

# Legal and Advice Sector Roundtable

Tuesday 23 March 2021, 4–5:30pm

**Via Zoom**

*The March Legal and Advice Sector Roundtable (LASR) (rescheduled from February) focused on Early Legal Support and Advice (ELSA).*

## Meeting Notes

### 1. (Remote) means and methods – delivering early advice

#### **A Family Law Model for ELSA**

To address some of the issues in family law, a model has been proposed to reintroduce early legal advice, targeting legal aid, in family cases. The model has three main components:

1. A reintroduction of early legal advice in all cases for all those who are means eligible. One of the additional functions of this will be to divert appropriate cases into various dispute resolution options.
2. Reinstallation of representation for both sides in cases where're domestic abuse is present.
3. Reintroduction of legal aid for all financial proceedings.

This project aims to be cost neutral with funds clawed back from statutory charges spent representation for both parties in cases of domestic abuse. The model is focused on ELSA to give appropriate warnings of potential unforeseen issues and has a detailed approach that centralises child needs. It is anticipated that the model will save time at hearings, protect the judicial function, and protect women.

The project will require funding to undertake the research and initial progress was made exploring a pilot funded by the Ministry of Justice, but this hasn't come to fruition. Instead, LAPG are applying for funding to try and prove the concept and/ or understand the financial benefits of the project.

#### **Courtnav/ Finding Legal Options for Women Survivors (FLOWS)**

RCJ Advice produce tools to support women survivors of domestic abuse including the Courtnav FL401 tool. This tool allows users to share information to populate an injunction claim which is sent to a specialist domestic abuse lawyer and reviewed within minutes. The lawyer will then contact the user with next steps.

Since launching CourtNav in the first lock down (April 2020) over 20,000 Courtnav accounts have been created. Nearly 50% of these, 9600 have resulted in an FL401 application being checked by a solicitor with over 3,500 resulting in an order. Others result in warning letters, others being kept safe by another family legal remedy, and others that are not appropriate.

Courtnav provides an important route into other advice services and it is increasingly signposted to by HMCTS and the police.

Getting the message out about the availability of this support is key. Working with HMCTS has resulted in over 6,000 survivors finding us through GOV.UK. Citizens Advice include Courtnav on their website reaches a further 2,600. Police refer domestic abuse survivors to Courtnav and have so far directed over 1,500 survivors to the tool.

The next step for the service is to work to reach more women to ensure the 10,000 or so survivors that start a Courtnav account but don't complete it are safe. A live chat function and a chat bot have been introduced to provide an out of hours service which picks up on user hesitation or a stall in form completion.

It is also important that the service is able to respond to other legal needs users have. A new allied service, SupportNav, is being introduced which will pick apart the other issues we know users have, and identify other legal remedies such as divorce, child contact, protection from harassment and criminal remedies and importantly links to practical and emotional support. While still in the early stages of development, this tool will ensure survivors, for whom a domestic abuse injunction isn't immediately the most obvious option, get early access to alternative remedies that meet their needs.

This solution wouldn't be possible without the support of 85 solicitor partners across England and Wales, nearly 2,000 front line agencies we work with who support survivors, and both HMCTS who we work with to signpost to CourtNav, and the Ministry of Justice who fund our work.

Partnership working has been crucial to the successful increase in awareness and use of the tools, in particular the support of national networks such as Refuge, Citizens Advice, and Support Through Court.

The next step will be to extend partnership working to include community-based services and hubs such as schools, hairdressers, and other agencies who aren't linked to formal networks.

### **Advice UK**

Advice UK gave a general overview of some of their findings relating to early advice and support initiatives, in particular a project based in Bristol which was funded by the Aviva Community Fund. The project started in early 2020 and was funded from 14-16 months so covers the pandemic period.

While the delivery focused on welfare benefits, housing, and debt the project also looked at journeys into, through, and out of advice. The project was not initially based around digital services but naturally pivoted to monitoring remote service delivery in response to Covid.

