

# Research Briefing: Affordable Advice Service

## Building the evidence base for early legal support for Litigants in Person

This briefing paper presents key findings(i) from research into the second year of the **Affordable Advice** service provided by Law for Life in partnership with Resolution. The service is aimed at people who are managing their finances on divorce or child arrangements difficulties with little or no advice. The service offers a blend of step-by-step [guidance from the Advicenow website](#) with fixed fee, unbundled legal advice from Resolution family lawyers at the most crucial points in the process.

The service was developed to meet the needs of Litigants in Person (LiPs) and potential LiPs who do not seek the advice they need from family law solicitors due to fear and confusion about prices, the high cost of advice, and lack of confidence about how to find a good solicitor, and how to be sure it will be worth it. The lack of evidence-based research in this area hampers the development of a wider strategy to prevent legal problems from escalating(ii). This research aims to contribute to the evidence base on the effectiveness of early intervention in reducing the negative impact of legal problems on litigants in person(iii).

**Law for Life** is a national information and education provider that strives for social justice by legally empowering individuals and communities. **Resolution** is a community of family justice professionals who work with families and individuals to resolve issues in a constructive way.

## Key Findings

- 1 The new service enabled service users to get unbundled advice for a substantially reduced fixed fee (iv)
- 2 The service reached a new market of people who could not afford to instruct a solicitor to act for them and those nervous about accessing legal advice because of the uncertainty of the final cost. 83% of people said they would not have sought advice or were unsure whether they would have sought advice without the service.
- 3 The majority of service users were from low-income, working households. Almost 60% of users were women.
- 4 More service users sought help with financial arrangements than child arrangements (64% and 28%).
- 5 Satisfaction with the service was high. 98% of users said they would recommend the service to others. 75% of service users considered the service to be either good or very good value. However, 75% said they could not afford to pay more.
- 6 The service made a difference to users by helping them to understand their legal issues and the processes associated with their situation. It enabled them to weigh options, make informed choices, improved confidence to act, and helped them make their case better.
- 7 Service users reported increased trust in legal services and 82% said the service had reduced their stress. Users reported that the guides and the solicitor appointment helped them cope better with the process and mitigated the emotions generated by their case. Some users reported substantially improved outcomes in their matter.

# Recommendations and Next Steps

## Ministry of Justice and HMCTS

- 1 Public funding could increase access to the service by low-income LiPs. Clients meeting clear income-based criteria could have some or all the fee subsidised without financially disadvantaging panel solicitors.
- 2 To increase traffic to the Affordable Advice service, there should be links throughout the Get A Divorce process on GOV.UK and the new Prototype Citizen Hub flagging help from the earliest possible opportunity.
- 3 Awareness of the Affordable Advice service and its relevance to those sorting out arrangements for children needs to be raised by more prominent links on the Cafcass website, Cafcass letters to families, the Notice of hearing, and family mediation websites.
- 4 Further research is needed into the impact of domestic violence and abuse (DVA) and coercive control on LiPs going through divorce in the family court, and the contribution that can be made by experienced panel solicitors to help.
- 5 The provision of wider national demographic data on applicants to the family court is needed to better address the early legal needs of Litigants in Person, as recommended in the Justice Report 'Improving Access to Justice for Separating Families' (2022).

## Law for Life and Resolution

- 1 The service should be scaled up to meet demand, with wider, targeted promotion and an increase in the recruitment of panel solicitors able to provide high-quality legal advice.
- 2 Additional infrastructure funding should be sought to enable the further development of the service, to provide administration and support to clients and solicitors, and to promote the service to potential service users.
- 3 A mechanism for providing public funding assistance for low-income LiPs to access unbundled advice is required. Clients meeting clear income-based criteria would have some or all the fee subsidised without financially disadvantaging panel solicitors.
- 4 Further research is needed into demographics including disability and ethnicity. Further longitudinal research is required into whether the service reduced conflict and improved emotional preparedness. Links between service use and mediation also need further research.
- 5 Better support for legally binding agreements is needed. LawTech funding for a Consent Order Tool should be sought as a priority, as identified by service users

## Service take up and reach

Affordable Advice has now moved into full-service delivery after a successful pilot, and demand for appointments with solicitors has increased significantly during the second year, despite a dip in overall pageviews for the period(v).

