Collection of client feedback and outcome information across the CLAO network
Final report - December 2011
# Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Executive Summary</strong></td>
<td>2</td>
</tr>
<tr>
<td><strong>Objectives and approach</strong></td>
<td>7</td>
</tr>
<tr>
<td>Background and context</td>
<td>7</td>
</tr>
<tr>
<td>Objectives</td>
<td>9</td>
</tr>
<tr>
<td>Our approach</td>
<td>9</td>
</tr>
<tr>
<td>Literature Review</td>
<td>10</td>
</tr>
<tr>
<td>Qualitative interviews</td>
<td>10</td>
</tr>
<tr>
<td>A note on the interpretation of qualitative research</td>
<td>13</td>
</tr>
<tr>
<td><strong>Literature review – collection of service users’ experiences and views on legal services</strong></td>
<td>16</td>
</tr>
<tr>
<td><strong>Main findings from the qualitative research with CLAO clients</strong></td>
<td>30</td>
</tr>
<tr>
<td><strong>Implications and conclusions</strong></td>
<td>50</td>
</tr>
<tr>
<td>Appendix 1 – References</td>
<td>60</td>
</tr>
<tr>
<td>Appendix 2 – Opt out letter</td>
<td>65</td>
</tr>
<tr>
<td>Appendix 3 – Current CLAO client satisfaction questionnaire</td>
<td>66</td>
</tr>
<tr>
<td>Appendix 4 – Draft feedback tool</td>
<td>69</td>
</tr>
<tr>
<td>Appendix 5 – Discussion guide</td>
<td>74</td>
</tr>
</tbody>
</table>
Summary
Executive Summary

Introduction

In March 2011, Ipsos MORI Scotland and Dr Jackie Gulland of the University of Stirling were commissioned by the Scottish Legal Aid Board to explore client satisfaction with the service provided by the CLAO network and the impact of the service on clients. In addition, the research sought to produce recommendations around what and how to collect and monitor around client feedback for the future.

The research was conducted in two parts. First, a literature review was undertaken to provide a broad overview of the different approaches that might be taken to measure the outcomes, impact and satisfaction with legal advice services. Second, qualitative depth interviews were conducted with CLAO network clients and with senior members of SLAB staff. Taken together, the findings represent the evidence base upon which our recommendations are made.

Conclusions from the literature review

Studies of outcome, impact and customer satisfaction measurement suggest that there are two ways of approaching the question of measuring user satisfaction and outcomes in legal services:

1) **Standard user satisfaction survey tools to assess the experiences of service users, usually at the close of their case.** There are several models for this kind of tool, including that recommended by the Canadian government (see Institute for Citizen Centred Services' website\(^1\)) and following the generic advice provided by organisations such as Customer Services Excellence Scheme\(^2\). These tools have been designed to deal with the concerns of users of public services generally and provide broad

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\(^2\) [http://www.customerserviceexcellence.uk.com/](http://www.customerserviceexcellence.uk.com/)
parameters for assessing ‘customer satisfaction’ in public services. A more nuanced tool, designed with CLAO issues more specifically in mind could be used in this way. The advantages of this type of tool would be that it could be used in a systematic way to collect data which would be comparable over time and between services. The disadvantages would be that it would not cover the full range of experiences across the timeline of advice provision and it would not be able to pick up the experiences of those unable to access the service, or who dropped out or stopped using services for some reason. Nor would it pick up the medium to long term impact of legal advice.

2) One-off or periodical research focussing on particular concerns. Recognising the disadvantages of customer satisfaction surveys, there are many other ways that user satisfaction and outcomes in publicly funded legal services can be considered. The literature reviewed in this report includes a range of examples, including research which concerns particular types of client, particular types of service or key points in time along the route from accessing advice to after the conclusion of a legal problem. There are examples of large scale quantitative studies, including randomised controlled trials (although these have not proved to be easily used in this field of study) and of qualitative studies which consider the more in-depth experiences of clients, including some longitudinal studies. However these would not be easily used on a regular basis with all clients but would instead be appropriate for one-off or periodical research projects. A variety of different research techniques are available and will be appropriate for particular research questions.

