

Affordable Advice Service pilot evaluation report

Law for Life Final Report September 2021

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1.1 Executive Summary

The following report gathers evaluation data from Law for Life's Affordable Advice Service. The service has been funded through the generous support of The Legal Education Foundation with additional funding from the Access to Justice Foundation and City Bridge Trust to contribute towards evaluation, expansion and promotion in priority regions. The project was developed in Partnership with the [Resolution](#), the membership organisation for family lawyers. This project offers a service to people who are managing their finances on divorce or child arrangements difficulties, a blend of step-by-step guidance from [Advicenow](#) with fixed fee, unbundled legal advice from Resolution family lawyers at the most crucial points in the process.

Despite limited funding for promotion and the significant challenges presented by Covid-19 the service has been successful in attracting Litigants in Person (LiPs). The service is averaging at 33 contact per month and growing with a total of 356 contacts and 110 appointments held over the pilot period. Appointments are conducted over 1 – 2 hours relative to complexity. Fixed-fee pricing has achieved on average a 70% reduction to service users. Service users express high levels of satisfaction with the service. The service appears to meet the needs of a key group of under-served LiPs who need expert advice but are unable to afford a full family solicitor service. Evidence suggests that the user group who benefited the most was relatively digitally able. They demonstrated that they grasped the parameters of the service and had a degree of emotional preparedness and attendant attitudinal characteristics to derive the full benefit of the service. Invariably we know little about those people who struggle to access or navigate the service at this pilot stage.

The approach of blending public legal education with dovetailed unbundled advice appears to enhance levels of legal capability including knowledge of rights and obligations, and the processes involved, and grows confidence and trust. This in turn enables panel lawyers to maximise benefit for the LiP and reduce risk. The pilot offers some evidence that reduced stress was an outcome of the service, with high levels of self-reported confidence and stress reduction from LiPs. This is corroborated by solicitors interviewed in the evaluation.

The pilot evaluation indicates that there is potential for the service to reduce conflict when the LiP reaches the services at earlier stages, and by empowering LiPs to get a better grasp of the parameters of family law proceedings. However, there remain other groups who may not be able to access the service effectively due to emotional, financial or digital barriers. This suggests adaptations will be needed to enhance routes to pro bono assistance, targeting via trusted intermediaries, and through adjacent services e.g. Children and Family Court Advisory and Support Service.

Lawyers on the panel indicate that the service augments existing services well and has the potential to be an effective use of junior lawyer's time. However, careful management of

promotion and expansion of the service is suggested to ensure lawyers do not become overburdened by this element of their services if their support is to continue. A continuing challenge for the development of the service is to manage the expectations of service users throughout the journey.

1.2 Background and purpose of the service

The service was developed to meet the needs of Litigants in Person (LiPs) and potential LiPs who do not seek the advice they need because of fear, confusion about prices, the high cost of advice, and a lack of confidence about how to go about finding help, how to be sure pick a good solicitor, and how to be sure it will be worth it. There is also an absence of services in England and Wales that offer low-cost unbundled family law advice that are tailored to the needs of Advicenow service users.

Law for Life and Resolution worked together to design this new pilot service to enable LiPs to get the unbundled advice they need from a panel of Resolution's solicitors in the following circumstances:

- for a fixed fee – where the costs are clear,
- in a way that dovetails seamlessly with Advicenow's guides for LiPs,
- that is low-cost and reduces the time needed by the solicitor, and
- in a way that enables them to feel confident about exactly what help they will receive.

When the pilot began, it included three of Law for Life's most popular family law guides. In March 2021, the pilot was extended to include a popular guide to resolving child arrangement issues outside of court – [A survival guide to child arrangements](#). At the same time, new appointments for users of each guide were added to increase early take up of advice. This early intervention strategy aimed to help reduce and avoid unnecessary conflict and stress, and to ensure that service users don't go to court where it can be avoided.

While using the relevant Advicenow guide the LiP has the opportunity to receive tailored expert legal advice at key points. These points have been called 'jumping off points'. After having received legal advice, the LiP is then encouraged to jump back to the guide to access step-by-step information to support them in the journey. Alternatively, they can choose to instruct the solicitor to deal with the problem for them.

When the LiP considers accessing legal advice would be particularly beneficial, the guide provides a prompt call-out box at each stage. This prompt explains what the advice would cover and how much it will cost. There is a different page for each stage where getting legal advice would be particularly beneficial. If they would like to find out more, they are taken to [a page where they can then select a panel member](#), and request an appointment. The LiP is then asked to fill in a detailed questionnaire tailored to their specific issues to assist the Resolution solicitor to prepare for the meeting. This approach means that the time required together is significantly reduced and that keeps costs down for the LiP.

At the same time, they are sent a questionnaire to complete and send to the lawyer they selected two days before the appointment. This provides the lawyer with all the details about the client's personal circumstances that they need to provide the advice, reducing the time needed in the appointment.