Advice UK shares the full report, *Whole Person Approach Interim Report March 2021*, but the keys learning from the project were:

- In order to be effective, early advice has to be integrated in other services that people in need of advice are using on a regular basis.
- The positioning of advice organisations as " legal expertise" alters user perception of services and puts them off accessing services at the "right time".
- Successful ELSA (both digital and non-digital) recognises the importance of the role of trust and positioning.
- Framing is hugely important, as is terminology. Using the terms "early" and "late" are unhelpful and can make users feel overwhelmed and hopeless (as in "too late" to receive help). Instead, we use the "right time".
- Front loading expertise, so users see the most experienced advisor first, works. These advisors will be able to provide insights into the potential journey through advice and the resource users will need to pursue their case in terms of financial cost, time it will take, and mental stress. This is where the trust and relationships developed with users is so important, users are more likely to implement advice from services and people that they trust and feel understand their situation.

- Public Legal Education works well in this environment.
- It is important to understand how advice fits with user journeys and other aspects of user life. To be effective ELSA must be adapted to meet user journeys, rather than being a fixed point.

Using the terminology of the "right time" came from researching the user journey. The "right time" is when users feel it is appropriate for them to access support services. What and when advice is "early" is relative to the individual.

Advice services can benefit from unpicking their understanding of user demands and response and challenging our understanding of user journeys. Our assumptions about these factors could be, and are often, wrong.

The report contains good data for making the case for more public legal education support around improving an individual or community's ability to recognise a legal issue and the legal advice that might be required.

### **LawWorks**

The Free Legal Answers tool has now been launched. You can find out more about the initiative on the [LawWorks website](#) and you can also watch an [introductory video](#) to the tool. Referral advice agencies are provided with a password to access the tool online and from there can ask questions online.

LawWorks is also working on the development of several other online initiatives:

- The [Pro Bono Portal](#) which is based on the Australian project, [Justice Connect](#),
- Working with the Law Society of England and Wales on Major Incident Response project, and
- [The Jeanie Project](#) which is a triage tool.

You can read more about the digital LawWorks initiatives [here](#).

### **Online Advice Platform**

The Online Advice Platform concept note was circulated to the group. It explores how legal advice delivery could be built into online justice processes and delivered remotely to those who are geographically isolated, supporting both the substantive legal and digital elements of the Online Court as part of the Court Reform Programme.

The concept is aimed at addressing some of the key shared areas of concern around:

- Preventing digital exclusion,
- Providing justice in time of austerity (including to legal aid advice deserts),
- Signposting to services,
- Triage of legal problems,
- Direction to and booking of online and face to face advice appointments, and
- The need for client sided support and the importance of helping people understand the advice they're getting.

With services moving online, the question of how people find, and access legal services has become more pertinent and, while online services do present the opportunity for a wider availability of services geographically, there is still a need for users to be able to access their trusted service providers locally. The approach to delivering digital or non-digital services should be based on an understanding of community needs and circumstances. This links for the identified need for trust and relationships between services and their users.

The concept note is research informed and has a focus on enabling access to quality assured and specialist legal advice in line with the Courtnav and Law for Life/ Resolution projects. For example, where areas of advice are heavily regulated, e.g. Immigration advice, online service providers will have to meet service standard requirements before their services are made available to users.

The concept note has the potential to be developed as part of a collaborative, cross-sector initiative. The group is invited to join the group endorsing the development of an online advice portal and feed in their thoughts and feedback to the concept note which is an open document. The group has already identified the need for support from HMCTS and the Ministry of Justice, including financial support.

Several group members voiced their support for, and endorsement of, the concept note.

### **Pro Bono Communities**

Online advice is an increasingly used delivery method, but there is evidence to suggest there is limited take up of video specific offerings. Pro Bono Communities have just concluded two digital advice projects where volunteers were working remotely, and the local citizens advice was referring users to the video service. The project suggested that clients didn't have the capability or resources to access video-based services and so resorted to audio instead.

