

## Addressing inequalities in access to justice

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### Final report of the SRA's RPF2 project

#### Executive summary

##### The Regulators Pioneer Fund

The Regulators Pioneer Fund (RPF) is an initiative, set up in 2018, by the Better Regulation Executive (BRE), part of the Department for Business, Energy and Industrial Strategy (BEIS). Its aim is to help create a regulatory environment that gives innovative businesses the confidence to invest, innovate and deploy emerging technologies for the benefit of consumers and the wider economy.

A first phase of the RPF (known as RPF1) saw £10m invested in 15 regulator-led projects, across a wide range of industries and sectors. These included a project run in partnership between the SRA and Nesta challenges, which saw grants and prizes totalling £500,000 awarded to early stage developers of digital technology solutions that sought to provide help for individuals and SMEs in understanding and resolving their legal problems. [A report \[https://www.sra.org.uk/sra/research-publications/legal-access-challenge/1\]](https://www.sra.org.uk/sra/research-publications/legal-access-challenge/1) on the success of this project was published in June 2020.

A second round of funding (known as RPF2) was awarded in 2021, with £3.7 million made available to 21 selected projects. As part of this second round the SRA won [a further grant of £167,856 \[https://www.gov.uk/government/publications/projects-selected-for-the-regulators-pioneer-fund/projects-selected-for-the-regulators-pioneer-fund#physical-standards-foradeno-associated-virus-aav-gene-therapy\]](https://www.gov.uk/government/publications/projects-selected-for-the-regulators-pioneer-fund/projects-selected-for-the-regulators-pioneer-fund#physical-standards-foradeno-associated-virus-aav-gene-therapy).

This money was used to fund a project to develop an approach to understanding and mapping legal provision in two geographical regions of England and Wales. It then further looked to understand where key gaps in access to justice existed and how technology might be able to help address these.

This report provides a summary of the outcomes of this project.

Applications to a third round of RPF funding (RPF3) were accepted by BEIS during the summer of 2022, with an evaluation of these submissions due to be published later in the year.

#### Background

Improving access to justice is one of the SRA's regulatory objectives, set out in the Legal Services Act 2007. Much of this work is focused on reducing unmet legal needs, which is the gap between those who would benefit from professional legal help and those who receive it.

The covid-19 pandemic has undoubtedly increased the potential for unmet legal need existing, especially among vulnerable groups. Not only has the changes it has brought potentially impacted people's ability to access services, but its wider economic and social impact may also have increased the likelihood that they experience legal problems in the first place. For example, in areas relating to debt, housing provision, employment or domestic violence.

The impact of such issues are often disproportionately felt by those already most marginalised from seeking professional legal help, for example those on a low income, women and girls, migrants, people with disabilities, LGBTi+ communities and racial and ethnic minorities.

But while the covid-19 has increased the potential for unmet legal need, it has also potentially created greater opportunities to address such issues. The pandemic, or more accurately lockdown, has accelerated the adoption of technology across all sectors of industry, including the legal advice sector, leading to the rapid implementation of new platforms, information sites and ways of working.

As we recover from the pandemic, the task now is to understand how best innovation in service delivery can be used to improve legal advice service provision and increase access to justice for citizens. This must recognise that some people face multiple barriers to accessing services online and that people value individual help even when dealing online with a problem.

Through this project we sought to review how existing research and data might provide fresh insights into localised legal provision, specifically whether there are regional differences in legal needs and the digital divide. Evidence suggests some people have adapted from the compulsory switch to online services whilst others have fallen even further behind. The digital divide is not binary, people need varying degrees of support to access services online and there are some people where access to in person one-to-one assistance will be especially critical.

By focussing on two distinct areas of England and Wales, we hoped to learn lessons and develop approaches which could potentially be applied in future to other/all areas in either country.

#### Our project

By mapping existing legal need, our project aimed to stimulate new approaches and offer new pathways to utilising technology and innovation. Through this we hoped to demonstrate how such an approach can remove long standing and growing inequalities with access to justice.

We also set out to explore the ethical and consumer protections needed to build public confidence and trust in online services, an increasingly key component of any solution. Our approach aligned with the UK Government's priority to boost the fast-growing digital economy, and 'level up' the country by tackling geographic and socio-economic inequalities in access to justice.

The project focussed on trialling this approach in two areas: the west of England and South Wales. These areas were selected in part as they are home to existing/emerging legal innovation hubs, were introduced to us through the RPF consortium development, and allowed for the full range of elements we wanted to explore to be considered.

Partners involved in this project included:

- Swansea University's Legal Innovation Lab and Law Clinic
- West of England Combined Authority (WECA)
- The University of the West of England's Business and Law Clinic (UWE)
- University House Legal Advice Centre (UHLAC)
- The Information Commissioners Office (ICO)

While not formal partners, we also engaged with the legal advice communities around Swansea and Bristol. We also collaborated informally with the Welsh Government, who was supportive of this work.

This collaborative, partnership approach meant we were able to achieve a greater regional coverage, an approach praised by the then Department for Business, Energy and Industrial Strategy: 'The SRA's access to justice project - particularly its work with universities, local government bodies and third sector organisations - highlighted the important role collaboration plays in creating an improved regulatory outcome.'

The project was split into five distinct work packages:

**Mapping existing legal advice provision:** Collation of existing government, local authority and advice agency datasets and other research to understand and map legal advice provision

**Workshops with advice agencies to explore gaps in service:** To explore and understand their experiences, coverage, customer experience, and the tools they use;

**Use of lawtech to increase pro bono services:** Research into law firms' pro-bono services to explore how these could be developed to support so-called legal access 'deserts';

**Open Innovation challenge:** An open innovation sprint to develop new digital concepts and tools for legal access and planning a legacy for the project once it completed in March 2022;

**Evaluation and long-term legacy:** An evaluation study of the project, in which a series of further activities were undertaken to secure its legacy in each region.