Eight law firm panel members were recruited for the pilot. During the pilot, one left to join another firm and another left as the service didn't integrate well with their firm's main offer. We then recruited four new panel members (one of whom is now on maternity leave). We have three new firms who will join the panel shortly.

1.3 Evaluation methodology

The pilot has been continuously monitored and evaluated using a combination of user surveys sent out via email. The survey questions comprise of closed questions and free text boxes to ask if there is anything else (about the fee, service, solicitor etc.) that the respondent would like to share. Contacts were monitored through the website, records of appointments by lawyer panelists, periodic reviews with Resolution project partners and lawyer panelists, and a series of semi-structured interviews completed with panelists at the conclusion of the pilot period. Data was gathered between February 2020 and July 2021. The pilot was extended to July 2021, largely because of the disruption caused COVID.

2.0 Outputs and user surveys July 2021

The following section analyses issues pertaining to price, take up, and user experience with the service to date.

2.1 Pricing

The service was designed to be more affordable to people on low-median incomes, both by dovetailing advice with self-help information and by identifying solicitors prepared to accept the very low fixed-fees of:

- £100 (+VAT) for most appointments. These are expected to mostly take a one-hour appointment with up to 30 minutes preparation time
- £200 (+VAT) for appointments on complicated financial issues that usually take 1-2 per hour preparation time and a one hour appointment.

The solicitors on the panel charge £295 on average per hour (including VAT). Ordinarily in private practice, so they would charge £442.50. The Affordable Advice service users received it at a reduced fee of £120. This represents a 70% reduction on average. Users of the Affordable Advice service also have the benefit of a fixed fee. It is rare for solicitors to offer such fixed fees. Therefore, Affordable Advice Service users have a unique opportunity often unavailable due to cost barriers.

2.2 Take up

Aggregated data on contact with Affordable Advice was collected from the project launch in late February 2020 until July 2021.

- 356 contacts have been made through the service in total to the end of July 2021. Commentary: Clients are no longer asked to only contact one solicitor on the panel so where they need an appointment urgently, there is a back-up. Of these approximately 250 individuals may have had appointments at more than one stage of the process.
- Approximately 33% of the contacts turned into appointments.
- At least 110 appointments had been held under the scheme up to the end of June.
- At least 14 of these appointments also led to further work paid at solicitor’s usual rate.

Background

Take up was extremely slow to start, due to the effects of Covid-19 and the common early stages of promoting a new pilot service. The traffic to the guides included in the project reduced substantially as many people dealt only with the most pressing problems. However, pace began picking up in summer 2020. The service is currently averaging 33 contacts a month.

Most appointments held are finance related and either early in the process of going to court, or from our [‘Survival guide to sorting out your finances when you get divorced’](#) which helps couples to come to agreements outside of the court process, usually using mediation.

“People who have never had to use a solicitor before (like me!) are terrified of the cost and have no idea what is involved. Overall, an amazing service”

The new appointments, added to encourage getting advice early in the process, also appear to be popular - both for child arrangements and finances.

COVID-19 challenges

The onset of the COVID-19 crisis impacted the project in a number of unforeseen ways. It drastically reduced traffic to the resources involved in this project. It reduced the time the service staff were able to dedicate to the promotion of the project and, more dramatically than that, reduced audience receptiveness to it as many families grappled with the immediate impacts of lockdown. It also dramatically affected the receptiveness of key stakeholders that would enable the project to reach our target audience. Perhaps most importantly, the crisis has affected, and continues to affect, the disposable income, economic confidence, and available time and consumes the headspace of many of the project’s target audience.

2.3 User feedback

Summary: Responses to the user feedback survey were overwhelmingly positive in that users not only would recommend the service to others but indicate a good experience of the service.

Of the 76 responses, 63 of which had an appointment. Of those:

- 96% said they would recommend this service to others,
- 91% said they would approach that solicitor for help with future family law problems,
- 46% said they already planned to see that solicitor again, and
- there was an average star rating is 4.8 (out of a maximum of 5).

Legal capability

Feedback from the survey also suggests that accessing advice from the project increases the legal capability of Litigants in Person:

- 93% said the advice helped them to feel more confident,
- 93% said it reduced their stress,
- 82% said it helped them decide to do something or do something differently, and
- 89% felt it helped them make their case better.

Fee for the service

Advicenow users who had made contact through the service (not just those who had an appointment) were asked how they felt about the level of fee charged:

- 71% said they felt it was very good value or good value,
- 25% said it was about right,
- 4% said it was still too expensive,
- 85% said that they could not have afforded anymore, and
- 15% saying they could have paid a little more.

“It is about the right limit, it was a struggle to pay but worth it for the quality of advice received”

The significant proportion of people indicating that they could not have afforded more, namely 85% illustrates that the Affordable Advice service is reaching a group of users for who cost might otherwise have excluded from seeking or availing themselves of seeking advice.

