

AN ANATOMY OF ACCESS

**EVALUATING ENTRY, INITIAL ADVICE AND
SIGNPOSTING USING MODEL CLIENTS**

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EXECUTIVE SUMMARY

This research uses model clients (also known as 'mystery shoppers') to test the approach of 294 Specialist Quality Mark holders when approached by clients needing advice in a category of work in which they do not specialise. The purpose of this was to gauge the frequency of signposting (advising the client to see another provider) and referral behaviour (making an appointment for the client with a specific provider), as well as the tendency of some agencies to provide advice outside of the categories of law in which they have specialist contracts. Where such advice is given, we were able to test the quality of that advice using quality peer review. The methodology also provides significant insight into the level and nature of access problems faced by clients, in particular in their ability to make contact with NFP agencies on the telephone. It enables a tracking of initial attempts to access the service, the first point of contact and pathways to advice or alternative providers after that. As such it provides an anatomy of access into the CLS. The key findings can be summarised as:

- Not one model client was 'referred'
- 12% of visits resulted in severe access problems.
- We estimate that between 35% and 40% of clients were signposted to an appropriate supplier.
- We estimate that a similar proportion (35% to 40%) were signposted to a less appropriate provider (e.g. they could have been signposted to a Specialist Quality Mark provider practising in the relevant locality). There is a gap between what we regard as less appropriate and what is permitted by the Quality Mark. That gap should be scrutinised and possibly diminished.
- 6% received advice and were not signposted, but given the quality of advice this decision was probably justified.
- About 12% received advice which was poor enough to suggest that the decision not to signpost was probably not justified. 7% (i.e. just over half of those receiving poor advice) received advice which appeared to be damaging to the client's interests.

A relatively minor change in behaviour on the part of suppliers (ensuring providers signpost to specialists not others and discouraging non-specialist advice where there are suitable alternatives) could substantially improve the 'seamlessness' and quality of the CLS.

There is also interesting evidence of the nature of poor advice by non-specialists and the potential for specialist advice to promote preventative law, saving public funds and making a direct impact on clients' lives.

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SECTION I: INTRODUCTION AND METHODS

Background

Effective referral and signposting is key to the CLS achieving its aim of providing a 'seamless web' of services. 'Seamless service' is one of seven key quality areas dealt with under the Quality Mark. This covers signposting and referral to other agencies and awareness of any appropriate CLS partnership arrangements (para 2.9, Quality Mark).

“[O]ne of the key messages of the CLS [is], that clients approaching any member of the CLS whose problem cannot be resolved at their first port of call will be signposted or referred to another organisation that is better able to meet the clients need.” (para. 2.19, Quality Mark)

With increasing specialisation being brought about by contracting, LAFQAS and the Specialist Quality Mark and the CLS Partnerships developing a network of information, general advice (with or without casework) and specialist providers; it is increasingly being emphasised that advice providers need to be able to recognise the limits of their competence quickly and be willing and be able to refer clients effectively and quickly.¹

An early version of the Quality Mark documentation defined three levels of referral activity.²

- **Signposting.** The supplier will provide the CLS directory and/or the information to the client who is then responsible for making contact with the other provider.
- **Active Signposting.** When an adviser identifies that a client requires legal help from an alternative provider, the adviser determines with the client the alternatives available. This may be based upon special needs or access arrangements. The client will then be responsible for contacting the other provider.

¹ See, Moorhead (2000), *Pioneers in Practice: The Community Legal Service Pioneer Partnership Research Project* (LCD, London), Chapter 7; and Millar, C. (1999), *Referrals between Advice Agencies* (Scottish Office Central Research Unit, Edinburgh).

² See, Quality Mark, draft for consultation, glossary.

- **Referral.** Where an adviser identifies that a client requires legal help from an alternative agency, this is the process by which the adviser makes contact with that alternative agency to arrange the transfer by making an appointment and providing the selected provider with appropriate records and information.

Active signposting was expected to be the minimum required of specialist providers under the new Quality Mark. Quality Mark guidance issued in 2000 suggested that referral was required over active signposting where the client had special needs, the referrer had already conducted significant work for the client, information needed to be passed on, or they were unsure whether the referee was taking on new clients.³ That guidance has, however, been superseded by the latest version of the Quality Mark.⁴ This requires only signposting, not active signposting, which can include providing the latest CLS directory, and offering assistance with it, or providing the local rate call centre number (the JustAsk helpline). Specialist providers can also provide their own local lists or provide a recommendation to the client, as long as (in both cases) they give preference to, or clearly identify, organisations that hold a Quality Mark.⁵

Under the most recent edition of the Quality Mark, specialist providers are also required to have, amongst other things:

- A clear policy and procedures for signposting and referral.
- A record of all referrals.
- A means of recording feedback on the services provided by external referral organisations to referred clients and on reasonable request to provide this information to the Legal Services Commission and the Community Legal Service Partnership.
- When a referral occurs, the client should know what services to expect at the new service provider and there should be discussion with the client, where relevant, of the cost implications of them being referred elsewhere. This must

³ p. 39.

⁴ LSC (2002) *Specialist Quality Mark Standard* (LSC, London, April 2002), pp. 36-42.

⁵ *Ibid*, B1.2, p. 37.

be confirmed in writing. This will involve the organisation working out whether the client will be eligible for free civil legal aid or whether a contribution might be payable.

Where a CLSP exists in the local area and a local referral process has been developed, organisations are expected to build them into their referral process, or explain why they have not done so.

Guidance Notes also state the Commission will expect to see the signposting and referral procedure in effective operation. In particular, this is expected to entail suppliers taking active steps to build up appropriate links with organisations able to take cases on referral, especially other holders of the CLS Quality Mark.

During consultation on the draft Quality Mark, referral and signposting requirements were a source of controversy for respondents (particularly requirements to keep data on referrals and signposting). CLS partnerships referral protocols have not been independently monitored, but anecdotal evidence suggests that these have not been as successful as might have been hoped.⁶ Our recent research found that:⁷

- Just over 1% of all matters closed under contract were referred on to another organisation.
- There was evidence of significant failure to refer amongst contractees. Peer reviewers felt that referral was not being dealt with adequately or at all in 17% of cases reviewed by the peer reviewers (almost 1 in 6 of all contracted cases).
- Where a matter was referred to another organisation the average time per matter taken by the referring organisation in providing advice and assistance prior to referral was significantly higher than the average for all cases. This suggests it is only when cases have become very complex or contractees have (clearly) got out of their depth that they refer cases. This supports anecdotal evidence that a key problem with current referral practice is referring a case too late.⁸

⁶ See, generally, Moorhead (2001) *Beacon Council Research - Round 3 Theme Report Community Legal Services* (Department of Transport Local Government and the Regions, London).

⁷ Moorhead, Sherr, Webley, Rogers, Sherr, Paterson and Domberger, (2001), *Quality and Cost: Final Report on The Contracting of Civil, Non-Family Advice and Assistance Pilot* (Stationery Office, Norwich).

⁸ Moorhead (2000), *Pioneers in Practice*, pp.117-139.

The aims of the study considered

The overall purpose of this project was to benchmark the level of referral/signposting activity taking place from Specialist Quality Marked providers and to make comparisons between not for profit and solicitor sectors. The use of model clients provides an opportunity to examine in some detail the pathways that clients are directed down in accessing CLS services. As a result, we are able to build up a detailed anatomy of access into the CLS.

We were asked originally to concentrate on referral, whilst also collecting information on signposting. However, in our view, Specialist Quality Mark providers are under no clear requirement to refer. As noted above, a client's special needs or the fact that a client has already had significant work carried out for them are indicators of when a client should be referred (under old Quality Mark documentation); but an adviser was not *required* to refer, even in these circumstances. In any event, it would be very difficult to design model client scenarios where considerable work was done for the client before they were referred. They would be more likely to be revealed as model clients and the advisers could feel a sense of grievance at wasted work. Similarly, it would probably be a demanding scenario which required the model client to simulate special needs. **Our view therefore is that model clients are not an appropriate mechanism for testing referral requirements under legal help contracts or the Quality Mark, but they are a means by which signposting behaviour can be evaluated.** It should also be possible, at least in theory, for the Commission to understand what levels of referral are currently taking place, and to compare NFP and solicitor sectors, from SPAN data on endpoints.

Benchmarking the level of signposting and referral activity without any inherent emphasis on testing referrals is less problematic. Nevertheless to compare solicitors and NFP agencies requires some like for like comparison. Approaches of advisers will depend on the mix of specialist contracts their organisations hold and their approach to tolerance work. Each organisation will also have its own aptitudes and approaches to signposting. We surmised from the outset that CABx, for instance, might provide general advice to all clients; solicitors may like to signpost clients outside of their specialism as soon as possible. These factors were borne in mind in selecting organisations to be visited and determining the overall sample size, but they are particularly important when one comes to analyse results.

At the outset of the project, we recommended that any sensible comparison of solicitors and NFP agencies should only involve NFP contractees with the Specialist Quality Mark. Other levels of provider would need to be excluded or treated as a separate group not directly comparable with solicitors or specialist NFPs. It became clear as the project developed that, in any event, it was very difficult to select appropriate general help or general help with casework agencies, as these typically catered for highly specific client constituencies (such as particular ethnic groups). Catering for a wide range of different client groupings in the recruitment of model clients and the design of scenarios militated against this.

Although this project is concerned specifically with signposting behaviour, we anticipated that the model client would be likely to be advised rather than referred or signposted on a significant proportion of visits. To understand the consequences of this type of non-referral, it is important to have some understanding of the general standard of the advice given. As a result, we included in the reporting mechanisms a detailed account of the advice given. Where clients were advised, but not signposted/referred, model clients' reports were analysed by expert consultants, acting as peer reviewers, who were practitioners with significant levels of current practical experience in the work categories we looked at.

METHODS

CARRYING OUT MODEL CLIENT RESEARCH

Model clients have been used as a method of objective assessment of professional performance in a number of areas of work;⁹ use in socio-legal research is to date more rare.¹⁰ The use of anonymous model clients in assessing legal advice was pioneered in *Quality and Cost*.¹¹ Because of concerns about consent and invasion of privacy, it is important to use such techniques with great care. The approach we adopt complies

⁹ Recently in the medical profession to report on GP performance, and by the Consumer Association to monitor garage services and the quality of solicitors' advice.

¹⁰ See *Lawyers - The Quality Agenda*, Volume 1; Sherr, Moorhead and Paterson, HMSO, July 1994.

¹¹ Note 2, above.

with the Socio-Legal Studies Association's guidelines on covert research.¹² This states at para. 6.6:

1. Despite the technical advantages of covert research methods they clearly violate the principle of consent and invade the privacy of those studied.
2. Covert research may be justified in certain circumstances e.g. where the risk to the individual subjects is small, where their anonymity is guaranteed, where access to spheres of social life is closed by powerful or secretive interests and where it is impossible to use overt methods to obtain essential data. The overruling principle in the conduct of such research is whether the method is justified in the public interest.
3. In covert studies it is particularly important to safeguard the anonymity of research participants. Ideally, where informed consent has not been obtained prior to the research taking place it should be obtained before disclosing material wherever possible.

As in the block contracting research, consent was secured through the LSC contracts of suppliers visited and publicity for the project was sent to each and every account holder. No data from any model client interview was used to identify an individual or their organisation to the Legal Services Commission in any way. Anonymity was guaranteed. This approach was implemented smoothly at the time of the *Quality and Cost* research and was not, as far as we are aware, criticised post-publication of the report. Similarly, we have had no difficulties with this research.

This approach is preferable to warning contractees individually that they will or may be about to receive a model client visit for two reasons. They may adapt their behaviour temporarily if they are aware of an imminent visit. They also are not financially prejudiced should they conduct some contract work for the model client. It is unclear whether this approach could be used with general help level advice agencies in the absence of the LSC contract, and this was another reason why we advised the Commission against conducting visits to such agencies (see above).

Problem Design

The design of model client scenarios which equitably test referral behaviour of contracted and/or Quality Marked organisations requires sensitive and careful handling. This involves an understanding of the Community Legal Service context and the intricacies of legal advice problems. We decided upon an empirically based design with

¹² See, SLSA (2002), *Socio-Legal Studies Directory 2002*, (Butterworths, London).

the involvement of specialist consultants (experienced practitioners with current experience of the work categories). All our consultants were solicitors. One was also a practising barrister. These scenarios were piloted in conjunction with Thornton Drummond and Brett (TDB) the market research company commissioned by the LSC to conduct the actual visits. Our final scenarios are contained in **Appendix A**.

The problems themselves

The scenarios were designed in such a way as to suggest to a competent generalist adviser that the client has reasonably pressing needs which need specialist attention in an area that the lawyer/adviser does not hold a specialist contract.

Certain work categories do not make for good model client scenarios. In welfare benefits and immigration cases advisers may be likely to make direct telephone contact with either the relevant Benefits Office or Home Office department, at which point the credibility of the model client would be jeopardised. Because signposting is being tested it is also important to design some scenarios where specialist contracts are not extremely common, as this would reduce the number of contractees to whom a model client could be sent. This suggested considering work categories where there were fewer contracts. Decisions about work areas took into account information about the location and potential sample of contractees. Debt, housing and education were the three areas of work selected.

Problem scenarios were designed in consultation with our expert consultants and based in part on information from files called in for cost compliance audits. This was to ensure the realism and appropriateness of the scenarios.

General information for the client

The identification and provision of general information for model clients was managed by TDB. Model clients themselves were given a "model" name, a modified date of birth and a national insurance number, as well as a local benefit office and realistic home address. The model client information meant that they were financially eligible for legal help to ensure contractees could claim for any legal help they gave. As a result, all model clients presented as clients who had no or minimal capital, and were in receipt of income support rather than on a low disposable income. This ensured automatic eligibility.

Selection of the organisations to be visited

Each model client visited an organisation without a specialist contract in the work category that their problem fell into. The sample was split into two main groups.

A convenience sample was chosen to ensure that in-person model clients visits could be organised confined to geographical areas. Bid zones with the highest number of NFP contracts were selected to ensure we had the maximum number of NFP contractees to include in our sample in the minimum number of bid zones. This ensured the economic deployment of model clients, who could then visit more than one local supplier in any one day. It also ensured that the supplier who received the visit should, in theory at least, have an appropriate supplier in their locality to which they could refer/actively signpost. All of these bid zones also had a large number of solicitor contractees (generally far larger than the number of NFPs in any one bid zone). The 'convenience' sample in fact covered a range of bid zones including London boroughs and other urban conurbations. It also covered small cities and towns where there were relatively small numbers of specialist contractees. Visits in the convenience sample were conducted in-person by the model client dropping in at a time indicated on the CLS website as appropriate for that agency/solicitor.

Although the convenience sample has significant advantages in terms of cost and researching mainstream legal aid areas, it does not provide an indication of referral/signposting behaviour in areas where supply of legal aid services is not so strong. As a result we also drew a random sample from the remaining providers. Because these providers were more dispersed, 'visits' to these suppliers were conducted by telephone.

RECRUITMENT AND TRAINING OF MODEL CLIENTS

Responsibility for recruitment of the model clients rested with TDB. The training was conducted at the Institute of Advanced Legal Studies. Training involved an introduction to the Community Legal Service context, the Quality Mark issues and the social context of the problem scenarios. Model clients were then put through a critiqued practice session in the different scenarios, and reporting of these.

