity being higher where a specialist adviser could refer to another colleague specialising in the other problem area).

The research team sought to explore barriers to holistic provision and examples of good practice through the adviser interviews. They began by asking advisers what

⁴⁵ At least one agency the team dealt with had a practice of referring clients back to social services with a request for specific services. The referral letter contained a reminder of the local authority's statutory duties and a request that it state its reasons if the clients were to be declined help. This had the potential to set up judicial review should the local authority not meet its obligations.

they understood by holistic advice and whether they felt they provided it. This provided a vehicle for understanding how advisers conceptualised the service and how it might compare against the theoretical definitions of holistic service set out above. Then any perceived barriers to holistic provision were explored with the advisers.

Practitioner conceptualisations of holistic advice

Regardless of type of supplier, most advisers interviewed defined the service they provided as holistic, but they appeared to concentrate on a fairly narrow conception of holism.

We are experts in what we do. Within those individual problems we give them a total holistic answer. (Specialist advice agency adviser)

Although many clearly saw the need to look beyond the presenting problem.

It's looking at a client's problems as a whole rather than what they are specifically instructing you to do on their behalf. (Solicitor)

More specific comments on holistic service fell into three categories: comments on interview style; comments on signposting; and comments on empowering the clients.

Interview style

Consistent with the evidence presented in Chapter 3 that better interviewing was more likely to reveal more problems, advisers acknowledged how a holistic approach affected their interview style.

I do think it's important to find out about the client. I think – you know many people in the law have different views – but I actually favour in quotes 'people talking to me' because it's often when they talk and maybe go off on a tangent, it's when they go off on this apparent tangent that I can actually pick up that they have another issue. (Solicitor)

Information about non-legal problems, whilst beyond the adviser's own remit, was regarded by most as useful, providing a 'full picture' of clients and their problems.

I use the word holistic. It's good to have a proper picture of what's actually going on in someone's life. (Local authority agency adviser)

Well if I'm seeing a client that I don't know, who is new, then yes, I would look at the whole picture. So I would say that we look at them holistically. (Solicitor)

Advantages of understanding the 'full picture' typically advanced by advisers were that it helped advisers identify the extent of the client's problems; formulate advice strategies; and prioritise the client's problems.

I think a lot of clients come in and don't really know which problem should be dealt with first. It's all just kind of one big worry – they group things together in one pot. I think it's for me to separate their problems out, guide them through which they should deal with first. (Specialist advice agency)

You have to say to them, 'You ought to be concentrating on this particular issue because once we've dealt with that, this other problem will fall into place'. (Solicitor)

It also enabled advisers to assess the client's competence to act on his/her own behalf and to follow advice given. A related issue was the need to recognise that the first interview was a key moment for many clients. Advisers recognised, as we indeed found, that clients had often struggled with problems for a very long time. that there might be a degree of denial, or a feeling amongst some clients that their problems had left them somehow morally compromised (an 'I've got myself into this mess' syndrome). This emphasised the importance of not trying to be too controlling or judgmental of clients.

Well you have to understand that they're coming from a position of fear, of worry. They're worried about the position they've got themselves in to. They've probably withdrawn from acknowledging the problem. We need to know what the whole picture is to enable us to help them. So the first meeting is very important. (Specialist advice agency adviser)

Clients may have tried themselves to control or manage their problems; some may have sought help elsewhere without success. Regardless of what happened prior to the initial client–adviser meetings, including those we observed, tended to take place at a point of crisis and time of high emotional stress for clients.

You can't simply concentrate on just legal matters, particularly in light of the work we do. You're not simply a lawyer or adviser, but a counsellor sometimes, a friend even. There will be things that are not just legal. They simply feel confident to talk to you. (Specialist advice agency adviser)

As described above, for advisers to gather sufficient information to provide appropriate and adequate advice requires skill and time, as well as an understanding of what is possible in terms of legal advice and the capacity of bureaucratic systems to respond to interventions from outside.

When the interview process is broken down, it is perhaps not surprising that advisers reported that it requires more time to deal with clients who have multiple problems. As indicated above, most advisers regarded the interview as an investment. The interview was an instrumental part of an advice process aimed at providing high quality advice in a time- and cost-effective manner.

If you don't treat everything and they go away with just this isolated element treated whatever else is going on could come back and kick them in the teeth. And whatever it was you sorted may well become undone at a later date. (CAB adviser)

Signposting

A second way in which advisers perceived their service as holistic was through signposting (or sometimes referring) clients to other advisers where problems extended beyond their expertise. Many advisers became disengaged from the signposted problem as a result and uncertain even whether the client utilised the help suggested. Some advisers simply assumed signposting was effective.

Most of my cases that I have signposted or referred, I've not heard from my clients, so I'm assuming that everything's all right. But I've no feedback. (Specialist advice agency adviser)

Others simply did not know.

I give out telephone numbers but I'm not sure at all whether they're going to be useful. (Specialist advice agency adviser)

I don't know to be honest with you. I was just thinking that the other day myself. I've no idea how effective it is. (Solicitor)

A related aspect to signposting was the extent to which it demanded clients take some responsibility for dealing with problems themselves, an issue returned to below.

But it's also part of what we try to do to encourage people to manage their own affairs better and take steps themselves. In theory I suppose a truly seamless service is possible, but I think you'll always get some people falling through the net when you signpost. (CAB adviser)

Other advisers recognised that signposting could be rather haphazard. Clients might not be able to get through to recommended sources of help on the phone, or they might not be able to get an appointment. Lack of capacity in the system was perceived to be a significant inhibitor of seamless service.

If there were enough providers it would be very effective. But that's a difficulty. You could go through ten and still not find someone who could deal with that particular problem. So, practically ineffective, but potentially effective – if you see what I mean. (Solicitor)

Advisers also stressed the importance that agencies used for signposting and referrals should be 'experienced' and 'reputable'. Underlying this were tensions between exercising a level of quality control, maintaining a professional impartiality and not seeming to endorse other agencies.

One point a number of advisers made was that signposting and referrals were more likely to be effective when advisers knew the other agencies or, indeed, where there were links between them and the other agencies. Whilst the value of networks was generally accepted, forging them was perceived as a time-consuming task and a barrier to their realisation.

In spite of this, advisers often sought to portray signposting as unproblematic, and some claimed to protect the quality of what they did by offering the client the opportunity to come back and see them if the signposting did not work. They also claimed to refer where client vulnerabilities demanded it but felt inhibited by the time this took.

It depends on the client. For some clients signposting them works fine, but for those who find it difficult to get to grips with life then, you know, I'll maybe make the phone call and make the appointment and give the client a map and tell them where to go and who they are going to see. That will be much more effective than if you say 'Here's a list of telephone numbers'. But it's down to resources again, doing that's very time-consuming. (Specialist advice agency)

Whilst effectiveness might be down to the quality of the agency to which the client was signposted, advisers were conscious it was also dependent on the client. Putting the responsibility back onto the client was problematic and advisers showed varying levels of sympathy for clients who did not follow up signposts.

It depends on the resources that the client has. Basically because some clients would not follow up on their enquiry if they were sent somewhere else. Or that they couldn't be relied to because there are issues with mental health, language. (CAB adviser)

It is up to the individual to take the advice and sometimes they are too lazy or for whatever reason they can't be bothered. If you tell the person, look it's only next door, go there on such a morning, make the enquiries and find out. If the person can't be bothered to do that then there's no more you can do. (Solicitor)

Where multiple problems could be dealt with in-house, clients were sometimes given an appointment to see a second specialist. This almost invariably meant clients returned on another occasion. The quotation below suggests this can create a barrier for clients who might 'let things drift'.

Normally I try to get someone to see them straight away but if there's no one available I make them an appointment. I try not to let it drift because they'll probably let it drift as well. (Solicitor)

A few advisers explained that even where in-house referral was a possibility it was not always the course of action adopted. The adviser quoted next explains why there can be a barrier in such cases. The adviser also lists several other barriers, often

inter-related and commonly cited, namely: lack of capacity; the client's urgent need for advice (as already noted, clients often seek advice only when they have reached crisis point); and a general lack of 'free' specialist advice, particularly for those who would otherwise have to pay under legal aid eligibility limits.

It might make it easier for the client to be referred in-house I suppose. At the same time they might have to wait a few weeks for an appointment, we do have that here. And, they might not feel they can wait that long. But if we give them a phone number and an address and it's not very far away, then it could be just as easy for them to go somewhere else. The main problem is though obviously we're free. And, especially the clients we have, a lot of them are on benefits or are in a lot of debt so they can't afford to pay out a lot of money. But in a way they're spoiled by our service, I don't mean that in a bad way. We've got the Legal Help Scheme and people with a sufficiently low income qualify, but we also help people who don't qualify, we help them for free. If we can't give them an appointment for their other problems immediately some of them say, 'Oh, I'll have to pay for that won't I?'. They tend to be the most annoyed when you signpost them on. Their income isn't low enough to qualify, and they think they should be getting it for free. So if it was free everywhere then that would be useful, but that's not practical, it's just not going to happen. (Specialist advice agency adviser)

The same adviser went on to say:

They might not like to go to a new place. They might prefer to come back to the place that they've been before. So we do say that if they want an earlier appointment they're going to have to go somewhere else or they can wait and have an appointment with us. (Specialist advice agency Adviser)

For clients with limited financial resources who actively sought out 'free' advice, lack of capacity and cut-off points for eligibility for legal aid funding were reported by a number of advisers as barriers that may not be overcome by signposting or referral.

*We can't refer everyone in-house, only those who are like legally aidable...
...not everyone. (CAB Adviser)*

*Well if they don't qualify for Legal Help here they're not qualifying for it anywhere else. So unless they're going to pay for it they're not going to get it. So I mean it's the old poverty trap isn't it. People don't have enough money to pay for these things themselves and they don't qualify for Legal Help.
(Solicitor)*

With the specialist area, also the generalist areas, having more organisations to refer to or getting funding for clients that are not eligible for Legal Help that would help. (CAB Adviser)

A further barrier to signposting mentioned by a number of advisers was of a more personal nature as suggested by phrases such as 'they might not like to go to a new place'. For many clients getting as far as seeking advice took a great deal of resolve and organisation (e.g. 'finding the time', getting time off work, arranging child care). Having to wait for an appointment for an in-house referral or having to go elsewhere

had the potential to lead to procrastination ('letting things drift') or to clients opting out completely.

Yes I think it is helpful for them if we can help them with all their problems because it's normally taken quite a lot of courage for them to come to us anyway and if they can just see one agency to give them advice it's going to be beneficial to them because some people won't go elsewhere and find the advice. (Solicitor)

Neither type of supplier location nor how the client accessed the service predicted which of the above views was likely to be held by an adviser. Indeed, it was not unusual for advisers within the same organisation to express these apparently different views. The following quotation, for example, is from a colleague of the adviser who suggested clients might not like to go to a 'new place'.

Well I think most of the clients who come in just want help, so they're not bothered if it's not with us, they just want someone who can help them effectively. So by us giving them a phone number, or some times ringing up the place and booking them an appointment, that's their answer really. If they're not getting what they need from here, that for them would be very helpful, whether or not they turn up at the interviews I'm not sure. But I'm sure for ease they'd be much happier if they could get everything they need from here, obviously it's less hassle for them. (Specialist advice agency adviser)

Self dealing and empowerment

Signposting was one way in which clients had to take some responsibility for their own problems. Some advisers encouraged clients to take other steps to resolve their problems. This might be apparently simple steps such as speaking to their local authority. These advisers stressed that empowering clients was an important element of successful, effective advice giving. At best, it benefited the individual client by providing him/her with valuable life skills; it reduced that individual's need to seek further advice; this in turn freed up adviser time enabling a new client to be dealt with.

I have things to do, but equally so my client will have things to do. We've both got expectations. I say to my client 'You have to go away and do this'. If they don't, it's like working together, if one party's not working then there's no point. My aim is to promote independence. I don't want them to rely on me. I don't think that's effective, particularly when you're dealing with debt. It's about empowering them, to enable them to take control of their own lives. Once you've given them the common sense answers, then people feel empowered and they are able to deal with their matters themselves. But they also know that you're here. I get clients who will see me, I'll sort out their debt problems and they will go away. Then they contact me six months later. They've been handling their matters but there's a problem that they can't deal with, so they know they can come back to me – I see myself as a source of social support. I'm here to support you to sort out your problems, rather than take them on board. I think it's really important that there's this two-way partnership. (Specialist advice agency adviser)

However, most advisers agreed that 'empowerment' was not for everyone.

You see although our role is to empower clients there are always clients that you're not going to be able to empower. With the best will in the world they are either lacking in confidence to do it themselves or incapable. I don't mean that in a bad way but someone who is illiterate is incapable of writing a letter. Now it's not their fault, if anything it's the education system, but it's certainly not the client's fault. (Local authority adviser)

The team observed that asking clients to take on elements of their problems themselves seemed to risk confusion and other problems being left to fester or escalate. For example, a client with a debt related housing arrears possession problem had the possession element dealt with but the other debt problems were not dealt with by the time the team interviewed the client (at least two months later). The client risked incurring difficulties in their dealings with bailiffs, or getting into inappropriate rescheduling arrangements with new finance companies.