Summary

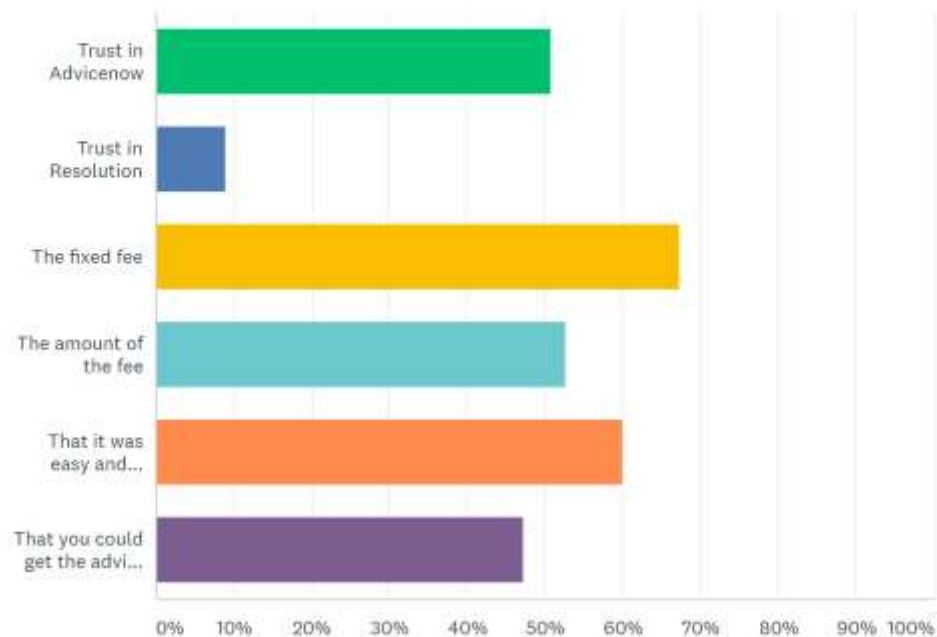
This early pilot data suggests that the project is reaching a new market

- 30% of respondents said that they not have sought advice without this service,
- 43% of respondents were unsure
- 27% of respondents said they would have sought advice

Participants in the survey were also asked why they chose to access advice through Affordable Advice.

What was it that encouraged you to access it through us? (please choose all that apply)

Answered: 55 Skipped: 21



Of the twelve respondents who made contact through the service but did not end up having an appointment:

- one changed their mind about getting advice,
- four received advice elsewhere,
- three said that they were not contacted by the solicitor,
- one said the solicitor could not help them quickly enough,
- one told us that the service didn't include the help they needed, and
- two said it was none of the reasons suggested and didn't explain further.

No one reported that they were put off by the questionnaire that needs to be completed before the appointment.

Conclusion

The feedback suggests that service users trusted Affordable Advice and that the lower fee and easy access were critical.

Qualitative data from users was not possible to garner for the pilot phase. In future research a deeper study into why people felt they didn't get the help they need and around why the service could not meet their needs would be valuable to improving service responsiveness and scope.

User satisfaction quotes

“It is a fantastic service and I would recommend to others faced with the same issue”

“I think this is an excellent service for those of us on limited means who would struggle to pay to be represented throughout the divorce process. Being able to seek advice for specific parts of the process is so helpful.”

“It makes accessing advice much more obtainable for those of us on low incomes”

“It helped me not feel like I was excluded from the judicial system”

3.0 Affordable Advice Service interview study

This section sets out the findings from the ‘end of pilot survey’. At the conclusion of the Affordable Advice service (AA) pilot period in July 2021, semi-structured interviews were conducted by video-call or telephone with nine of the solicitors involved in delivering unbundled legal advice for the Affordable Advice (AA) project. The interviews took approximately one hour.

3.1 Interview schedule

The interview schedule was developed along with Resolution project leaders. Responses were sought on the following themes.

- 1) What can be learnt from how the intervention was delivered?
- 2) Understanding the impact of the service on the professional practice/relationship with the Litigant in Person.
- 3) What impact did the intervention make on the Litigant in Person?
- 4) What impact did the service have on conflict reduction?
- 5) What economic value did it offer for different Litigant in Person groups?
- 6) What barriers to justice for Litigants in Person were observed through the service?
- 7) Did the service help Litigants in Person improve their legal capabilities?
- 8) What return on investment and overall value did Affordable Advice have for those solicitors and firms involved in it?

3.2 Analysis of responses

Interviews were recorded and transcribed verbatim using transcription software. They were then coded against the themes established with Resolution.

1) What can be learnt from how the intervention was delivered?

All the solicitors agreed that the service was very effective. This included in providing LiPs with an effective combination of detailed generic information in the Advicenow guides and with high quality tailored advice from an experienced family lawyer for the individual LiP on a specific aspect of their case for an affordable fixed fee. They reported that the use of the 'jumping off points' enabled them to deliver focused advice to the LiP and ensure that they knew exactly what they needed to do next in order to progress their case, without the concern that they would incur substantial costs.