## Outcomes and successes

Our RPF2 project helped us gain insight into access to justice challenges in each area covered. By working with legal advice agencies, charities and clinics in these areas, we were able to build a picture of what the legal advice provision, and the consumer experience looks like on the ground.

A key outcome was the reusable methodology of the project. Pairing local authorities and regional universities to work together (as we did in the West of England) has the advantage of local connectivity to locate advice agencies, and the universities have the resources to tackle to challenges in developing new concepts. We aim to repeat the project in another region of England and Wales in the future.

Even within the short timescale, the project delivered a number of tangible outcomes. We will continue supporting these through further development and promotion where appropriate. These included:

- Two new digital tools (a legal advice mapping tool and disability benefit appeal tool for a charity)
- A series of further digital concepts developed via the innovation challenges
- Research findings and approaches which will help inform future developments across both regions.

One of BEIS' objectives was the networking and connectivity of the RPF programme, and this ran throughout our project. For example, following the advice agency workshop in the West of England, participants readily agreed to stay in touch and continue meeting regularly in the future. The SRA have also strengthened our working relationship with Swansea University, who operate their own Legal Innovation Hub. We were delighted to support BEIS and raise awareness of the success of the RPF programme within Welsh Government.

The project also helped us, as a regulator in the legal sector, build our understanding of where we can make the most impact. Our convening ability across legal services is strong thanks to good awareness of what we do and who we are, be it charities, volunteer or free legal advice sectors, universities with law faculties, and government, both local and national. This work has helped us shape the next year of our business plan by focusing our attention in each of these groups.



provision of broadband access varies by location and can hinder access to digital tools. We also used the Citizens Advice data dashboard to identify regional trends in legal needs and justice gaps.

- **Developing indicators of particular vulnerability within a specific location.** Working with WECA, we drew on several datasets to show where there are particularly vulnerable people, facing multiple barriers to accessing justice. This could be used to better target online and offline resources based on individual's specific needs.
- **Understanding the range of self-help tools** including simplified benefit, court and tribunal forms that are available, or are in development and. We also looked at how these might map across to access to justice gaps. This work evolved into the development of our own tool with charity AdviceNow.

**Summarising best practice internationally**, we connected with our Agile Nation partners, as well as research being undertaken at UWE. We also looked at research undertaken in Canada by Legal Aid British Columbia [on achieving digital equity in access to justice \[https://net4justice.notion.site/Achieving-Digital-Equity-in-Access-to-Justice-Final-Report-2dd913e676d44915a9cedb207f070c9b\]](https://net4justice.notion.site/Achieving-Digital-Equity-in-Access-to-Justice-Final-Report-2dd913e676d44915a9cedb207f070c9b). Roger Smith from the described his top ten lessons from this work.

Overall, our analysis provided further insights for participants to contextualise these justice innovation challenges. In particular, the mapping tool we produced will make it possible for others to use and inform future initiatives to solve justice gaps, funding programmes, as well as resource and training requirements at national and localised levels.

## **Work Package 2: Advice Agency research**

Our partnership hosted two workshops with advice agencies to explore how technology can support access to justice and understand the challenges this brings. This included how technology is currently being used and the customer experience shaped by its application.

Participants were drawn from Bristol, the southwest of England and from across Wales into two workshops, one in each region. They came from a range of sectors and specialities, working in urban and rural advice agencies, university law clinics, ethnic and demographic advocacy groups as well as local authorities and national bodies.

These events were designed to highlight what the issues were in the application and use of technology. Set in the context of the impact of the coronavirus, both workshops looked at the main impacts that the imposed use technology had brought to the advice sector. These included both benefits and disadvantages for different types of clients, reflecting both their personal circumstances and their ability to interact successfully with the technology.

The workshops also sought to identify what might improve the situation for clients, both in terms of identifying technological improvements to increase access and availability, and in improving collaboration between advice agencies in terms of referrals and the sharing of information.

We also undertook extensive engagement with those offering legal advice on a pro bono basis to understand what the opportunities are for technology to boost the impact of pro bono partnership services.

This work offered great insights about the problems that need to be addressed and informed the innovation challenges that we are ran in Work Package 4.

### **Legal service providers can be difficult to access**

Feedback from workshops was that the compulsory switch to online advice services that Covid brought has proved particularly difficult for some groups including those where reading and writing levels may be lower, such as in the gypsy/traveller community. In addition to digital literacy skills required to interact with systems, there is also the potential for a lack of hardware needed to operate easily online. This has also led to increased reliance on external support to obtain advice and services.

Groups who struggled with, or did not use technology prior to the pandemic, may be even further isolated as many government and support services – including with legal help and advice – have moved online. For people that rely on or prefer on face-to-face appointments, clinics may have limited opening times and available spaces, and be geographically remote.

Participants reported that other groups have benefited from the online move, for example because technology might break down their isolation or allow for anonymous interaction if that is preferred. People who are homeless are willing and able to embrace the technology are notable beneficiaries using the access to support that apps on smart phones offer.

People needing to take medication were cited as another group who may also benefit from the flexibility in appointment times that online services can provide, although we were cautioned that careful engagement with people is needed and that a one size fits all approach does not necessarily work. We also heard that whilst there is still scope for improvement in how to involve and support people with visual impairments, the growing use of technology that uses screen readers during the pandemic has opened work opportunities for them.

Advice centres also said that finding ways to engage with the most difficult to reach that need their services in the design of legal technology tools is an issue.

### **A skills gap is limiting the provision of pro bono services**

Our work led by University House Advice Centre with pro bono stakeholders, including with the profession-led UK Collaborative Plan, drew out new ideas for enabling pro bono services to have greater impact. The plan sets aspirational targets for pro bono hours, as well as a commitment for participating law firms to work together to develop the systems and infrastructure to allow regional pro bono services to thrive.