- 231 appointments requested with lawyers (increase of 88%)
- 143 appointments held with lawyers to (increase of 127%)
- 189,743 pageviews for Affordable Advice service content (decrease of 18%)

Service users sought help with:

- financial arrangements of their divorce (64%)
- child arrangements (28%)
- both (6%)

Service users tended to be:

- female (59%), aged between 40-49 (39%) and British (67%)(vi)
- from low-income households, with a wage earner. (71% reported that their income was from a salary only, 8% reported they were in receipt of benefits, and 5% were pensioners) (iv).

## Affordability of the service

*"I think that the fee was more than just very good - it was amazing and I was so relieved to know the amount I paid since I have no savings and have a lot of financial difficulties in this time in my life."*

The service reached people who could not afford to instruct a solicitor to act for them, those wary of instructing a solicitor because of the uncertainty of the final cost, and those who feared the cost would be prohibitive because their spouse was obstructing or prolonging the case.

Advicenow users were asked how they felt about the level of fee charged:

- 75% said they felt it was very good value or good value
- 13% said it was about right
- 12% said it was still too expensive
- 75% said that they could not have afforded any more, and
- 25% said they could have paid a little more.

## Satisfaction with the service

Service users reported the Advicenow family law guides were extremely helpful and supportive to them because they:

- were comprehensive, trustworthy and accessible
- gave real-world examples that they could relate to their case, and
- helped them to successfully navigate the process.

*"It was like my textbook, if I'm honest with you, I put post-its all over it...I used it as a go-to and actually I referenced it in court proceedings. And I asked directly to the judges and things I said, 'Well, I've read that I can do this.' Or if they're to do with bundle preparation. I cited it and said, 'Well, we're both litigants in person or 'How is this working? Do we need to do a bundle?' So it was helpful for me to have that as a reference."*

Users were asked about their experience with panel solicitors.

- 98% said they would recommend this service to others.
- 82% said they would approach that solicitor for future family law problems.
- 39% said they already planned to see that solicitor again.

## The difference the service made

The service had an impact on user's legal capability. Most interviewees reported that the service had increased their awareness and understanding of their legal issues and legal processes relating to it. They also said that the service had helped them decide what to do next and had given them the impetus to follow it through.

*"The catalyst to me battling for 2.5 years with a Covid-ridden court system which has pretty much collapsed at the Family Court was my advice from [the panel solicitor] - you were quite clear that [my husband] not meeting his mortgage liability and commitment for 13 years was not right ...and this was the catalyst that spurred me on."*

Interviewees reported that the service had improved their confidence in representing themselves in court and that they had been able to negotiate a better financial settlement as a result of using the Affordable Advice service. In two cases, the solicitor was able to support an interviewee who was in a vulnerable situation and encourage them to take control of their case.

Service users stated that they valued the opportunity to make informed choices about how to proceed and the likelihood of success when negotiating financial outcomes, e.g., whether to prioritise assets such as the house over a share of their ex-spouse's pension. In one case, the user decided not to proceed with the divorce as a result of the advice received from the panel solicitor.

Users also reported that the service helped them cope better with the process, as it created a clear structure for them to follow that mitigated emotions generated by the case. Where people had used the service at an early stage in their divorce, they reported positive impacts on their emotional preparedness. 82% of users surveyed reported that getting the advice had helped reduce their stress.

*"I would say it was a bit of a game changer for me really. It went from feeling that I was not in control of the situation and, you know, I was distressed, I was quite anxious and frightened about what I should be doing. But the advice she gave me allowed me to take control of the situation and put things in place which actually safeguarded me - I think I felt so afraid of him, that I wasn't thinking clearly."*

When asked why they had decided they needed expert advice from our panel, interviewees stated that they sought advice to help them address a specific point in their case, to provide reassurance that they were pursuing the case correctly or because their circumstances lay outside those mentioned in the guides.

### Users reported that getting the advice

- 90% helped them feel more confident
- 90% helped them decide to do something
- 82% helped them make their case better

A majority of users would not have received advice without the Affordable Advice service.

### Users told us they

- 50% would not have sought advice
- 33% were unsure whether they would have sought advice
- 16% would have sought advice anyway

Service users reported that their experience of the service had increased their trust in accessing legal advice.

*"When you're speaking in sort of legal terminology, even when you're trying to simplify it, it is a bit frightening for those of us who have never spoken to a solicitor before in our lives. And so that was what led me to eventually decide that I needed a solicitor."*

Some service users told us the service significantly improved the outcome of their case. One secured an increase in their share of the proceeds from selling the family house from 25% offered by their ex-spouse to 75% following the solicitor's advice to hire a barrister. In two cases, the solicitor was able to identify serious issues, such as potential coercive control or domestic abuse, and support those LiPs through the process of divorce. This is something that would be impossible for an online information service to identify.