The importance of the clarity and detail of the Advicenow guides was emphasised by all the solicitors interviewed. Many stated that they referred AA LiPs to relevant points within the guides as part of their advice. Encouragingly, most LiPs had read through the guides before the appointment, which reduced the need to cover the basic aspects of the case. This compared favourably with some solicitors' experiences of providing pro bono or initial fixed-fee advice, as AA LiPs were better prepared and able to discuss specific aspects of their case and maximise the time they had with the solicitor.

The use of the pre-appointment questionnaire was also seen as very valuable by all solicitors, as it provided them with enough relevant information to enable them to prepare in advance on the relevant jumping off point and support LiPs more effectively.

"But it feels like when they walk away from that meeting, they have, how can I put it? like, a lifebuoy around them, like some sort of their lifesaver that reassures them and keeps them afloat in the process. It might not kind of get them out of water completely, but at least their head's not under the water."

In most cases, solicitors felt that they had been able to meet LiP expectations and deliver the advice they needed. Some solicitors reported that a minority of LiPs had not understood the parameters of the service and as a consequence their expectations couldn't be fully met.

Although designed as a standalone advice service, some LiPs chose to return to the same solicitor via the Affordable Advice service for advice on the next stage of their case, and a few decided to instruct the same solicitor to represent them in court. This is a positive outcome for these clients, as it means they have a consistent representative and indicates a level of trust formed. Some solicitors reported that LiPs identified an issue for the

appointment, only to talk about a different one on the day – some allowed this, others adhered to the original topic.

The recent introduction of the ‘Where do I stand?’ advice session, which provides a broad overview of the divorce process for LiPs at an earlier stage, was also successful. Three solicitors reported that these had proved very popular with the LiPs they saw. One solicitor expressed concern that one LiP returned to them through this route for further general advice, rather than going via the Jumping Off Point system, which they considered less helpful for the LiP.

In order to identifying improvements that can be made in future solicitors also identified some aspects of the scheme that didn’t work so well for themⁱ. Several mentioned that some LiPs made an appointment with them, but then didn’t show up on the day. However, this also occurs with free initial appointments, paid appointments and pro bono work. One or two felt that remote working led to people contacting solicitors outside their local area:

“At the moment we can do quite a lot, but I think that needs to be refined so that people can go to a solicitor on the panel who's local to where they live, and who is local, most importantly, to the court dealing with the case if they end up in court proceedings.”

Others experienced LiPs contacting several different solicitors on the panel simultaneously, rather than one at a time, which caused some confusion.

Some solicitors reported that they were seeing a different type of client than they would usually encounter, specifically more with lower net assets and incomes. This suggests that AA is reaching clients who might otherwise not seek help. However, some reported that some LiPs had sufficient income to afford to pay for legal advice but were reluctant to do so. One recommended that they should retain a solicitor, rather than attempt the case as a LiP, because of the complexities of the financial elements. Some solicitors already saw low income clients but welcomed AA as an opportunity to extend their services to those who could not afford to pay their full hourly rates.

The primary motivation of all the solicitors for joining the AA scheme was to provide access to justice for those people who would not be able to afford it in normal circumstances. They saw this as ‘giving back to the community,’ which reflects the Resolution ethos. Although some also had an eye to its usefulness in attracting new clients to the practice. The limited engagement required by the intervention – one-off, generally on straightforward aspects of a case, and delivered by phone or video-call - was an attraction to most solicitors interviewed, as it enabled them to fit it in around their main work.

“It's been something that I've been able to fit in just fine. I mean, some take longer than others to prep. I'm, depending on, you know, the information they provide and the complexity, but it's fitting just nicely. I'm, you know, I think the structure of the appointments, and the sort of boundaries that are set helped me kind of manage it better.”

This approach also helps offset the low fee. Several indicated that if the numbers of AA service users grew beyond a certain level, they would struggle to be able to continue. One or two saw it as an ideal role for junior solicitors, in order to give them more experience of seeing clients:

“you want your junior lawyers, your 0-3 year PQEs, to do these meetings, I don't know. I would never use a trainee or a newly qualified but someone who has some experience, and who has been advising clients on their own for a while, but who isn't necessarily, like me, 14 years qualified, would be perfectly able to host those meetings and provide that service to those clients in a more cost-effective way.”

In terms of risk reduction for LiPs, most felt that it played a big part in providing LiPs with information and advice that would help them feel more empowered and able to make better decisions:

“I think in terms of risk, it reduces the unknown. And I've had a couple of people where it's actually preparing them for a court hearing, because their ex-partner has made an application but they've got no clue what to expect...it's also reduced risk in terms of they haven't just gone off and made their own application to court or gone off and, you know, said to their ex-partner, I want this, please give me it, you know, it's kind of exploring all the options and putting them out to make sure that they can make an informed decision.”

However, some felt the extent to which it could reduce risks was dependent upon the capabilities of the individual to act on the advice they received:

“I think, again, to an extent it depends on the person, the individual, I think some people are just better at being able to manage the process in person. So for example, my lady whose come back four times, she's just incredibly organised, she's applied for even various applications and things with my guidance in the appointments. And she's done as good, I think, as a solicitor would have in terms of making sure that the formalities have been met. But I

think that's because she's very capable. So I think there's a limit to what can be done for somebody if they are just overwhelmed by the process."