Views from clients on the service received at the CLAO

When clients first came into contact with CLAO solicitors, they were generally at a crisis point and many were deeply distressed and anxious about the issue they were seeking help with. While some clients continued to feel very worried until the case was resolved, more commonly there was some immediate sense of relief that something was being done and the problem was being dealt with.
When the outcome of the case was positive, it was clear that the resolution of a major problem or threat had a direct and significant impact on clients' wellbeing. However, even in cases where the outcome was not what the client had hoped for, there was evidence that CLAO support had a positive impact. This appeared to stem from an understanding and an acceptance that everything that could have been done had been done: if the outcome was negative it was because of the reality of the situation, not because they were not well represented well, had received bad advice or had not known what their options were.

Treatment of clients and attitude towards them

Clients were extremely positive about the way they were treated by the CLAO and the attitude of CLAO staff towards them. This was often in contrast to their experiences of other agencies and solicitors. In particular, clients cited: the feeling that the CLAO solicitor was on their side; the caring and sympathetic attitude of their solicitor; feeling that they were being treated like an individual and that the CLAO solicitor was sensitive to their individual circumstances; and feeling that their solicitor had time for them.

Communication/information

Strong communication skills were identified as an extremely positive aspect of CLAO’s service. Clear, straightforward and regular communications helped to reassure clients about the process and were vital to ensuring clients understood what was going on throughout their case. This was particularly important given the clients' general lack of understanding of the law and legal processes and services.

As well as speaking in positive terms about the way their solicitor communicated with them and kept them informed about the progress of their case, clients were also impressed by the way that their solicitor dealt with their case, acting without delay and driving things forward when required. Overall, clients’ impressions were that their solicitor was responsive and efficient, that their case was being managed well and that it was progressing at the right pace.
Managing expectations

While clients were very complimentary of their solicitor’s interpersonal skills and caring attitude, these skills did not detract from their ability to be candid with clients about their case when necessary. Clients were positive about their solicitor’s honest and straight-talking approach and appreciated being told things they ‘didn’t want to hear’ when that was necessary. The way that solicitors set expectations for their clients was extremely important.

Confidence in solicitors’ competence

While clients are clearly not in a position to assess the quality of advice or competence of their solicitor from a legal perspective, the literature review and qualitative interviews highlight that clients’ confidence that their solicitor had the necessary expertise to manage their case is still important. The combination of a number of factors – perceptions of legal knowledge/expertise; thoroughness; pro-activeness and persistence, as well as the interpersonal and communication skills, come together to reassure clients that their solicitor had done everything possible to help them.

Recommendations for a feedback tool

It is clear, from both the literature review and the qualitative interviews, that it would be extremely difficult to measure the impact of the CLAO service on clients and their general wellbeing. While it may be feasible to gauge self-reported health and welfare aspects of at different stages of their case, the wide range of other factors that might impact on wellbeing mean that, without a control group, it would be very difficult to assess what would have happened in the absence of the CLAO. It is, however, much easier to measure clients’ perceptions of the aspects of service provision which appear to lead to a positive impact on their lives, and these are discussed in more detail below and in the main body of the report.

In relation to the aspects of service provision which appear to lead to a positive impact on wellbeing, the qualitative research confirmed that the issues identified
in the literature review (fairness, timeliness, professionalism, information, staff attitude) are broadly the same matters that concern CLAO clients. While clients were overwhelmingly positive about the experience they had of the CLAO service, we were still able to identify some specific aspects that appeared to have mattered most to them and influenced their overall perspective.

Given the complexities around measuring the impact of the service on clients, the purpose of the recommended feedback tool is therefore to measure clients’ experience of using the service in terms of these aspects identified.