REPORTING AND DEBRIEFING MECHANISMS

Reporting mechanisms for each model client scenario were developed (See **Appendix B**). These were aimed at ascertaining detailed information about referral (and non-referral) behaviour, as well as the quality of service and advice provided by contractees at the first interview. Advice was reported in narrative form by the model client, immediately after the model client's visit. Some key issues that the advice might be expected to cover were identified in collaboration with our expert consultants and included as 'yes/no/unsure' questions on the reporting form. This ensured that key issues on the report were addressed by the model client and that some quantitative analysis of the quality of advice could be undertaken as an aid to the more refined analysis of model client reports by our expert consultants.

PILOTING

Visits were piloted to 20 suppliers. In a follow-up meeting with TDB, model clients, and the researchers, minor modifications to the form, the scenarios and the overall approach were agreed and a fresh training programme for further model clients was then implemented.

THE ACTUAL REVIEWS

TDB arranged and conducted the model client visits reporting on the pro forma in Appendix B, and entered the results electronically in a format readable by the researchers (an Excel spreadsheet) which was then analysed using SPSS. The pro forma, including (in particular) accounts of advice, were forwarded to the expert consultants for comment and those comments were also analysed.

SECTION II: RESULTS

This section of the report sets out an analysis of the results from the model client reports. The sample is explained in more detail to show what types of visits were made to what types of supplier. We then explore results showing how easily model clients accessed the suppliers they visited, how they were dealt with and what the outcome of these visits were.

The Sample data

294 visits were arranged:

- 36% (105) were to NFP agencies, with the remainder of visits (189, 64%) going to solicitors firms.
- 59.5% (175) of the visits were in person, with the remainder (119, 40.5%) taking place over the telephone.
- 32% (93) of the visits were the debt scenario; 36% (105) education; and, 33% (Housing). The proportions were similar for solicitors and NFP agencies.¹³
- 60% (175) of the visits were to be made in person, with the remainder (119) first being made on the telephone. About a half of NFP visits were in person (48% of 105), whereas about two thirds of visits to solicitors were in person (66% of 189).

¹³ As the following table shows. These differences were not statistically significant (Chi Square .145, p = .930). Nor were there significant differences between the proportions of debt, education and housing visits to NFPs and solicitors when they were further split into personal and telephone visits (Chi Square .030, p = .985).

	Debt		Education		Housing	
	Row %	Count	Row %	Count	Row %	Count
NFP	32.4	34	34.3	36	33.3	35
Solicitor	31.2	59	36.5	69	32.3	61

Accessing the providers

MAKING INITIAL CONTACT BY TELEPHONE

The following table shows the number of times a model client making a telephone visit had to call before getting through in person. 23% of telephone callers had to try three or more times before getting to speak to someone in person and a further 13% failed to make any contact even though they tried a minimum of five times within advertised opening hours. In fact, sometimes they tried more than this, making additional calls outside opening hours but still without success. The figures are very different for NFPs and solicitors.¹⁴ Model clients rang NFPs three or more times in 43% of cases and failed to make contact with anyone after five (or more) attempts in 27% of cases. **This suggests that in 71% of NFP telephone visits model clients were experiencing substantial difficulties in speaking to anyone on the phone.** Contact with solicitors was dramatically different. 92% of model clients made contact on the first attempt, 3% had to try twice and 5% tried three times. Everyone got through.

Table 1: The number of times a model client had to call before getting through in person (telephone visits only, by supplier type)

Number of Calls	Solicitors %	NFPs %	All Suppliers %
1	92.2	14.5	56.3
2	3.1	14.5	8.4
3	4.7	10.9	7.6
More than 3		32.7	15.1
Did not make contact		27.3	12.6
N	64	55	119

For both telephone and in-person visits, model clients were also asked to indicate whether access was easy. 59% indicated it was, 16% that it was fairly easy and 24.5% that it was not. This table illustrates responses in each supplier sector and for each type of visit.

¹⁴ The difference between the distributions for NFPs and solicitors is significant, Chi Square 76.176, $p = 1.12 \times 10^{-15}$.

Table 2: How easy was access (by supplier type and visit method)

Was access easy		NFP %	Solicitor %
In-person	Yes	68.0	58.4
	Fairly	18.0	16.0
	No	14.0	25.6
	N	50	125
By telephone	Yes	14.5	92.2
	Fairly	25.5	7.8
	No	60.0	
	N	55	64

It can be seen that whilst the majority of in-person callers in NFPs tended to find access easy, a significant minority did not (about 1 in 7). This tempers the traditional view that NFP agencies are usually difficult to access.¹⁵ This was similar also for in-person visits to solicitors (for over a quarter of these visits such access was not easy). The difference between solicitors and NFP's is not, however, statistically significant.¹⁶ As would be expected from the figures for the number of calls that telephone visitors had to make, it was easy to access solicitors by telephone and much harder to access NFP advisers. These differences are statistically significant.¹⁷

FIRST POINT OF CONTACT

Of the 294 visits, in 277 the model client got to speak to someone.¹⁸ Model clients were asked to assess the status or function of the person they initially spoke to. This was based on perception, or representation by the adviser, rather than on fact, but it provides an indication of the type of person who first deals with clients under Specialist Quality Marks.

¹⁵ See, Genn (1999), op.cit. 78.

¹⁶ Pearson Chi-Square 2.78, p = 0.249.

¹⁷ Pearson Chi-Square 75.84, p = 3.4 x 10⁻¹⁷.

¹⁸ In 15 visits the model client could not get through on the telephone (see above) and two personal visits (both to solicitors) they did not get to see anyone. In relation to the last two visits, the model client first visited during "lunchtime hours" on a Friday and, having not received a reply to the bell, returned at 3:45pm when again there was no answer. She reports: "There was no note on the door to explain closure, etc. The building looked dark inside, the ground floor blinds were closed and I couldn't see any lights on throughout the building." The opening times for this organisation given on the Justask website were 9am - 1pm; 2pm - 5pm Monday - Friday. In the second case, the model client found the organisation's address but could not gain access to it, and could not see a

Table 3: First point of contact (by supplier and visit type)

		NFP %	Solicitor %
In person	Receptionist	64.0	83.7
	Secretary		4.1
	Triage ¹⁹	8.0	0.8
	Lawyer	2.0	6.5
	Adviser	14.0	
	Other	6.0	1.6
	Don't Know	6.0	3.3
N		50	123
By telephone	Receptionist	5.0	93.8
	Adviser	77.5	
	Don't know	17.5	6.3
	N	40	64

Solicitors are more likely to field initial access through a receptionist but a substantial proportion of advice seekers who attend NFPs are also likely to deal first with a receptionist if attending in person, but not if they telephone (where if they got through at all, they tended to get through to an adviser). Although these findings suggest some similarity in approach to initial contact, it is possible, even likely, that the skills and training of receptionists in NFP and solicitors organisations are different. NFPs may be more likely to have receptionists who are in fact also advisers or have some training in advice giving (e.g. as a volunteer).

RESPONSE ON FIRST CONTACT

The response of a Specialist Quality Marked organisation on first making contact can be crucial, whether they are providing advice or referring clients on to other providers. Model clients were given a number of options to categorise the response of each supplier that are represented in the following table.

notice explaining closure. She enquired at a Post Office nearby, where she was informed that the organisation had closed six weeks ago.

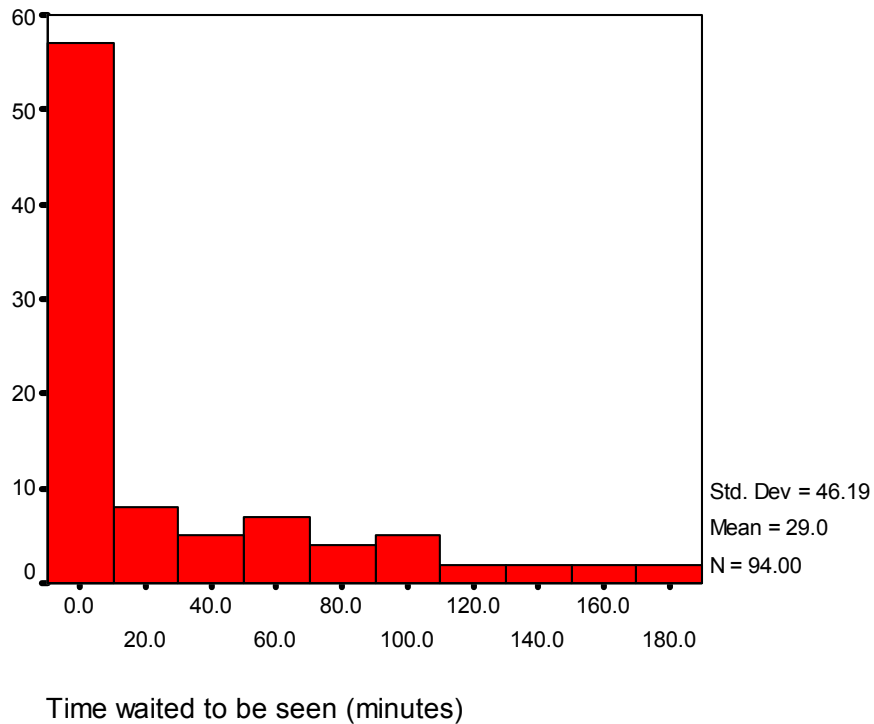
¹⁹ The term 'Triage' advice was adopted because in the pilot visits we noticed an approach, whereby an advice worker took a very quick outline of the client's situation and then decided who they should see, was taken.

Table 4: First response

	In person		On telephone	
	NFP %	Sol %	NFP %	Sol %
Dealt with scenario immediately, there and then	2.0	0.8	62.5	14.1
Arranged an appointment for an interview in person	6.0	8.1		
Arranged an appointment for an interview by telephone		0.8	2.5	6.3
Told you they could not help you and did not suggest an alternative form of assistance		9.8		1.6
Told you they could not help you but suggested an alternative form of assistance	28.0	64.2	20.0	67.2
Client told to wait and be seen or can come back tomorrow	60.0	9.8	2.5	7.8
We can only advise if you come in			5	
Other	4.0	6.5	7.5	3.1
Totals	50	123	40	64

This shows us that, in 57% (157) of the 277 initial contacts the model client was told that the supplier could not help. NFPs tended to encourage a model client to wait and be seen (if they attended in person) or put them through to an adviser for some advice (if they attended on the telephone). Solicitors tended to signpost straight away. Of these 157 visits where the client was told that the supplier they visited could not help, only 13 (8%) were not suggested any form of alternative assistance. These responses were confined to solicitor visits, and mainly to occasions when the client attended in person.

Where clients had an interview the waiting time is indicated in the following histogram.



Waiting times are typically referred to as a major disincentive to the general public seeking advice.²⁰ Clients had to wait an average of half an hour, but over half of clients did not have to wait longer than two minutes. This research suggests that waiting time was generally quite modest, and hence that public *perception* of waiting time may be more of an issue than actual practice, although it should be emphasised that making about 1 in 5 clients wait an hour or longer (as occurred here) is not satisfactory.

The following table indicates what the model clients were told as reasons for not providing any help at the first contact.

²⁰ See Genn (1999) *Paths to Justice* (Hart, Oxford), 76.

Table 5: Reasons for declining to advise at initial contact (by sector)

	NFP %	Solicitor %
Organisation could not help because did not cover scenario case	61.5%	74.5%
Organisation could not help because appointments only and fully booked, staff on holiday/not available/not taking on any more cases	15.4%	12.8%
Organisation could not help because appointments only and appointment declined or interview arranged but did not take place	3.8%	3.4%
Organisation could not help - out of model client's catchment area	3.8%	0.0%
Organisation could not help without correct Documents	0.0%	1.3%
Organisation could not help because do not give advice by telephone	11.5%	0.0%
Other	3.8%	8.1%
Valid N	26	149
Not applicable	64	38
Missing	15	2

As one would expect, given the sample design for this research, a large proportion of model clients were told that the organisation did not deal with that type of case. The profile of reasons is similar for both sectors, although NFPs indicated an inability to advise on the telephone in over 10% of cases. It should also be noted that both solicitors and NFPs indicated that lack of capacity was the reason for not being able to assist the model client in between 13 and 15% of visits. If, as these figures might suggest, between 1 in 7 and 1 in 8 suppliers are 'closing their doors' to clients generally then this would indicate general access problems under contracting. Of course, it may be that providers are only closing their doors to cases outside of their specialisms, so this interpretation needs treating with caution.

IS THE INITIAL CONTACT DEALING WITH IT ALONE?

Data was also collected on cases where the case did not proceed beyond the initial contact to see whether the initial contact (who was often a receptionist) was dealing with it alone. This may be important because it would indicate whether any problems in signposting behaviour are attributable to advisers/lawyers or to support staff. 95% of 20 first contacts where the case did not proceed to an interview in NFPs dealt with matters alone, whereas in solicitors' firms where the first point of contact (almost always the receptionist) dealt with matters there and then, they referred to others in the firm whilst so doing in 31% of cases (n=141). The majority of frontline workers appeared to be dealing with signposting alone.

Interviews

Of the 120 visits where the supplier did not immediately decline to help, interviews took place in 95 visits. Where interviews did not take place this was generally because the supplier indicated a time for interview which was inappropriate for the model client. This can be interpreted in one of two ways. It could be indicative of an access problem, providers being unable or unwilling to see clients when they present with a problem of some urgency. Alternatively, it could be seen as a logistical problem for this research method, caused by the difficulties of re-scheduling visits to providers. We saw several examples of model clients being told that they could not be seen/spoken to that day but should make an appointment for some distance in the future. Often they were offered appointments either the following week or the week after that, although some were offered an appointment, or told to come in, the next day. Others offered to ring the model client back, which was inappropriate given the organisation of the experiment. We generally refer to these cases as visits where there have been 'mild access or logistical problems', although the balance of our data suggests these were more often access rather than logistical problems. Nevertheless, where we express concerns about levels of access, we have generally excluded these cases from the analysis. As a result we may have underestimated the level of access problems that exist.

In general, interviews were much more likely to take place in NFP visits than solicitor visits. 45 (57% of 105) NFP visits involved an interview either straight away or subsequent to the initial contact almost always on the same day. 35 (19% of 189) solicitor visits involved an interview. The differences were more stark for in-person visits (64% of NFP visits ended in an interview, compared with 14% of in-person visits to solicitors), and less stark for telephone visits (51% to 28%), suggesting solicitors were less reluctant to talk to someone on the telephone. Thus, whether the visit took place in-person or over the telephone, a model client was always less likely to be interviewed if they approached a solicitor than if they approached an NFP agency. These differences were statistically significant.²¹

Where interviews were arranged for a specified time, they generally did take place at that time (in 75% of cases for both NFPs and solicitors). Worryingly, 54 (of 95)

²¹ In-person, Pearson Chi-Square 45.00, $p = 1.97 \times 10^{-11}$; by telephone, Pearson Chi-Square 6.48, $p = 0.01$.

interviewers did not give their name. This problem was more marked in the NFP sector where 72% of interviewers did not give their name. Even in solicitors firms, where the solicitors conduct rules suggest that they must give this information, and their status to the client,²² the figure was higher than might have been hoped (31%). The figures were marginally less poor for in person interviews for solicitors (24%, but still 69% for NFPs). The equivalent figures for telephone interviews were 39% (solicitors) and 75% (NFPs). These differences were statistically significant, suggesting that this is a more prevalent problem in the NFP sector.²³

The status of the interviewer is indicated in the following table.