Solicitors had a range of views when asked about how the scheme could be expanded, either within family law arenas or beyond. Two suggested that providing a Consent Order tool (similar to the PIP Mandatory Reconsideration letter tool already provided on Advicenow) would be very valuable and another solicitor asked if more detail could be provided in the Advicenow guides for LiPs with significant disabilities. One suggested providing a Guide to advise cohabiting couples who wished to separate. Another suggested advice on wills and transfer of equities.

Most solicitors had well-established links with organisations or individuals to signpost clients to in their local area. However, as they are now potentially seeing clients from across the country, they suggested a list or links to national networks outside their area. The Resolution website provides a list of mediators, as does the Family Mediation Council, with online resources that explain the divorce process to children. It would be useful to include links to a wider range of organisations, for those solicitors with less experience in these areas.

2) Understanding the impact of the service on the professional practical relationship with the client

Opinions varied as to whether the 'one-off' nature of the appointment changed their professional approach to the LiP. Many already had experience of providing this sort of advice through their own firm's scheme or through pro bono sessions and had developed strategies for maximising the advice they could give to the LiP and identifying hidden issues, such as domestic abuse. They felt the AA scheme was far more effective for the LiP, as they already had some information and a basic knowledge of the process thanks to the Advicenow guides, and they're also more committed to the process as a result:

"Whereas with the Advicenow service, because they are coming to you about one specific issue, they normally already know a bit about it or something, you know, they've been in correspondence with their husband or wife, solicitor, for example. And they tend to know a bit more, which makes it easier to speak to them, because you don't have to go through everything with them."

“I do a free one-off meeting for [veterans] if they're affiliated with a charity. And what I find is that they're very flaky so often, they don't turn up in every meeting. So they just think, Well, you know, they just don't bother showing up whereas I've not had any Advicenow client not show up for the [meeting]”

3) What impact did the intervention make on clients?

All the solicitors were aware of the positive impact their advice through the AA scheme had on LiPs. Although they may not have received feedback from most of the LiPs, or become aware of outcomes, due to the nature of the service and the time each case often takes. This report will be one method of ensuring the solicitors gain this feedback and will be shared with members of the panel on publication. However, some had received positive feedback from their AA LiPs and a few had chosen to return for further advice or representation.

“I think that this has absolutely helped her navigate this process. And she's I mean, she's very sensible, and is one of those rare clients who actually manages to be quite detached and just focuses on what needs to be done. But she does have two very young children. And I think the respondent in the proceedings has gone out of his way to be difficult, and that can't be changed. But I think the way that she's been able to cope with that, and manage the court process, as a litigant in person, I hope has been made a lot easier by the advice that she's had.”

The positive impact of the service has reached beyond AA clients. Having an uninformed LiP on the opposing side can have a negative impact on the case as a whole. To go some way to addressing this issue one or two solicitors had suggested to their LiP's ex-spouse that they consider using it:

“And I've even had litigants in person on the other side of some of my cases, I've said, "Go and look at it". Because I can't - there's only so much we can do as a solicitor acting for the person that's represented, of course, to help [the opposing] litigant in person. And so at some points, I've just said, "Hey, just go here, look, and then, obviously, I can help as much as I can in terms of where this process is going without the advice.”

Many solicitors reported that for most LiPs, confidence is a key benefit, as well as being better informed:

“A lot of the times that I find in recently, it's to do with building their confidence. They know that, but it's just like a grandmother saying “You should jump, you know, make the application, because [otherwise] you might regret it.”

Another solicitor commented that letting LiPs know about how much they can do for themselves empowers them as well as saving them money and stress:

“You know, it's a way for actually us solicitors to explain the different routes of trying to come to an agreement for clients. You know, a client will come and say, I want advice on this, and how, how do I solve it? And then you can say, ‘Well, actually, you know, you can try and do it yourself.’”

4) What impact did the service have on conflict reduction?

As all the solicitors involved in the project were members of Resolution and adhered to their code of conduct, they all mentioned that they used strategies to try to help clients to reduce conflict in their cases. However, it was clear that impact depended upon at which stage LiPs were when they came to an appointment:

“I think there was one gentleman I saw who had separated just a couple of weeks earlier. So that was really a new thing for them. It's that they're in a kind of high conflict situation in terms of the separation, but they've not yet reached anything like court proceedings. I suppose that's the best chance to speak to him to try and cool things down, give them sensible advice and help them I suppose, you know, not raise the temperature any further and look at things like, I have signposted a lot of people to mediation, it's something that they're usually aware of, and they've seen reference to and hopefully they do take that up.”

“The 'Where do I stand? children [cases] - they tend to be in conflict, seeking advice about whether they should go to court or not, is what I found. And I see high levels of conflict at that point. But by going through the process with them and their options, I think they've come away with the intention to try and reduce the conflict, rather than increase it and in terms of the finance ones, there's been a bit of a mixture of clients who've been in court proceedings already, or ones that are trying to reach agreement. The ones

trying to reach agreement, obviously are not too much in conflict, in the sense that they are trying to actively work with their [ex-spouses], I think it just depends on the advice that they're seeking.”