Virtual pro bono clinics are attracting far more senior lawyers to get involved, but there are still barriers and pressures. The risk is that junior lawyers will become less likely to get involved in pro bono advice as they progress in their careers. As a result, there remains a shortage of legal advisors to staff free legal advice clinics. Often, lawyers want to volunteer but they do not feel confident that they can advise on areas of law beyond their expertise.

Law firms are also nervous about releasing their lawyers to offer pro bono support on areas of law beyond their expertise. Approaches from local firms to offer pro bono services are therefore sometimes not been taken up because university law clinics are not resourced to provide the additional social welfare, safety and supervision training that clinics require in these settings.

### **Language barriers**

Legal information is often communicated in a way that is complicated to understand. This means that people do not know their legal rights or entitlements, whether their problem is a legal one or how to find useful information and answers to resolve their issue.

This is even more problematic for non-English speakers. Most online advice and technology (including webchat) to support this is in English. Advice agencies felt that technology interfaces need to be offered in the language that a user is most comfortable with and should not need to default back to English. If there is a need to switch between one or more languages, this needs to be made as easy as possible. Telephone advice is also made more difficult when using interpreters.

A specific issue in Wales is the increasing divergence of Welsh and English law in some key areas like housing. As well as overcoming language barriers, systems need to be able to recognise this difference and provide information appropriate to the jurisdiction.

### **Support is needed to adopt technology and manage data privacy and security risks**

There are set up and ongoing maintenance costs with increased use of technology. Many smaller advice agencies lack the funds and internal expertise to make the most of all the features of the case management systems they use. There was positive feedback when moving to a cloud-based system or making use of Microsoft applications, where they can be accessed away from offices whenever needed. Agencies reported that the use of technology has evolved over time with moves to make it simpler and more streamlined to use. Others reported challenges with software such as SharePoint difficult to adopt and resource-intensive to provide staff training.

There are also security and confidentiality risks that need to be addressed. The use of tools such as WhatsApp have clearly benefited some clients, but the agencies raised worries about data privacy issues, accurate record keeping where contacts are derived from multiple sources, the use of personal phones as the host for social media tools, and wellbeing issues about being constantly available.

These issues might be addressed by support tools whereby advice agencies can share their experiences of how they are using technology, the challenges they are facing and access best practice and guidance to solve these.

### **Commercial case management systems may not be suited for the advice sector**

The free legal advice sector relies on a multiplicity of commercial case management systems which may not be well suited to them. They do not easily interact with government systems or work together to be able to exchange data easily and securely when advice agencies make referrals, despite often being available to charities under free licences. Tailoring these systems and implementing manual work-arounds can be very labour intensive. Issues have also arisen as many universities have had difficulty in getting the case management system approved by their legal team, leading to further workarounds on older platforms.

### **Lack of visibility and trust in self-help tools**

Whilst there are some useful online sources of legal information such as provided by [Citizens Advice](https://www.citizensadvice.org.uk/) <https://www.citizensadvice.org.uk/> and other websites these often contain static information about services offered and links to resources. There is lack of trust and visibility of interactive self-help tools that are being developed, for example, chatbots such as [Access Social Care's Alice](https://www.sra.org.uk/sra/how-we-work/reports/legal-access-challenge/) <https://www.sra.org.uk/sra/how-we-work/reports/legal-access-challenge/> which is now open source.

Web-based platforms that can generate customised documents/forms using information from user responses to a questionnaire are becoming more common. These tools can be either used directly by the public or to support face-to-face advice provided by an advice agency or law firm. They are being developed, for example, to help complete documents required in employment and family law court and tribunal proceedings. Available

from the HM Courts and Tribunal Service, they can be searched through the [form-finder website](https://www.gov.uk/government/collections/court-and-tribunal-forms) [<https://www.gov.uk/government/collections/court-and-tribunal-forms>]. HMCTS recently worked with colleagues from [MOJ Digital & Technology](https://mojdigital.blog.gov.uk/) [<https://mojdigital.blog.gov.uk/>] to improve usability and make forms and guidance easier to find.

Another potential area where a simplified form could be helpful would be for disability benefits appeals which is one of the highest volume problems seen by community advice agencies. We heard that charities supporting people with mental health issues had to help complete very lengthy forms that clients struggled with. This particular challenge was taken forward in Work Package 5 where we funded a new tool to overcome this.

### **Limited signposting tools to connect across agencies/manage capacity**

Within their own organisations, advice staff have used technology to share workloads more easily between individuals or offices. Where physical offices were closed, it has had a positive social impact by maintaining staff contact and making meetings more efficient. Advice agencies observed that the multiple channels now available for people to contact them can make a consistent approach to recording and securing information has become challenging.

The advice sector is also finding ways to better connect to enable the sharing of workloads across agencies managing capacity and connecting people to agencies or professionals with the required specialism. For example, the [LawWorks tool](https://www.lawworks.org.uk/) [<https://www.lawworks.org.uk/>], part of its not-for-profit programme, helps connect volunteer solicitors with small not-for-profit organisations in need of legal advice.

In other cases, clients are over-referred onto organisations that lack the capacity to take on more cases. This can lead to clients being passed around advice agencies. This is particularly acute at certain times of the year. University clinics have significantly reduced availability outside term times, and some clinics do not have the required specialism to support a client so need to refer a case on. However, they do not know the capacity of the clinic to whom they are referring. While some areas may not offer an appropriate agency able to help, those in other parts of the country may have capacity.

Where there is a referral to another agency, advice agencies also mentioned that tools that help them to export information securely to another agency would be useful. We also heard that where there may be multiple agencies involved in a trusted single point of contact would be helpful for people needing help.