Considering the difficulties (discussed in more detail in the main body of this report) involved in attempting to measure the impact of CLAO on clients’ lives, we have recommended a feedback tool which is designed to gauge clients’ experience of using the service. In addition to capturing broad perceptions of the service, the focus is on three key areas: the treatment/attitude of staff towards clients, communication and the handling of their case.

After weighing up a number of factors, we concluded that a postal, self-
Objectives and approach

Background and context

In March 2011, Ipsos MORI and Dr Jackie Gulland of the University of Stirling were commissioned by the Scottish Legal Aid Board to carry out research to better understand client satisfaction with and the impact of legal advice given across the CLAO network. In addition, the research sought to produce recommendations around how best to collect and monitor this for the future.

Using solicitors directly employed by the Board, the Civil Legal Assistance Office network (CLAO) provide a service that helps address unmet legal need in relation to matters dealt with under civil legal assistance. The current network of four offices (in Inverness, Aberdeen, Edinburgh and Lochgilphead) aims to increase access to justice by advising those people who would otherwise not have received advice, complementing the existing provision of solicitors working in the private sector.

The main aim of the CLAO network is to meet the needs of those unable to access legal assistance and legal aid through a private solicitor or other agency providing legal advice. This is particularly important in areas where geography makes accessing a solicitor in private practice difficult and where clients are unable to find a solicitor able or willing to take on their case. The CLAO network also has an important role in helping the client to navigate the legal system and in trying to prevent their case from being escalated to the courts where this can be avoided.

Many of the clients of the CLAO network are vulnerable, living in difficult socio-economic circumstances and facing many different challenges in their everyday lives. In the past, such clients may have had difficulty finding a solicitor to represent them.

Clients have tended to be referred to a CLAO from another agency or private solicitor, though it is intended that a CLAO will increasingly be the first port of call for clients who have a greater awareness of the network and an understanding that they may find it difficult to find a solicitor working in private practice that does legal aid work or is willing to take their case on.
For such a network, where each office has its own specific focus and operates relatively independently, the collection of monitoring and performance management information is clearly essential. Having the correct outcome indicators, which will measure the broad results achieved through the provision of the service, will enable the CLAO network to learn about what is working and what is not and therefore how to become more effective and efficient. Not only will this have benefits for the clients themselves, but the solicitors working for the CLAO may also feel more confident that the service they are providing is best meeting the needs of their users.

The Board feels that the current level of service provided by the CLAO network is good: there is confidence in the experience and expertise of the solicitors working in the offices; monitoring and performance management data is affirmative; and positive feedback is consistently received from clients in a survey currently administered by the CLAO network upon the closure of a client’s case.

However, the current response rate to the client survey is only around 15-20% and this inevitably raises questions as to the representativeness of the sample achieved and about bias which may be introduced because of the relatively low response rate. In addition, considering the vulnerable nature of many of the CLAO’s clients, problems of literacy and numeracy may well deter some from returning a feedback form.

With the overall aim of developing the existing monitoring and performance management framework, the Board commissioned Ipsos MORI to re-evaluate the measures that describe how satisfied clients of the CLAO network are with the outcome of their case as well as the methods used for gathering both client satisfaction and outcome information for each office.

The Board is keen that whatever tool is used to collect feedback data from clients, the method used should be designed to gather as much information as possible, without deterring clients from responding. As such, thought will need to be given to the different options available in relation to methodology, timing and frequency of feedback.
Objectives

The primary focus of the research was for the Board to better understand client satisfaction with, and the impact of, legal advice given across the CLAO network and how best to collect and monitor it.

The research aimed to build upon and develop the current feedback from clients, in order to provide evidence on the operation of the CLAO network and clients’ satisfaction with the service and the outcome of their case.