Advisers not uncommonly said that they needed to be explicit with clients about what they would not deal with.

Sometimes you have to say 'Look I can't deal with that for you'. That's the big problem sometimes they expect you to deal with everything. (Solicitor)

It just wouldn't work, you can't deal with everything for them, you have to explain what you can help them with. Also I don't think it would be good for empowering people anyway. (CAB adviser)

You've got to make clear that you're only dealing with this issue and not the other issues. (Local authority adviser)

Clients' reactions were somewhat different however.

It is very difficult for me when, somebody from somewhere else, like, council tax or the housing people, ring me, and I'm left to sort it, when I'm so stressed and not well myself. And I haven't got an answer. And I can't give them an answer you see. (Solicitor's client, rehousing and benefits problem)

However, some clients had been sufficiently helped for the approach to be useful.

Because I had no idea what to do at all... ..didn't know how to write to them. Because she, she composed a letter for me.... ..And she asked me to write, each letter from me... ..I had to do that all. So, actually she has been a great help really, yes. (Client with debt and housing problems, Specialist advice agency)

It was too complicated for me to do on my own. It was just wearing me out, so it was, 'I've had enough of this'. (CAB client with housing disrepair problem).

This client was advised to write to the local authority and ask for compensation and simply accepted the view of the local authority that she was not entitled to any.

I thought they would write letters to all my creditors. But they didn't, I wrote the letter. She gave me a template, and I wrote the letter to them. But I don't know

whether it might have had more sway if it had come from an organisation rather than the person. And I sent my financial statement. But she said because they're so busy. This was, they couldn't really help us going forward, from now on. (Specialist advice agency client with multiple debt problems)

This client had found negotiating with her creditors fine but had hit one problem, "There was only the bank really, that didn't accept it" and seemed at a loss as to how to proceed further. A client with an employment problem experienced a similar problem. He had been made redundant and offered a payout, but was advised to go back and ask for more and this had been rejected by his employer (Specialist advice agency). He did nothing further. Another employment problem is similarly worrying. The client's employer pressured the client into accepting alternative employment at a different location with hours that the client did not want at a meeting that the adviser could not attend. The client simply resigned. (Specialist advice agency)

It is important to appreciate that sometimes clients were asked to deal with aspects of their own problems and were being asked to deal with bureaucracies when they had had very bad experiences or had low levels of verbal skill and intelligence. For example, one client had had such bad experience of dealing with housing benefits in the past that she simply refused to put in an application (Specialist advice agency). This client was being advised how to deal with her debt problems herself but was clearly reluctant to do this herself. She also said she was suffering from mental health problems.

I'm, not – you know, I would like some company to go with really, because – I don't know. I suppose there's people and people, you know.

A client with a young child, who had left accommodation because of its poor condition making his daughter ill had been found to have made them intentionally homeless. The adviser had advised the client to see social services and was at risk of being evicted from his current temporary accommodation. The client was clearly confused and uncertain as to what was happening, but had not done as his adviser had suggested.

Client: No, not really, I didn't go yet.

Interviewer: You haven't gone to social services? So... ...what are you planning to do at the moment? What's the situation like?

Client: I really don't know what I am, what's my plan. I [am] just confused, I just, that's [a] very big headache for me. ...I don't know really, I'm just, I'm just. Still, even I can't think, you know, I don't know what [unclear] can I do. I need some more advice, I need something, someone to help. Because I have my knee pain, and my back pain, and I had my operation and I – like many problems through this situation, has made me like, like, like, ...crazy I don't

know... .. Yeah, I need someone to come with me. Because I need someone to come with me to social services. (Specialist advice agency client)

Sometimes clients who were asked to deal with problems themselves were also encouraged to return to the adviser and did so. One client had been asked to write to her creditors initially and had also been told she could come back to the adviser if she struggled with that. The client did struggle and the adviser took over the correspondence (Specialist advice agency Adviser).

The problems that clients experience in dealing with their problems is nicely exemplified by the difficulties form-filling presented for many clients.

But the council sent some forms to fill and they're double Dutch so I'm going up there tomorrow. (Client with benefits problem, Local authority agency)

I looked after my mother and had to fill in a form myself and as you know the wording is has to be just on spot and an ordinary layman doesn't know how to write it correctly and very often missing out [on benefits] because of that. (Client with benefits problem, Local authority agency)

I'm dyslexic. And – so for me, form filling is very difficult. You know – the reading side is not too bad, I can manage with that. But any form filling, or having to write letters, or, you know, that sort of thing, is very, very difficult. So like I have to wait for somebody to come, get, you know, rely on other people to read these letters to me. And help me fill in forms. (Solicitors' client dealing with rehousing and neighbour harassment problems).

Several clients spoke of how the advisers made a qualitative difference to the application.

Well like the questions when I spoke to Citizen's Advice they put down things we needn't think were important. Like they asked how we managed with the oxygen. Like he's got to be on it from half past five onwards to the next morning at quarter past eight. He's got to have 15 hours, NOW he's got to have more. With these questions they all seemed to be 'no' to me, 'No we don't need this', 'No we don't need that'. And when he went through them he said 'Well yes you DO need. You're not telling lies. Just think about what you're saying'. (CABx client with welfare benefits problem)

Fundamentally, clients asked to deal with aspects of their own problems often felt at a total disadvantage.

It's like a game of football where you don't know the rules and the referee is on the other team's side as well – like the decision maker. And looking back on my physical assessment it's loaded against you. (Client of specialist advice agency with benefits problem).

Other barriers

As already described, advisers dealt with what was possible within the resources of their own organisation and then signposted or referred clients on. Lack of expertise but also limited in-house capacity, time, manpower and funding constraints might militate against in-house service.

I mean we do what we can. There's only so much work we can do. You know, the demand far exceeds what we can do here. (Local authority agency adviser)

Barriers to effective signposting and referral, described by advisers, included the need for comprehensive, accessible information on services and local agencies and for networks comprising trustable 'quality controlled' agencies to which to signpost/refer. Advisers also often described barriers in terms of impacts on access to advice and quality of service provided. They stressed the barriers created by current funding practices, for example, in terms of the disparity between legal aid work and privately funded work.

My legal aid bill is a third of what my private client bill would be. So that's why we turn over so many clients, there has to be that treadmill to bring the money in, otherwise it's not worth doing it. And a lot of people aren't doing it and that's leaving a gap in the market, not financially, not economically but for those people that can't access those services. (Solicitor)

A further barrier perceived by advisers, is the overall reduction in suppliers (see also, Moorhead, 2004):

You probably know about the Legal Commission Service funding that keeps getting cut, especially the civil bit of it. People are leaving this area of law people are not working in it because of the lower levels of pay. We're a charity, if we were a profit-making organisation like a solicitor we wouldn't be surviving very well. A lot of the smaller firms that just do this kind of work, they don't survive. They've got to take on a lot of fee paying work. There would have to be a big injection of cash from the government into the Legal Services Commission to pay for things, and it's just not going to happen. (Specialist advice agency adviser)

Despite the barriers described, advisers did not doubt the need for some form of holistic advice provision.

Personally I think it's beneficial [to deal with clients holistically] because I'm of the mind that it's no good fixing the dripping tap if you don't know why it's dripping. I'm able to sort out as much as I can and make referrals on to the correct agencies, so the client feels that they are getting as much service as I personally can give. (Local authority adviser)

When I set up the project I looked at it as a holistic view. When I sat down with the managers and said there was no point in just dealing with just one issue if there's all these other things going on. Because if you don't deal with the whole lot, 6 months or 3 months down the line they're going to be back. You know things just happen again, like they haven't paid their mortgage

again. The other thing you've got to look at is have they got enough money coming in, are they entitled to any top up benefits, are they entitled to disability living allowance, housing benefits. I've had clients that didn't know they were entitled to housing benefit. So yeah the more you know you can actually help. (CAB adviser)

Looking beyond current arrangements, whilst advisers saw the benefits of holistic provision they also questioned whether it was possible to invest an adviser or an organisation with sufficient skills to do a more truly holistic job:

But I don't know if it's ever possible, or whether I would think it would be realistic or wise to have a situation where someone comes in like a clinic and you just deal with everything because you're never going to know everything about everything to a high enough standard to deal with everything properly. (Specialist advice agency)

If you had a solicitor who could deal with everything to a very high standard and the client came in and went through everything and the solicitor sorted everything out for them then it would benefit the client. How a solicitor would practically cope with that they'd probably have one client a year I should think! (Specialist advice agency)

Like with the doctor, no matter what health problem you've got you know you can go. So yes in an ideal world, but practically I don't know how you'd do that for legal problems. (Specialist advice agency)

I don't know if that's going to be too much pressure on each organisation with so many different procedures and regulations to follow. It's better just to concentrate on what your strengths are and do that one thing well. (Specialist advice agency)

Some advisers believed it would also give rise to a significantly increased demand from clients.

Yes firstly the amount of clients, it would be off the scale. Everybody would want to go there because they'd know they'd be able to get advice on everything they wanted. (Specialist advice agency)

It is apparent in some of these comments that the interviewees are only speaking from the perspective of the capacities of their current organisations, without taking account of the possibility to reorganise and grow.

Yes, like if the LSC said they weren't going to give contracts to people unless they said they offered a holistic service, we for example couldn't run, we'd have to become a holistic general service. Then if someone went to the CAB and needed to refer to us for debt, we couldn't do that because we'd just have a holistic, general service. If it was housing we wouldn't have anyone to refer on to because, for example, Shelter would be holistic and just do a bit of everything. (Specialist advice agency)

Although there was also comment that such super specialist agencies would have to become very big (“you would have to a lot of people”) and that the current network of specialists allows an appropriate and sensible division of labour.

So, are people really going to get the answer to their problems or are they just going to get someone to talk to initially and some very basic advice? As we are at the minute we can take clients with debt and welfare problems from A to Z completely and then they're happy. They wouldn't come to us for housing but they can go to Shelter and get A to Z completely. (Specialist advice agency)

A key concern, however, was that individual advisers might be required to deal with a wider range of problems in order to give each client a more dedicated one-to-one service. Many advisers thought this would reduce the overall availability of specialist advice to the detriment of advice provision and to clients.

Every adviser would need to know everything about everything and feel confident enough to give precisely the right advice on everything. Remember though, if they're solicitors they'd be liable for any advice they give which adds a different dimension to it. I can imagine it would have a lot of legal advisers know a bit about everything and not maybe a lot about something. If you had a solicitor who could deal with everything to a very high standard and the client came in and went through everything and the solicitor sorted everything out for them then it would benefit the client. How a solicitor would practically cope with that they'd probably have one client a year I should think! (Specialist advice agency)

If you're going to try and do something holistic on the superficial level, you are going to fail because most problems have a very complex response, and you need to specialise. That doesn't mean to say that I don't think it's possible - a holistic service - but I think you've got to put a lot of money into it, and you've got to get a lot of organisations involved because of the nature of the problems you're going to have to deal with. (Local authority)

In a similar vein, a number of advisers raised the question of funding and whether one-stop advice centres would offer advice only on legal aid fundable issues and only to clients who were eligible for legal aid funding. If legal aid was the focus for the advice, advisers argued that the service would not then be ‘holistic’.

I think it's better off keeping it separate because the ones where people do pay and have to pay that should be kept in solicitors' firms. It's not going to be practical having everyone and everything in an advice centre set up. You're going to get money from the Legal Services Commission for the debt and the benefit but you're not going to get money for them to do say family or personal injury, so you've got to get money for those from somewhere else. Clients won't want to pay because they'll see it as an advice centre where it's all free. You'd be separating out the bits of work between the free bits and the bits where you pay. (Specialist advice agency)

Whilst seamless service suggests a degree of information sharing between advisers, and even agencies, one concern was that if information was to be held centrally as part of a seamless service, clients might feel their confidentiality threatened. This

concern might alter how the service was used and potentially reduce the number of people willing to seeking help with their problems.

Would it be valuable for it to be more integrated in how information is sharing? Not for our clients because they know whatever they tell us – and they do tell us a lot of things – won't go any further. (CAB)

Some advisers made the point that a more integrated, holistic seamless service had implications too for client expectation, which should be considered, first, in relation to funding.

Clients are going to say 'If I come here for that I don't have to pay, but if I come for this I do. Why is that? That's not right.' So, basically clients distinguish between a solicitors' firm, 'Oh, that costs me a lot to go there' and an advice centre 'Oh, there it's free'. (Specialist advice agency)

Second, in relation to notions of 'dealing with everything at the same time'.

They might think it's easier having everything dealt with in one place but in practice they're not going to come in at ten o'clock and see someone about their benefits and then at eleven o'clock see someone about their family problems. They'd have to come back again on a different occasion anyway, so it doesn't matter where they have to go as long as it's accessible to them. That's the problem, people would probably demand you do that sort of thing. (Specialist advice agency)

Some advisers said a more integrated service might reduce client frustration.