Table 6: Status of Interviewer with (by sector)

	NFP %	Solicitor %
Triage	3.3	
Lawyer	-	74.3
Adviser	95.0	8.6
Other	-	5.7
Don't know	1.7	11.4
	60	35

Time taken

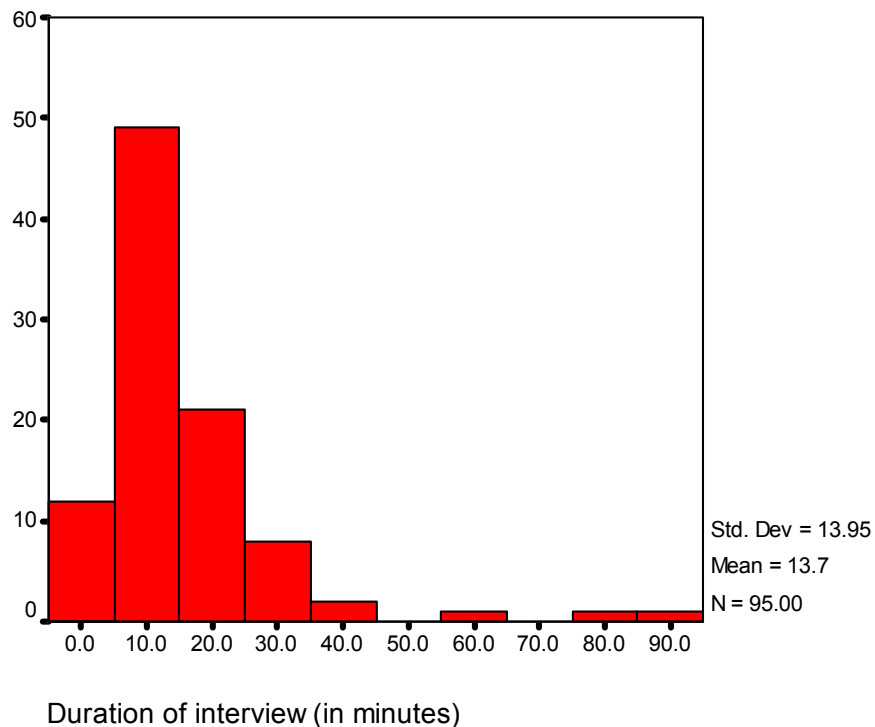
Interviews were generally very quick as the following histogram shows. The mean interview time was 14 minutes. Over half took ten minutes or less and 75% took 15 minutes or less. Solicitors took less time than NFPs (Solicitors spent an average (mean) of 11 minutes on in-person interviews and 4 minutes on telephone interviews. For NFPs the figures were 22 and 11 minutes respectively). The differences between solicitors and NFPs are statistically significant.²⁴

²² Solicitors Costs Information and Client Care Code, para. 7 (a) (ii); accessed from the Law Society website (2002).

²³ For in-person visits, Pearson Chi-Square 9.12, $p = 0.0025$ and for telephone visits Pearson Chi-Square 6.00, $p = 0.014$.

²⁴ In person, equal variances not assumed, $t = 2.88$, $p = 0.006$; On telephone, equal variances not assumed, $t = 6.30$, $p = 1.95 \times 10^{-07}$.

Figure 1: Interview Times



In spite of the short length of these interviews, where they were interviewed, 82% of model clients felt they had time to explain their problem (5% were not sure and 13% did not feel they had enough time). Those who had longer interviews were more likely to think they had enough time to explain although the differences were not statistically significant.²⁵ On these occasions, model clients gave various explanations as to why they felt the adviser had not given them enough time to explain their problems. Sometimes it was a feeling that the interviewer had simply not grasped the problem. On several occasions model clients were dealt with in public reception areas where the conversation could be heard by everyone present. On a number of occasions the model clients were cut short by the initial contact/adviser/lawyer saying goodbye before the client had time to explain their whole problem. Model clients also reported advisers not really listening to them or failing to comprehend what it was that they wanted. Occasionally from the reports it was clear that model clients had been dealt with partially, or not dealt with at all, because they did not have a national insurance

²⁵ T-test, $p > .05$.

number or other information by which the relevant advice worker would be satisfied that they qualified for legal help.

Conversely, only 23% of model clients felt that the adviser dealt with the problem, 61% felt they dealt with some of the problem, 15% said the adviser did not deal with the problem and suggested they go elsewhere. We explore these findings in a little more detail below.

OUTCOME OF INTERVIEWS

As we have seen, of the 95 interviews that took place, in 22 (23%) the model client felt that the adviser dealt with the problem, in 57 (60%) they dealt with some of the problem and in 14 (15%) they suggested that the model client go somewhere else. 2 cases had an 'other' outcome (2.1%). Of the interviews, in 40 (42%) there was some kind of signposting activity, usually meaning that they were advised to go to a specific organisation.²⁶ No interviewers made, or attempted to make, an appointment on behalf of the client. **Thus none of our interviews could be said to involve a referral.**

Model clients were asked to describe the overall manner of the adviser. Whilst there are apparent differences between NFPs and solicitors these differences are not significant.²⁷

Table 7: Overall Manner of Adviser (by sector)

	NFP	Solicitor	All suppliers
	%	%	%
Very helpful	58.3	45.7	53.7
Fairly helpful	30.0	42.9	34.7
Not very helpful	10.0	8.6	9.5
Not at all helpful	1.7	2.9	2.1
N	60	35	95

²⁶ In 4 cases the client was given a list, 38 cases they were advised to go and see a specific organisation, in 3 cases they were advised to go to an unnamed CABx and in 1 case they were advised to call the Law Society. In some cases clients were told to do a number of these options.

²⁷ Pearson Chi-Square did not show a statistically significant difference between the distribution of NFP and solicitors scores ($p > .05$).

Thus, just over half the suppliers were thought to be very helpful. In these cases, there were numerous examples of model clients reporting attentive, empathetic and friendly advisers/solicitors. There were also positive comments about the use of clear-cut information and reassuring informative advice. Model clients also appeared to be impressed by empathy, regarding advisers/lawyers who expressed concern for their predicament as being very helpful.

Where model clients thought the adviser/lawyer was only fairly helpful there were a wider range of comments for example, the adviser, "appeared to be listening in concern but did not grasp what I was saying despite repeating myself." Or, "although brisk [in] manner she was understanding and was filtering people as efficiently as possible under a very public situation." Model clients also referred to being rushed, or feeling like they were on a conveyer belt, or overwhelmed by information/advice or only dealing with basics or part of the problem.

Those who said that the adviser was not very helpful typically included the comments about the adviser simply not grasping the problem, failing to give any advice, being patronising and/unaware about matters, and/or reluctant to find out more.

Model clients were also asked if they felt they had been given clear advice on how to proceed.

Table 8: Did the model client feel they had been given clear advice on how to proceed with their problem? (by sector)

	NFP	Solicitor	All suppliers
	%	%	%
Yes	76.7	68.6	73.7%
No	23.3	31.4	26.3%
	60	35	95

Generally the model clients did feel that they had been given clear advice on how to proceed. The difference between the distributions for NFPs and solicitors was not statistically significant.²⁸ It is worth contrasting this with peer reviews assessment of advice (see below). They were far less positive.

²⁸ Pearson Chi-Square .747, p = .387. We also tested for differences between NFP and solicitor visits that were in-person or on the telephone, no significant differences were found (p > .05).

Signposting

Before considering what the research found in terms of signposting behaviour, it is worth setting out in detail what the Specialist Quality Mark requires (Section B1.2). SQM holders must have a procedure for conducting signposting and referral and that procedure must confirm that, as a minimum, any individual whom the organisation is unable to help will be signposted. This the SQM defines as meaning at least one of the following options:

- providing the CLS/CDS Directory and offering assistance to guide the individual through it;
- providing a list of local (or specialist) organisations that the supplier has produced by area of law, or providing a recommendation (as long as, in both cases, organisations that hold a Quality Mark are given preference or clearly identified); or,
- providing the CLS/CDS (local rate) call centre number.

In our visits, signposting occurred as follows.

Table 9: Main types of signposting behaviour (by sector)

	NFP	Solicitor	All cases
Model client was...	%	%	%
Given a list	11.3	1.4	4.2
Advised to go to a specific organisation	96.2	86.3	89.1
Advised to go to an unnamed CABx	1.9	10.8	8.3
Advised to ring the Law Society		3.6	2.6
Advised to ring the JustAsk helpline	1.9	2.9	2.6
N	53	139	192

Percentages total more than 100 because some cases involved more than one signposting behaviour

Thus the vast majority of cases involved a signpost to a specific organisation, with very little direct and obvious use being made of lists (such as the CLS directory) or the JustAsk helpline. There were some differences between supplier types with solicitors being less likely to refer to a specific organisation.²⁹ More noticeably, the nature of the supplier to whom the signposting was made differed depending on supplier type.

²⁹ The difference in distributions is only just statistically significant. Pearson Chi-Square, 3.857005, p= 0.049539.

Solicitors were much more likely to signpost to other solicitors. 46% of signposts from solicitors included a recommendation to see a specific solicitors firm. The figure for NFP signposts to other solicitors was 7.5%. The differences were statistically significant.³⁰

Solicitors were less likely to signpost to a named law centre or advice agency (other than a CABx). They did so in 9% of visits compared with 17% of NFP visits, though the differences are not statistically significant.³¹ Solicitors and NFPs both often signposted to CABx (31% of solicitor signposts, compared with 26% of NFP signposts).³² 11% of solicitor signposts were to an unnamed CABx, whereas only one NFP visit (2%) was signposted in this way.³³ Arguably this form of signposting is not compliant with the Quality Mark, which (where the provider makes a recommendation) require the provider to prefer or identify a particular organisation, rather than a generic response. At best, simply saying 'go to the nearest CABx' is minimally compliant: it is a recommendation of sorts and the CABx is likely to have at least a general help Quality Mark in the relevant category.

There were other indicators that some of the signposting behaviour was not appropriate. A not uncommon approach to 'signposting' was to tell the client that they needed to speak to the source of their problem. Thus, clients in the housing problem were referred back to the housing benefits office, and clients in the education problem were advised to talk to the school or the LEA. We coded cases where this was the only recommendation for further help. This 'referral back' in the absence of clear advice about what the client should say to the source of the problem, could render the advice dispiriting or damaging to the interests of the client. 4% of solicitor signposts and 15% of NFP signposts were to the source of their problem. These differences are statistically significant.³⁴

³⁰ Pearson Chi-Square 24.285, $p = 8.31 \times 10^{-07}$

³¹ Pearson Chi-Square, $p > .05$

³² Pearson Chi=Square, $p > .05$

³³ Pearson Chi-Square 3.983, $p = .046$

³⁴ Pearson Chi-Square 6.345, $p = .012$

A further test was to look at the appropriateness of the provider that the model client had been referred to. This involved checking the CLS directory entry for the would-be recipient of the model client signpost. This was a time consuming task and was done on a random sample of 21 visits for signposts from NFPs and 21 signposts from solicitors where the model client was signposted to a named provider.

Of the 21 selected visits where clients were signposted to a named provider by a solicitors' firm:

- Nine signposts were to a provider with a Specialist Quality Mark in the relevant work category. These were clearly satisfactory signposts.
- Eight signposted to providers without Specialist Quality Marks when there were Specialist Quality Mark providers within the locality. Although most of these were signposts to providers who had either general help or "general with casework" in the relevant work category, two were to providers without any Quality Mark in the relevant work category and one was a signpost to another branch of their own offices outside of the locality of the model client. Such signposting may comply with the letter of the Quality Mark, which only requires a signpost to an individual with a Quality Mark, but are probably not in the best interests of the client (who should be signposted to a specialist if at all possible).
- In three visits the model client was signposted to providers who were Quality Marked to the general help or general help with casework level. There were no providers in the locality which had the Specialist Quality Mark. These were thus probably satisfactory signposts.
- In one visit the client was referred to a non Quality Marked organisation but there were no Quality Marked organisations in the locality in that work category. Again this is probably satisfactory.

On these figures, **13 out of 21 signposts by solicitors were probably to the most appropriate provider in the locality, i.e.** either a Specialist Quality Marked provider if there is one, or a general help provider if there is not. A further 6 signposts were compliant with the Quality Mark, in the sense that they recommended a client to a General Help Quality Mark, but other Specialist Quality Mark providers were practicing in the locality. There is clearly a gap between what is compliant and what is most appropriate. This is discussed further below.

For NFPs:

- Nine signposts were to Specialist Quality Mark holders in the locality.
- Eight were to providers who did not have a Specialist Quality Mark when there were Specialist Quality Marked suppliers in the locality (only two of these eight had a Quality Mark for general casework in the relevant work category, so six recipients of these signposts would have had no Quality Mark in the relevant work category).
- One provider signposted to a general help Quality Marked supplier but there were no Specialist Quality Marks in the area.
- One provider signposted to an organisation many miles away from their locality: there were no appropriate Specialist Quality Mark organisations in the locality, but there were several with general help with casework Quality Marks. It is debatable whether this was satisfactory.
- Another two providers signposted to national organisations (who were not Quality Marked) but there were no specialist providers in their locality. It is debatable whether this was satisfactory or not - they could have signposted to General Help providers.

These figures suggest that between **10 and 13 out of 21 NFP providers were probably appropriately signposted**. As with solicitors, some of the signposts were probably compliant with the Quality Mark, even though more appropriate signposts could have been made.

Taken together these figures suggest that a large proportion of signposting behaviour (about 40-50%) is not to the most appropriate local Quality Marked provider. A higher proportion of behaviour is in fact compliant with the Quality Mark (nearly 80%), if one takes a narrow approach to the standard. That narrow approach says that a supplier is only required to recommend/give prominence to a Quality Marked provider; it does not specify what type of Quality Mark the provider should have. If this approach was taken, signposting to information providers would be 'compliant' as would, more pertinently here, signposting to general help providers even where there were local specialists. There are other reasons, beyond the evidence of this study, for suggesting that clients should be signposted first time to the *most* appropriate form of help. Most particularly, evidence that there is a significant

attrition rate as clients fail to take follow up referrals/signposts. In particular, Genn's research shows that, of people who had spoken to a solicitor, two thirds did not go on to seek further advice. The equivalent figure for CABx was about one third. Whilst Genn's figures do not indicate how many of these clients were signposted on to second or third advisers, it is clear that there is a process of attrition. It is not unreasonable to surmise from this that the more inappropriate referrals the client receives, the greater the likelihood that they will not get the advice that they need or, as our later data shows, that they will receive poor advice.

Of course it is possible that suppliers know of local providers who are not Quality Marked but are nonetheless appropriate. This suggests either that providers do not feel that Specialist Quality Marked providers are the most appropriate sources of help for clients with problems of the sort that our model clients had, or that they are signposting without reference to the CLS directory or other accurate information about the Quality Mark status of recipients of signposting. There are other possibilities. One is that they were aware of a general help supplier who was on the point of becoming a specialist (e.g. because until recently non-LSC funded providers were not permitted to apply for the Specialist Quality Mark). Another is that the relevant specialist providers have closed their doors through overwork.

OTHER REQUIREMENTS FOR SIGNPOSTING

There are costs information requirements for referrals under the Specialist Quality Mark to ensure that costs issues are transparent and explained at the outset to clients. As none of our cases involved referrals this part of the study is largely redundant, but we report the data for interest. When clients were sent to a specific organisation, model clients were asked to record whether they were advised on likely charging/costs of the alternatives that they were suggested.