### **Some funding sources for specialist services may not be accessed**

There are financing sources that are available for paid for specialist advice that are not being used. There remains a lack of awareness of legal aid eligibility, and it is not easy to check whether insurance policies people hold may cover legal expenses. Evidence from the [LSB Legal Needs Survey 2020](https://legalservicesboard.org.uk/news/largest-ever-legal-needs-survey-in-england-and-wales) [<https://legalservicesboard.org.uk/news/largest-ever-legal-needs-survey-in-england-and-wales>], highlighted that among people responding about a legal issue eligible for Legal Aid, who have a household income of £32,000 or less, 85 per cent did not think they were eligible for support. It has been suggested by the advice sector that creating an insurance checker would allow individuals to confirm easily whether any of the insurance policies they have include legal expenses insurance suitable for the legal issue they have.

## **Work Package 3: Use of lawtech to increase pro bono services**

### **Interviews with large law firms**

UHLAC explored what larger law firms were presently developing in the lawtech space concerning pro bono. Very few were doing anything other than directly managing their pro bono practices. A couple of the large international law firms were using platforms such as Palladin or Pro Bono Manager to help manage their non-time sensitive pro bono offerings. Other than the use of the above clearing house platforms, we didn't find much appetite or need to develop any lawtech specific to pro bono services.

Since the start of the pandemic, almost all pro bono clinics are now held remotely using webcam or telephone. Nearly all the firms noted that this change had meant that more senior lawyers had got involved in their pro bono clinics, and that they had found such clinics easier to manage. For example, if a clinic does not require physical attendance, then volunteers were less likely to cancel attendance if they are busy at work.

On the issue of using lawtech to help address access to justice regional inequalities, our interviews yielded some challenges. One pro bono counsel said that 'an already thin resource could be spread even more thinly'. That said, all understood the strategic importance of helping establish pro bono projects outside of London, where in urban areas, pro bono services are generally easier to find.

Operating a pro bono legal advice clinic costs money to provide training and supervision. Most such clinics also use commercial case management systems (CMSs) but these are not always free of charge. Generally, we learnt that commercial law firms do not use their own CMS for pro bono work; instead, they will use the CMS of their community partner. This means that they are not interested in developing an expert knowledge of the secondary CMS, instead they want to work with an external CMS which is quite basic but is also intuitive.

There can be a high turnover of staff on pro bono clinics, so it is important that their volunteers are able to quickly become familiar with the external CMS. We found a real willingness to help the community advice sector to develop a common CMS, which is both secure and safe, and which is easy to use and free of charge.

The discussion suggested that such a CMS could eventually be just one component of a national advice platform, which could contain, amongst other things, a universal triage system, a universal referral system, a universal webcam streaming system, together with a host of self-help tools aimed at advisers and caseworkers. There would be further benefits in standardising this kind of legal advice in terms of training and development costs.

### **University law clinics**

In December 2021, UHLAC attended a workshop on lawtech hosted by fellow consortium member the University of the West of England. Representatives from five university law clinics were in attendance where the main topic of discussion was the CMS. All university law clinics are offered the CLIO commercial CMS free of charge, but CLIO is a sophisticated system geared to billing and is not appropriate for law student volunteers. All five clinics stated that they really wanted a basic CMS because of their high turnover of law student volunteers. They all reported that they could ill-afford the time taken to make volunteer law students familiar with sophisticated systems and utilise all the CMS functionality.

All five university law clinics reported that in recent years they had been approached by local commercial law firms who were interested in pro bono, but few, if any of these potential opportunities had been taken up because the law clinics are unable to provide the appropriate social welfare law training and supervision. UHLAC already provides exactly this type of support to Exeter University, and a positive outcome of this work was that UHLAC would offer the same support at cost price to other university law clinics in England & Wales. The aim is that by establishing pro bono standards around regional university law clinics, then a framework may emerge around which other regional access to justice projects might thrive.

### **Advanced technology concepts**

There is a disconnect between the lawyers prepared to undertake pro bono work and those actually doing so. Typically, the volunteer lawyer is asked to commit to a particular evening each week or each month. Lawyers who seek to volunteer are often employed by large commercial law firms who understandably require their lawyers to be available when required, and this requirement seldom dovetails with their desire to volunteer.

Large numbers of lawyers now experience pro bono very early in their careers. Most law schools now provide pro bono projects for law students as part of their training. There is a challenge to maintain support in pro bono beyond the point that newly-qualified lawyers enter the workplace, and ensure they are given and get involved with pro bono opportunities once they are employed.

### **Platforms that might support volunteering**

The workshop also covered the concept of a pro bono digital platform to deliver more hours, and what it might look like. The basic idea is a volunteer lawyer signs in on the platform to take part, and whilst signed in, they field webcam calls coming into the platform during slots agreed with the partner law firm. The volunteer lawyer will have received appropriate training and would have been signed off as competent to field calls on specific key social welfare subjects, and whilst signed into the platform would only field calls on their chosen advice stream.

Ideally, such a platform should offer a full casework service. Some calls will just require 'advice only' support, but some will require a letter or pleadings to be drafted. Every volunteer signed up to the platform will be expected to help draft letters/pleadings. In practice, workshop attendees noted that this may mean that the volunteer only takes one webcam call during a particular session.

The platform should also allow the volunteer lawyer to seek confidential advice from one of a supervisor through typed web-chat (similar to gaming) either during their webcam call with the user or afterwards.

The volunteer lawyer would never goes on the record for tribunal or court proceedings. All letters and pleadings drafted are subject to established supervision protocols. Should the member of the public require further advice on the same matter at a later date, and they access the platform again, then they will be put through (in all likelihood) to a different worker/volunteer, who has access to their file notes and scanned documents.

Protocols for both advisers and users of the platform would need to be developed. Advisers would receive guidelines on how to engage with vulnerable users and on issues such as active listening and user management.