Like you say most clients have multiple problems and so then they get floated round from one department to another, or one agency to another and then they get really frustrated and annoyed. (Local authority agency)

The majority felt that coming to one place on several different occasions would not substantially alter client behaviour. There would still be clients who would fail to turn up for appointments and fail to follow advice. Clients would still 'fall through the advice net'. So they felt that gains such as increasing access to advice services and improving outcomes for clients were far from guaranteed by re-modelling the existing service.

Having concluded that a more integrated seamless service was unlikely to work as a one-stop advice centre, most advisers went on to describe an advice model not unlike the present one.

But when they talk about a seamless service I don't think they're necessarily saying that everything has to be dealt with in the same building under the same organisation. I don't think they mean that, that would be nigh on impossible. It's being able to pass clients on through a system without the need for them to actually actively take steps to assess it from scratch again as it were. (CAB)

Despite this, they did not doubt that their current 'holistic' services could be improved. However, the consensus was that it would be better to address existing barriers and shortcomings in a systematic and planned manner than to aim for extensive re-modelling or re-organisation towards a seamless monopoly. Typically money and resources were advisers' first thoughts on what was required to improve the current system. This is illustrated in the following response.

Money. Resources. More people, especially since this is a very pressured job. You know, in a way the more deprived the people you're dealing with the more people you need to deal with it because the more stress the people that are dealing with the deprived people are under. It's not a problem that's going to be solved by a re-organisation. This is money to bring people in to give advice. (Local authority agency)

Other suggestions included better central planning of resources.

A bit more joined up thinking perhaps in putting systems in place for making better referrals for the client and perhaps getting feedback from those other agencies so that we can monitor that our clients have actually got the necessary advice that they need. There should be monitoring but there isn't. I don't think we've got that structure within the service. I think the bigger picture, be it the CLS team and Local Authority, there needs to be more joined up thinking between organisations and inter-referrals so that we get the structure in place for the client to get what they need. (CAB)

A further answer was improving and perhaps standardising training for advisers to help improve the advice given and service provided.

I think the problem for me is that there's no specific training in advice work. And a lot of it is, you know, we have to go and educate ourselves. We've got a small library there. If we get a matter that we're not familiar with, we have to look it up. That is a problem, because there isn't the time always to do that. So I find that quite difficult, the research, because I don't really know the subject matter. It's not my subject matter I haven't got the training that I had to do my other profession. It was intense, intense training. There are training courses that we go on, free training courses, which are useful. But I just find them, I don't know – short. And there's always a lot of information to absorb at one time. You just can't take it in. So sometimes I just feel very overwhelmed. Because housing, it's a minefield, it's massive, massive. (Specialist advice agency)

Despite these concerns, several advisers suggested that vulnerable clients would benefit from one-to-one support and so some provision should be made to meet this need. Advisers suggested that as well as benefiting clients this would reduce the need for vulnerable clients to seek further advice because they had been unable to act on their own on the advice first given. This in turn would free resources enabling other clients to be dealt with.

We're aware that some clients would not follow up on their enquiry if they were sent somewhere else. That they couldn't be relied to because there are issues with mental health, language, whatever. In cases like that I'd think we should be able to take the whole thing on lock, stock and barrel, and walk them through the process. I would like to be able to provide an outreach service to people. I'd like also to be able to help provide an advocacy service. I would like a worker here to be able to accompany certain vulnerable people to certain external agencies. So yeah, offering a more one to one service. Actually being able to physically assist clients, visit them in their homes. (CAB)

Summary

There is a recognition in the policy literature, and in practice, that clients would benefit from holistic service provision. However, most practitioners confine that view of holistic provision to notions such as putting the client's problems in context and trying, with mixed success, to ensure that clients can be signposted to appropriate providers when the initial adviser cannot deal with a particular problem. Broader notions of holistic practice, such as tackling social as well as legal problems, understandably perhaps were not accorded much attention by the practitioners the team spoke to, save to a limited degree in recognising that clients might need counselling for some problems (but equally advisers were reluctant to see themselves as counsellors).

A number of factors were identified as militating against holistic provision: lack of time, manpower and funding constraints; lack of expertise and in-house capacity; the absence of comprehensive, accessible information about alternative sources of assistance for clients;⁴⁶ the failure of the CLS to establish trustable networks of providers to whom suppliers were willing to signpost; different approaches to means testing; and, perhaps most tellingly, a concern that a truly 'useful' holistic service would give rise to a demand from clients which was, in itself, unsustainable. Perhaps mindful of proposals for CLACs that were beginning to emerge at the time of our interviews, suppliers were generally resistant to the idea that it was possible for single organisations to develop sufficiently to provide holistic provision 'in-house'.

The next chapter begins to address some of the implications of these findings.

⁴⁶ At first sight this is somewhat surprising given the Legal Service Commission's CLS directory of advice providers, but advisers had some concerns about the utility of the directory (the directory could not keep up to date with the actual capacity of organisations on the list) and might also have wanted to refer clients to non-legal sources of help (e.g. mental health assistance).

6. Analysis and implications

The idea of clusters of justiciable problems now has a central place in policy on publicly funded legal services. Keen to find ways of rationalising supply and to maximise the impact of legal aid expenditure, the Legal Services Commission, Department for Constitutional Affairs and Lord Carter's review of legal aid procurement have all highlighted the importance of working to solve problem clusters, emphasising a desire to provide services holistically (DCA and LSC, 2006; Carter, 2006).

This has been emphasised most starkly by the proposed introduction of Community Legal Advice Centres (LACs) and Community Legal Advice Networks (CLANs) by the Legal Services Commission. The LSC proposes to establish centres or networks in many parts of the country that would be drawn from, but replace, the current supplier base. A crucial aspect of the CLACs and CLANs is that they would provide a wide range of services publicly funded on an exclusive or semi-exclusive basis in their area. CLACs, in particular, may dramatically reduce and concentrate the supply of publicly funded legal advice and help in social-welfare law. The potential reduction in the number of suppliers is useful for an LSC keen to reduce its management costs, but the proposal is overtly aimed at providing more comprehensive provision within one centre or network so that clients with clusters of problems are better served.

This research is not an evaluation of the feasibility or merits of CLACs/CLANs, but the proposals do throw into sharp relief the perceived importance of clusters of legal needs and the research illuminates a number of issues relevant to their eventual evaluation and development.

Are clusters that frequent?

The unequivocal nature of the LSC's claim that, "People do not face 'legal problems' but clusters of problems to which the law may offer one solution" (LSC, 2006, 3) is actually based on the more modest findings of Pleasence et al's *Causes of Action* study that less than half of the respondents to the LSRC's periodic legal needs survey that had any non-trivial justiciable problems in 2001 had more than one such problem. By 2004 the figure had dropped to 37% (Pleasence et al, 2005, 53). Nevertheless, this, coupled with a convincingly established link between multiple justiciable problems and social exclusion (Pleasence et al, 2004a and 2006 and

Moorhead et al, 2004), suggested that problem clustering was significant. That study's largely quantitative focus on the general population left open the question of whether advice agencies and solicitors' clients presented with similar levels of complexity when they met their advisers.

Our study has found that, in the areas of work we looked at - principally debt, housing, benefits and some family work - clusters of justiciable problems did present regularly amongst the clients we looked at. Within the organisations we observed, clients presented with multiple problems that crossed the main boundaries between specialisms in 43% of cases. There was also some evidence, albeit from interview data rather than observation, that clustering intensified when the more serious cases proceeded to casework where advisers reported in detail that 56% of clients had multiple problems across problem types.

What are clusters really like?

The *Causes of Action* study provides a sophisticated, but abstract, statistical analysis of the nature of problem clusters. The problem types that are grouped together have shifted over time as they have dealt with new interview cohorts and begun to tease out interrelationships between problems and the demographics of client groups.

This research study has enabled a deeper understanding of the social reality of clients presenting to advisers with multiple problems. As one would expect, given the specialisms of the advisers observed, the problems we observed clustered around housing, benefits and debt, but there was a wide range of problem types, most notably with benefits, homelessness, relationship and employment problems linked with a wide range of other problems. Mental health problems also had linkages across a range of problems. Standing back from the results a little, it is worth observing that the precise details of individual clusters are in some ways less important than the tendency for different problems to occur for the same clients in broad and unpredictable ways.

Another finding of note is the extent to which problem types outside the main three of debt, housing and welfare benefits tended to give rise to the biggest problem clusters. In particular, problems which involved relationship breakdown/children, home ownership, mental health, domestic violence, employment and homelessness gave rise to the most complex, and arguably the most serious, problems. This may be important for the design and operation of CLACs and CLANs. Gateshead CLAC for instance plans to focus on debt, housing, welfare benefits, family, community care

and employment.⁴⁷ Leicester plans to focus on community care, debt, employment, family, housing, mental health, and welfare benefits.⁴⁸ Both CLACs will need to establish excellent relationships with private practice if solicitors' clients (from firms continuing to practice family law in particular) with social welfare problems are to be served by CLACs without such firms feeling threatened. Similarly the absence of mental health from the Gateshead plans is not consistent with the evidence base we have assembled. More generally, this suggests that, where there are not CLACs and CLANs, the LSC will need to ensure accessible provision across the range of these high-risk problem areas.

Do problems within clusters interrelate?

An issue of some importance is the extent to which clusters of problems simply occur together or interrelate. This is hinted at in Pleasence et al's observation that it may be a client's vulnerability, rather than links between problems, that explains the existence of some clusters:

Problem types do not have to cause or follow on from one another in order for there to be a connection between them. Connections can also stem from coinciding characteristics of vulnerability to problem types, or coinciding defining circumstances of problem types. (Pleasence et al, 2004, 37)

The extent to which problems genuinely interrelate will determine the extent to which solutions to those problems ought to be similarly intertwined.

In clients' minds, problems often simply occurred in isolation, and many clients we spoke to struggled to see any definite or clear relationship between their problems. Our analysis of the observation and client interview data however, suggests that most problems within clusters do interrelate and would benefit from a degree of co-ordinated management.

What are the links with social exclusion?

Clients essentially fell into two groups. The first group had clearly spent some time in, or on the margins of poverty, accustomed to their marginalisation from the labour market and living on, or with the support of, benefits, for example the ill, the elderly and the unemployed. The second group appeared to be on the cusp of such social exclusion, having suffered some fairly recent trauma such as a serious illness to

⁴⁷ Information taken from Gateshead Council's website, July 2006, *A Community Legal Advice Centre for Gateshead*, <http://www.gateshead.gov.uk/DocumentLibrary/People/Strategies/CLACInfo.pdf>.

⁴⁸ Information downloaded from Leicester City Council website, July 2006, INFORMATION FOR APPLICANTS, Leicester Community Legal Advice Centre, <http://www.leicester.gov.uk/your-council--services/regeneration--culture/cl/community-information/advice-services/community-legal>.

themselves or a partner; or had entered a period of what was starting to look like prolonged unemployment. A related finding is the extent to which clients with justiciable problems were coping with other significant problems, most notably physical and mental health issues. At least 28% of the clients we observed had a disability or chronic illness of one sort or another. Often clients were caring for elderly or sick partners or relatives. Our interview data also suggested advisers had identified 34 out of 487 (7%) of their clients with justiciable mental health problems.

In this sense, certain clients suffer from more problems because their problems are linked but also because these clients are amongst the most vulnerable in society. Taken together, this evidence supports the view that clients' legal needs and social needs are complex and intersectional: their social and legal problems interrelate and amplify.

How significant is the impact of problems and advice on clients?

The impact of justiciable problems on clients' lives cannot be underestimated. Many spoke movingly of the stress and anxiety caused by their difficulties, with a substantial group also pointing to health problems being caused or aggravated by the stress. Having sought advice, clients perceived a burden being lifted, and could see themselves starting to get on top of their lives. Many clients spoke of a dramatic reduction in stress levels, and the associated health problems also abating.

Can we say what triggers problems?

Part of initial interest in problem clusters was the idea that problem clusters might have 'triggers' which lead to a cascade of further justiciable problems (Genn, 1999). An advice service which successfully dealt with these trigger problems might reduce overall levels of legal need, reduce the social and economic costs of justiciable problems and more effectively improve the lives of hundreds of thousands of clients. Our study provides some evidence on the causes and triggers for clients' problems.

For many clients, problems appeared to be triggered by the general difficulties faced by those living on benefits: poverty, debt and the complex nature of the benefit system itself. More specific triggers for problems that were common, were illness/disability (often a sudden deterioration in the condition of the client or a close relative which led to incapacity or care problems); benefits problems (failures to award benefits, process applications and overpayment claims); problems with current or former partners (violence and joint debts); employment difficulties; and housing problems (disrepair and overcrowding in particular).