This question was only answered in 29 of the visits that we dealt with, suggesting the model clients had difficulty for themselves in working out whether it was appropriate for them to be so advised in the context of the interview. The data is as follows. Where there was an answer to this question, most model clients were not advised on likely/potential costs, particularly if they visited NFP agencies.

Table 10: Advice on costs (by sector)

	NFP	Solicitor	All providers
	%	%	%
Yes	14.3	50.0	23.7
No	85.7	40.0	73.7
Unsure		10.0	2.6
N	28	10	38

Clients were also asked if they were asked to sign any forms.

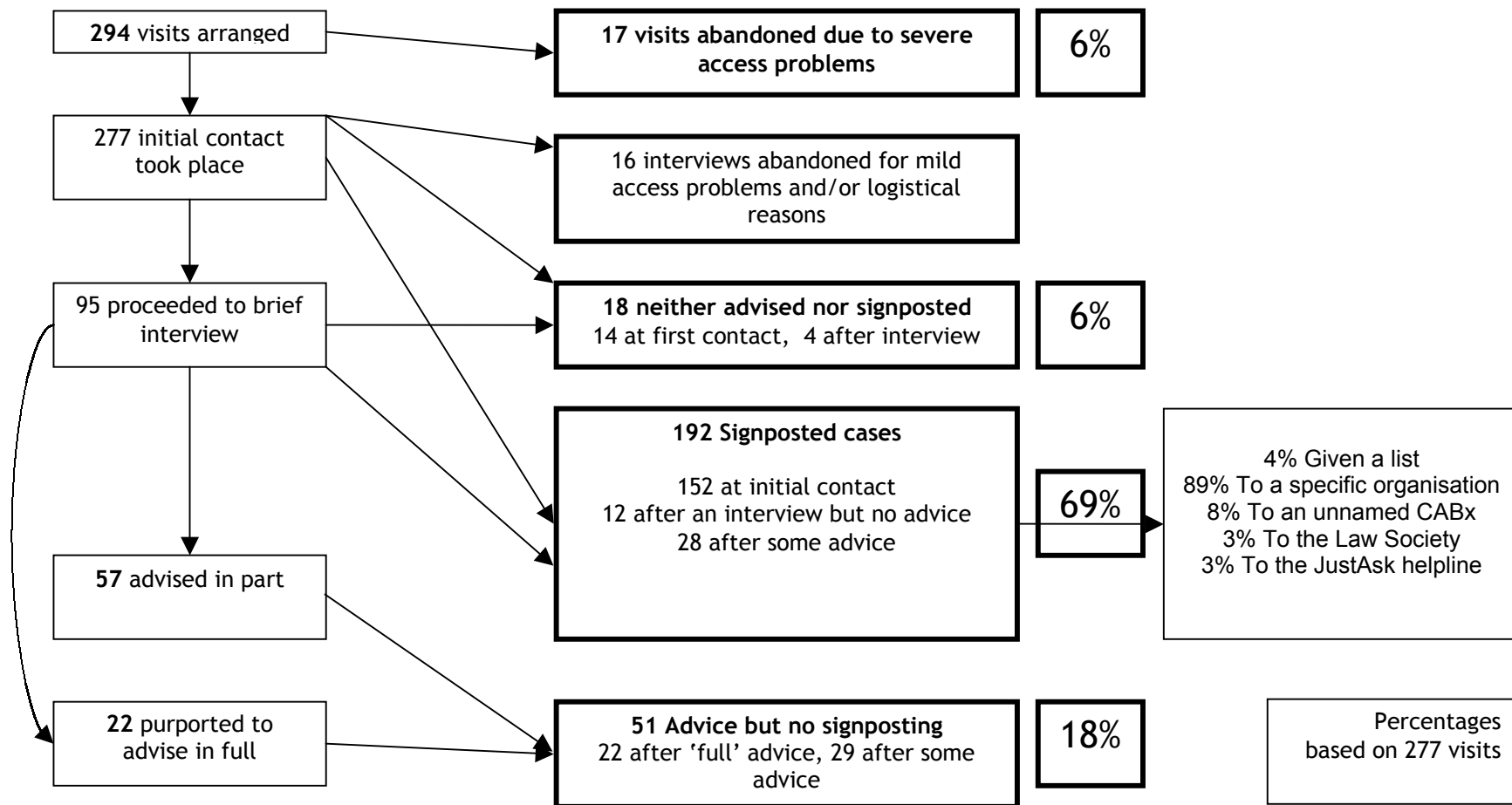
Table 11: Form filling (by sector)

	NFP	Solicitor
	%	%
Yes	16.7	2.9
No	38.3	45.7
Not applicable (telephone interviews)	43.3	51.4
Info requested for form over telephone	1.7	0.0
N	60	35

Overall pattern

The following diagram summarises the pathways taken for all the model client visits. Model clients were generally able to make contact, albeit after some persistence with NFP agencies on the telephone. The majority of model clients were signposted either straightaway (55%) or after an initial interview (14%). The remainder were given some advice (18%), which we evaluate more fully below, or were either unable to make contact with a supplier (6%) or spoke to someone who neither advised nor signposted (6%). We have excluded from these figures a group of 16 visits which were subject to logistical/mild access problems. In these visits the model client was asked to attend for interview at a time, often a week or more hence, when they were conducting visits elsewhere.

Figure 2: Schematic representation of visit pathways



Summary of outcomes

The following table summarises the outcomes of cases by sector.

	NFP %	Solicitor %
Severe access problems	14.3	1.1
Mild access or logistic problems	5.7	5.3
Contact but no advice or signposting	---	9.5
Signposting	50.5	73.5
Advice and no signposting	29.5	10.6
N	105	189

Solicitors were much more likely to signpost than NFP advisers. The difference is statistically significant.³⁵ NFP agencies were much more likely to attempt to advise on a problem and not signpost, dealing with nearly 30% of their visits in this way.³⁶ The table does not show separately where signposting occurred but was supplemented by some advice. Even where there was signposting, NFPs gave advice in 22 (41.5% of all their signposted cases). If solicitors signposted they did not usually give any advice (only 6 out of 139 (4%) signposted cases also contained some advice).

Solicitors were also much more likely to have contact with a client but not give advice or signpost (10% of their visits took this approach whereas none of the NFP visits did). In its way this is as serious as the severe access problems experienced by 1 in 7 NFP clients. The model client reports give a flavour of how they were treated. Thus one model client was told that the firm did not deal with housing, they only dealt with immigration. The model client reported this:

"I didn't have time to go through the scenario in great detail, because when he heard the first part, he said they could not help and started walking out of the room. The solicitor said he didn't handle housing, but did not offer me an alternative place I could contact. I did feel a bit rushed speaking to him. It was really a case of we can't help you, sorry but try somewhere else."

³⁵ Pearson Chi-Square 15.85428, p = .00007

³⁶ Pearson Chi-Square 16.89135, p = .00001

Sometimes they were even more abruptly treated:

"I went into smart offices, the receptionist was sitting behind a door marked reception. The lady looked at me with the phone in her hand. I briefly told her I needed general advice about my housing situation. She cut me off and said they only deal with landlords and not tenants. She paused a moment before saying "sorry". The receptionist was almost rude. I did ask if I could get some general advice and she said no we only deal with landlords and that was that. I didn't have time to explain the scenario fully."

On a couple of occasions solicitors said they simply could not think of anywhere to send the model client to. Usually, if the solicitor did not signpost, they simply explained that they did not deal with that kind of work and left it at that. Occasionally, contact was only through an intercom. Another approach to turning away clients was to indicate that if they wished to have a short interview they would be charged at commercial rates, usually stated to be over £100 an hour.

To simplify analysis further and enable us to make the most appropriate overall comparisons between NFPs and solicitors we have recoded the data to exclude mild access/logistical problems and coded cases where there was contact but no advice or signposting as 'significant access problems'. Whilst the character of these significant access problems differs depending on the nature of the supplier (NFPs didn't answer the phone, solicitors spoke to clients but only to tell them they could not help), the impact on the client is similar.

Table 12: Three outcomes (lack of access, signposting or advice by sector)

	NFPs	Solicitors
	%	%
Significant access problems	15.2	11.2
Signposting	53.5	77.7
Advice	31.3	11.2
N	99	179

The distribution of these outcomes is still significantly different for NFPs and Solicitors.³⁷ It can be seen however that this is mainly accounted for by higher proportions of advice being given by the NFPs than solicitors. To evaluate the

³⁷ Pearson Chi-Square 20.26, $p = 3.98 \times 10^{-05}$

extent to which this advice meets the clients needs it is necessary to analyse the advice given. This is done in the next section, but the model clients themselves provided one indication which it is worth considering now. Where they were provided with advice but not signposted, we compared the extent to which the model clients felt the advice dealt with their problem or with (only) some of the problem. One possible interpretation of the data above is that the NFPs were interviewing, providing only partial advice, and then not signposting on. The model clients suggested this was not the case. As the following table shows, in the view of model clients, NFP agencies were more likely, where they chose to advise without signposting, to deal with the whole of the problem rather than just part. These differences were significant.³⁸

Table 13: Proportion of advice only outcomes that dealt with all the case (by sector)

	NFP %	Solicitor %	All suppliers %
Dealt with problem	54.8	25.0	43.1
Dealt with some of the problem	45.2	75.0	56.9
N	31	20	51

The differences remain (but are not quite statistically significant³⁹) when personal and telephone visits are considered separately. Thus, according to the model clients, 66.7% of the 12 in person visits to NFPs ended in their problem being dealt with, for solicitors it was 25.0% of 8 in-person visits. Similarly, for telephone visits NFPs dealt with the whole problem in less than half of their cases (47% of 19), but again the solicitors only did so in a quarter of 12 visits. This difference was not statistically significant.⁴⁰ Accordingly, it is possible, that the apparently better performance of NFPs overall on this indicator is accounted for by the greater proportion of in-person interviews they carried out, although the balance of the evidence does not suggest that this is the case.

³⁸ Pearson Chi-Square 4.41, p = 0.04.

³⁹ Pearson Chi-Square, 3.33, p = 0.07.

⁴⁰ Pearson Chi-Square 1.55, p = 0.21.

ADVICE GIVEN

Quality of advice

87 of our model client visits involved advice which we could analyse. 50 of these model client reports were cases where advice was given but the client was not signposted. These 50 were sent to our expert peer reviewers to review the quality of advice and the suitability of a decision not to signpost the client as it was these 'advice only' cases where the quality of advice (and the decision not to signpost) were most critical.

Peer reviewers were asked five particular questions about the quality of advice given to model clients, and these are reported in the following table. Only 20% of the advisers/lawyers who provided advice to our model clients were very aware or quite aware of all the legal issues raised. 70% were inadequately or completely unaware of the legal issues raised. Marginally fewer advisers were very or quite aware of the practical steps that could be taken (16%). 72% were inadequately aware or completely unaware. The figures were similar for comprehensiveness and accuracy of advice given.

We were also concerned to know the extent to which poor advice might have an impact on real clients. To this end peer reviewers were asked to assess the plan of action given to the model client. 16% of model clients received a plan of action which was neither useful nor counterproductive, 8% of plans were counterproductive and a notable 40% were, in the view of our expert peers, likely to be damaging to the interests of the client.

Table 14: Peer review evaluations (by sector)

	NFP	Solicitor	All
	%	%	%
<i>How aware is the adviser of all legal issues raised?</i>			
Very aware	6.5	10.5	8.0
Quite aware	16.1	5.3	12.0
Adequately aware	9.7	10.5	10.0
Inadequately aware	51.6	57.9	54.0
Completely unaware	16.1	15.8	16.0
<i>How aware is the adviser of practical steps that can be taken now or in the future?</i>			
Very aware	3.2	10.5	6.0
Quite aware	16.1		10.0
Adequately aware	16.1	5.3	12.0
Inadequately aware	51.6	78.9	62.0
Completely unaware	12.9	5.3	10.0
<i>How would you assess the comprehensiveness and accuracy of advice on this case?</i>			
Very good		10.5	4.0
Good	19.4		12.0
Adequate	16.1	10.5	14.0
Inadequate	45.2	63.2	52.0
Poor	19.4	15.8	18.0
<i>How would you assess the plan of action given to the client?</i>			
Very useful	3.2	10.5	6.0
Useful	38.7	15.8	30.0
Neither useful nor counterproductive	16.1	15.8	16.0
Counterproductive	3.2	15.8	8.0
Damaging to the interests of the client	38.7	42.1	40.0
<i>In your view how justified was the adviser's decision to advise rather than refer/signpost?</i>			
Justified	9.7	10.5	10.0
Probably justified	22.6	15.8	20.0
Don't know/unsure	6.5		4.0
Probably not justified	19.4	36.8	26.0
Not justified	41.9	36.8	40.0
N	31	19	50

This is telling evidence of the level and seriousness of the poor quality of advice given to our model clients. Peer reviewers were also asked to indicate how justified was the adviser's decision to advise rather than refer/signpost. In 66% of cases the decision was not, or probably was not, justified.

Although the following table reports the distributions for solicitor and NFP visits, and solicitors appeared to do more poorly in general, none of these

differences were statistically significant.⁴¹ Indeed, a more detailed look which explored the difference in quality between telephone and in-person advice suggested that the solicitors did less poorly than the NFP sector when advising in-person but more poorly when advising over the telephone.⁴² Furthermore solicitors tended to have slightly more very positive scores, but also more moderately negative scores. They also appeared to advise better than NFPs on the education scenario but not on the debt and housing scenarios.⁴³ This may explain, at least in part, the apparently poorer overall performance (solicitors were more likely to advise on the telephone and this advice was more likely to be poor). In sum, on this evidence, we should assume that solicitors and NFPs giving advice outside of their specialist contract areas are probably equally poor.

We can get a more detailed indication of the actual advice given to model clients by looking at the reports of model clients. This data covers all cases where advice was given, although the peer reviewers only comment on cases where there was advice but no signposting.

Housing scenario (34 interviews, 23 with NFPs and 11 with Solicitors)

In the housing visit, the client was a single parent living with a young child in a privately rented flat. She was in receipt of income support and entitled to housing benefit. She signed a tenancy agreement three months ago for a six month assured shorthold. She applied for housing benefit when she moved into the flat but the application had not been determined. She wanted to know if there was anything that could be done about this. As a result, she had become three months in arrears on her rent. Two days ago the landlord rang and said that he'd had enough of waiting for the rent. He said he wanted her out. He didn't say when but mentioned the weekend. The model client was told they wanted to know what the landlord could do - could he just chuck her out before the end of the six months? Could he put her on the street? What could she do if he does? Could she get help from the local council?

⁴¹ Pearson Chi-Square, $p > .05$

⁴² These differences were not statistically significant (Pearson Chi-Square, $p > .05$). We have not reported the detailed distributions for brevity and clarity, particularly as the differences were not statistically significant.

Comprehensive advice in these circumstances would involve explaining the need for court proceedings to evict, the mandatory grounds for possession under an Assured Shorthold Tenancy, as well as dealing with the local authority housing benefits office's obligations to deal with applications within the statutory time limit. It would also need to deal with what the client could do in the event that the landlord tried to evict her illegally (contacting the police, a tenant liaison office or seeking an injunction being among the options) and the dangers of vacating the property in terms of intentional homelessness.

The advice that the model client received can be seen from the following table, with variations between NFPs and solicitors also indicated. Thus about two thirds of advisers told the model client they probably had an assured shorthold tenancy, but only about a third told the client what that meant. Nearly all clients were advised that the landlord needed a court order before they could be evicted, but less than half were told what to do should the landlord try and evict them without an order. About a third were definitely told what could be done to slow down or prevent an eviction, a quarter were definitely advised on housing benefit and only 10% of model client visits definitely involved advice on the implications of leaving the house voluntarily.