Since many of the clients of the CLAO tend to be vulnerable and experiencing a number of problems in their everyday lives, an important aspect of the study was to try to capture the wider impact of the CLAO. The research therefore sought to explore the extent to which the resolution of a legal problem helped improve other areas of clients’ lives, in particular their general wellbeing, and the role, direct or otherwise, that the CLAO played in this.

Our approach

What is recognised as an outcome of a legal process can be complex and the client’s journey, from the first meeting with their solicitor to the final outcome, may require the involvement of several agencies, each with a distinct role in different parts of that journey. Moreover, for many clients, there may be additional forces which impact on their opinions of and satisfaction with the CLAO, the way their case was dealt with and the actual outcome of their case.

It was important, therefore, that an approach was developed which was able to tease out the most pertinent issues and factors which may have an impact. With this in mind, a literature review was undertaken by Jackie Gulland and qualitative, face-to-face depth interviews were conducted by Ipsos MORI with CLAO network clients.

In addition, for background and contextual information, interviews were conducted with senior members of SLAB staff: Lindsay Montgomery (Chief Executive), Colin Lancaster (Director of Policy and Development) and Ian Dickson (Head of CLAO). These interviews focused on the role of the CLAO network; the nature of the service that the offices should be providing; the practicalities of running the service; learning more
about the nature of the clients and the challenges they present to the CLAO; as well as perspectives on the importance of collecting feedback from clients of the CLAO network.

**Literature Review**

Jackie Gulland, a Lecturer in Sociology at the University of Stirling with research interests in the field of socio-legal studies and access to justice, undertook a literature review. Together with the findings from the qualitative research, the evidence collated as part of the review represents the evidence base upon which our recommendations are made.

The approach to the literature review was to keep a clear focus on the issues that were relevant to the research brief, rather than to provide a comprehensive overview of everything that has been written on the topic.

The literature review was carried out in two parts:

- the first part considered literature on existing knowledge of service users’ experiences to provide a framework for the fieldwork research. This first phase of the review was carried out prior to the qualitative interviews taking place in order that the discussion guide could be informed by the evidence emerging from the literature.

- the second part examined and summarised the available literature on outcomes, impact and satisfaction with legal advice, in order to inform the recommendations on collecting this type of information for CLAO.

**Qualitative interviews**

Twenty depth interviews were conducted by Ipsos MORI between 2 June and 15 July 2011. Considering the highly personal and potentially emotive nature of the interviews, as well as the need to achieve rich, in-depth information from the research, our aim was to conduct as many of the interviews as possible face-to-face with the client. In the event, only one out of the twenty interviews was conducted over the phone (because it had not been possible to arrange to speak to the client in person within the fieldwork.
dates). In general, we found that clients had a good recollection of the details of their case, in terms of what had been discussed at meetings, the information they had been provided with, the way they had been communicated with and the timings of key events, for instance. Moreover, while interviewers were careful not to probe into the personal details about clients’ cases, many respondents talked freely about their feelings and emotions and the impact that the case had had on them, their wellbeing and their family.

Before the client sample was given to Ipsos MORI, a letter was sent from the Board\(^3\), explaining the purpose of the research and giving clients the opportunity to opt-out from being contacted to take part. In the event, very few clients opted out\(^4\), and securing interviews with them was relatively straightforward. When trying to recruit clients for an interview, we found that we were able to make contact with around half of those in the sample, and where we did manage to get through to speak to the client, most were happy to agree to take part. We feel that we can be quite confident, therefore, that there was little scope for bias in terms of how respondents were selected for an interview and that the opinions they expressed were a good reflection of the views of CLAO clients as a whole.

In order to encourage participation, as well as to thank them for their time, clients were given £20 in high street vouchers at the end of the interview. The interviews lasted around one hour and were conducted using a discussion guide agreed with the Board’s Research Project Board a copy of which is appended to this report. With the permission of participants, interviews were recorded and transcribed for analysis.