The illness/disability finding is an interesting one, suggesting benefits to the LSC of liaising with a wide range of health service providers, as well as claimant personal injury providers, if there is an interest in seeking to tackle problems early (see also, Sherr et al, 2002 and Harding et al, 2002).

The extent to which local authorities were implicated in the legal needs of clients with problems occurring in relation to housing benefit; council tax and council tax benefit; as well as housing (disrepair, repossession, rehousing and overcrowding) is also of interest. 37% (66 out of 178) of the clients we observed had problems with local authorities. This does not mean the local authority was always at fault but it does show how the actions (or failures) of local authorities can give rise to needs for legal advice and often legal help. Given the role of local authorities in the Legal Service Commission's proposals for CLACs as joint funders, robust mechanisms need to be in place to ensure that such centres are not tempted to under-represent clients with problems to be pursued against local authorities.

How do problem clusters present?

Clusters of problems were generally presented explicitly as part of the main issue the client raised initially with their adviser. However, about 12% of problems were raised implicitly, either through pro-active questioning by the adviser or being 'picked-up' through general dialogue with the client about the 'main' problem. Our analysis of the observations suggested that adviser interviewing skills also played a part in exposing larger problem clusters.

A particularly important area is the extent to which advisers failed to expose the true extent of clients' problems during interview. Of the clients we followed up in interview, 29 out of 58 had some additional problems not dealt with in their initial adviser interview. These were generally significant problems and about half were linked to their presenting problems in some way.

There are a variety of possible reasons for not exposing the full range of a client's problems. These factors include pressures of time, the natural tendency of advisers to concentrate on the presenting problems, and client reluctance to raise problems which are, to them, separate from the ones they wanted advice on.

The nature and size of clusters was also affected by the type of supplier we observed. Specialists, and solicitors in particular, appeared to see clients with larger numbers of problems.

These findings raise some interesting issues as to the skills that the full exposure of problem clusters requires; a combination of appropriate adviser skills and organisational structures and incentives which facilitate the identification and diagnosis of all of a client's justiciable problems.

How seamless was the observed service?

The idea of a seamless service is one where, even though more than one individual or provider organisation is involved in the delivery of a service, the co-ordination between agencies and practitioners is such that the service user's experience of the service and the efficiency of the service would be the same as if just one agency or practitioner is involved. Seamless delivery is delivery that avoids repetition and unnecessary delays for the service user. Whilst this ideal is relevant to both the public and private sectors, achieving seamlessness within public sector services is understood to support the achievement of cost efficient delivery of public services, as well as many other government agendas, particularly those relating to social inclusion and reducing crime.

Seamless service provision within the advice sector is particularly relevant to the delivery of services to those experiencing multiple legal problems, as it is often the case that one adviser, or even one provider organisation is unable to deal with all problems fully themselves. Therefore it is important that the client gets appropriate advice from another provider more skilled in the problem type. Signposting and referral mechanisms have traditionally been seen to be key to the delivery of seamless advice provision and one might expect increasing emphasis on this following the evidence about attrition from the system through referral fatigue (Pleasence et al, 2004a) and poor practice (Moorhead and Sherr, 2003).

This research, coupled with previous research looking at signposting and referral in the CLS (Moorhead and Sherr, 2003) and the relative performance of specialists and non-specialists under legal aid contracts (Moorhead and Harding, 2004), helps build up a reasonably strong picture of the seamlessness of service being provided by the advice sector. This study underlines the difficulties in getting specialists to signpost to each other across organisational boundaries. Generalist advisers appear more likely to encourage clients to 'muddle-through' on their own, whilst specialists may have a tendency to hang onto clients' problems outside of their expertise. Although some of these problems would have been simple enough to be dealt with competently, there are evidenced dangers in non-specialists dealing with cases outside their expertise (Moorhead and Harding, 2004 and Moorhead and Sherr, 2003). The research also

points to the need for skills and incentives to encourage providers to identify the full range of clients' justiciable problems, if the Community Legal Service is to be truly seamless. For most problem clusters, clients would benefit from better links and communication between advisers.

Many advisers advised clients to deal with problems themselves where problems were outside of their specialism. Although consistent with an ethos of empowerment, our findings illustrate that whilst sometimes this worked well, giving clients the confidence and information necessary to take more control of their own lives, often it did not. We saw a substantial number of clients who were confused by the instructions they were given and who left problems to fester or escalate as a result. Clients coping with years of social exclusion or dramatic worsening in their health or lifestyle and poor levels of educational attainment and self-esteem were often ill-equipped to deal with complex bureaucracies or hostile opponents. Whilst advisers indicated an awareness that 'empowerment' was not for everybody, too often clients who could not cope alone were asked to.

What about a holistic service?

Whilst seamlessness is an important part of it, other notions of service are sometimes invoked in the name of holistic provision:

- **Understanding:** Seeing a client's legal problems in their wider social context, and addressing the legal problem within that context. For instance, this might include acknowledging the impact of a client's mental health, disability of caring obligations on their ability to solve their 'legal' problems.
- **Diagnosing:** Diagnosing and dealing with *all* of a client's *legal* problems (i.e. going beyond the presenting problem or the problem that a particular adviser is geared up to deal with to see what other legal needs might be present).
- **Delivering or networking:** Ensuring a client receives appropriate levels of advice on their *legal* problems through appropriate provision by the adviser themselves, or through referral/signposting to colleagues or other providers in the system
- **Broadening:** Seeing a client's non-legal problems as requiring some level of intervention if the client's legal problems are to be addressed and delivering those interventions directly or through signposting/ referring the client to the relevant services and ensuring those services are carried out.
- **Taking some strategic initiative:** Identifying and tackling the root cause of a client's legal problems (to use a medical analogy, tackling causes not symptoms).

Most practitioners confine their view of holistic provision to notions such as putting the client's problems in context and trying, with mixed success, to ensure that clients can be signposted to appropriate providers when the initial adviser cannot deal with a particular problem. Broader notions of holistic practice, such as tackling social as well as legal problems, were, understandably perhaps, not accorded much attention by the practitioners we spoke to. However they did recognise that clients might need counselling for some emotional and mental health problems associated with, or compounding, their justiciable problems. Advisers were reluctant to see themselves as counsellors but some were interested in, and in our view, would benefit from, training in how to deal with particularly vulnerable and 'difficult' clients, but had failed to find appropriate provision.

What are the barriers to holistic/seamless provision?

A number of factors were identified as militating against holistic provision:

- lack of time, manpower and funding constraints;
- lack of expertise and in-house capacity;
- the absence of comprehensive, accessible and useful information about alternative sources of legal and non-legal assistance for clients which included information on the capacity of organisations to take clients;
- the failure of the CLS to establish trustable networks of providers to whom suppliers were willing to signpost;
- different approaches to means testing; and, perhaps most tellingly,
- a concern that a truly 'useful' holistic service would give rise to a demand from clients which was, in itself, unsustainable.

Suppliers, perhaps mindful of proposals for CLACs which were beginning to emerge at the time of our interviews, were generally resistant to the idea that it was possible for single organisations to develop sufficiently to provide holistic provision 'in-house'.

What about lessons for future delivery?

It seems likely that the current system of publicly funded legal advice provision will be provided in three different ways: CLACs, CLANs and something like the current networks of LSC and other funded agencies where CLACs and CLANs are not being implemented. CLACs should have the capacity to overcome some of the cultural problems associated with not signposting clients to an outside organisation (because most signposts would be within the organisation), and CLANs may support more effective signposting within localities. However, each of the three models will need to address the following questions if clients with problem clusters are to be fully served:

- What are the incentives and skills necessary for each supplier to identify *all* of a client's justiciable problems and accurately assess the risk to the client and the need for further help?
- What incentives and information are necessary to ensure that the client is properly and effectively signposted or referred to the provider most likely to successfully deal with their problem?
- How and when should suppliers dealing with separate aspects of a client's cluster of problems, communicate and co-operate?

This is a challenging agenda, and one which faces all providers and funders serious about addressing the clustering of advice need, however this research has identified that perhaps a greater challenge will be determining how best the advice sector can support the particularly vulnerable clients identified by this research.

Many of the very vulnerable clients identified in the research had entrenched problems which were only going to be resolved, if at all, by concerted action, which the client themselves were unlikely to be capable of taking. The intersectionality of clients' legal and social needs, sometimes in situations of extreme social exclusion, suggests that clients who are at particular risk or are particularly vulnerable need especially high levels of intervention and service. For a minority of very complex clusters being experienced by particularly vulnerable clients, the need for co-ordinated management of solutions to justiciable, and other, problems was demonstrated. The extent to which non-legal needs are implicated in meeting legal needs suggest that resolution to an individual's legal needs may often require the engagement of multiple funding streams outside of 'legal' advice.

The issues affecting these high risk, high need individuals establish further challenges for the advice sector. For example:

- How should the agency deal with non-legal problems which impact directly or indirectly on the clients' justiciable problems? What skills are necessarily part of the legal service and what matters can more appropriately be dealt with by others?
- At what point are clients' problems so complex and serious that they require concerted multi-agency action and who should co-ordinate and fund such action?
- When seeking to make clients more responsible for handling aspects of their problem, what assessments should be made of the clients capacities before doing so, and what steps should be taken to support the client in dealing with aspects of their problems themselves?

Many public services are being reconfigured to more effectively support individuals with multiple needs, whilst improving user experience, preventing vulnerable people from 'falling through the net', and provide service efficiency. Approaches being

developed are varied, and it is important to consider what lessons from these may be relevant to the LSC and the wider advice sector.

Whilst many of the examples of service reconfiguration focus on improving service users' experience through the development of better co-ordinated and seamless service delivery, there is also an apparent acknowledgement that not all service users need or require the same level of service delivery. Different models of service delivery are developed with increasing intensity of interventions and required resources. High need and high risk individuals receive the model of delivery with the highest level of intervention and support, whilst the low need and low risk individuals receive lower level support and guidance.

In all settings the implementation of seamless services begins with an assessment of need to begin the co-ordination of services in the most appropriate way. An individual assessment of the client's needs determines the initial route taken by that service user. To achieve a seamless service, an assessment must serve to reduce repetition and potential delays for service users, and cover a minimal but sufficient level of information, so that risks are identified and acted upon. Assessments must identify multiple needs and risk factors in a way that can be shared with other professionals to support the co-ordination and delivery of a range of services. A common assessment framework allows for: data to be aggregated; more accurate identification of risk and protective factors; and greater consistency of assessments. Population needs are also assessed (as they have been for the CLS) to facilitate the planning of the configuration of services and the most effective use of resources.

Leading directly from an assessment of need, is a decision about what level of service an individual requires. Sometimes called risk stratification, the language of risk is used to classify service users to allocate them to different types of care co-ordination and services. For example, in health, this refers to the risk of a particular patient developing further health problems, whereas in youth justice, this refers to the risk of re-offending. In the CLS, levels of need and risk might refer to the likelihood of clients developing significant other problems, or to the consequences of certain problems (such as the loss of a home). These are likely to be partly determined by an individual's capacity to manage and achieve effective and sustainable resolution to their problems on their own.

The level of assessed risk determines an appropriate approach to the co-ordination of the care of individual service users. For those individuals assessed as low need

and low risk this might be the implementation of measures that establish seamlessness of delivery, whereas high need and high risk individuals might be provided with a more intensive level of support, such as 'case management' activities.

This research illustrates the need, and perhaps the opportunities, for implementing different approaches to co-ordination within the advice sector. For example, individuals with multiple justiciable needs requiring engagement with more than one adviser or service provider, but who have the capacity to manage their own engagement (and therefore likely to be assessed as low risk and low need), are likely to only require effective sign-posting. This therefore would only require ensuring that advisers have access to accurate and up-to-date information on sources of advice.

Individuals assessed as medium need with medium levels of risk, are likely to benefit from effective referral processes, with meetings with other advisers being arranged on their behalf and a single assessment being transferred between advisers to reduce repetition of procedures and establish seamlessness of delivery. This would require the establishment of information procedures, protocols and any necessary technical support that these would require which are actually utilised in practice.

High need and high risk assessed individuals, such as the very vulnerable clients suffering complex clusters of need that were observed and interviewed as part of this research, are likely to benefit from a form of case management. Case management is only likely to be an appropriate and efficient use of resources for those who require intensive support from a range of providers. This is especially relevant in cases of high complexity when clients are in need of services from a number of providers. This research demonstrates that often service providers who need to be engaged in the resolution of legal problems extend beyond the advice sector. This is a result of the inter-relatedness of legal and wider social problems that vulnerable people often suffer. They are likely to include: health professionals, housing practitioners, local authority welfare benefits officers, family counsellors as well as solicitors and advisers. A case management approach might seek to engage all these different agencies, as appropriate, in order to achieve the desired outcomes for the client.

There is no single model for case management, but there is often a specially trained case manager, who is responsible for co-ordination and care planning. The case manager ensures effective liaison between agencies and may conduct the initial assessment. It is their responsibility to monitor the progress of a service user and

take action if the appropriate service is not being delivered. This would be a new role within the CLS framework and careful thought would need to be given to the knowledge and skills necessary to perform this function effectively, if it were to be attempted. An example of a similar role can be found within the National Offender Management Model being implemented in the criminal justice system.