One solicitor emphasised how a better awareness of legal processes can have a significant and positive effect on the behaviour of LiPs:

“I think where conflict can come in is where they don't necessarily know what the process is about. And it can be obviously quite overwhelming for some people. And that tends to make them, you know, behave in a way that they might not normally behave purely because they don't know what's going to happen. And I think that you can just reassure them that, you know, they're on the right track, there's nothing to be concerned about, for example, and everything's going how it should be, then that probably helps them because they don't then feel like, you know, a lot of litigants in person often feel like they are being misled by the other side. Because they don't know the processes. So I think it's useful then for them to know that actually, that everything's going how it should be.”

Another highlighted the importance of being able to discuss aspects of their case with a solicitor, in addition to the information provided by the Advicenow guides, which reduced stress for LiPs:

“It makes it real when you speak to someone. I think also clients can often come to you and not have the headspace to actually understand that problem. So they might not be able to kind of unravel it. Whereas you can say, “Let's sit down and go through it together.” And they can go away with an actual plan of the next steps, and how they wish to progress. They're all matter of fact, rather than just being like, ‘I've got no clue where to go from here.’”

However, the nature of the scheme made it unlikely that the solicitors would find out what impact their advice had had on conflict levels within individual cases, or the effect upon any children involved.

5) What value did it offer for different types of LiP?

Most of the solicitors interviewed said that the majority of LiPs using the AA scheme would not normally have been able to afford their normal rate.

“I think generally, you know, it's always going to come back to the cuts in Legal Aid, I suppose, because you get the kind of clients who come through who may have qualified for legal aid before, but now they don't. And they just can't afford the advice that they should be getting. Because, you know, it's supposed to be everyone should have access to advice, but sometimes that just isn't practical or affordable.”

However, some had appointments with LiPs who could afford to pay but had decided to try and represent themselves but needed advice on a specific aspect of their case. Some suggested to those LiPs that they consider instructing a solicitor, especially where substantial assets were involved. Most solicitors agreed that supporting LiPs was important, as it could have a beneficial effect on the way a case developed, especially in court:

“You see this when you're dealing with cases with unrepresented parties on the other side, but very often they struggle to deal with the court process. Sometimes the court hearings have turned into almost a shambles. You know, parties starting to shout at each other or shouting at the judge, interrupting the judge. So the answer is yes. There's a lot of people there that do need additional support.”

In terms of the whether the scheme was better suited to different types of client, one solicitor suggested that the attitude of the client was important:

“I think there needs to be a willingness to engage with a solicitor and take advice from parties who are representing themselves, some seem to think they know everything, and just don't want advice. So the answer is, yes. It depends on the person. And there are some cases where it is better suited to having the affordable advice.”

They were also concerned that the service was not reaching those who could benefit, because they weren't aware of it. They recognised that this was partly due to the restrictions of the pandemic, but some felt there was clearly potential for promoting the scheme more broadly, e.g., via local courts or the Family Mediation Council. This insight will be taken on board in future work in developing the AA.

6) What barriers to justice for clients were observed through the service?

A range of barriers to justice were identified by the solicitors, including low incomes, poor literacy skills, the lack of interpreters to support clients with poor English language skills. One solicitor suggested that early intervention was very important:

“I think just that getting the initial advice is the really difficult thing, if they haven't had it, and they've got somewhat through the process of either children or finances, and they've not got that initial advice, there can be barriers in the way to getting the outcome that they want.”

Opinions were mixed about lack of access to digital technology. One or two solicitors acknowledged that this was a problem for some LiPs, but felt for others that it was not an issue as people had adjusted. In light of the conclusions noted earlier about those who were digitally aware accessing the service and other who may be missing out, this aspect of the service requires further exploration.

Most solicitors offered video-calls, as it enabled them to see the LiP, although one solicitor had only had appointments via the telephone, at the request of LiPs. This reflects that those who booked appointments had already accessed the service online and therefore don't fall into what might be termed the 'digitally excluded'. There was also a recognition that AA clients tended to have a reasonable level of education to get as far as an appointment.

7) Did the service help LiPs improve their legal capabilities?

Most of the solicitors interviewed felt that the AA service helped LiPs learn more about their rights and obligations when dealing with their situations, particularly when they are preparing for court hearings:

“I think, particularly with the principles of family law, and how a court, what factors the court would look into - that's not necessarily something that they would have known beforehand. So it kind of just gives them a steer as to what they should be thinking about when they negotiate or when they're in mediation, just for them to have an idea of how a court might approach things, because without actually working in this sector, you probably don't know that.”