As part of the platforms FAQs, users should be advised to have their documents (if any) available electronically, failing which they can simply use their smartphone to photograph any documents which they want the volunteer lawyer to see. This is an alternative to scanning the documents if the user does not have ready access to a scanner.

There are already a number of appropriate webcam platforms commercially available, and the pandemic has largely put an end to what was initial reluctance on behalf of legal services professionals to engage with users virtually. To make such a platform workable will require a certain critical mass of volunteer lawyers to sign up. Initially, the platform could go 'live' only between midday and 2pm to take advantage of volunteer lawyers' own free time.

## Work Package 4: Open Innovation challenge

Following completion of the first three work packages, we condensed the learnings and insight gained into a set of innovation challenges to be shared as part of a design competition. Using an event much like a hackathon allows teams of participants to ideate solutions to each challenge and propose digital concepts to help solve them. Both universities in our consortium agreed to host and deliver these and were allowed to develop and operate them in slightly different ways.

### **The University of the West of England**

The aim of the University of the West of England (UWE) innovation challenge was to better understand the challenges and opportunities for legal advice clinics to use technology to support their service delivery. Invitations to participate were advertised and individuals were drawn from students and others in legal services, including startups. A legal design methodology was introduced, and participants were then supported in applying this approach to unpack opportunities for innovation and identify 'Justice Challenges' that could be taken forward to the Justice Innovation Challenge, when participants will be invited to design and build prototype solutions to these challenges.

The following workshop objectives were set:

- To explore how we can apply technology to solve access to justice issues.
- To network, share common experience of barriers to legal service delivery and bring personal experience to the design process.
- To introduce some examples of technology that is currently being used to increase access to justice.
- To develop some challenges to bring to the Justice Innovation Challenge Bristol in February 2022 with student and industry design teams.

A judging panel deliberated over the submissions with the following winners announced:

- **Winner: Team F with Umbrella**- using technology to empower people to understand their legal issues
- **Winner: Team K with Legal Services Hub**- identifying the legal issues and connecting them with pro-bono lawyers - the judges particularly liked the 'What's my form' idea.
- **Runner-up: Team D**- Supporting legal clinics to manage knowledge and triage
- **Runner-up: Team E**- looking at citizens' rights, particularly for gig workers.

UWE also conducted an evaluation on their design challenge. The discussion focused more on how to develop the process that had been adopted. It was suggested that enabling the participants in the first workshop to attend the Design Challenge to be able to contribute to the discussions on the day and really focus on the challenges discussed would be helpful (attendance was unfortunately not possible due to timing issues). Involving representation from the advice agencies/clinics in the design process as mentors would have enabled a more developed understanding of the realities of the challenges faced, the systems organisations are working with and also of existing tools and solutions.

The differing needs of legal clinics require different technology solutions. University law clinics, with an educational focus, have different requirements to those of a law centre. Whilst there may be common solutions to some issues that can be replicated/scaled, there also needs to be resource to access bespoke solutions for specific, local problems.

Access to digital mentoring to identify the specific needs of clinic organisations and potential areas where technology could be helpful would be a good step. This requires expertise and also resource to free up time for organisations that are resource/ staff/time poor. It was notable in Bristol, that whilst interest was expressed by some of the advice agencies invited to participate in the project, they were not able to free up attendees. It also proved difficult in the time available to make meaningful contact with number of the smaller agencies to engage them in the process at all.

This was the case in a city where there is a stronger pro-bono network and sector than in many other places in the UK, but it was still a significant issue. It was agreed that this was not surprising, many organisations run with only one or two people and limited volunteer support. An important take-away relevant for future projects was therefore the importance of finding ways to enable participation across all areas of the advice agency sector to enable those organisations which may be in most need of technology support for their work to engage, particularly as these are the types of organisation who might benefit most from technology solutions to support their work.

There was identified educational value in introducing law students from across universities in the south-west to the debates surrounding technology and access to justice. This aspect of the project had prompted reflection by some of the clinic leads on how this could be explored further. It was identified that there was potential in involving the larger commercial law firms who have capacity and budget to invest in this area, linking them into work focused on access to justice issues. Longer term work in this area should have an educational focus as well as exploring practical solutions to identified issues to support development of knowledge and capacity amongst lawyers entering the profession to engage in this area.

### **Swansea University**



Swansea University worked with their in-house Innovation Hub using their own developers to produce a series of ideas drawn from the workshop challenges that could be taken further beyond the end of the project. Their approach differed from UWE in that instead of a competition, their internal teams worked collaboratively to design new concepts to solve the challenges.

**Development of a pro bono platform:** This is a prototype version intended to encourage ways of developing pro bono working across Wales and builds on some of the findings in Work Package 3. It includes gamified elements to encourage elements of competition between providers and highlight success. It is intended to alleviate the burden on coordinating this type of work, while helping connect charities to law firms using a matchmaking approach. It would create a record of work as well as availability of advice resource. The individual skills or expertise of the lawyers offering pro bono hours is not currently included. It could be included with a link to a database.

Engagement with charities like LawWorks Cymru would allow the platform to be tested and promoted. It is important to be clear that this service is complementary to matchmaking service for direct pro bono legal advice to charities or agencies, not clients. The platform would provide in-house assistance rather than addressing the lack of pro bono specialist advice (e.g. welfare, housing or immigration) law to clients.

**Translation services:** A review and guide into the range of digital translation services available, and in particular, alternatives to Google Translate, which is ubiquitous but not necessarily the best product. The guide is comprehensive and highlights the languages that are in use in Wales, in addition to Welsh. It offers an overview of their strengths and weaknesses while not endorsing paid for models, it suggests what makes some of the free versions better than others.

The advice agency workshop highlighted the importance of real-time translation during face-to-face interactions. The next step would be peer review and proofing from those agencies who would benefit the most. This could be tied to developing case studies where they are tested by agencies, who would monitor their use and share good practice.