Related to case management is care planning, where objectives are clarified and milestones set. This helps to co-ordinate different services and show how a sustainable outcome will be achieved for an individual service user. Usually a documented care plan will be developed, for which the involvement of the service user is very important. These care plans will indicate the interventions planned and which agency and professional is responsible for carrying out the interventions. They may also establish information sharing requirements. Protocols can be used to help co-ordinate care in many different ways depending on the context, but primarily they aim to ensure that there is a shared understanding of roles and responsibilities among all providers involved in the delivery of services to a particular individual. They can have many other useful functions, such as helping to ensure that care derives from evidence based practice, and can include 'decision support systems' to help professionals make decisions about appropriate care.

Variance tracking is fundamentally important to the development of seamless services. Variance tracking facilitates learning and improvement in seamless services and is an appropriate procedure for all levels of intervention models. There needs to be processes for reviewing and improving an approach to seamless services based on collated data, and protocols for responding to instances of variance.

The ideas behind seamless service and service reconfigurations emanating from other areas suggest some gaps in our knowledge in relation to addressing advice needs which should be tackled. For example: how do we assess risks; what information should be shared; how should multi-agency responses to needs be co-ordinated? There is a range of response between dealing with client's problems atomistically and dealing with them truly holistically, and little specification of what is required from legal aid suppliers expected to engage 'seamlessly' with one another. This knowledge gap needs to be addressed.

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Appendix A – Database and problem audit proforma

The following screen shots show the various screens of the bespoke database designed for data capture during the observations. The database utilised drop down menus for most of the quantifiable information, due to the speed and ease of data recording this enabled. For qualitative information, open text space was built into the database for the recording of more contextual data. Each page of the database was linked to a client and reference number, which was linked to an organisation.

The front page of the database was the Organisations screen, which was designed to capture information about each organisation visited. This included the name, type of the organisation (Solicitor; Local Authority Department; CAB; Specialist advice agency; Other), the date and time of observation and other appropriate information including for example, the composition of the organisation, number of staff members etc.

The screenshot displays the 'DCAPOR Observations Database - [TreeOrganisations - Form]' window. The interface features a menu bar (File, Edit, View, Query, Format, Records, Tools, Window, Help) and a toolbar with various icons. A navigation pane on the left contains tabs for 'Organisations', 'Clients', 'Problems', 'Reporting', and 'Interview Styles'. The main content area is titled 'Organisations' and contains a form with the following fields and controls:

- OrganisationName:
- Date:
- TimeStart:
- TimeFinish:
- OrganisationType:
- Other Comments:

Navigation buttons (Home, Previous, Next, End) and a Save button are located to the right of the form fields. The status bar at the bottom indicates 'Record: 14 of 20' and 'Form View'.

The Clients screen below was designed to capture a range of demographic information for each of the clients. The willingness of the client to be contacted for follow-up interviews was recorded here, along with contact details of the client and their availability.

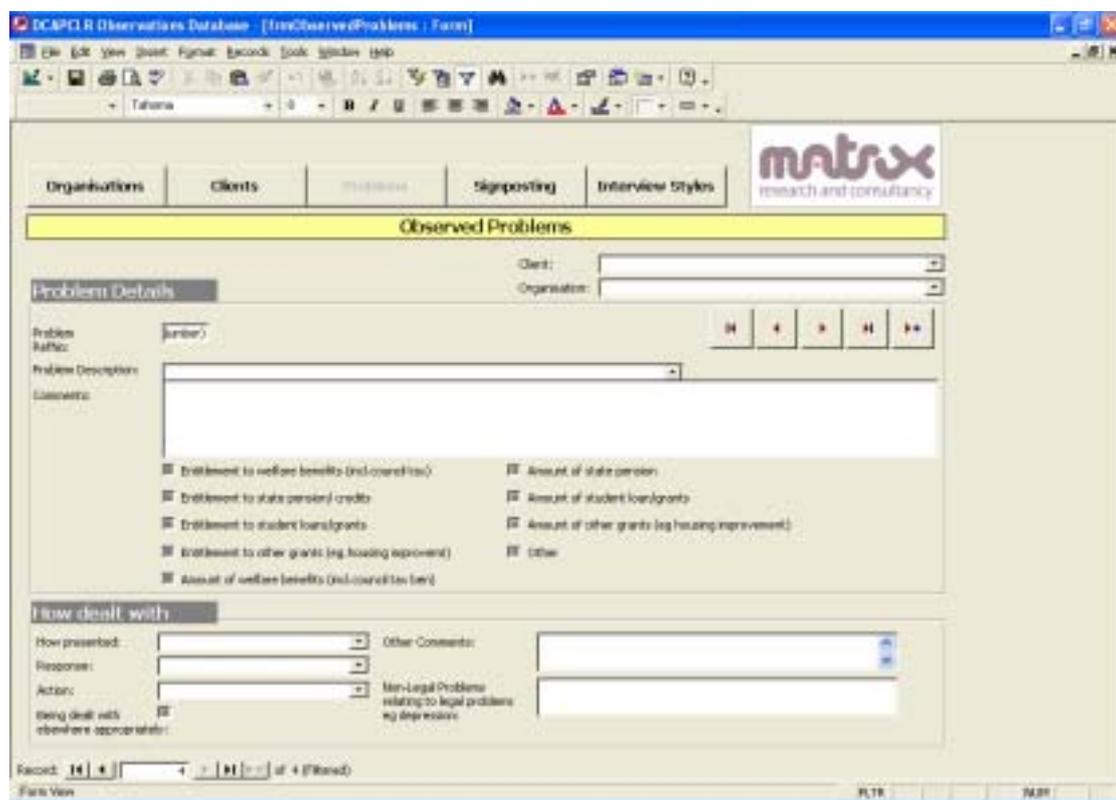
The screenshot shows a web-based form titled "DCAPOR Observations Database [New Clients : Form]". The interface includes a menu bar (File, Edit, View, Insert, Format, Records, Tools, Window, Help) and a toolbar. Below the menu is a navigation bar with tabs: "Organizations", "Clients", "Problems", "Interviewing", and "Interview Styles". The "Clients" tab is selected, and the "matrix research and consultancy" logo is visible in the top right.

The main content area is titled "Client details" and features a dropdown menu for "Organization". Below this are several input fields and dropdown menus arranged in two columns:

- Client Name: [Text Field]
- Address: [Text Field] (with an "Add Address" button)
- Client Gender: [Dropdown]
- Client Age: [Text Field]
- Client Education: [Dropdown]
- Client Marital Status: [Dropdown]
- Client Resident Children: [Text Field]
- Client Non-Resident Children: [Text Field]
- Client Housing Status: [Dropdown]
- Client Stress/Disability: [Text Field]
- Client Benefits Status: [Dropdown]
- Client Employment Activity: [Dropdown]
- Client Income: [Text Field]
- Client Legally Aided: [Text Field]
- Client Willing to be Contacted for Follow-up Interviews: [Text Field]
- Client Contact Number (1): [Text Field]
- Client Contact Number (2): [Text Field]
- Client Contact Date: [Text Field]
- Client Contact Availability: [Text Field]

At the bottom left, there is a "Records" section showing "14" records and a "Refresh" button. The status bar at the very bottom indicates "Form View" and "Page 1 of 1".

The Problems screen was designed to capture all information on each of the clients' problems, which could be selected from a drop-down menu. Details of the specific problem type and sub-type could be selected from drop-down menus and could be supplemented with more contextual information about the problem, in the free text space beneath. The following section recorded how the problem was dealt with by the adviser, including how the client had presented the problem; the response from the adviser; and the action taken by the adviser or agreed upon by the adviser and client. A free text box on this screen also enabled the field researchers to record any non-legal problems relating to the legal problems (for example health problems).



The Signposting and Referral screen below, enabled the recording of information relating to the action taken by the adviser, if this option had been selected on the previous Problem screen. It included the capture of information including the name and type of the organisation the client had been signposted or referred to, and any other information provided by the adviser, to the client.

DCAPDR Observations Database - [Insignposting : Farm]

File Edit View Query Format Records Tools System Help

Organisations Clients Problems Signposting Interview Styles

matrix
research and consultancy

Signposting and Referral

Client: [dropdown]
Organisation: [dropdown]
Problem/Ref: [text]

Signposting

Discussion of alternative advice providers
Suggested client go to specific organisation if yes, answer following:
Organisation type: [dropdown]
Organisation name: [text]

Referral

Made referral to specific organisation, incl making contact themselves first, and making appointment if yes, answer following:
Organisation type: [dropdown]
Organisation name: [text]

Revision of other information or assistance to client eg providing a leaflet, directions, suggesting client access directory of service providers in CLS Direct etc: [text area]
Other Comments: [text area]

Farms View RLE NARR

The Interview Styles screen below was designed to capture information on the behaviours and actions taken by the adviser. This included the checking of understanding of the problem by the adviser; questioning for additional facts; note taking; and stating their advice and plan of action. Again, a free text box was included at the bottom of the screen to capture any additional, relevant information such as the use of open questioning, helpful silences and the perceived impact of the interview style on the client.

The screenshot shows a web application window titled "DCAPOR Observations Database - [InterviewStyle / Form]". The interface includes a menu bar (File, Edit, View, Query, Format, Records, Tools, System, Help) and a toolbar. A navigation menu at the top contains "Organisations", "Clients", "Problems", "Appointments", and "Interview Styles", with the latter being the active tab. The "matrix research and consultancy" logo is in the top right. Below the navigation is a green header bar labeled "Interview Styles" and a "Client:" dropdown menu. A "Problem Specific:" section contains several input fields:

- Adviser checking understanding of problem: [dropdown]
- Comment eg which problem was not dealt with: [text box]
- Questioning for additional facts: [dropdown]
- Comment eg which problem was not dealt with: [text box]
- Note taking: [dropdown]
- Comment eg which problem was not dealt with: [text box]
- Stating advice or plan of action: [dropdown]
- Comment eg which problem was not dealt with: [text box]

Below these fields is a note: "Other comments eg use of open questioning, helpful silences, client encouraged to use own words, discuss other problems, perceived impact of interview style on client." followed by a large empty text area. At the bottom, there is a "Records: 14 of 2 (Filtered)" indicator and a "Print View" button.

Appendix B – Client first interview schedule

Introduction

Good morning/afternoon/evening [client's name]. I am [researcher's name] from Cardiff University/Matrix. We met when you had your meeting with [adviser's name] at [organisation's name]. When we met you said you would be willing to help with me the project I am doing on legal advice. That's why I'm phoning now just to get an update on how things have been since your meeting [at organisation's name/with adviser's name]. Would it be convenient for us to talk now? It will only take about 15 minutes of your time.

[If not suitable arrange a suitable time/date for interview.]

Before we start, do you have any questions you would like to ask me about the project or is there anything in the information sheet I gave you that you would like to ask about?

Will it be all right if I tape record our conversation? This is only to help me remember later what was said. Everything you tell me is confidential.

[When all questions dealt with commence interview.]

Review of problems presented to adviser & progress made

[Review information from observation prior to telephoning, draw on it to develop interview.]
[Run through each problem presented and recorded on observation database].

1. What has happened with [problem] since you talked to [adviser's name]?
What has been done/by whom/to what affect?

If specific advice strategies were suggested, ask:

[Adviser's name] suggested you try [name strategy] to help you with [problem].

Have/did you tried that? Why/why not?

Did you find this advice helpful/Did it work?

What did you find helpful-unhelpful /easy-difficult about this as a way of dealing with [problem]?

If adviser indicated she/he would take action on client's behalf, ask:

[Adviser's name] said he/she would [action] for you, has that helped?

Did he/she do this?

If not, why not?

Did it/how did it help/not help?

[Ask if not already covered.]

If resolved: What was the outcome/what happened in the end?

Are you satisfied with [outcome]?

Why/why not?

If not satisfied:

What would you have liked to have happened?

How do you think this could this have been achieved?

If unresolved: Why is [problem] still unresolved/causing you difficulties?

Is there anything else that can be done? By whom?

Do you feel more should more have been done?

What? By whom?

Why do you think it was not done?

Are you taking any further steps to resolve the problem?

Why/why not?

If yes

What are they?

Who suggested this?

Who will do this (client/adviser)?

[Ask above question for each problem presented in turn.]

2. *If not already covered ask*

When you went to [organisation's name] did you feel [adviser's name] dealt with all the problems you talked about?

If not: What was not dealt with?

Why do you think [problem] was not dealt with?

How did you feel about [problem] not being dealt with?

Have you done anything since to try and resolve [problems not dealt with by adviser]?

What/why this? Who suggested it? Has it helped resolve problem?

Have you sought advice from anywhere else (e.g. CAB)?

3. Overall, what did you think about the help you got from [organisation's/adviser's name]?

Do you think more could have been done to help you?