The lawyers were all confident that they had been able to help LiPs find out what steps are involved in dealing with their situation and about the different courses of action they could take:

“I think nearly all of them left the meeting, having confidence in what they need to do next. But it wasn't necessarily what they thought they were supposed to do at the beginning of the meeting. That makes sense. So often, they've started the meeting, looking at one thing, and then diverged and actually focused on something else within the meeting. And now having to do something else. And I always finish the meeting by saying "these are the three things you should be doing now" or four things or whatever. "Write this down." So again, I make sure they're very clear on what the next steps are. But it doesn't mean that, hey, they're going to do them or be that they are going to remember how to do them the next day. But that's a general client thing - it's not that these are the Affordable Advice clients, just clients in general.”

Even though they weren't always aware of AA LiPs' outcomes and how they used the advice they were given, they still felt that the appointment was a valuable part of the process for LiPs:

“You know, I can think of a couple of people who perhaps didn't feel ready to take any next steps. And I suspect that they've kind of just let things be. But again, just having the advice is helpful.”

8) What return on investment and overall value did Affordable Advice have for those solicitors and firms involved in it?

Most solicitors stated that the main reason for their involvement was to give back to their community, rather than as a way of attracting more work to their firm:

“I've never sold it as a money-making tool. I've sold it as 'you do this because you want to give back to the community. You do it because you want your firm to be able to provide legal advice to people who need it, and who can't afford to spend a huge amount of money on it. You do it because you want your junior solicitors to practice because a lot of cases are not very complicated.' They need some strong advice, but they don't need a 10-year PQE necessarily - they can survive with a one year PQE perfectly well.”

A few solicitors also saw it as a 'loss leader', attracting work from potential clients who would not normally use their services, a few of whom would be 'converted' to instructing them as full clients. All solicitors interviewed were happy with the development of the AA service and expressed a desire to continue being part of the scheme at this time.

All the solicitors were clear that the current fee of £100 (plus VAT) per appointment was appropriate for the LiP and financially manageable for them and their firm, as long as the number of AA service users didn't outweigh their usual caseload of clients paying their standard hourly rate. This has implications for the scalability of the scheme, in that a large pool of solicitors would need to be recruited to be able to offer the service. They also indicated that the ability to arrange a 'temporary withdrawal' from the service, when they had too much other work or were away, would be beneficial for themselves and AA service users, preventing delays and having to turn people away.

Solicitors were also asked about how they could contribute to membership of the AA scheme to ensure its sustainability in the longer term. However most felt unable to comment without further information about the cost of administering the scheme and the opportunity to discuss it with Senior Partners within their firms.

4.0 Conclusions and key preliminary findings

Despite limited promotion and the significant challenges presented by Covid-19 the service has been successful in attracting LiPs. Service users express high levels of positive experience and trust with the Affordable Advice service. The service appears to meet the needs of a key group of under-served LiPs who need expert advice but are unable to afford a full family solicitor service. Evidence from user surveys, feedback and solicitor interviews suggests that the user group who benefited the most was relatively digitally able, demonstrated that they grasped the parameters of the service and had a degree of emotional preparedness and attendant attitudinal characteristics to derive the full benefit of the service. Invariably we know little about those people who struggle to access or navigate the service at this stage in the development.

The approach of blending public legal education with dovetailed unbundled advice, this evidence suggests, is able to enhance levels of legal capability. This includes knowledge of rights and obligations, and the processes involved, and grows confidence and trust.

Blending public legal education with dovetailed unbundled advice enables panel lawyers to maximise benefit for the LiP and reduce risk.

The pilot offers some evidence that reduced stress was an outcome of the service, with high levels of self-reported confidence and stress reduction from LiPs, corroborated by solicitors.

The pilot evaluation indicates that there is potential for the service to reduce conflict when the LiP reaches the services at earlier stages, and by empowering LiPs to get a better grasp

of the parameters of family law proceedings. However, there remain other groups who may not be able to access the service effectively due to emotional, financial or digital barriers. This suggests adaptations will be needed to enhance routes to pro bono assistance, targeting via trusted intermediaries, and through adjacent services e.g. CAFCASS.

Lawyers on the panel indicate that the service augments existing services well and has the potential to be an effective use of junior lawyer's time. However, careful management of promotion and expansion is suggested to ensure lawyers do not become over-burdened by this element of their services as this could act as a deterrent in their involvement. A continuing challenge for the development of the service is to manage the expectations of service users throughout the journey.

4.1 Challenges identified through the course of the pilot

Defined advice offer vs holistic help

There has, from the outset, been a tension between the need to closely define the parameters of each advice appointment offered, in order for the solicitors involved to feel comfortable enough to offer these appointments at a low fixed-fee, and the need to provide the more holistic appointments that litigants in person often require. Issues at the end of a marriage, particularly with only sparse legal help, are usually messy and complex, and inevitably touch on other areas. Services are often fragmented and siloed which does not help this group.ⁱⁱ For example, it is not usually possible (or desirable) to advise somebody on possible ways of dividing the family home, without also discussing income, savings, pensions, and child care. Evidence suggests this challenge has been navigated well with solicitors feeling the blending of information and advice offered a more holistic service while managing the discreet parameters of their advice.