Solicitors appear on this data to be more likely to advise on what an assured shorthold means, what a tenant should do if the landlord tried to evict them, and the implications of leaving voluntarily but less likely to advise on the housing benefit aspects of the case, but these differences are not statistically significant.⁴⁴ If anything the differences were more marked for in-person visits and less marked for telephone calls, suggesting that NFPs and solicitors performed more similarly when dealing with clients over the telephone.⁴⁵

⁴³ The sample sizes are very small though.

⁴⁴ Chi Squares conducted on each question comparing the distribution of answers to each question for NFPs and solicitors, $p > .05$.

⁴⁵ Again the differences were not statistically significant ($p > .05$).

Table 15: Housing Advice - Specific Questions (by sector)

	Yes	No	Unsure
Did the adviser advise you that you probably had an 'assured shorthold' tenancy'?	67.6	32.4	
<i>NFPs</i>	69.6	30.4	
<i>Solicitors</i>	63.6	36.4	
Did the adviser tell you what an 'assured shorthold tenancy' means?	29.4	61.8	8.8
<i>NFPs</i>	26.1	65.2	8.7
<i>Solicitors</i>	36.4	54.5	9.1
Did the adviser advise that you cannot be evicted from your home without a court order ?	97.1	2.9	
<i>NFPs</i>	95.7	4.3	
<i>Solicitors</i>	100.0		
Did the adviser tell you what to do should your landlord try to evict you without a court order ?	47.1	47.1	5.9
<i>NFPs</i>	43.5	52.2	4.3
<i>Solicitors</i>	54.5	36.4	9.1
Did the adviser give you advice about how eviction proceedings can be prevented or slowed down ?	32.4	50	17.6
<i>NFPs</i>	30.4	43.5	26.1
<i>Solicitors</i>	36.4	63.6	
Did the adviser advise what could be done to get the housing benefit application determined ?	26.5	58.8	14.7
<i>NFPs</i>	34.8	47.8	17.4
<i>Solicitors</i>	9.1	81.8	9.1
Did the adviser give you advice on the implications of leaving the house voluntarily?	11.8	82.4	5.9
<i>NFPs</i>	8.7	82.6	8.7
<i>Solicitors</i>	18.2	81.8	

Base: 34, 23 NFPs, 11 solicitors

Model clients were also asked whether advisers got their priorities right. The answers are shown in the following table.

Table 16: Did advisers get the client's priorities right (housing, by sector)

	Yes, focused mainly on (a)	Yes, focused mainly on (b)	Yes, focused mainly on a)and b)	No
	%	%	%	%
Did the adviser get your priorities right - ie understand that you want to (a) get housing benefit sorted out and (b) make sure you are able to stay in the property ?	29.4	14.7	50.0	5.9
<i>NFPs (n = 17)</i>	39.1	4.3	56.5	
<i>Solicitors (n = 11)</i>	9.1	36.4	36.4	18.2

This underlines the data which suggests that the solicitors tend to deal with the court-centred problem (a potential eviction), rather than the root cause (the housing benefit problem).⁴⁶ The opposite is true for NFPs, tending to deal less with (arguably) the more serious immediate problem in favour of the more routine (but fundamental) benefits issue. These differences are statistically significant.⁴⁷ It is worth noting in passing the claim of the NFP sector to address more holistically the client's needs. For this problem, the most holistic approach involves dealing with both the benefits and the eviction problems. On the face of it NFPs do appear more likely to have handled the problem in a more holistic manner, although the results are not statistically significant.⁴⁸ When the data is analysed on the basis of telephone and in-person visits the differences become even less marked, especially for in-person visits.

A closer look at the qualitative data on this scenario is also illuminating. It was common for advisers to provide some advice on the need for court proceedings but other aspects of the advice were either wrong or missing. Thus the failure to advise on practical strategies especially for dealing with illegal eviction were patent even though this is one of the main concerns of the client. Similarly, the peer reviewer noted the tendency of advisers not to tackle the housing benefit problem quickly and robustly, in a way informed by the council's legal obligations, but to suggest that the client could start to resolve their problem by talking to the housing benefit people and waiting to see if eviction proceedings were taken, when it might be more possible for the adviser to get more involved. This is the opposite of a 'preventive law' approach. An adviser (or client), armed with the statutory time limits stands a higher chance of ensuring housing benefit is granted more quickly and so averting the threatened eviction proceedings. This would protect the clients' interest better and also be less expensive on public funds.

Generally, the peer reviewer gave advisers the benefit of the doubt in grading their advice. In particular, where an adviser did not provide much by way of concrete advice, but encouraged the client to come back if they experienced

⁴⁶ See, Moorhead *et al* (2001), *op.cit.*

⁴⁷ Pearson Chi-Square 12.26, $p = 0.0066$. Similar differences occur for in-person and telephone visits. The differences remain significant for in-person visits (Pearson Chi-Square 6.16, $p = 0.046$) but are not quite significant for telephone visits (Pearson Chi-Square 6.69, 0.083).

⁴⁸ Pearson Chi-Square 1.21, $p = 0.27$.

further problems, they would not be graded as substandard. However, where the adviser supplemented a 'see what happens' approach with inaccurate or misleading advice our peer reviewer indicated this was counterproductive or potentially damaging to the client's interests.

The following visit gives an example. The adviser said the landlord would need a possession order to evict them and advised the client to bring in their papers as regards the benefit claim problems so that they could try and sort that out. They offered to represent the client in court. So far, whilst the adviser may have missed the opportunity to nip the problem in the bud, they have not misled the client. They went on to say, however, the client would be able to put across their point of view, "to which the judge would be sympathetic", implying the client was unlikely to get evicted. On another housing visit, the adviser came closer to correct advice, but was still wrong. The model client reported, "The judge can be discretionary but [it is] not so easy to defer eviction if it is due to arrears. Although as it is due to housing benefit delay and I have a child he may be able to." The adviser also said that the housing benefit problem was down to the client. They had to find out why the benefit was delayed and they should have chased up earlier. In a third case, the model client was advised she could not be evicted without a court order and since the delay was due to housing benefit, repossession would not be granted. She should write to the landlord to say she was waiting for housing benefit and ideally get a letter from housing benefit to give him. She was further told that in these circumstances the tenancy would not be ended until six months was up.

In the first case, the peer reviewer pointed out that where correct notice was served and arrears were over two months the landlord could obtain a mandatory order for possession and the judge had no discretion regardless of housing benefit circumstances. The reviewer also felt that this incorrect advice might cause clients to underestimate the scale of their problem and feel that they did not need further advice at this stage. This could potentially cause prejudice. In the second case the peer reviewer commented on the incorrect/incompleteness of the advice given and that the client was likely to consider that scenario was their own fault where nothing could be done. This too, in the peer reviewer's eyes could potentially lead to serious prejudice to the client. In the third example, the peer reviewer said that because of inaccurate advice about possession proceedings the client was likely to do nothing even though the threat of eviction was serious. This advice thus also risked serious prejudice to the client.

Several of these visits suggest that defeatist advice is reasonably common amongst the incompetent. Telling the client there is nothing that can be done means the adviser does not have to get involved in the difficult terrain of a dispute (where something can be done, but the risk of failure jeopardises the adviser's image of competence). In another housing visit the client asked what she should do if the landlord tried to evict her without a court notice, the adviser simply says the landlord cannot do that. They should have pointed out to whom they could turn in such circumstances (i.e. the police, the local authority, or even an injunction in the courts). Similarly, when asked if there is anything the client can do about the housing benefit delay, the adviser said that unfortunately the client cannot "beat the situation".

Education Scenario (28 interviews, 22 NFPs, 6 solicitors)

In the education visits the model client was the mother of a seven year old daughter, believed by the client to be suffering from some form of learning difficulty. Her class teacher had said privately that she thinks she may be dyslexic, but not to say she said that because the local education authority would not like it. The daughter's school reports show that she has difficulty in all classes which involve the handling of written materials and that spelling, in particular, is a problem. At the same time, the daughter does well when she expresses herself orally. As a parent, the model client was told to point out she is conscious that her daughter will be in the school system for a while and does not want to fall out with the local education authority or the school through (e.g.) a solicitor writing letters. However the model client does want to know what is available in terms of her daughter's entitlement and knows some children get statements of special educational needs. The model client wants to know whether her daughter might be eligible for a statement, how they would go about getting one, whether a solicitor is necessary for this and if so what they would do, and in particular, how long all this takes.

In outline, the main things the peer reviewer was looking for in this scenario was advice that they, "could request a statutory assessment direct from the LEA (and importantly, does not have to be requested through the school), that time limits applied, and that a refusal to assess could be appealed to a tribunal.

Quantitative analysis of the model client reports showed that less than half the advisers gave some general advice about the process of statementing; less than a third talked about the possibility of an appeal (to a tribunal); and less than 10% explained the limits of funding (relating to an appeal/tribunal hearing). In terms of more detailed advice, 14% were given advice about the 'thresholds' for statementing but 36% were told to apply for a statutory assessment by writing a letter to the Local Education Authority. At least three quarters were not advised to keep a copy of this letter. 14% were told that they could approach an independent educational psychologist, or do this through a solicitor. About one in five were told that there is a time limit to the statementing process and similar numbers were told what to do in the event that six weeks passed without a decision or with a negative decision. The solicitors' advice seemed more likely to cover these points but it is difficult to be sure that such differences are significant given the small number of interviews given by solicitors firms in this work category during this research.⁴⁹

⁴⁹ Solicitors did appear to be more likely to advise the client to keep a copy of the letter (Pearson Chi-Square 10.1, $p = 0.006$), although the small number of visits makes this unreliable. Otherwise none of the other differences were statistically significant ($p > 0.05$).

Table 17: Education Advice (specific questions by sector)

		Yes	No	Unsure
Did the adviser give some general advice about the process of statementing?	All	42.9	35.7	21.4
	NFP	40.9	36.4	22.7
	Solicitor	50.0	33.3	16.7
Did the adviser talk about the possibility of an appeal (to tribunal)?	All	28.6	71.4	
	NFP	27.3	72.7	
	Solicitor	33.3	66.7	
Did the adviser explain the limits of funding (relating to an appeal/tribunal hearing)?	All	7.1	92.9	
	NFP	4.5	95.5	
	Solicitor	16.7	83.3	
Were you given advice about the 'thresholds' for statementing ?	All	14.3	75.0	10.7
	NFP	9.1	81.8	9.1
	Solicitor	33.3	50.0	16.7
Were you told to apply yourself for a statutory assessment by writing a letter to the Local Education Authority?	All	35.7	53.6	10.7
	NFP	31.8	54.5	13.6
	Solicitor	50.0	50.0	
Were you told to keep a copy of this letter?	All	7.1	75.0	17.9
	NFP		86.4	13.6
	Solicitor	33.3	33.3	33.3
Were you told that you could approach an independent educational psychologist, or do this through a solicitor?	All	14.3	82.1	3.6
	NFP	9.1	86.4	4.5
	Solicitor	33.3	66.7	
Were you told that there is a time limit to the statementing process (ie you should have heard from the LEA within six weeks)?	All	17.9	78.6	3.6
	NFP	13.6	81.8	4.5
	Solicitor	33.3	66.7	
Were you told what to do in the event that six weeks passed without a decision or with a negative decision?	All	14.3	85.7	
	NFP	9.1	90.9	
	Solicitor	33.3	66.7	

Base: 28, 22 NFPs, 6 solicitors

Again, qualitative analysis of the scenario results provides further information. Advisers, often supported by in-agency information systems, skated around the area of law without giving any firm advice. So for example in one case the model client reported as follows:

“When I started to talk in more detail about the scenario, he started to say, “I don’t know what you mean?” - this was most specifically in relation to “statementing”, he said this more than once. He had a computer in front of him and he was typing in “dyslexia”, “education” and said he couldn’t find anything appropriate. I mentioned “special needs” and tried this. He started to read/(mutter!) something about a statement of special educational needs then he stopped. The adviser told the client to confront the head teacher, even if this caused problems for the class teacher, and demand an answer about how to proceed.

The adviser provided no indication of how the client should support their own case during this 'confrontation'. There was no advice about how the client could ensure the child was assessed for dyslexia but the adviser did say the client could come back if they had further problems. The client concluded:

"This was pretty frustrating and I felt he wasn't very helpful at all, even obstructive. I came away being none the wiser about my legal rights."

The peer reviewer was also critical for giving advice contrary to the client's instructions, which would delay matters and might result in nothing happening as well as risking a breakdown in relations with the school. The client was thus, in the peer reviewer's view, prejudiced, potentially seriously.

In another education visit, the adviser suggested approaching the head teacher without mentioning the class teacher's comments. The adviser admitted that she was speaking, "off the top of her head" and said that if the head teacher did not respond then there would be other things that the client could do. The adviser then gave very vague advice about special educational needs. The model client reported that the adviser seemed to be reading advice from a computer screen, which the adviser did not then apply to the client's particular needs. Thus, she said the local authority was under a duty to provide for special educational needs support for pupils with special needs and to ensure that this provision take place in main stream school where possible.

There were two principal problems with this advice. It failed to relate in anything other than a cursory way to the client's stated needs and it failed to deal with what to do in the (likely) event that the school simply stalled or blocked the client's requests. As a result the peer reviewer felt that there was only an outside chance that the case would 'sort itself out'.

Another problem was advising the client that they had no remedy when in fact they did. In the following education visit, the model client registered significant concerns:

"It appeared I was powerless in this situation and that it was all in the hands of the school and education authorities."

The adviser simply advised that they should talk to the school. The model client developed their general concern:

"At all times [the] adviser was very pleasant but singularly failed to address the issue. I was quite assertive in saying three times, "I want to know

where we stand” but each time she brought it back to the school and teachers. Left me feeling very powerless and with no avenues to explore beyond talking to the school. At times felt quite patronised... although the process of statementing was explained from a teachers/school prospective (sic) at no time was it indicated that I could have any role in this.”

The peer reviewer was very critical of this advice.

“[H]opeless. No advice and indeed advice that client effectively has no remedy. Positively dangerous.”

Occasionally peer reviewers were satisfied with advice but a model client was not. In one visit, the client had got through after six attempts at calling. The adviser was able to read out information about the assessment process: the child needs to be tested, it is done through the LEA and that the parents should be given a copy. The adviser indicated there was a ten-week time limit from the statement being requested.⁵⁰ The adviser suggested approaching through the school, but also said the client could approach the LEA directly themselves. However, the client reported that they found the advice rather confusing, “as it was all being read from the file and was rather disjointed. It took the adviser a rather long time to access.” The peer reviewer, however, was broadly satisfied with the advice given. This is an interesting example of a dissonance between a professional view of “quality” and a client view where client care concerns are stronger than technical quality concerns. It is also an indication of how clients might respond to information systems where the adviser is not familiar with the subject area on which they are advising. Nevertheless, the advice was reasonably sound although it may not have been properly communicated to the client, at least in a way that inspired confidence.

We also had examples of the reverse process. Clients could be persuaded of the competence of an adviser in spite of incompetent advice. Thus after one visit a model client concluded, “my experience with this agency at every level was

⁵⁰ In fact our peer reviewer noted that, the period from the request for an assessment to the decision whether or not to assess is six weeks. Ten weeks is the time from the decision to assess to the decision whether or not to statement. The adviser appears to get the time limits confused but this is another example of the peer reviewers giving advisers the benefit of the doubt.

extremely good. I was treated with respect, empathy and professionalism.” The peer reviewer said:

“This adviser knew some law but gave the wrong advice, which is possibly more damaging as client, having seen apparently knowledgeable adviser, will probably not go elsewhere.”