What? Why this? By whom?

Why do you think it was not done?

How do you feel about that?

4. Are you satisfied with progress that's been made in resolving the problems you talked to [adviser's name] about?

Why/why not?

What action would you have liked to be done?

Non-presenting & post-observation problems, action taken by client

[Work through problem one by one. Ensure interviewee takes time to think about each problem before responding. Repeat problems if necessary to try and ensure interviewee considers each problem.]

When you met [adviser's name], or since then, have you had any other **problems that have been difficult to resolve**, for example, to do with [run through themes/sub-themes]?

[Complete problem grid. See end of document.]

5. *If non-presenting problems identified ask:*

You were having problems with [list problems] when you met [adviser's name], why did you decide not talk to her/him about them?

Have you tried anything yourself to try and resolve these problems?

What have you tried and for which problem?

Has it helped? How?

For unresolved non-presenting problems ask:

What do you plan to do next to try and resolve these problems [list] which are still causing you difficulties?

What? For which?

If no action taken or planned for non-presenting problem(s) ask:

Why have you decided not to do anything about [problem]?

6. If post-observation problems identified ask:

You mentioned that since your meeting [at organisation's name/with adviser's name] you've had more problems [list problems].

Have you tried anything to try and resolve them?

What have you tried and for which problem?

Has it helped? How?

For unresolved post-observation problems ask:

What do you plan to do next to try and resolve these problems [list] which are still causing you difficulties?

What? For which?

If no action taken or planned for post-observation problem(s) ask:

Why have you decided not to do anything about [problem(s)]?

Inter-relationship between problems

So far I've asked you about what you've done to try and resolve your problems, I'd just like to finish by asking how it has been for you having to cope with these problems.

7. Do you see the problems we've talked about as linked in any way?

Then prompt as necessary

For example that one problem may have had an impact on another or may have led to another?

If appropriate

How do you think they are linked?

What order did the problems happen in?

When did the problems start/finish?

[If answer is not already clear do not ask following question/s.]

8. What has it been like for you having [all] these problems?

How has it affected you, your family, your life in general?

Prompts: How have you been feeling in general (worry, depression....)

How have you been in terms of your -

general health/ability to get on with ordinary day-to-day life

/working life /family life /relationships

9. Has it made a difference now that the problem with [name problem] is resolved/now that you're being helped with [some of] your problems?

Has it made any difference to your other problems?

Now that you've had some help with your problems do you see life getting better?

How/In what ways?

Concluding remarks

Well [client's name] that's all for the minute. Thank you very much for talking to me, it's been really helpful. Is there anything else you would like to say?

If it's ok I would like to telephone you again in a couple of months time to get an update on the problems we've talked today. Will that be ok with you?

[Arrange date and time is appropriate.]

Before I go, I'd like to check the correct address to send you your high street vouchers for helping us with our research.

[Check address and phone contact details.]

Thank you [client's name].

Client's name/study reference _____

Date of interview _____

First interview

Second interview

THEMES/SUB-THEMES	If YES ask: Did you have this problem when you met with your adviser or has it started since?			If experienced ask: Is this problem	
	Not experienced	At time	Since	Resolved	Ongoing
EMPLOYMENT					
Being sacked/made redundant					
Threatened with sack					
Difficulty getting pay/pension					
Other rights e.g. Maternity leave, sick pay					
Changes in term/conditions of employment					
Unsatisfactory/dangerous working conditions					
Unfair disciplinary procedures					
Harassment					
HOUSING					
Selling or buying property					
Planning permission or consent					
Mortgage repayments in arrears					
Repossession					
Repairs or maintenance					
Dealing with squatters					
Boundaries or rights of way					
RENTED ACCOMMODATION					
Unsafe living conditions					
Otherwise unsuitable for you/your family					
Getting landlord to do repairs/maintenance					
Getting landlord to provide other services					
Agreeing with landlord over rent/council tax etc.					
Getting landlord to provide written lease					
Transfer of tenancy on death/separation					
Harassment by landlord					
Eviction or threat of eviction					
Incorrect/disputed bills excluding rent					
Getting a deposit back					
Being several rent payments in arrears					
Incorrect/unfair tax demands incl. council tax					
Flatmates not paying rent/anti-social behaviour					
Sub-letting rooms					
Boundaries/rights of easy/access to property					

THEMES/SUB-THEMES	If YES ask: Did you have this problem when you met with your adviser or has it started since? 0 = Not experienced 1 = At time of meeting 2 = Started since			If experienced ask: Is this problem 1 = Resolved 2 = Ongoing	
HOMELESSNESS					
DIVORCE/RELATIONSHIP BREAKDOWN					
Disputes over division of money/pensions/property					
Difficulties obtaining maintenance from ex-partner					
Difficulties agreeing to pay maintenance					
Difficulties obtaining child support payments					
Difficulties agreeing to pay child support					
Difficulties with custody arrangements for children					
Difficulties with access arrangements for children					
CHILDREN					
Difficulties with eligibility of children in school					
Difficulties with access to special needs educations					
Children being unfairly suspended/excluded					
Serious concerns over safety of children at school					
Children taken into care/on CPR					
Difficulties fostering or adopting children					
Parent/other family abducting/threatening child					
Domestic violence					
Suffering violence/abuse from partner/ex/family					
Children suffering violence/abuse from partner/ex-partner					
DEBT/MONEY - DIFFICULTY OBTAINING/PAYING MONEY					
Getting someone to pay money they owe you					
Insurance companies unfairly rejecting claims					
Incorrect information about you – credit refused					
Disagreement over content of will etc.					
Unreasonable harassment from people/organisations					
Severe difficulties managing to pay money owed					
Threatened with legal action to recover money owed					
Having a CCJ against you					
Incorrect or disputed bills – excl. rent/mortgage					
Incorrect/unfair tax demands – incl. council tax					
Repeated incorrect charges by bank/utilities					
POOR FINANCIAL ADVICE/MANAGEMENT					
Getting incorrect info that led to buy insurance					
Mismanagement of a pension fund					

THEMES/SUB-THEMES	If YES ask: Did you have this problem when you met with your adviser or has it started since? 0 = Not experienced 1 = At time of meeting 2 = Started since			If experienced ask: Is this problem 1 = Resolved 2 = Ongoing	
WELFARE BENEFITS					
Entitlement to WB including council tax					
Entitlement to state pension/credits					
Entitlement to student loans/grants					
Entitlement to other grants, e.g. housing improvement					
Amount of WB incl. council tax					
Amount of state pension					
Amount of student loans/grants					
Amount of other grants e.g. housing improvement					
CONSUMER – FAULTY GOODS/SERVICES					
Electrical					
Cars/motorcycles					
Furniture					
Clothing/footwear					
Major building work					
Trades people e.g. plumber electrician etc.					
Garages					
Holiday/travel					
NEIGHBOURS					
Regular or excessive noise					
Threats or harassment					
Violence					
Damage to property/garden					
Other vandalism					
MENTAL HEALTH – ADMISSION/DISCHARGE HOSPITAL & CARE RELATION TO					
Problems with manner of admission					
Problems obtaining a discharge from hospital					
Problems with restrictions/conditions of discharge					
MH treatment/care received in hospital					
MH treatment/care after leaving hospital					
Other MH treatment/care					
DISCRIMINATION					
Race					
Gender					
Disability					
Sexual orientation					
Age					
Religion					

THEMES/SUB-THEMES	If YES ask: Did you have this problem when you met with your adviser or has it started since? 0 = Not experienced 1 = At time of meeting 2 = Started since			If experienced ask: Is this problem 1 = Resolved 2 = Ongoing	
IMMIGRATION					
Obtaining UK citizenship					
Dispute over nationality					
Obtaining authority to remain in UK					
Difficulties with partner/children entering UK					
Conditions under which allowed to remain in UK					
Seeking asylum					
CLINICAL NEGLIGENCE					
Medical treatment					
Dental treatment					
PERSONAL INJURY/NEGLIGENCE					
Result of accident					
Result of poor working conditions					
ANTISOCIAL BEHAVIOUR ORDERS					
THREAT PENDING PROSECUTION					
UNFAIR TREATMENT BY POLICE					
OTHER – LEGAL					
OTHER – NON-LEGAL					

Specify:

Other legal _____

Other non-legal _____

Appendix C – Adviser interview schedule

CASE AUDIT

Instructions to researcher

Use problem grid to collect case audit data.
Print off copies of grid as necessary.
Start each adviser's audit on a blank grid.
For each case tick boxes for all problems reported.
If adviser can recall 'main' problem presented, indicate with 'M' in appropriate box.

Aim to audit some cases with each adviser observed.
Aim to audit a total of 50 cases in each organisation.

Conduct audit based on adviser's recall of recent cases.
Conduct audit prior to interview if possible, otherwise at beginning of interview.

'Case' may be defined differently in different organisations.
For purposes of this audit, 'case' is work with client either conducted as a one-off advice meeting or conducted over several meetings.

Introduction to audit with adviser

To help us understand the nature of multiple problem cases I would like to do a short case audit with you. For this you need only work from your case list and your memory of the cases. It will not be necessary to refer to files or reports. I would like to collect information on cases you have been involved with over the last 6 months where clients presented more than one problem.

Using this grid [*indicate problem grid/problem themes*], for each case you can remember, I would like you to indicate the legal problems the client presented and whether there were any non-legal problems. If possible please indicate which problem the client presented as being his/her 'main' problem.

Introduction to interview with adviser

During the interview I will ask you about your day-to-day work focusing specifically on cases where clients have presented with multiple problems. Based on your own experience, I would also like to ask your views on issues relating such cases.

[If appropriate] I am interested in cases where the problems you have advised on were covered not only by your own specialism, but also cases with problems not covered by your own area of expertise.

During the interview to help illustrate points I may ask you to talk about cases you have advised on. I will do this only to ensure I understand clearly the points you are making. Talking about actual cases will not require any breach of client confidentiality. Moreover we will be careful not to publish details which might identify clients.

[The questions in italics may be omitted if there is insufficient time to ask all questions.]

MULTIPLE PROBLEMS

1. During the last 6 months can you estimate how many cases have you dealt with:

In total _____

Of these, what proportion have been multiple problem cases _____

Of the multiple problem cases you have dealt with what proportion:

Fell solely within your specialism (if appropriate) _____ portion

Included problems outside your specialism (if app) _____ portion

Included non-legal problems _____ portion

[Ask Q1 if not already completed as part of case audit.]

2. From your experience of advising clients with multiple problems, have you noticed any patterns or clustering to the problems clients present? What?

Can you give any explanation of why/when such patterns/clusters arise?

Is it important to find out as much as possible about a client's problems (main, ancillary legal and non-legal)?

Why? What are the benefits? How do you do this?

Do such patterns/does knowing about such clusters affect the way you advise clients?
How? Why?

How much longer does it take to deal with clients who present with multiple problems?

3. In terms of timing of multiple problems, in general, have you noticed any pattern(s) to the order in which the problems occur?

Is it/why is it helpful to recognise the order problems occurred in?

4. *In general, do clients tend to be aware of all of the problems they have which you might be able to advise on?*

5. Is the problem a client presents as his/her main problem usually the problem you focus on or deal with first?

Why/why not? When does this happen/not happen?

6. Where clients have multiple problems do you find the problems themselves are sometimes inter-relate or inter-connect?

Is/why is it important to understand the links?

Do such links affect how you deal with a client's problems?

[If helpful ask: Can you describe 1-2 cases to illustrate these points?]

NON-LEGAL PROBLEMS

[If it is not already apparent, check what sorts of problems the adviser is thinking of as non-legal]

7. Do you think a client's non-legal problems limit an adviser's potential to help the client resolve their legal problems? How? Why? In what ways?
Can you suggest any way of overcoming such difficulties?

Do you think a client's non-legal problems limit the client's own ability to make best use of the advice they are given? How? Why? In what ways?
Can you suggest any way of overcoming such difficulties?

8. Do some non-legal problems limit the usefulness of the advice an adviser can give more than others? What/which? Why do you think they have this affect?
Can anything be done by advisers/legal and advice system in general to overcome such difficulties?

[If helpful ask: Can you describe 1-2 cases to illustrate these points?]

OPTIONS – IN-HOUSE, SIGNPOSTING, REFERRALS ETC.

9. In-house, what options are available to you when advising clients with multiple problems?

Which do you use/not use? Why do you use/not use these options?

What other options would it be beneficial to provide in-house?

Why these? Why are they not currently available?

If these options were available how would they benefit clients?

10. What other options - signposting, web-based information, second-tier⁴⁹ services etc., are available to you within the legal and advice system in general?

Which do you use/not use? Why do you use/not use these options?

What other options do you think the system in general should provide?

Why? Why are they not currently available?

If these options were available how would they benefit your clients?

11. How effective do you think signposting and referrals are from a client's perspective?

What could be done to improve signposting/referral for clients?

12. Are there some problems clients present with which are difficult to deal with adequately either in-house or through signposting/referral?