*"There didn't seem to be any other services that offered that and I think I kind of felt like between the gaps because, you know, there's this coercive control and other issues and some of the things that she spoke to me about was kind of the expectations from a legal standpoint about resilience with children, about keeping myself safe, about the kinds of arrangements that would be acceptable, and I don't really know where else you would get that information."*

There was some evidence about outcomes for children. Some users reported that agreeing financial arrangements helped safeguard the futures and stability of their children, including those who were adults but were vulnerable.

*"My eldest daughter [aged 19] is autistic. So that's another thing that I like to bring up in court - she's got a disability, so she's gonna need additional care in terms of like, I can't just sell this house and live anywhere.... she needs familiarity in her life."*

# Conclusions

Evidence suggests that the Affordable Advice service is continuing to reach a new market:

- low-income households who have a limited ability to pay
- those representing themselves when the other side can afford legal representation, which creates an imbalance of power.<sup>x</sup>

The Affordable Advice service levelled the playing field by giving service users access to high-quality legal advice, particularly on financial arrangements, which made a difference to their financial outcomes.

The service is still beyond the reach of those on very low wages or benefits. Recent research from the Nuffield Family Justice Observatory suggests that high conflict cases tend to involve parents in this income category, who are unlikely to be able to afford to use the Affordable Advice service. This suggests a continued need to explore ways to reduce or underwrite the cost of fixed fees or provide further assistance for early legal advice.

The Affordable Advice service has the potential to reduce conflict. More research is needed into the experiences of Affordable Advice service users who access advice on child arrangements.

Comments from those service users interviewed suggested that the pandemic has encouraged more individuals to seek legal advice and support online, which has changed the way they view that advice in a geographic sense. They are less likely to prioritise using solicitors based in their local area/region. Interviewees reported that this gave them more choices of solicitors and more flexibility in terms of arranging appointments.

Many interviewees commented that the service should be given a higher profile on court and other government websites, as well as links being provided via other advice agencies.

*"And the other thing as well, is I think it's such a good service, I kind of feel like not enough people know about it. And I think that's something that could help a lot of people because it's such a big gap, like you don't really get legal aid very easily do you, except for certain types of situations or certain incomes."*

Although the service was intended to offer one-off appointments, several interviewees stated that they had built a rapport with the panel solicitor and returned to them for further appointments, and several instructed the solicitor to complete a specific task not covered by the service, e.g., drafting up a consent order.

Comments from two interviewees indicated that access to legal advice from an experienced panel solicitor can be effective in supporting individuals experiencing domestic violence or coercion. Due to the current funding structure of the service, such advice would not be accessible to people unable to pay for an appointment.

i This briefing covers the period July 2021–June 2022.

ii Legal Support the Way Ahead: An Action Plan to deliver better support to people experiencing legal problems Ministry of Justice (2019, 6)

iii Our key findings are based on data collected by panel solicitors from 143 LiPs attending unbundled appointments with panel solicitors over 12 months, online surveys of service users and interviews of 15 service users who had attended solicitor appointments, held via video call or telephone during July – September 2022.

iv Most appointments are £100 (+ VAT) for one hour requiring 30 minutes of preparation, or £200 (+ VAT) for more complicated financial issues requiring 1-2 hours of preparation. The solicitors on the panel, on average, charge £295 per hour (including VAT) The fee for the Affordable Advice standard appointment represents a 70% reduction on average, and users also have the benefit of a fixed fee, which gives them more control over costs.

v The Affordable Advice Service was launched officially in February 2020. Findings on the pilot period from February 2020 – July 2021 were published in the [Pilot Study Report](#).

vi 23% of users did not state nationality, 4% European, and 6% Other. Panel lawyer data suggest that the service was more likely to be accessed by women, with the most common age group falling between the ages of 40–49. 39% of clients were in their 40's. The oldest client was 78, and the youngest was 26. Solicitors collect data on nationality rather than race or ethnicity, as the latter has implications for GDPR as Special Category data.

vii The average UK median household income for Financial Year End 2022 is £2692 per month ([ONS](#)). 14% of respondents had above-average income, 49% below-average income, and 37% not stated.