As a next step, it was suggested that it would be useful to test or promote what the most effective/best tools are. A suggestion is to choose five most commonly spoken community languages, plus Welsh and put a few pieces of agreed piece of text through the tools. Then work with a translation company to check each and give comments and compare pros and cons of each translation as part of a summary of key tools and what types of situations these are best used.

**WhatsApp Guide:** Swansea University produced a detailed WhatsApp Guide on how advice agencies should use it and issues. The work covers benefits and barriers to access. It includes insights gained from RPF2 workshops as well risks and privacy issues. It explains application and benefits both for firms and advice agencies using the application. It covers both the consumer and business versions of WhatsApp.

We considered what the next steps might be, and a webinar sharing the guide and focusing on best practices for WhatsApp use for firms and separately for advice agencies. Most firms use the consumer version of WhatsApp, which is non-compliant as it not supposed to be used for professional services; only the Business version is. More research would be needed to understand which version firms or agencies are already using.

**Wales lawtech continuity network:** In addition, and based upon the work they had carried out, Swansea proposed to share their learning and effectively open a permanent channel of communication. It proposes a workshop catch up on a quarterly basis, continuing the university and advice agencies network going and commit to running similar challenges each year.

## **Work Package 5: Evaluation and planning our legacy**

While finalising our project, we took the opportunity to repurpose unused budget into a series of additional pieces of work to support and augment our project.

### **Legal advice deprivation mapping**

We extended the great work WECA had done using open source tools to map locations of legal advice agencies against social, economic and deprivation datasets. We added full datasets from across England and Wales, in addition to the two regions studied in the project. We added internet access provision as a map layer too, with the aim of demonstrating where communities may be more vulnerable to a lack of connectivity to reach the latest digital or virtual tools and services.

### **Advice agency and law firm technology research**

Following on from the Regulators Pioneer Fund project, the SRA has further investigated key issues in the advice sector around legal technology and specifically case management, and how innovation in legal technology can be used to improve legal advice and service provision.

For the purposes of this project technology is defined broadly, not just Lawtech, but also solutions like Google Translate, MS Office, chatbots and WhatsApp.

The advice sector is also defined broadly to include legal advice providers (paid-for and free at the point of use), universities, advice centres, law clinics, CAB, local government (as a funder), law firms and other practitioners and grass roots community organisations providing pro bono advice

Spinnaker Research undertook this desk-based research on our behalf and interviewed four different sample groups:

- Stakeholders to the project (charities, technology providers, government, consumer groups, regulators, professional associations)
- Law firms in England and Wales
- Contacts of Swansea University's Legal Innovation Lab and Law Clinic
- Contacts of West of England Combined Authority (WECA)

There are a number of themes that arose:

- Benefits of case management are widely understood yet barriers exist to the easy adoption of technology including cost of search and cost of implementation;
- Vulnerable consumers must not be further marginalised by the adoption of digital technology;
- Unmet legal need continues to be persistent;
- Importance of public legal education;
- Need for continued funding and financial support for pro bono sector;
- Technology not standardised enough nor clearly defined, evaluated and identified to enable better choices for law firms and advice centres (and therefore better outcomes for clients);
- Support for the SRA to take a stronger, more convening role - scope to collaborate and bring together wider actors: advice centres, universities, law firms, local government to the conversation to improve trust and confidence in technology. Scope for more systematic collaboration between law firms and advice agencies.
- Opportunities to do more in the universally applicable areas of case management, chatbots, web portals, self-service platforms, or apps.

Many of the themes that emerged from the findings endorse those of other research projects conducted by Spinnaker for the SRA and the Bar Standards Board, as well as work undertaken by other organisations and agencies. In particular, [research we commissioned from the University of Oxford into technology and innovation in the legal sector](https://www.sra.org.uk/sra/research-publications/technology-innovation-in-legal-services/) (<https://www.sra.org.uk/sra/research-publications/technology-innovation-in-legal-services/>), which is significant given the size, scope of the project and the segment-level insight.

This latest research from Spinnaker highlighted that case management delivers clear benefits, but participants cited barriers to adoption including cost of search and cost of implementation. Case management is well established amongst the law firms and advice agencies interviewed. Participants cited benefits such as ease of collaboration, data analysis, referrals and the ability to work remotely. The biggest challenge in adopting and using case management technology was knowing where to start when selecting systems.

The overwhelming variety of systems meant selection processes took years (the 'cost of search'). Even after this, many law firms were not happy with their end choice and when asked, would choose differently. Some agencies had opted to have bespoke databases built, but these sometimes did not turn out to be fit for purpose or require significant training overheads ('cost of implementation') and these agencies were conducting evaluations on what to do next. A common theme was the call for more information and guidance on the technology that is out there in order to improve the decision-making process.

Participants clearly identified the benefits of using technology (both for clients and for their own organisations) but said that the benefits can be peripheral rather than wholesale and still are not wholly realised. Benefits of technology for clients/users were clearly stated by law firms and agencies to include efficiency gains and better service provision, and this latter point is typically the primary driver to adopt technology (as reiterated in [research the SRA previously commissioned from Oxford research](https://www.sra.org.uk/sra/research-publications/technology-innovation-in-legal-services/)). (<https://www.sra.org.uk/sra/research-publications/technology-innovation-in-legal-services/>)

There were also tangible benefits for many from the use of video conferencing to reach clients in the pandemic and beyond, and the use of services such as electronic ID checks, credit checks and e-signatures to save clients from attending offices in person. However, some made the point that they felt many of these benefits were at the edge of the services provided and not wholesale changes to processes. Covid-19 has accelerated online provision and participants mostly feel that has been beneficial to advice seekers and that providers will continue to provide blended services (face-to-face and online).

Vulnerable consumers must not be further marginalised by the adoption of digital technology. Many respondents recognised the power of technology to be a force for good, for instance, video conferencing for those who have mobility issues and cannot travel or the use of messaging services when working with non-English speakers (although provision must be made for interpreters when needed).