What? Why? What could be done to improve the situation?

⁴⁹ When specialist advisers from particular organisations are available by telephone to help less expert advisers.

HOLISTIC, SEAMLESS SERVICE

13. Currently some stress is placed in legal services policy on the provision of a holistic, or what the Legal Services Commission now calls seamless, service.

How would *you* define holistic/seamless service?

What strengths and weaknesses do you think there are in adopting a holistic approach, particularly in terms of outcomes for clients?

14. Do you think your organisation/legal and advice system in general offers clients an integrated, holistic service?

Does this/how does this benefit clients?

15. Do you think your organisation/legal and advice system in general should offer clients an integrated, holistic service?

Why? Would/how would this benefit clients?

16. What difficulties does your organisation/legal and advice system in general face in trying to provide clients with a more integrated, holistic service?

17. At various points so far we have touched upon areas of 'good practice'. Are there other examples of 'good practice' within your organisation/legal and advice system in general which we have not already discussed?

What? Why are they 'good'?
How do they benefit clients?

18. Is there anything else you would like to add to what we have been discussing?

Appendix D – Client second interview schedule

Introduction

Good morning/afternoon/evening [client's name]. I am [researcher's name] from Cardiff University/Matrix. You may remember we met at [organisation's name] and a few weeks after that I telephoned you to follow up on that meeting. When we last spoke you agreed to do a second interview, that's why I'm phoning now.

The second interview is very similar to the first one - it is just to get an update on how things are with you now. It will only take about 15-20 minutes of your time.

Would it be convenient for us to talk now?

[If not suitable arrange a suitable time/date for interview.]

Would you like to ask me any questions about the project before we start?

Will it be ok if I tape record our conversation? This is only to help me remember later what we said. Everything you tell me is confidential.

[When all questions dealt with commence interview.]

*[Review data collected at observation and read transcription of first interview.
Draw on these data to conduct second interview.]*

Update of problems presented, use of strategies suggested

First of all, I'd like to ask how things are now with the problems you talked to [adviser's name] about when you went to [organisation's name] a few months ago.

[Cover in turn main, ancillary, then non-legal problems presented]

1. Last time we spoke [problem] was [ongoing/resolved], how are things with that now?
Ongoing abandoned still resolved now resolved resolved but recurred

If ongoing ask: Why is [problem] still unresolved/causing you difficulties?

Did the advice [adviser's name] gave help?

How did it help?

Why did it not help?

Could he/she have done more to help you with your problem?

What do you plan to do next to try and resolve it?

e.g. solicitor, CAB, other organisations (which?)

If not same adviser/service ask: Why?

If abandoned ask: Why did you decide to drop this problem?

Did the advice [adviser's name] gave help?

How did it help?

Why did it not help?

Could he/she have done more to help you with your problem?

Do you plan to do anything in the future to try and resolve this problem?

What? e.g. solicitor, CAB, other organisations (which?)

If not same adviser/service ask: Why?

If recurred ask: When did this problem start up again?

What caused it start up again?

Could anything have been done to stop this happening?

What? By whom?

Why was it not done?

What do you plan to do next to try and resolve it?

e.g. solicitor, CAB, other organisations (which?)

If not same adviser ask: Why?

If now resolved ask: When was this problem resolved?

What was the outcome/what happened in the end?

Are you satisfied with [outcome]?

Why/why not?

What would you have preferred?

How could this have been achieved?

2. How do you feel about/are you satisfied with the progress that's been made in resolving the problems you talked to [adviser's name] about?
Why/why not?
What would you have preferred?

If specific advice strategies [incl. signposting/referral] were suggested, for each problem/strategy in turn ask:

[Adviser's name] suggested you try [name strategy] to help you with [problem], have you tried that/did you try that?
Why/why not? Did it help? How did it help?

What did you find helpful-unhelpful /easy-difficult about this as a way of dealing with [problem]?

3. Overall, what did you think about the help you got from [organisation's/adviser's name]?
Do you think more could have been done to help you?
What? Why this? By whom?
Why do you think it was not done?
How do you feel about that?

What were good/bad points about the service received?

If multiple problems experienced:

Do you think/how do you think the service could be changed to allow you to deal with all your problems together?

Would that be helpful? Why/why not?
What changes? How would that help?

4. Did you seek advice from anyone else prior to coming to [insert organisation's name] for the problems we have talked about?

Prompts: Friend/family Organisation (go to 4a)

- 4a. Which organisation did you seek advice from? (Probe for *type* of organisation e.g. CAB, Solicitor, Law Centre etc)

- 4b. Why did you seek advice from [current organisation] after this?

Prompts: Problem(s) not resolved
Did not agree with advice given
Did not get on with the adviser
Could not afford advice
Other

5. Where/from who did you hear about [current organisation]?

Prompts: Friend/family
Organisation (go to 5a)

- 5a. Which organisation? (Probe for *type* of organisation e.g. CAB, Solicitor, Law Centre etc)

- 5b. Did they make an appointment for you at [current organisation] or were you just told about it?

Update of non-presenting and post-observation problems

If non-presenting problems identified in first interview ask Q4: (if not, go to Q5)

6. Last time we spoke you told me about some of the other problems you were having. I'd just like to check how things are with them now? You mentioned you were having difficulties with [cover in turn non-presenting, then post-observation problems identified in first interview].

Ongoing abandoned still resolved now resolved resolved but recurred

If ongoing ask: Why is [problem] still unresolved/causing you difficulties?

What have you done to try and resolve it?

e.g. solicitor, CAB, other organisations (which?)

If not same adviser ask: Why?

How/did it help?

Do you plan to do anything in the future to try and resolve [problem]?

What? Why this? When?

If abandoned ask: Why did you decide to drop this problem?

What have you done anything to try and resolve it?

e.g. solicitor, CAB, other organisations (which?)

If not same adviser ask: Why?

How/did it help?

Do you plan to do anything in the future to try and resolve [problem]?

What? Why this? When?

If now resolved ask: When was [problem] resolved?

What was done to resolve it?

What was the outcome/what happened in the end?

Are you satisfied with [outcome]?

Why/why not?

What would you have preferred?

How could this have been achieved?

Problems arising post-first interview, action taken by client

If non-presenting problems identified at first interview:

We've just talked about the problem[s] we discussed last time I interviewed you. I'd like now to check if you've had any other **problems that have been difficult to resolve** since we last spoke, for example to do with [run through themes/sub-themes]?

If non-presenting problems **not** identified at first interview:

The last time we spoke, you had not experienced any problems other than the ones we have already discussed. I like now to run through the same list of problems again to check if you've had any new **problems that have been difficult to resolve** since we last spoke, for example to do with [run through themes/sub-themes]?

[Complete problem grid as for first interview.]

7. *If post-interview problems identified ask:*

Have you tried anything to try and resolve these problems?

What have you tried? For which?

e.g. solicitor, CAB, other organisations (which?)

If not same adviser ask: Why?

Has/how has it helped?

If no action taken or planned ask:

Why have you decided not to do anything about these problems?

Do you think you'll do anything to resolve them in the future?

What? Why this? When?

e.g. solicitor, CAB, other organisations (which?)

If not same adviser ask: Why?

Inter-relationship between problems

8. Why do you think these new problems have occurred now?

Do you think they're linked to any of the other problems we've talked about?

How? Why?

9 What do you think started these new problems off – was it [main presenting problem] or something else all together?

If not main presenting problem:

What was the starting point for these new problems?

When did they start?

What order did these new problems happen in?

10. Was there any one problem that you felt you **had** to deal with in order to move on with your life? Which one? Why this problem?

When that problem was under control/being dealt with did it make any difference to how you felt/how you dealt with the other problems?

What? Why? How?

11. What has been of most use to you in helping you dealt with your problems?

Prompts (not mutually exclusive):

- Receiving information/advice from adviser to enable you to deal with your problems yourself (e.g. negotiate with creditors)
- Having adviser to deal with problems on your behalf
- Having someone to talk to
- Being referred to someone else to deal with the problem(s)
- Something else? If so, what?

Concluding remarks

Well [client name] thank you very much for talking to me, it has been really helpful. This is our last interview. Can I just check a couple of things with you before we finish?

Would you like us to send you a summary of what we find out through doing this project? It will be a few months before it's ready, but we'll be happy to send you a copy when it's ready.

I have your address as [give address] is that correct?

That's fine we'll send you your High Street vouchers for helping us to you at that address.

Again thank you very much.

I've a list here I'd like to run through with you now to do with common problems people have. Can you just say is the problem I mention is one you were finding **difficult to resolve**, either at the time you went to _____, or since then.

At the time you went to _____ or since then have you had a problem to do with:

THEMES/SUB-THEMES	If YES ask: Did you have this problem when you met with your adviser or has it started since? 0 = Not experienced 1 = At time of meeting 2 = Started since			If experienced ask: Is this problem 1 = Resolved 2 = Ongoing	
	Not experienced	At time	Since	Resolved	Ongoing
EMPLOYMENT (<i>such as:</i>)					
Being sacked/made redundant					
Threatened with sack					
Difficulty getting pay/pension					
Other rights e.g. Maternity leave, sick pay					
Changes in term/conditions of employment					
Unsatisfactory/dangerous working conditions					
Unfair disciplinary procedures					
Harassment					
<i>CHECK HOUSING STATUS – RENT FREE</i>					
HOUSING (<i>such as:</i>)					
Selling or buying property					
Planning permission or consent					
Mortgage repayments in arrears					
Repossession					
Repairs or maintenance					
Dealing with squatters					
Boundaries or rights of way					
RENTED ACCOMMODATION (<i>such as:</i>)					
Unsafe living conditions					
Otherwise unsuitable for you/your family					
Getting landlord to do repairs/maintenance					
Getting landlord to provide other services					
Agreeing with landlord over rent/council tax etc.					
Getting landlord to provide written lease					
Transfer of tenancy on death/separation					
Harassment by landlord					
Eviction or threat of eviction					
Incorrect/disputed bills - excluding rent					
Getting a deposit back					
Being several rent payments in arrears					
Incorrect/unfair tax demands incl. council tax					
Flatmates not paying rent/anti-social behaviour					
Sub-letting rooms					
Boundaries/rights of easy/access to property					

THEMES/SUB-THEMES	0 = Not experienced 1 = At time of meeting 2 = Started since			1 = Resolved 2 = Ongoing	
HOMELESSNESS					
DIVORCE/RELATIONSHIP BREAKDOWN					
Disputes over division of money/pensions/property					
Difficulties obtaining maintenance from ex-partner					
Difficulties agreeing to pay maintenance					
Difficulties obtaining child support payments					
Difficulties agreeing to pay child support					
Difficulties with custody arrangements for children					
Difficulties with access arrangements for children					
CHILDREN					
Difficulties with eligibility of children in school					
Difficulties accessing spec. needs educations					
Children being unfairly suspended/excluded					
Serious concerns over safety of children at school					
Children taken into care/on Child Protection Register					
Difficulties fostering or adopting children					
Parent/other family abducting/threatening child					
DOMESTIC VIOLENCE					
Domestic violence					
Suffering violence/abuse from (ex)partner/family					
Children suffering violence/abuse from partner/ex-partner					
DEBT/£p DIFFICULTY OBTAINING/PAYING POOR FINANCIAL ADVICE/MANAGEMENT					
Getting someone to pay money they owe you					
Insurance companies unfairly rejecting claims					
Incorrect information about you – credit refused					
Disagreement over content of will etc.					
Unreasonable harassment from people/organisations					
Severe difficulties managing to pay money owed					
Threatened with legal action to recover money owed					
Having a CCJ against you					
Incorrect or disputed bills – excl. rent/mortgage					
Incorrect/unfair tax demands – incl. council tax					
Repeated incorrect charges by bank/utilities					
Getting incorrect info that led to buy insurance					
Mismanagement of a pension fund					

THEMES/SUB-THEMES	0 = Not experienced 1 = At time of meeting 2 = Started since			1 = Resolved 2 = Ongoing	
WELFARE BENEFITS					
Entitlement to WB including council tax					
Entitlement to state pension/credits					
Entitlement to student loans/grants					
Entitlement to other grants, e.g. housing improvement					
Amount of WB incl. council tax					
Amount of state pension					
Amount of student loans/grants					
Amount of other grants e.g. housing improvement					
CONSUMER – FAULTY GOODS /SERVICES					
Electrical					
Cars/motorcycles					
Furniture					
Clothing/footwear					
Major building work					
Trades people e.g. plumber electrician etc.					
Garages					
Holiday/travel					
Other					
NEIGHBOURS					
Regular or excessive noise					
Threats or harassment					
Violence					
Damage to property/garden					
Other vandalism					
MENTAL HEALTH – ADMISSION/DISCHARGE HOSPITAL & CARE RELATION TO					
Problems with manner of admission					
Problems obtaining a discharge from hospital					
Problems with restrictions/conditions of discharge					
MH treatment/care received in hospital					
MH treatment/care after leaving hospital					
Other MH treatment/care					
DISCRIMINATION					
Race					
Gender					
Disability					
Sexual orientation					
Age					
Religion					

THEMES/SUB-THEMES	If YES ask: Did you have this problem when you met with your adviser or has it started since? 0 = Not experienced 1 = At time of meeting 2 = Started since			If experienced ask: Is this problem 1 = Resolved 2 = Ongoing	
IMMIGRATION					
Obtaining UK citizenship					
Dispute over nationality					
Obtaining authority to remain in UK					
Difficulties with partner/children entering UK					
Conditions under which allowed to remain in UK					
Seeking asylum					
CLINICAL NEGLIGENCE					
Medical treatment					
Dental treatment					
PERSONAL INJURY/NEGLIGENCE					
Result of accident					
Result of poor working conditions					
ANTISOCIAL BEHAVIOUR ORDERS					
THREAT PENDING PROSECUTION					
UNFAIR TREATMENT BY POLICE					
OTHER – LEGAL					
OTHER – NON-LEGAL					

Specify:

Other legal _____

Other non-legal _____

Appendix E – Client interview schedule (where client is not going to be second interviewed later)

Introduction

Good morning/afternoon/evening [client's name]. I am [researcher's name] from Cardiff University/Matrix. We met when you had your meeting with [adviser's name] at [organisation's name].