### **Employment Legal Advice Network (ELAN)**

ELAN has funding for another year to run the network itself and another year of funding for the online pro bono mediation service, DRAW, which is mediation for workplace issues.

### **The Law Society**

There is a feeling that the argument in favour of ELSA has been won with the Ministry of Justice and that the next step is convincing Treasury.

There is frustration that, despite evidence that an investment in ELSA is much more effective, there is still a focus on signposting to and increasing the take up of mediation. This approach links directly with future issues we expect on the horizon, our focus should be on steering as many people away from the courts and into advice as possible to enable us to work effectively through the backlog.

This is another opportunity to look again at where and when the need for a qualified lawyer arises. These will be where the situation is complex, where the problem is likely to go to court, wherever proceedings are already underway (to prevent prejudice).

However, there will always be situations where, until a lawyer is involved, the other party will be disinclined to resolve the issue. There is still a legitimate need to retain the possibility of lawyer in all cases.

We also need to be thinking about the return to face to face. Remote legal advice services are better than nothing, and for some it will be adequate, but there will always be those who cannot access online offerings. We need data and evidence on what works and what doesn't, and we need to evaluate any and every project in this area effectively.

## **4. Reaching communities earlier**

Law for Life gave a presentation on the Affordable Advice project which is run in partnership with Resolution.

Amongst a host of learnings, the key discovery has been that websites can be empathetic. They don't have to be high tech, in fact low tech can be preferable, but it is important they are written in an accessible style.

## 5. Update from the Ministry of Justice

The minister responsible for ELSA has changed to Lord Wolfson, as Alex Chalk MP takes up a new brief as the Prisons Minister. There is a firm belief that early advice is a good thing, both for the citizen and the state, and a desire, where it is possible and appropriate to embrace technology and digital services.

There is strong ministerial support to be more ambitious and go further than the initial commitment made in the [Legal Support Action Plan](#) (LSAP) to coordinate a signpost to advice. We are developing a housing disrepair tool, as well as a civil legal advice prototype, which we are aiming at those who are able to self-serve. We appreciate that digital only models are not effective and so we are exploring blended models of service delivery.

Our current focus is on the user journey on GOV.UK to identify the current gaps in provision. From there we will be able to assess whether to support the legal and advice sector to address those gaps or address the gaps internally. We will continue to work with providers to complement, and not duplicate services.

We are considering what our role should be, and how we could best to deliver, in terms of reaching communities earlier. The Ministry of Justice have funded Law for Life to deliver some additional training to trusted intermediaries supporting them to link people from poorly served communities to appropriate support at appropriate time. We are awaiting the evaluation of this project to see how we can develop further in this area.

The LSAP made a commitment to exploring the benefits of co-location of services through a pilot, this was put on pause at the start of Covid. We will look for an appropriate time post restriction to pick this up, work in this area will consider several options, will build on previous work, and will include an evaluation and learning piece.

We are also investigating the implementation of a dashboard to capture changes in legal need and monitor the associated up and downstream consequential issues. This will help us to tell a narrative of how legal need interacts with other user needs and vulnerabilities.

## 6. Summary

ELSA is an essential part of supporting those in need to engage with their legal issues, however this is not an entire solution if people can resolve these problems; we are dealing with an entire system. If challenges to rights can not be addressed, there is no teeth. There has to be a process where, if all else fails, you can litigate.

The next meeting will continue on the theme of Early Legal Advice and Support.

### **Actions**

1. The LAPG survey will launch on 12 April covering those who conduct legal aid and looking at future practitioners and pipeline issues.
2. Please read the Online Advice Platform concept note and get in touch with Jodie and Martha with feedback and endorsement.
3. Additional resources/ reading:
  - [Advice UK Whole Person Approach Interim Report March 2021](#)
  - [Law for Life presentation](#)
  - [Justice and Innovation Group March meeting notes](#)
  - [Open-source list of other networks](#) to consider with early intervention.