However, there was an overwhelming concern about pushing individuals down a digital-only path and removing their agency in doing so. It was flagged multiple times that not everyone has or wants access to technology and the needs of this segment must still be met otherwise certain groups can be increasingly marginalised.

**Agency feedback:** 'More needs to be done to ensure that we don't turn fully digital by default. That is very important. Some legal topics shouldn't be discussed online, they should see someone face-to-face, they need that advice.'

Unmet legal need continues to be pervasive; there is a need for continuing public legal education. Legal advice deserts exist and the cuts to legal aid funding have had a significantly detrimental impact: Stakeholders in particular recognise that unmet legal need continues to be a huge challenge across England and Wales, where

consumers do not necessarily understand that their problem is a legal one and related to that, how and where to find free legal advice. Unmet legal need is felt to be detrimental to individuals as well as to small businesses and the economy and society as a whole.

Public legal education – both just in time and just in case – continues to be important. Stakeholders mention how important it is to work with providers, charities, and community organisations to better educate consumers as to the nature of legal issues and how to seek advice when needed, as well as developing the knowledge and skills to understand their rights and get the best outcomes.

**Agency feedback:** 'I do know the SRA is looking to add their voice to the need for public funding for legal work. This is an enormous issue. That is the biggest single issue.'

Overall the SRA is asked to help by removing the barriers to technology adoption and driving a more collaborative approach across the sector as to how to choose, adopt and deploy technology more effectively. There were calls for the SRA, particularly from law firms, to provide more information on technology, this would be particularly valuable for smaller firms who do not have IT departments but would also be welcomed by larger firms.

Both law firms and advice agencies appreciate efforts to facilitate events and for information sharing on the use of technology and serving the vulnerable. Stakeholders are aware that law firms are more advanced and better-resourced in their path to technology than advice centres. However it is noticed that the innovation does not filter down, that the technology can be proprietary or external and is not accessible to advice agencies due to cost.

The SRA has a potential role to play here in order that that technology can 'trickle down' more widely across the market. One stakeholder commented that law firms are clearly making technological improvements to drive efficiencies and improve profits however there could be more focus on benefits to clients and to the end user of legal advice and perhaps the SRA can do more to emphasise this with law firms.

Firms want more guidance on the technology that is available on the market. They do not expect endorsements from the SRA but calls for an open-source database of key technologies, as well as examples and case studies of firms actively using the technology.

**Law firm feedback:** 'Feedback to us what technology is out there and who the providers are. So we could tap into a directory of providers, not necessarily SRA-approved, because I don't think the SRA can do that, but up to date research with the top 200'

Other ideas included a panel of IT consultants who could lead tender processes and implementations of technology, as well as a forum for lawyers to talk to other types of firms and see what they were doing in terms of technology. The need for increased conversations and collaborations across the sector (law firms, advice agencies, community groups, users) convened by the SRA was a consistent theme from all participants. The SRA can potentially have a role in bringing together the conversation, to make the pieces of the jigsaw and the system fit together across the advice community as well as the wider set of organisations who need to refer into. Perhaps by starting on a regional or practice area basis.

Opportunities to do more in the areas of web portals, self-service apps. Some evidence that law firms and advice agencies are progressing to deliver more client self-service interfaces, and see the benefits of this approach, but this is not widespread yet across all the participants in the research.

**Law firm feedback:** 'We started working on [self-service] two or three years ago to have an online portal interface through which we can communicate with clients, through which we can throw documents in there and they can see the documents and our work in progress on matters. That is going to increase in usage hugely going forward.'

**Advice agency feedback:** 'There is some brand-new functionality that allows clients to upload documents to their case files. We give them a link; it saves them emailing them or bringing them in and can help to expedite their case. Many of our clients have chaotic lifestyles so anything that you can do help make the process easier is good. There are no more self-service elements - I would love it if there were. There's lots of data that we have to collect, such as gender, age etc and it would be great if clients could input that. I would welcome that.'

After evaluation of the information obtained Spinnaker have suggested action the SRA could take forward:

- Define and curate technology choices on offer - showcase the types of technology on offer in order to reduce the cost of search for law firms and advice agencies and increase the rate of use. This could be focused on more common and generic technology like chatbots, self-service portals, case management tools rather than lawtech specifically.
- Consumer education – continue to invest in knowledge and awareness of consumers through collaboration with agencies, to provide public legal education and address unmet legal need.
- Pro bono definition – many of the existing references for law firms on how to set up and manage a pro bono practice make little or no reference to technology services as part of enabling and managing pro bono. The SRA can explore working with organisations such as [LawWorks](https://www.lawworks.org.uk/sites/default/files/files/LW-A-BusinessCaseForProBono.pdf) [<https://www.lawworks.org.uk/sites/default/files/files/LW-A-BusinessCaseForProBono.pdf>] and [The Law Society](https://www.lawsociety.org.uk/topics/pro-bono/pro-bono-manual) [<https://www.lawsociety.org.uk/topics/pro-bono/pro-bono-manual>] to encourage a broader definition of pro bono to include law firms advising and supporting free legal advice providers with technological know-how and innovation. This could include how to set up a WhatsApp channel, using video conferencing, chatbots and other products that would enable clients to self-serve online.