Emotional readiness vs financial constraints

Another difficulty of this project, and indeed many if not all projects attempting to address the lack of affordable legal advice on family issues left by the loss of legal aid, is that in order to be able to offer help to clients with limited means the service needs to be low-cost. In order to be sustainable at a low-cost, the work for the legal professional needs to be streamlined and as efficient as possible.

Affordable Advice has tried to meet this challenge but it sits within a landscape or context where those who need the most help often lack capability, confidence and wherewithal to navigate complex laws and systems.ⁱⁱⁱ Yet many/most clients facing family legal issues are often not emotionally ready, no matter where in the case they are, to be able to quickly and efficiently take on board the advice and act upon it.

The impact of family breakdown and the stress and upset involved in going to court unrepresented, means that most clients require a certain amount of hand-holding, practical

support, and help with attitudes and confidence, that prevents the solicitor from being able to dispense the legal advice required in a very time-efficient manner. ^{iv}

Evidence suggests that the integrated service had positive impacts on the emotional preparedness of clients, particularly those who were less advanced in the process.

Little understanding of the true price of advice

Many of the people the Affordable Advice service is seeking to reach cannot afford legal help, have never received traditional legal advice, or even pay-by-the-hour unbundled advice. Few would have a sense of the costs in the market place. Therefore, many do not recognise how substantial the reduction of fees involved in this project is. Messaging has been changed during the course of the pilot and to address this, and this will be examined as an aspect of full service roll out and promotion.

Demand management

Promotion was initially deliberately slow to ensure demand and supply could be carefully managed, alongside technical soft launch iterations. Promotion paused briefly in the latter stages of the pilot as demand picked up. Findings suggest the service reached a new market, and serves some people extremely well. Moreover, solicitors indicate a good fit with private practice as long as the balance between fixed fee-client and wider practice caseload does not shift too far in the direction of fixed fee caseloads. Further consultation will help clarify the desired balance for participating solicitors.

4.2 Recommendations and next steps

The pilot sought to test:

1. if a service dovetailing user-friendly information with low-cost, fixed-fee legal advice could work for both LiP/potential LiP and solicitor,
2. if such a service would increase the legal capability of participants,
3. if such a service would enable people who would not otherwise get legal advice to do so, and also enable solicitors on the panel to reach a new market, and
4. if such a service could be self-financing through charging a fee for solicitors to be on the panel.

Devising a service of this nature and complexity, that meets the needs both of LiPs on low-median incomes and family solicitors has been a huge challenge. Although take-up has so far not been quite as high as originally envisaged, user feedback is overwhelmingly positive both about the usefulness of the service and about the price charged.

Lawyers involved have been motivated primarily by increasing access to justice, and have been very complimentary about how easily they were able to include the service into their work. The majority of clients seen through the service do not go on to pay for further services at the solicitor's usual rate.

Evidence collected from the evaluation so far does indicate that the service increased the legal capability of participants and was successful in reaching a new market. Through further research and evaluation to find out more about the service's effectiveness and to recalibrate and learn from the growing evidence base.

In order to progress the services some key recommendations arise from the initial findings of the pilot to which we seek comment and contribution from partners.

Recommendation 1

To expand the existing offering through increasing the number of panel members and continued price testing and content development.

Recommendation 2

To expand promotion of the service. This includes continued efforts to get the relevant guides and service signposted from key GOV.UK content at the earliest possible stage, CAFCASS and the Family Mediation Council. In addition, enhanced signposting support for participating solicitors to help LiPs navigate the service holistically and to ensure those who need more help with practical, emotional and digital support are receiving more assistance.

Recommendation 3

To explore the potential for a membership scheme for participating lawyers to support the long-term sustainability of the service and suitable price points. Further views should be garnered from stakeholders as to the cost/benefit. Further subsidy grant funding from wider sources including Government and Trust and Foundations could underwrite the expansion of digital pathways to unbundled advice.

Recommendation 4

To explore the wider impact and outcomes of the service user's perspective. A number of potential questions arise including whether legal capability was enhanced as a consequence of the service, and which stage – information prior to appointment or subsequent – offered the most potential. Probing further the impact on stress reduction and conflict reduction are also recommended by assessing the short, medium and long-term impacts. Further exploration of the attitudinal factors and emotional readiness that is demonstrated by service users throughout the journey is recommended.

ⁱⁱ L Curran (2021) 'From Fragmented to Holistic: Starting the evidence base for client –centred practice through navigation: A Report on the Research Evaluation of the Hammersmith Fulham Law Centre 'Women's Crisis Navigator Service Project' (Pilot) (August 5, 2021). Available at SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3899573

ⁱⁱⁱ P Pleasence & NJ Balmer (2019) 'Justice and the capability to Function in Society' Winter 2019 *Journal of the American Academy of Arts & Sciences*, doi:10.1162/DAED_a_00547 140- 148

^{iv} R Hunter (2003) 'Adversarial Mythologies: Policy Assumptions and Research Evidence in Family Law', 30 (1), *Journal of Law and Society*, 156–76, <https://doi.org/10.1111/1467-6478.00251>