When we met you said you would be willing to help with me the project I am doing on legal advice. That's why I'm phoning now just to get an update on how things have been since your meeting [at organisation's name/with adviser's name]. Would it be convenient for us to talk now? It will only take about 15-20 minutes of your time.

[If not suitable arrange a suitable time/date for interview.]

Before we start, do you have any questions you would like to ask me about the project?

Will it be all right if I tape record our conversation? This is only to help me remember later what was said. Everything you tell me is confidential.

[When all questions dealt with commence interview.]

Review of problems presented to adviser & progress made

[Review information from observation prior to telephoning, draw on it to develop interview.]
[Run through each problem presented and recorded on observation database].

1. What has happened with [problem] since you talked to [adviser's name]?

What has been done/by whom/to what affect?

If specific advice strategies were suggested, ask:

[Adviser's name] suggested you try [name strategy] to help you with [problem].

Have tried that /did you try that?

Why/why not?

Did you find this advice helpful/Did it work?

What did you find helpful-unhelpful /easy-difficult about this as a way of dealing with [problem]?

If adviser indicated she/he would take action on client's behalf, ask:

[Adviser's name] said he/she would [action] for you?

Did he/she do that?

If not, why not?

Did it/how did it help/not help?

Ask if not already covered.

If resolved: What was outcome/what happened in the end?

Are you satisfied with [outcome]?

Why/why not?

If not satisfied:

What would you have liked to happen?

How do you think this could this have been achieved?

If unresolved: Why is [problem] still unresolved/causing you difficulties?

Is there anything else that can be done? By whom?

Do you feel more should more have been done?

What? By whom?

Why do you think it was not done?

Are you taking any further steps to resolve the problem?

Why/why not?

If yes:

What are they?

Who suggested this?

Who will do this (client/adviser)?

[Ask above question for each problem presented in turn.]

If not already covered ask:

2. When you went to [organisation's name] did you feel [adviser's name] dealt with all the problems you talked about?

If not: What was not dealt with?

Why do you think [problem] was not dealt with?

How did you feel about [problem] not being dealt with?

Have you done anything since to try and resolve [problems not dealt with by adviser]?

What/why this? Who suggested it? Has it helped resolve problem?

Have you sought advice from anywhere else (e.g. CAB)?

3. Overall, what did you think about the help you got from [organisation's/adviser's name]?

Do you think more could have been done to help you?

What? Why this? By whom?

Why do you think it was not done?

How do you feel about that?

If multiple problems experienced ask:

4. Do you think the service could be changed in any way to allow all you to deal with all your problems together?

Would that be helpful?

Why?/why not?

5. Are you satisfied with progress that's been made in resolving the problems you talked to [adviser's name] about?

Why/why not?

What action would you liked to have been taken?

6. Did you seek advice from anyone else prior to coming to [organisation's name] for the problems we have talked about?

Prompts: Friend/family

Organisation (go to 6a)

- 6a. Which organisation did you seek advise from? (Probe for *type* of organisation e.g. CAB, Solicitor, Law Centre etc)

- 6b. Why did you seek advice from [current organisation] after this?

Prompts: Problem(s) not resolved

Did not agree with advice given

Did not get on with the adviser

Could not afford advice

Other

7. Where/from who did you hear about [current organisation]?

Prompts: Friend/family

Organisation (go to 7a)

- 7a. Which organisation? (Probe for *type* of organisation e.g. CAB, Solicitor, Law Centre etc)

- 7b. Did they make an appointment for you at [current organisation] or were you just told about it?

Non-presenting & post-observation problems, action taken by client

[Work through problem one by one. Ensure interviewee takes time to think about each problem before responding. Repeat problems if necessary to try and ensure interviewee's considers each problem.]

When you met [adviser's name], or since then, have you had any other **problems that have been difficult to resolve**, for example to do with [run through themes/sub-themes]?

[Complete problem grid. See end of document.]

8. If non-presenting problems identified ask:

You were having problems with [list problems] when you met [adviser's name], why did you decide not talk to her/him about them?

Have you tried anything yourself to try and resolve these problems?

What have you tried and for which problem?

Has it helped? How?

For unresolved non-presenting problems ask:

What do you plan to do next to try and resolve these problems [list] which are still causing you difficulties?

What? For which?

If no action taken or planned for non-presenting problem(s) ask:

Why have you decided not to do anything about [problem]?

9. If post-observation problems identified ask:

You mentioned that since your meeting [at organisation's name/with adviser's name] you've had more problems [list problems].

Have you tried anything to try and resolve them?

What have you tried and for which problem?

Has it helped? How?

For unresolved post-observation problems ask:

What do you plan to do next to try and resolve these problems [list] which are still causing you difficulties?

What? For which?

If no action taken or planned for post-observation problem(s) ask:

Why have you decided not to do anything about [problem(s)]?

Inter-relationship between problems

So far I've asked you about what you've done to try and resolve your problems, I'd just like to finish by asking how it has been for you having to cope with these problems.

10. Do you see the problems we've talked about as linked to each other in any way?

Then prompt as necessary

For example, that one problem has had an impact on another problem or may have led to that another problem happening?

If appropriate

How do you think they are linked?

What order did the problems happen in?

When did the problems start/finish?

[If answer is already clear do not ask following question/s.]

Impact of problems on client

11. What has it been like for you having [all] these problems?

How has it affected you, your family, your life in general?

Prompts: How have you been feeling in general (worry, depression....)

How have you been in terms of your -

general health/ability to get on with ordinary day-to-day life

/working life /family life /relationships

12. Has it made a difference now that the problem with [name problem] is resolved/now that you're being helped with [some of] your problems?

Has it made any difference to your other problems?

Now that you've had some help with your problems do you see life getting better?

How/in what ways?

Concluding remarks

We have changed our project a little and we will only need to interview you once now, not twice as our information sheet said. I will not need to phone you again. So [client name] thank you very much for talking to me, it has been really helpful.

Is there anything else you would like to say?

Can I just check a couple of things with you before we finish?

I have your address as [give address] is that correct? That's fine we'll send you your High Street vouchers for helping us to you at that address.

Also, would you like us to send you a summary of what we find out through doing this project? It will be a few months before it's ready, but we'll be happy to send you a copy when it's ready.

Again thank you very much.

I've a list here I'd like to run through with you now to do with common problems people have. Can you just say is the problem I mention is one you were finding **difficult to resolve**, either at the time you went to _____, or since then.

At the time you went to _____ or since then have you had a problem to do with:

THEMES/SUB-THEMES	If YES ask: Did you have this problem when you met with your adviser or has it started since? 0 = Not experienced 1 = At time of meeting 2 = Started since			If experienced ask: Is this problem 1 = Resolved 2 = Ongoing	
	Not experienced	At time	Since	Resolved	Ongoing
EMPLOYMENT (<i>such as:</i>)					
Being sacked/made redundant					
Threatened with sack					
Difficulty getting pay/pension					
Other rights e.g. Maternity leave, sick pay					
Changes in term/conditions of employment					
Unsatisfactory/dangerous working conditions					
Unfair disciplinary procedures					
Harassment					
<i>CHECK HOUSING STATUS – RENT FREE</i>					
HOUSING (<i>such as:</i>)					
Selling or buying property					
Planning permission or consent					
Mortgage repayments in arrears					
Repossession					
Repairs or maintenance					
Dealing with squatters					
Boundaries or rights of way					
RENTED ACCOMMODATION (<i>such as:</i>)					
Unsafe living conditions					
Otherwise unsuitable for you/your family					
Getting landlord to do repairs/maintenance					
Getting landlord to provide other services					
Agreeing with landlord over rent/council tax etc.					
Getting landlord to provide written lease					
Transfer of tenancy on death/separation					
Harassment by landlord					
Eviction or threat of eviction					
Incorrect/disputed bills - excluding rent					
Getting a deposit back					
Being several rent payments in arrears					
Incorrect/unfair tax demands incl. council tax					
Flatmates not paying rent/anti-social behaviour					
Sub-letting rooms					
Boundaries/rights of easy/access to property					

THEMES/SUB-THEMES	0 = Not experienced 1 = At time of meeting 2 = Started since			1 = Resolved 2 = Ongoing	
HOMELESSNESS					
DIVORCE/RELATIONSHIP BREAKDOWN					
Disputes over division of money/pensions/property					
Difficulties obtaining maintenance from ex-partner					
Difficulties agreeing to pay maintenance					
Difficulties obtaining child support payments					
Difficulties agreeing to pay child support					
Difficulties with custody arrangements for children					
Difficulties with access arrangements for children					
CHILDREN					
Difficulties with eligibility of children in school					
Difficulties accessing spec. needs educations					
Children being unfairly suspended/excluded					
Serious concerns over safety of children at school					
Children taken into care/on Child Protection Register					
Difficulties fostering or adopting children					
Parent/other family abducting/threatening child					
DOMESTIC VIOLENCE					
Domestic violence					
Suffering violence/abuse from (ex)partner/family					
Children suffering violence/abuse from partner/ex-partner					
DEBT/£p DIFFICULTY OBTAINING/PAYING POOR FINANCIAL ADVICE/MANAGEMENT					
Getting someone to pay money they owe you					
Insurance companies unfairly rejecting claims					
Incorrect information about you – credit refused					
Disagreement over content of will etc.					
Unreasonable harassment from people/organisations					
Severe difficulties managing to pay money owed					
Threatened with legal action to recover money owed					
Having a CCJ against you					
Incorrect or disputed bills – excl. rent/mortgage					
Incorrect/unfair tax demands – incl. council tax					
Repeated incorrect charges by bank/utilities					
Getting incorrect info that led to buy insurance					
Mismanagement of a pension fund					

THEMES/SUB-THEMES	0 = Not experienced 1 = At time of meeting 2 = Started since			1 = Resolved 2 = Ongoing	
WELFARE BENEFITS					
Entitlement to WB including council tax					
Entitlement to state pension/credits					
Entitlement to student loans/grants					
Entitlement to other grants, e.g. housing improvement					
Amount of WB incl. council tax					
Amount of state pension					
Amount of student loans/grants					
Amount of other grants e.g. housing improvement					
CONSUMER – FAULTY GOODS /SERVICES					
Electrical					
Cars/motorcycles					
Furniture					
Clothing/footwear					
Major building work					
Trades people e.g. plumber electrician etc.					
Garages					
Holiday/travel					
Other					
NEIGHBOURS					
Regular or excessive noise					
Threats or harassment					
Violence					
Damage to property/garden					
Other vandalism					
MENTAL HEALTH – ADMISSION/DISCHARGE HOSPITAL & CARE RELATION TO					
Problems with manner of admission					
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Conditions under which allowed to remain in UK					
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CLINICAL NEGLIGENCE					
Medical treatment					
Dental treatment					
PERSONAL INJURY/NEGLIGENCE					
Result of accident					
Result of poor working conditions					
ANTISOCIAL BEHAVIOUR ORDERS					
THREAT PENDING PROSECUTION					
UNFAIR TREATMENT BY POLICE					
OTHER – LEGAL					
OTHER – NON-LEGAL					

Specify:

Other legal _____

Other non-legal _____

DCA Research Series No. 8/06

A trouble shared - legal problems clusters in solicitors' and advice agencies

This report considers the ways in which clients present problems to advice agencies and solicitors' firms. It looks at the incidence of multiple problems (problem clusters) and considers the ability of legal advice and information services to provide holistic approaches to advice and dispute resolution. It identifies barriers to this, examples of good practice advice and dispute resolution, and where there may be potential for better service delivery for complex problems. A mixture of solicitors, Citizens Advice Bureaux, Law Centres/specialist advice agencies and local authority providers were included in the study, which focuses on three main areas of social welfare law: housing, benefits and debt.

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