Debt Scenario (25 interviews, 13 with NFPs and 12 with solicitors)

In the debt scenario, the model client had been made redundant in the last two months having only worked for their employer for a few months. The client had an outstanding credit agreement on a television and DVD and had missed two payments. She had just received a warning letter saying she must pay up or may lose the TV and DVD. More generally, no other debts had yet been incurred, although the client anticipates difficulties with paying bills to the various utilities and a hire purchase agreement on a second-hand car. The model client is told to say they seek advice about whether to approach the company direct and try and negotiate with them, or just let the debts build up and then try to negotiate. They would like to terminate the agreements, and want to know if this is possible, or what the impact of that is likely to be.

To advise fully on a case such as this the adviser would need to see copy of the credit agreement /HP agreement for both TV/DVD and car. They would need to explain why this is important (so that the client was more likely to seek advice when she has the documents with her). There was a possibility the agreement was invalid and in any event the nature of the agreement would be likely to affect the ability of the client/lender to end the agreement, or how the client should approach trying to retain the goods, or what would happen on termination. Similarly, the adviser would need to see the letter received and check whether the client has received a default notice. The arrears and total amount owed would need to be established as would any previous defaults or agreements on arrears. Advice would also be expected to cover priority and non priority debts. Other debts the client has would need to be established. The peer reviewer did not expect that all this could be dealt with in one appointment (particularly in the absence of documents), so it was acceptable to deal only with some aspects - provided that the adviser arranged another appointment and explained why the documents were needed. Rather than simply send the client off to the creditor, a debt adviser would help the client prepare an income and expenditure sheet and financial statement and establish with the client a realistic budget including income maximisation/welfare benefits advice, whilst advising the client of their options regarding termination and return of the goods and advise on the pros and

cons of each (e.g. consequences of failure to pay agreed instalments; impact on their credit rating and why this is important; and the fact that court action may add to the amount they need to pay). Mentioning payment protection insurance or an administration order was not expected at this stage.

The following table sets out the data from model clients on advice received under the debt scenario. On just over half the visits, the adviser asked for a copy of the Credit Agreement; and/or advised that it is very difficult to give proper advice in the absence of the agreement. In just over a third of cases the adviser definitely advised about the likely effects of failing to pay the contractual instalment. Just over half the advisers definitely explained that the client might have to return the goods. In 68% of cases the adviser asked for details of the welfare benefits that the model client was receiving. There was a general lack of advice on credit ratings and the possibility of an administration order (the peer reviewer felt this was likely to be peripheral to the quality of advice at this stage but it was included for interest) should debts pile up in the future or the possibility of the agreement being invalid. Just over a quarter of advisers raised the possibility of payment protection insurance in case of redundancy.

Table 18: Debt Advice - Specific Questions (by sector)

		Yes	No	Unsure
Did the adviser ask for a copy of the Credit Agreement?	All	56.0	44.0	
	NFP	69.2	30.8	
	Solicitor	41.7	58.3	
Did the adviser advise that it is very difficult to give proper advice in the absence of the agreement?	All	56.0	44.0	
	NFP	61.5	38.5	
	Solicitor	50.0	50.0	
Did the adviser advise about the likely effects of failing to pay the contractual instalment?	All	36.0	36.0	28.0
	NFP	30.8	38.5	30.8
	Solicitor	41.7	33.3	25.0
Did the adviser explain that the client might have to return the goods?	All	56.0	36.0	8.0
	NFP	53.8	38.5	7.7
	Solicitor	58.3	33.3	8.3
Did the adviser ask for details of the welfare benefits that you are receiving?	All	68.0	32.0	
	NFP	84.6	15.4	
	Solicitor	50.0	50.0	
Did the adviser explain the effect of a breach of contract on your credit rating?	All	16.0	84.0	
	NFP	15.4	84.6	
	Solicitor	16.7	83.3	
Did the adviser mention the possibility of the agreement being invalid?	All	4.0	88.0	8.0
	NFP		92.3	7.7
	Solicitor	8.3	83.3	8.3
Did the adviser raise the possibility of payment protection insurance in case of redundancy?	All	28.0	72.0	
	NFP	30.8	69.2	
	Solicitor	25.0	75.0	
Did the adviser raise the possibility in the future of an administration order to deal with the other debts if they have started to pile up?	All	4.0	92.0	4.0
	NFP		92.3	7.7
	Solicitor	8.3	91.7	

Base: 25, 13 NFPs, 12 solicitors

NFPs appeared more likely to raise the absence of the credit agreement, and more likely to ask what welfare benefits the client was receiving.⁵¹ The welfare benefits difference was accounted for by the way that clients were handled during telephone visits. NFPs were significantly more likely to ask what welfare benefits they were on in telephone 'visits' than solicitors.⁵² Otherwise the advice appeared to be very similar, and differences are not significant.⁵³

The qualitative information on the debt scenario is also of interest. As already noted in other scenarios (especially housing), the peer reviewers were generally

⁵¹ None of the differences were statistically significant, although the difference in relation to asking about welfare benefits were nearly significant (Pearson Chi-Square 3.44, p = 0.064) and were significant when looking only at telephone visits.

⁵² Pearson Chi-Square 6.67, p = 0.0098.

⁵³ Pearson Ch-Square, p>.05.

forgiving of general advice which was not misleading and where the client was encouraged to come back again. This was true here. The peer reviewer assumed the client would get the right advice second time. Given the lack of relevant Quality Marks in these organisations this assumption may be generous. For example, in one debt case the peer reviewer said:

Although the advice is sketchy and incorrect in parts, it is so cursory it's unlikely to have prejudiced the client. The adviser does at least stress the need for further advice once the agreements are seen.

And in another debt case:

The adviser appeared to be aware of some of the issues, but the advice was cursory - perhaps suffering from the tendency to give outline advice only on the telephone. The client was pointed in the right direction though.

In several cases, the client was referred to the creditor without being given any advice on how to approach that task. The peer reviewer's comments on this case are typical:

It could be prejudicial to send client to lender for advice - not possible to tell how serious.

There were also examples of the adviser concentrating on peripheral or irrelevant issues such as the need for the client to take out insurance 'in situations like these' or truisitic/patronising advice about the need to find another job. At one stage in a visit the model client told a solicitor that their instalments were £53 a month and the solicitor replied "and you can't afford to pay that"?"

Similarly, advisers were criticised for concentrating on very limited short term needs without dealing with the broader problems posed by the client's other debts and leaving the client to fend for herself. In one case the peer reviewer stated:

The adviser offers the most cursory short-term advice, and simply fails to engage with the client's overall situation, and does not appear to make any effort to do so....

Not prejudicial but not helpful. Not likely to be in client's best interests to be advised to complete the creditor's budget sheet - that may not represent the client's real financial position.

On another case, the peer reviewer concluded

The adviser clearly understands the legal issues and legal implications for the client, but does not consider the money advice issues of priorities and preparing a budget.

The peer review analysis has concentrated on a key group of cases: cases where there was advice but no signposting. 70% of the advisers/lawyers in these cases were inadequately or completely unaware of the legal issues raised. 72% were inadequately aware or completely unaware of the practical steps that could be taken to help the clients. The figures were similarly poor for comprehensiveness and accuracy of advice given. Of course it could be argued that the standards applied by our peer reviewers (as specialists) were higher than should be expected of generalist advice. There is some force in this argument, but peer reviewers tended to give advisers the benefit of the doubt where they provided partial advice, even if it did not help the client, as long as it was not misleading or potentially prejudicial and the client was invited to come back for more advice as their problem developed. This suggests a generous caution on the part of our peer reviewers. It also assumes the client will come back, which may not be the case.

In this context, we were concerned to know the extent to which poor advice might have a *detrimental* impact on real clients. There is a real difference between inadequate advice and advice where the client is likely to suffer some form of damage. To this end, peer reviewers assessed the plan of action given to the model client: 16% of plans of action were neither useful nor counterproductive, 8% of plans were counterproductive and a notable 40% were, in the view of our expert peers, likely to be damaging to the interests of the client.

SECTION III: SUMMARY

This research provides us with important data on the way that LSC suppliers with Specialist Quality Marks deal with clients with problems outside their core areas of expertise. It provides detailed quantitative and qualitative insight into the process of accessing and being advised/signposted by this key constituent of the Community Legal Service.

Effective referral and signposting is key to the CLS achieving its aim of providing a 'seamless web' of services. Indeed, 'seamless service' is one of seven key quality areas dealt with under the Quality Mark.

“[O]ne of the key messages of the CLS [is], that clients approaching any member of the CLS whose problem cannot be resolved at their first port of call will be signposted or referred to another organisation that is better able to meet the clients need.” (para. 2.19, Quality Mark)

With increasing specialisation being brought about by contracting and the Specialist Quality Mark and the CLS Partnerships developing a network of information, general advice (with or without casework) and specialist providers; it is increasingly being emphasised that advice providers need to be able to recognise the limits of their competence and refer clients effectively and quickly.

The following table summarises the outcomes of our visits by sector.

	NFP	Solicitor
	%	%
Severe access problems	14.3	1.1
Mild access or logistic problems	5.7	5.3
Contact but no advice or signposting	---	9.5
Signposting	50.5	73.5
Advice and no signposting	29.5	10.6
N	105	189

Ignoring the 6% of visits which suffered logistical or mild access problems (usually the client was asked to come back on another day, a week or more hence), 12% of our visits involved severe access problems (either the client could not get through to the supplier on the telephone or they spoke to a

supplier but were neither advised nor signposted), 69% of our visits involved signposting, and 18% involved advice but no signposting.

Signposting

On the face of it the level of signposting behaviour was impressive. 69% of all visits involved signposting and 89% of these signpostings were to specific organisations. Solicitors were particularly likely to signpost and do so immediately. Very few suppliers relied simply on giving their client a list (most of these were NFPs) and only 10% of solicitors signposted to an unnamed CABx, tending to choose to signpost to specific solicitors firms, or (to a lesser extent) named CABx or advice agencies.

However a closer look at the recipient of the signpost revealed some problems. A not uncommon approach to 'signposting', especially amongst NFP agencies, was to tell the client that they needed to speak to the source of their problem. Thus, clients with the housing scenario were referred back to the housing benefits office, and clients in the education problem were advised to talk to the school or the LEA. 15% of NFP signposts were to the source of their problem. As our more detailed analysis of advice showed, unless the client has a clear idea what they should say to the source of their problem, this advice is likely to be unhelpful and may be damaging.

Similarly, and more substantially in numerical terms, signposting to a named provider was often to a provider who did not have a Quality Mark in that work category or they only had a general help Quality Mark when there were specialists in that bid zone. The latter type of signposting may be compliant with the Quality Mark (whether signposting should be to specialist or generalist Quality Mark providers might helpfully be clarified by the Commission) but our working assumption is that it is more appropriate to signpost clients to Specialist Quality Mark providers where they are available in the locality. Thus, our figures suggest a large proportion of signposting behaviour (between 50 and 60%) is not to the most appropriate local Quality Marked provider. Of course it is possible that suppliers know of local providers who are not Quality Marked but are nonetheless appropriate, or more appropriate providers may have closed their doors due to overwork. These possibilities aside, our results suggest either that Quality Marked local providers do not feel that Specialist Quality Marked providers are the most appropriate sources of help for clients with problems of the sort that our model clients had, or that they are signposting without reference to the CLS directory or other accurate information about the Quality Mark status of recipients of signposting. Given

the risk that clients will give up if signposted inappropriately or once too often, it is clearly very important for clients to be signposted first time to the most appropriate provider.

Severe access problems

There were severe access problems in a significant minority of cases. 6% of visits were abandoned as a result; usually because the model client could not get through on the telephone. In another 6% clients spoke to the supplier and were neither advised nor signposted. The adviser usually said they simply could not help. The findings are particularly strong for any client wishing to speak to NFP service providers over the telephone. About 60% faced significant hurdles, having to ring 3 or more times. 27% failed to make contact on the phone in spite of trying at least five times.

Other access problems

Waiting time is typically thought to provide a significant barrier to advice seekers, particularly in the advice sector. This research suggests that waiting time was generally quite modest, and hence that public *perception* of waiting time may be more of an issue than actual practice, although in about 1 in 5 cases, clients had to wait an hour or longer. Most of our model clients generally found access to advice agencies quite easy.

It should also be noted that both solicitors and NFPs indicated that lack of capacity was the reason for not being able to assist the model client in between 13 and 15% of visits. If, as these figures might suggest, between 1 in 7 and 1 in 8 suppliers are 'closing their doors' to clients generally then this would indicate general access problems under contracting. Of course, it may be that providers are only closing their doors to cases outside of their specialisms, so this interpretation needs treating with some caution, and they may miss cases which present as falling within one specialism, but are in fact within a specialism they cover.

Interviews and advice

NFP advisers were much more likely to conduct at least a rudimentary interview with the client than solicitors (who tended to signpost clients straight away). Both solicitors and NFPs, but particularly NFP advisers dealing with

matters on the telephone, had a worrying tendency not to identify themselves by name.

Where interviews took place they tended to be short. Model clients were asked to assess these brief encounters with a measure of client satisfaction. In fact, model clients generally felt the time made available was sufficient for them to explain their problem. Only in the minority (13%) of cases did model clients feel they did not have sufficient time. Where this dissatisfaction occurred it was underlined by interviewers not grasping the problem; dealing with clients in public reception areas where the conversation could be heard by everyone present; or cutting clients short by saying goodbye before the client had time to explain their whole problem. Occasionally from the reports it was clear that model clients had been dealt with partially, or not dealt with at all, because they did not have a national insurance number or other information by which the relevant advice worker would be satisfied that they qualified for legal help.

Advisers in about a half of the model client visits were thought to be very helpful and a further third were thought to be fairly helpful. Thus only a minority (about 13%) of suppliers who conducted interviews did so in a way that appeared to be unhelpful. There was clearly a degree of dissatisfaction amongst those clients who had only found the adviser fairly helpful and in about a quarter of visits the model clients did not feel that they had been given clear advice.

Model clients are not legal experts. They provide a limited, but important assessment of client service. At the technical level, expert peer reviewers assessed advice for 50 model client reports, where clients had been advised but not signposted. This was to consider, in particular, the situation where the supplier decides that, rather than signpost/refer, they will provide some advice to the client. Although these suppliers would not have specialist contracts in the work categories of the model clients' problems, it was possible that they would advise to a satisfactory standard and their decision not to signpost would thus be justifiable.

Our evidence did not support this view. Only 20% of the advisers/lawyers who provided advice to our model clients under these circumstances provided advice showing that they were "very aware" or "quite aware" of all the legal issues raised. 70% were inadequately aware or completely unaware of the legal issues raised. Only 16% of advisers were very or quite aware of the practical steps that could be taken and 72% were inadequately aware or completely unaware of those steps. The figures were similar for comprehensiveness and

accuracy of advice given. Peer reviewers were also asked to assess the plan of action given to the model client. 16% of model clients received a plan of action which was neither useful nor counterproductive, 8% of plans were counterproductive and a notable 40% were, in the view of our expert peers, likely to be damaging to the interests of the client. This is telling evidence of the level and seriousness of the poor quality of advice given to our model clients. Peer reviewers were also asked to indicate how justified was the adviser's decision to advise rather than refer/signpost. In 66% of cases the decision was not, or probably was not, justified.