- Digital exclusion – an understanding that whilst the usage of legal technology will help to improve access to justice, for example providing more self-serve options through web portals and chatbots – it is unlikely to solve all issues relating to unmet legal need and to provide fully for more vulnerable individuals. It is vital that the SRA continues to be aware that provision must be maintained for people who cannot use digital services. The SRA can explore whether it would be beneficial to update not-for-profit standards and [guidance](https://www.sra.org.uk/globalassets/documents/solicitors/not-profit-guidance.pdf?version=49f4571) [https://www.sra.org.uk/globalassets/documents/solicitors/not-profit-guidance.pdf?version=49f4571], published in 2019 to include more consideration of the benefits of technology solutions.
- Convening power – this research has highlighted that the SRA is seen to be well positioned to identify and strip out barriers to implementing technology and stimulate collaboration and growth. Continued support of SRA Innovate as well as the SRA taking a driving role in co-ordinating the relationships between lawyers, pro bono organisations, and not-for-profit agencies such as Law Centres and CABx could help to raise awareness, build trust in technology and increase confidence. The usage of case studies would be welcomed by participants as part of this.
- Self-service rather than lawtech has broader application – typically in this sector when discussing technology, the respondent in a law firm refers to bespoke, expensive and intricate lawtech solutions whereas this and other research would indicate that more successes would come from deploying more common and generic technology for example online portals for matter status updates, interactive websites to generate legal documents and chatbots and virtual assistants.
- Voice of the consumer – many participants emphasised the importance of undertaking primary independent research with consumers, to ensure their needs are considered. The SRA could explore working on projects for identifying needs, defining and applying a more detailed consumer segmentation – possibly even undertaking pilot testing for self-service technology e.g. chatbots. This work would help to mitigate the risk of making assumptions about what the end users of legal services want and need.

**Law firm feedback:** 'We must start with the consumer, with the client. Whatever is put together and whoever does that, even if it is at policy level, it must start from the perspective of what does this do to help the consumer?' Law firm

### **AdviceNow Disability Benefit Appeal tool for caseworkers**

As identified by UHLAC in their work, a particular common issue was raised by advice agencies around Government Disability Benefits. Most evaluations for benefits are rejected at the Mandatory Reconsideration stage, which is the review stage prior to lodging an appeal. actual appeal submission to the First-tier tribunal. Many hundreds of thousands of disability benefit appeal cases are estimated to not progress to the submission stage because of a lack of support, and where limited support is given by a Citizens Advice for instance, most cases are abandoned at the MR stage.

UHLAC worked with AdviceNow to build the tool with the intention of a launch in September 2022. It is intended to be used by advisors and volunteers who are working with consumers, not the consumers themselves, and is expected to significantly help those making appeals.

### **Beaufort research**

We also commissioned a further quantitative research project among the adult population in Wales, with a particular focus on vulnerable people, to explore consumer attitudes to and experiences of access to advice in Wales. This included objectives to explore barriers to obtaining advice and how technology can play a role in supporting access or where it creates challenges. The questions were commissioned in the June 2022 Beaufort Wales Omnibus survey.

The Wales Omnibus survey interviewed a representative quota sample of 1,000 adults aged 16 and over across Wales each wave, with five waves conducted each year. In all, 1,085 adults were surveyed, using an online approach taken from June 2020 after the outbreak of the Covid-19 pandemic. It was formerly conducted via face-to-face interviews in participants' homes, using CAPI (Computer Aided Personal Interviewing).

As the Omnibus survey is conducted online, a boost telephone survey was also conducted, to ensure that the views and experiences of digitally excluded adults in Wales are captured in the research. Other types of vulnerable people across Wales were included within the Omnibus sample.

We know from our research people increasingly feel that being able to use services remotely makes it easier for them to access advice. 61% of people said that they are comfortable uploading and sending my documents to an advice provider to review, with 20% (216 people) uncomfortable doing so. The latter does include digitally-excluded people.

The research also asked about photographing and signing documents. 63% of respondents are comfortable taking photos of my documents and sending them to an advice provider to review (20% of people disagree), and 55% of respondents are comfortable signing important documents electronically rather than in person (28% of people disagree). This is consistent with separate research the SRA undertook with the Legal Services Board in 2022, called [Social Acceptability of Technology](https://legalservicesboard.org.uk/research/social-acceptability-of-technology/) [https://legalservicesboard.org.uk/research/social-acceptability-of-technology/]. In this, e-signatures and video conferencing were found to be most accepted by both clients and law firms, and combined with the Beaufort research here, it suggests that investment in these solutions could have a positive impact on access to justice.

However, the escalating cost of living crisis through 2022 had some bearing too. 20% of people said that their financial situation means they have cut back on internet use/phone data, while 26% of people felt that their

financial situation meant that they might have to cut back on internet use/phone data in the near future. For the lowest income households, this number was 30%. 18% of people said that they could not comfortably afford their internet use/mobile phone data charges in the near future, and 29% of people with a long-term illness/disability disagreed that they could comfortably afford their internet use/mobile phone data charges in the near future. This informs us that the most vulnerable in society still have barriers to accessing legal advice where digital solutions are available.

### **Project delivery evaluation**

While our project was delivered on time and met its deliverables, we were able to record and share with BEIS where some elements had been most challenging. These have been shared with BEIS' evaluation partner, Kantar, and consist of the following:

- The 6-month duration of the project was challenging in terms of onboarding our consortium and getting agreements signed. The consortium was able to meet just once in person at a kick-off workshop event, hosted by UWE on 30 September 2021. All other project management interactions, except meetings and workshops as part of the work packages within the project, were remote.
- Both universities in our consortium admitted that the short project span and initiation phase made it difficult to recruit student or temporary resources in time to support the project. There were also challenges in billing too, as the claims for the project differed from their invoicing systems each month.
- The monthly claims process for recording hours and invoices relied on the use of spreadsheet templates.

BEIS' support for the programme and the RPF community was exemplary, with regular virtual drop-in events to share what other projects were working on, response and support via their shared mailbox on an immediate basis, and direct help to our project via monthly progress meetings.

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### **SRA Project Team**

- Tracy Vegro, Executive Director, Strategy and Innovation
- Chris Handford, Director of Regulatory Policy
- Ben Wagenaar, Head of Innovation and Technology
- Warren Davies, Policy Associate
- Dharmista Mistry, Innovation Associate