Any differences between solicitors and NFPs in terms of the quality of advice given appeared to be subtle and complex and were, in any event, (on these small numbers) not statistically significant. As a result, we should assume that solicitors and NFPs giving advice outside of their specialist contract areas are equally poor.

A qualitative analysis of poor quality advice revealed the following problems:

- **Premature pessimism.** A number of advisers would tell the client there was nothing that could be done to 'buck the system'. This protected a non-expert adviser from involving themselves in a dispute where something could be done, but where they might be more likely to reveal their lack of expertise.
- **Background information without advice.** In this situation the client would be given background information about their legal situation but were not told how this information applied to their problem or what they could do about it. This was particularly obvious in those agencies employing detailed advice and information systems. The adviser could clearly read out aspects of the law applicable to the client's case (a style of delivery which had negative impact on model client satisfaction in spite of its greater technical accuracy) but they could not apply that information in a meaningful way to the client's circumstances. This implies that the design of such information systems needs to pay greater attention to the delivery of practical advice, rather than simply information relevant to a client's problem; and that there may be significant training issues to be addressed in the use of such systems.

- **Poor advice without legal backing.** In a way, this is the mirror image of the information without advice problem. Advice was given but it had no legal or strategic content. Clients were typically sent back to the source of their problem as defenceless negotiators. In these circumstances, an advisor needs to provide the client with weapons with which they can confront/persuade their opponent. A client who does not know that an opponent must deal with them within a certain period, or that they have rights of appeal, or consumer credit protections, is sent back to their dispute with no protection.
- **Inaccurate law.** A large proportion of cases where advice was given contained inaccurate or misleading descriptions of law, seemingly based on impressionistic understandings of 'justice' in any situation. If there was a tendency here, it was to downplay the seriousness of the client's situation. Our peer reviewers felt this was storing up trouble for later.

It is tempting not to judge generalist advisers too harshly in these circumstances. They are, after all, working outside of their specialist knowledge areas, trying to do the best that they can. However, it is an essential element of professional competence that an adviser recognises the limits of their own competence. Solicitors appeared to be better at recognising this than NFP agencies and they were much keener to signpost immediately (possibly for economic reasons rather than modesty about their competence). But a minority of providers in both sectors were shown to be advising inadequately and, importantly, in a way that was likely to be counterproductive or prejudicial to the interests of the client even though (usually) there was a Specialist Quality Mark agency in the locality which should have been able to help.⁵⁴ We are aware however that there are parts of the country where this is much less likely to be the case: specialist agencies are not present in all parts of the country or may have ceased to take on new clients due to lack of capacity.⁵⁵ A further interesting point is that qualitative analysis of the advice by our peer reviewers tended to show, particularly in our housing and debt scenarios, how good, early advice could prevent problems manifesting

⁵⁴ We need to be a little circumspect here. It is possible that a SQM agency was at the limits of its capacity and unable to help.

⁵⁵ Moorhead and Harding, *Quality and Access*, forthcoming.

themselves in more serious and more expensive ways later on. This is rare evidence in support of the 'preventive law' thesis: that good advice early on may save money, decrease likely levels of litigation and save public funds.

ENDNOTE

This report describes a somewhat complex trajectory for initial contact between model clients and advice agencies/solicitors. It may be worth considering the results from different points of view. How suppliers are likely to view what they did for model clients can be contrasted with our best assessment of the ultimate outcome for model clients. From suppliers' perspectives, only 12% of visits clearly gave rise to access problems: either the clients could not get through (and so a supplier might only be dimly aware of them) or suppliers simply said they could not help. The remainder of clients were advised (18%) or signposted (69%), the vast majority to a specific, named organisation or the JustAsk helpline (63%).

From the model client perspectives however, the results are quite different:

- 12% of visits resulted in severe access problems. We cannot predict the extent to which a real client would give up at this stage or would persevere and seek an alternative provider.
- We estimate that about 35% were signposted to an appropriate supplier. We are unable to predict whether a real client would proceed to make contact with this supplier or whether the supplier would be able to see them within a reasonable time. However, from the perspective of the supplier actually visited, these suppliers were at least complying with their basic obligations under the Quality Mark.
- We estimate that 35% were probably not signposted to the most appropriate provider (in the sense that an alternative Specialist Quality Mark provider was available in the relevant locality). In these circumstances, even if the model client approaches the relevant supplier they are likely to be signposted on again or given poor advice. As discussed above, there is however a difference between failure to signpost to the most appropriate provider and non-compliance with the Quality Mark.

- 17% altogether received advice and were not signposted. These are divided below into those who did, and did not, receive proper advice.
- 5% received advice and were not signposted, but the peer reviewers felt that given the quality of advice this decision was probably justified.
- About 12% received advice which was poor enough for the peer reviewers to feel the client probably ought to have been signposted. This advice was very likely poor but not damaging to the client's interests. They may have been encouraged to come back and might then have been referred on. In 1% of cases the peer reviewers were unsure whether the case should have been referred or not.
- About 40% of those receiving advice but no signposting received advice which appeared to be damaging to the client's interests, although this amounted to only 7% of our visits in total. Again, we cannot predict the extent to which real clients would rely on such advice or go elsewhere. Most of our model clients felt they had received adequate advice when in fact they had not. The likelihood is that they may have relied on inadequate advice to solve their problems. The outcome for these clients may be the most prejudicial.

In sum then, almost half of our visits involved either an adequate signpost or a justifiable decision to advise. The rest were faced with busy telephones, refusals of help without signposting, signposting to poorer providers than is necessary and half-baked or damaging advice.

It is worth emphasising that for all the CLS and Quality Mark focus on referral policy, none of our visits resulted in a referral. This result combines with very low levels of referral under contracts (see above). This suggests that the policy focus of the Commission, suppliers and the CLS partnerships should shift towards signposting and away from referral. Signposting is not a funded activity and it is clearly carried out principally by front line advisers and receptionists. There are of course no clear incentives to signpost properly, and it is worrying that so many signposts appear to be carried out without apparent reference to the CLS directory (otherwise why would suppliers not signpost to Specialist Quality Mark providers?).

Conversely, it is some comfort that, on the whole, suppliers are signposting. They are just not doing so with sufficient competence. This may mean that a relatively modest change in behaviour is all that is needed to substantially increase the chances of a real client being signposted to the most appropriate

provider. Whether this requires modifications to the Quality Mark requirements and auditing of signposting, or something more substantial is an open question and not one which this research can answer. Nor should the importance of this area be diminished. Unless real clients are navigating the Community Legal Service much more successfully than our model clients, they stand a significant chance of going or being sent to nonspecialists and, as a result, of getting poor advice.

Finally this research serves as a reminder of the dangers of such non-specialists' advice. In two thirds of the cases that received advice, the client would probably have been better off having been properly signposted. Crucially, for about 40% of our clients who were advised but not signposted, the advice was likely to be damaging to their interests. Getting clients from the frontline to specialist advice quickly is not a peripheral part of the CLS. It must be seen as a central aim.

Appendix A: Scenarios

MODEL CLIENT SCENARIO 1

DEBT

You have been made redundant in the last two months. The organisation you were working for has not been doing well financially and they have been reducing their staff numbers. You had only worked there a few months and had moved into the area to take up the job.

Before being made redundant, without any knowledge of that possibility, you entered into a credit agreement on a television and DVD. These commit you to regular monthly payments over a year. You have missed two payments and have just received a warning letter this morning saying you must pay up or may lose the TV and DVD. You are extremely concerned that you will not be in a position to pay these as your disposable income is now much smaller.

No other debts have yet been incurred, although there may well be future difficulties with paying bills to the various utilities. You are not very optimistic about getting another job soon. There will be problems soon with a hire purchase agreement on a car (2nd hand) from a garage in another part of the county, where you used to live.

You are seeking advice about what to do – should you approach the company direct and try and negotiate with them, or just let the debts build up and then try to negotiate? Ideally, you would like to terminate the agreements, but you do not know if this is possible, or if you do so, whether you will be liable for the full amount due under the contract.

Things you need to workout for your story in advance:

1. What sort of work you were doing – nothing too lucrative, and not an area of work where there are likely to be other jobs readily available
2. Your benefit situation – because you have been working and paying national insurance contributions, you will be entitled to contribution-based Job Seekers Allowance. This means you will get more than the flat-rate JSA. You should say that as you have only recently been made redundant, and have only just registered for benefit, you do not yet know how much you can expect to receive, although you were told informally that it might be in the region of £70 per week.
3. Make a list yourself on a piece of paper of what your outgoings are monthly, and take this to the interview with you. Your rent and council tax will be paid for you, but your share of gas, electricity etc. should be included. You should also include food costs and money for going out and having a drink, travelling etc. You should ensure that your outgoings almost total your expected amount of benefit, leaving only a small amount over towards your TV and Video costs.

4. You are seeking initial advice from the adviser, and you think you are prepared to negotiate with the company yourself once you know what your legal position is. You want to know if it would be better to go through an advisor or do it yourself.

NB A good idea would be to say you have entered into an agreement with a big chain, like Currys. They do a deal where you pay 20% of the total (from a total of say £800 for TV and DVD) at once and the balance in regular monthly installments – in this case £28 pm – over 24 months. You do not pay interest. If the agreement is for longer than 12 months, you do pay interest. It is advisable that you use this or a similar example, so that the monthly repayments are at a level where they take a chunk out of your benefit.

Details to Help You

Personal Details

Name			
Date of Birth		Age	
Address			
Marital Status		Children	

Employment

Name of Company			
Nature of Work			
Date Started		Date of Redundancy	
Reason for Redundancy			
New Jobs Applied For			

Financial

Total Monthly Income		Total Monthly Utilities and Bills	
Job Seekers Allowance		Method of payment of these	
Registered for Benefits at		Outstanding Tax	
Monthly Car Payments		Disposable Income	
Other Sources of Income			

Specific Debt Problem

Item/s Bought on Credit			
Company Contract With			
Length of Contract			
Monthly Payment		Amount Paid off to Date	

Details to Help You

Monthly Incomings

Source	Amount
Job Seekers' Allowance	£215.80 per month
Dependent Child Allowance (part of JSA)	£134.00
Child Benefit	£63.00
Total Incomings	£412.00

Monthly Outgoings

Item	Amount
Gas Bill	£10.00
Electricity Bill	£15.00
Telephone Bill	£30.00
Food	£120.00
Clothes	£45.00
Children's Things	£30.00
Car Repayments	£100.00
Going Out	£30.00
Travel	£17.00
Total Outgoings	£397.00

Disposable Cash £15.00

MODEL CLIENT SCENARIO 2

HOUSING

You are a single parent living with your young child in a privately rented one bedroom flat. You are in receipt of income support (£53.75) and entitled to housing benefit. You have recently moved to the local area.

You signed a tenancy agreement three months ago – you have a written agreement and remember that it is an assured shorthold tenancy for a fixed term of six months. The landlord is a friend of a friend and said that if everything goes OK you will be able to stay for longer. You have no copy of the tenancy because you sent it to housing benefit office when you made your application for housing benefit on moving into the flat. The rent is (£) per calendar month. You had the rent checked by the housing benefit office (a pre tenancy determination) prior to signing the tenancy and housing benefit office advised that they would pay whole amount. You pay the gas and electricity separately on top of the rent and as far as you know the landlord pays the water rates. You also paid a deposit when you moved in of a month's rent in advance which you borrowed from family.

You applied for housing benefit as soon as you moved in to the flat. You got a receipt for the application which is at home. About a month ago you received a request from housing benefit office for your child's birth certificate and you supplied this - again you have a receipt at home - but you have heard nothing from them since. You intend to go into the housing benefit office again today to try to find out what is going on. If they are still not able to confirm that the application has been dealt with you want to know if there is anything you can do about this. Apart from the deposit the landlord has received no money from you and you have missed three months rent.

Two days ago the landlord rang and said that he'd had enough of waiting for the rent. He thought that housing benefit would be paying and he's now fed up. He said that he didn't care that the tenancy still had 3 months to run - he wanted you out. He didn't say when but he mentioned the weekend. You found this upsetting because he sounded quite angry. He's a friend of a friend and so you think that he won't just chuck you out but you are anxious nevertheless. You have to think of the child. You do not want the adviser to write to or contact the landlord at this stage because you think that at the moment this may just make him angrier.

You want to know what landlord can do - can he just chuck you out before the end of the six months - can he put you on the street? What can you do if he does - can you get help from the local council because you aren't sure that you could borrow a deposit again to find a new place? You would like to stay in the flat really and you like the area but are worried about being thrown out. You also want to know what you can do about the housing benefit situation.

NB

1. advice to be given on assumption that agreement is an assured shorthold tenancy - very unlikely not to be;
2. rent needs to be adjusted according to area;
3. housing benefit issues very common in London and Essex - presuming that similar problems elsewhere;
5. client should present as an eviction case - mentioning the threats from landlord - otherwise she may get diagnosed as a welfare benefits (housing benefit) case

MODEL CLIENT SCENARIO 3

EDUCATION

You are the parent of a seven year old child, Donna, who you believe to be dyslexic or suffering from some other form of learning difficulty. You believe your daughter to be bright, but she has seemed to be slipping further and further behind in class. Her class teacher has said to you privately that she thinks she may be dyslexic. She has asked you not to say she said that because the local education authority would not like it. Donna's school reports show that she has difficulty in all classes which involve the handling of written materials and that spelling in particular is a problem. At the same time, Donna does well when she expresses herself orally.

You also have concerns, that you have not mentioned to the school, about a slight clumsiness on Donna's part. Her performance in sport is not bad, but at home you notice that she tends to drop things and exhibits a reluctance to get involved in activities including cooking and anything involving musical instruments. She has tried one or two but without success.

Recently, you have thought that Donna is withdrawing a little. She appears frustrated and less happy at school. There have been reports of her getting into trouble by "talking back" to teachers.

At this stage, you do not know what to do. You are conscious that Donna will be in the school system for a while and you do not want to fall out with the local education authority or the school. You fear that having a solicitor writing letters may do that. You want to make it clear you are not doing this for any money. On the other hand, you are worried and you want to know what is available in terms of Donna's entitlement.

You know that some children get statements of special educational needs, although you do not know much about them other than children get assessed by educational psychologists before they get them. You have heard that some serious cases go to a Tribunal but you know nothing more than that. You would like to know whether Donna might be eligible for a statement, how you would go about getting one, whether a solicitor is necessary for this and if so what they would do, and in particular, how long all this takes.

You do not want the solicitor to do anything just yet; you just want to know a bit more about your and Donna's rights. After speaking to the solicitor today and getting some advice, you will want to go away and talk to the father/mother about it. You certainly do not want the solicitor to contact the school or the authority. It may be that you decide to keep going on with things yourself. **For this reason, you do not want to give the name of the school that Donna attends at this stage.** You are also embarrassed by the situation and do not want this information to be common knowledge in case your child is stigmatised.

You would also like to know whether any work the solicitor does could be on legal aid. You are on income support.

Appendix B: Reporting Forms

MODEL CLIENT NAME _____	PERSONAL VISIT1	(11)		
SUPPLIER CODE _____	TELEPHONE CALL.....2	(12)		
SCENARIO _____	TIME ARRIVED/START OF CALL _____	(13)		
DATE OF VISIT/CALL _____	TIME DEPARTED/END OF CALL _____	(14)		
I confirm that the visit reported on here was conducted according to the instructions given at the briefing on 19 June 2002		(15)		
SIGNED _____		(16)		
DATE REPORT COMPLETED _____		(17)		

PART A – QUESTIONS GENERAL TO ALL SCENARIOS

MAKING CONTACT

1. **How did you first make contact with the firm/organisation ?** (21)
 - By telephone 1
 - In person 2
 - Written communication 3

2. **How many times did you have to call before you got through to a person ?** (22)
 - Once/Made contact on first attempt 1
 - Twice 2
 - Three times 3
 - More than three times 4
 - Did not make contact 5
 - Not applicable 6

3. **Was access easy ?** (23)
 - Yes 1
 - Fairly 2
 - No 3

FIRST POINT OF CONTACT

4a. So far as you are aware, what was the status or function of the person who initially communicated with you from the firm/organisation ? (24)

- Receptionist 1
- Secretary 2
- Triage 3
- Lawyer 4
- Advisor 5
- Other 6
- Don't know 7

4b. If 'Other' at Q4a., please specify: (25)

.....

.....

.....

.....

5. When you first made contact did they . . . (26)

- ... deal with scenario immediately, there and then 1
- ... arrange an appointment for an interview in person 2
- ... arrange an appointment for an interview by telephone 3
- ... tell you they could not help you and did not suggest an
..... alternative form of assistance 4
- ... tell you they could not help you but suggested an
alternative form of assistance 5
- Other (Please specify below)..... 6

.....

.....

.....

6a. If they told you they could not help, did they explain why ? Give details (27)

.....

.....

.....

.....

6b. If they suggested an alternative form of assistance, what was this ? If they referred you to another organisation/firm, give details. (28)

.....

.....

.....

.....

.....

DETAILS OF INTERVIEW

- 7a. If an interview took place, what was the status of the interviewer ?** (29)
- Triage 1
 - Secretary 2
 - Lawyer 3
 - Advisor 4
 - Same person as at Q4a 5
 - Other 6
 - Don't know 7
- 7b. If 'Other' at Q7a., please specify:** (30)
-
-
-
-
- 8. Did the interviewer give you his/her name ?** (31)
- Yes 1
 - No 2
- 9a. Please state the date and time of the interview** (32)
- Date
 - Time
- 9b. Was the interview on time ?** (33)
- Yes 1
 - No 2
- 10. How long was your interview (in minutes)?** (34)
- 11a. Do you feel you had time to explain the problem ?** (35)
- Yes 1
 - Not sure 2
 - No 3

11b. If 'No', or 'Not sure', why not ? (36)

.....
.....
.....
.....
.....

12a. Did the interviewer provide any advice on your 'Scenario' problem ? (37)

- Yes, dealt with the problem..... 1
- Yes, dealt with some of the problem 2
- No, suggested I go somewhere else 3
- Other 4

12b. Please explain your reply at Q12a. (38)

.....
.....
.....
.....

SIGNPOSTING AND REFERRAL

13a. If the interviewer suggested you go elsewhere, what did they suggest ? (39)

(TICK AS MANY AS APPLY)

- Provided the JUSTASK helpline Number (0845 608 1122) 1
- Suggested the JUSTASK website 2
- Suggested I ring the Law Society 3
- Suggested an unnamed CAB (ie no particular office) 4
- Suggested a specific CAB (named a specific office) 5
- Provided me with a list 6
- Other 7

13b. If 'Other', please specify (40)

.....
.....
.....
.....

14. If you were given a list, which list was it ? (41)

.....
.....
.....
.....

- 15. If you were given a list, could you take it away with you ?** (42)
- | | |
|-----|---|
| Yes | 1 |
| No | 2 |

- 16. Did the interviewer make a referral to a specific organisation including making, or attempting to make, contact themselves first with that organisation on your behalf ?** (43)
- | | |
|--|---|
| Referred me to a specific organisation and attempted to make contact on my behalf (the attempt was unsuccessful) | 1 |
| Referred me to a specific organisation, and made an appointment for me on my behalf | 2 |
| Referred me to a specific organisation, but did not attempt to make an appointment on my behalf | 3 |
| The interviewer did not refer me to a specific organisation | 4 |
| Not applicable..... | 5 |

- 17. If you were referred to a specific firm or organisation, name the organisation:** (44)
-
-
-
-

- 18. If they did recommend/suggest or refer you to a specific firm/organisation, did they then advise you as to the likely charges/cost of any of the different alternatives ?** (45)
- | | |
|-----------|---|
| Yes | 1 |
| No | 2 |
| Unsure | 3 |

- 19a. Were you asked to sign any forms ?** (46)
- | | |
|-----------|---|
| Yes | 1 |
| No | 2 |

- 19b. If 'Yes', please give details** (47)
-
-
-
-

20a. Disregarding the legal advice provided, how would you describe the advisor's overall manner ? (48)

- Very helpful 1
- Fairly helpful 2
- Not very helpful 3
- Not at all helpful 4

20b. Give a brief reason to explain your choice (49)

.....
.....
.....
.....
.....

21a. At the end of the interview, did you feel you had been given clear advice on how to proceed with your problem ? (50)

- Yes 1
- No 2

21b. If you answered "No" to Q21a, give a brief explanation why: (51)

.....
.....
.....
.....
.....
.....

MODEL CLIENT NAME _____	PERSONAL VISIT	1	(18)		
SUPPLIER CODE _____	TELEPHONE CALL.....	2	(19)		
SCENARIO _____	TIME ARRIVED/START OF CALL _____		(20)		
DATE OF VISIT/CALL _____	TIME DEPARTED/END OF CALL _____		(21)		
I confirm that the visit reported on here was conducted according to the instructions given at the briefing on 19 June 2002			(22)		
SIGNED _____			(23)		
DATE REPORT COMPLETED _____			(24)		

PART B:Debt Scenario

(Please tick one box only)

1. **Did the advisor ask for a copy of the Credit Agreement ?** (52)

Yes	1	1
No	2	2

2. **Did the advisor advise that it was very difficult to give proper advice in the absence of the agreement ?** (53)

Yes	1	1
No	2	2

3. **Did the advisor advise about the likely effects of failing to pay the contractual instalment ?** (54)

(If the client breaches the agreement by failing to pay the contractual instalment, the likelihood is that the creditor would sue and the court would order, having looked at the clients financial position, an appropriate payment to be made to the creditor).

Yes	1	1
No	2	2
Unsure	2	3

4. **Did the advisor explain that the client might have to return the goods ?** (55)

(There is a strong possibility that the client would have to return the goods and pay half the price of the goods - if it was a hire purchase agreement or conditional sale agreement rather than a consumer credit agreement).

Yes	1	1
No	2	2
Unsure	2	3

5. **Did the advisor ask for details of the welfare benefits that you are receiving ?** (56)

Yes	1	1
No	2	2

6. Did the advisor explain the effect of a breach of contract on your credit rating ? (57)

(If the client breaches the contract by not paying then this could affect the client's credit rating and the client receiving further credit. Additionally a County Court Judgment would have a further effect on credit rating).

- Yes 1 1
- No 2 2
- Unsure 2 3

7. Did the advisor mention the possibility of the agreement being invalid ? (58)

(This could be because of failure properly to execute the agreement under the Consumer Credit Act 1974).

- Yes 1 1
- No 2 2
- Unsure 2 3

8. Did the advisor raise the possibility of payment protection insurance in case of redundancy ? (59)

(Given that the client had only been in employment for a short period this may be unlikely, but it sometimes does occur).

- Yes 1 1
- No 2 2
- Unsure 2 3

9. Did the advisor raise the possibility in the future of an administration order to deal with the other debts if they started to pile up ? (60)

(An administration order is possible where the County Court has given judgment against a person who has multiple payment debts and then an agreement can be organised so that all debts are taken into account and payment is made over a long period to clear them).

- Yes 1 1
- No 2 2
- Unsure 2 3

**PLEASE DETAIL ON THE ACCOMPANYING SHEETS
ALL THE ADVICE GIVEN ON THE ABOVE ISSUES AND ANY
OTHERS**

MODEL CLIENT NAME _____	PERSONAL VISIT	1	(25)		
SUPPLIER CODE _____	TELEPHONE CALL.....	2	(26)		
SCENARIO _____	TIME ARRIVED/START OF CALL _____		(27)		
DATE OF VISIT/CALL _____	TIME DEPARTED/END OF CALL _____		(28)		
I confirm that the visit reported on here was conducted according to the instructions given at the briefing on 19 June 2002			(29)		
SIGNED _____			(30)		
DATE REPORT COMPLETED _____			(31)		

PART B: Education Scenario

(Please tick one box only)

1. Did the advisor give some general advice about the process of statementing ? (61)

(This might include the assessment, the decision, the contents, the statement etc.)

- | | | |
|--------|---|---|
| Yes | 1 | 1 |
| No | 2 | 2 |
| Unsure | 3 | 3 |

2. Did the advisor talk about the possibility of an appeal (to tribunal) ? (62)

- | | | |
|--------|---|---|
| Yes | 1 | 1 |
| No | 2 | 2 |
| Unsure | 3 | 3 |

3. Did the advisor explain the limits of funding (relating to an appeal/tribunal hearing) ? (63)

(Funding would cover preparation for the hearing, but not the hearing itself.)

- | | | |
|--------|---|---|
| Yes | 1 | 1 |
| No | 2 | 2 |
| Unsure | 3 | 3 |

4. Were you given advice about the ‘thresholds’ for statementing ? (64)

(This should make reference to learning difficulties that are not improving as a result of steps taken by the school and which may cause provision outside that normally available to mainstream schools in the area.)

- | | | |
|--------|---|---|
| Yes | 1 | 1 |
| No | 2 | 2 |
| Unsure | 3 | 3 |

- | | | |
|------------|--|------|
| 5a. | Were you told to apply yourself for a statutory assessment by writing a letter to the Local Education Authority ? | (65) |
| | Yes 1 | 1 |
| | No 2 | 2 |
| | Unsure 3 | 3 |
| 5b. | Were you told to keep a copy of this letter ? | (66) |
| | Yes 1 | 1 |
| | No 2 | 2 |
| 6. | Were you told that you could approach an independent educational psychologist, or do this through a solicitor ? | (67) |
| | Yes 1 | 1 |
| | No 2 | 2 |
| | Unsure 3 | 3 |
| 7. | Were you told that there is a time limit to the statementing process (ie you should have heard from the LEA within six weeks) ? | (68) |
| | Yes 1 | 1 |
| | No 2 | 2 |
| | Unsure 3 | 3 |
| 8. | Were you told what to do in the event that six weeks passed without a decision or with a negative decision ? | (69) |
| | Yes 1 | 1 |
| | No 2 | 2 |
| | Unsure 3 | 3 |

**PLEASE DETAIL ON THE ACCOMPANYING SHEETS
ALL THE ADVICE GIVEN ON THE ABOVE ISSUES AND ANY
OTHERS**

MODEL CLIENT NAME _____	PERSONAL VISIT	1	(32)		
SUPPLIER CODE _____	TELEPHONE CALL.....	2	(33)		
SCENARIO _____	TIME ARRIVED/START OF CALL _____		(34)		
DATE OF VISIT/CALL _____	TIME DEPARTED/END OF CALL _____		(35)		
I confirm that the visit reported on here was conducted according to the instructions given at the briefing on 19 June 2002			(36)		
SIGNED _____			(37)		
DATE REPORT COMPLETED _____			(38)		

PART B:Housing Scenario

(Please tick one box only)

1a. Did the advisor advise you that you probably had an ‘assured shorthold tenancy’ (70)

- 1
- No 2 2

1b. Did the advisor tell you what an ‘assured shorthold tenancy’ means ? (71)

- Yes 1 1
- No 2 2
- Unsure 2 3

2. Did the advisor advise that you cannot be evicted from your home without a court order ? (72)

(Illegal eviction - you cannot be evicted from your home without a court order. Protection From Eviction Act 1977.)

- Yes 1 1
- No 2 2
- Unsure 2 3

3. Did the advisor tell you what to do should your landlord try to evict you without a court order ? (73)

(In an emergency client can: call police or call local authority who have a tenant liaison officer who will speak to a landlord in these circumstances; or come back for legal representation if needed. They are likely to be eligible for public funding to obtain an injunction preventing the landlord evicting.)

- Yes 1 1
- No 2 2
- Unsure 2 3

4. Did the advisor give you advice about how eviction proceedings can be prevented or slowed down ? (74)

(Rights as an assured shorthold tenant. Landlord can take eviction proceedings:

a) within fixed term possession proceedings can be brought on assured tenancy grounds under Housing Act 1988 - provided (i) the tenancy agreement includes a clause allowing Landlord to re-enter or terminate tenancy for breach of covenant or if one of statutory grounds for possession exists and (ii) correct notice of proceedings given. (iii) Prove ground under Schedule 2 Housing Act 1988. In this case mandatory ground 8 can be used where rent arrears are over 2 months rent.

b) once fixed term has expired landlord can take accelerated possession proceedings - Provided correct notice served - 2 months - Notice Requiring Possession - court will order possession. As at time of writing can ask the court to adjourn possession proceedings pending Judicial Review in respect of housing benefit.)

Yes	1	1
No	2	2
Unsure	2	3

5. Did the advisor advise what could be done to get the housing benefit application determined ? (75)

(Housing Benefit - Council are in breach of regulations governing determining housing benefit applications: HB (General) Regs 1987 - reg 76(3) - claims should be determined within 14 days or as soon as reasonably practicable thereafter. Letter before claim could be sent on client's behalf in respect of Judicial Review proceedings, further advice to client re public funding and proceedings for Judicial Review.)

Yes	1	1
No	2	2
Unsure	2	3

6. Did the advisor give you advice on the implications of leaving the house voluntarily ? (76)

(Local authority help

a) as homeless under Part VII Housing Act 1996 obligations to unintentional homeless in priority need - but application likely to be premature at this stage and client should be advised of finding of intentional homelessness and implications of leaving the flat voluntarily at this stage – So do not leave the house voluntarily !

b) longer term - is client on the housing register ? Can make an application now.)

Yes	1	1
No	2	2
Unsure	2	3

7. Did the advisor get your priorities right - ie understand that you want to (77)

(a) get housing benefit sorted out and

(b) make sure you are able to stay in the property ?

Yes, focussed mainly on (a)	1	1
Yes, focussed mainly on (b)	1	2
Focussed on both (a) and (b)	1	3
No	2	4

**PLEASE DETAIL ON THE ACCOMPANYING SHEETS
ALL THE ADVICE GIVEN ON THE ABOVE ISSUES AND ANY OTHERS**

MODEL CLIENT NAME _____ PERSONAL VISIT1

(39)		
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SUPPLIER CODE _____ TELEPHONE CALL.....2

(40)		
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SCENARIO _____ TIME ARRIVED/START OF CALL _____

(41)		
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DATE OF VISIT/CALL _____ TIME DEPARTED/END OF CALL _____

(42)		
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PLEASE PROVIDE BELOW A FULL AND DETAILED ACCOUNT OF THE VISIT, BEING PARTICULARLY CAREFUL TO PROVIDE DETAILS COVERING THE ADVICE YOU WERE GIVEN.

(43)		
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DO NOT IDENTIFY THE TYPE OF ORGANISATION VISITED HERE.
DO NOT IDENTIFY BY NAME THE ORGANISATION, OR THE PEOPLE YOU SPOKE TO.

(44)		
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WRITE CLEARLY AND NEATLY IN BLUE OR BLACK INK OR BALL POINT PEN.

(45)		
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