### The sample

Overall, twenty interviews were conducted with a broad range of CLAO network clients. The sample, provided by each of the four CLAOs, was not intended to be representative of the population of CLAO clients as a whole, but was designed to ensure that a spread of clients in different geographical locations and experiencing different types of legal problem were included in the research.

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\(^3\) Attached at Appendix 1

\(^4\) A total of 18 clients opted out - 11 at Inverness, 4 at Edinburgh and 3 at Aberdeen
The sample included 166 clients whose case had closed in 2010 and the CLAOs were asked to flag up any clients where they thought there may be any reason to exclude them from the research - where there were high levels of sensitivities or vulnerabilities, for example.

In order to explore the experiences of clients in different circumstances and ensure that the profile of clients we interviewed was a good reflection of the client profile of each of the CLAOs, the sample for each of the four locations was analysed and quotas set on the number of interviews to be achieved, based on the size of the office and on the types of legal problems being experienced in each of the areas. We also aimed to ensure a spread in terms of age, sex, and levels of deprivation, and as far as possible, include those from the most vulnerable groups (e.g. people with mental health problems).
Overall, the profile of the twenty clients interviewed was as follows:

<table>
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<tr>
<th>CLAO office location</th>
<th>Number of client interviews achieved</th>
<th>Types of legal problems experienced</th>
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<tr>
<td>Aberdeen</td>
<td>4</td>
<td>Housing and homelessness</td>
</tr>
<tr>
<td>Argyll</td>
<td>3</td>
<td>Family: child contact Debt, money and tax</td>
</tr>
<tr>
<td>Edinburgh</td>
<td>6</td>
<td>Housing and homelessness Debt, money and tax Consumer issues</td>
</tr>
<tr>
<td>Highlands and Islands</td>
<td>7</td>
<td>Family: divorce &amp; separation Family: child contact Housing and Homelessness Mental Health &amp; Adults with Incapacity</td>
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</tbody>
</table>

A note on the interpretation of qualitative research

Qualitative research is often compared and contrasted with quantitative research. Qualitative research is less concerned with measurement (‘how many?’, ‘how often?’ etc.) and more concerned with understanding motivations, attitudes and feelings (‘why?’, ‘how?’ etc.). This study, like most qualitative research, involves many fewer people than quantitative research but it explores their attitudes and experiences in much more depth. The aim is not to generalise to the wider population in terms of the prevalence of attitudes or behaviours (e.g. ‘three quarters of clients thought they were treated with respect’) but to identify and explore the different issues and themes relating to the subject being researched. The assumption is that issues and themes affecting the participants are a reflection of issues and themes in the wider population. Although the extent to which they apply to the wider population or specific sub-groups cannot be quantified, the value of qualitative research is in identifying the range of different issues involved and the way in which they can impact on people.

It should also be borne in mind that throughout this report we record perceptions, not facts. CLAO clients may hold views based on incorrect information; these perceptions are reported here.
Throughout the report, use is made of verbatim comments from participants, in support or opposition to a particular point of view. Where this is the case, it is important to remember that the views expressed do not necessarily represent the views of CLAO clients as a whole. In order to maintain the anonymity of respondents, we have not included any identifying information which may enable the comment to be attributed to any individual.

Acknowledgements

Ipsos MORI would like to thank the Research Project Board members for their help and advice in developing this project, as well as the twenty CLAO clients who gave up their time to take part in an interview.
Literature review
Literature review – collection of service users’ experiences and views on legal services

Introduction – scope and sources

The approach to this review was to keep a clear focus on the issues that were relevant for the research brief rather than to provide a comprehensive overview of everything that has been written on the topic. The research brief called for ‘a critical review of the evidence base on what factors drive user satisfaction with legal advice services and the outcome at the end of that legal advice’ and that the review should look at ‘how and in what ways other jurisdictions collect user satisfaction and outcome information’. Sources of literature were identified using the bibliographies of relevant publications and organisational websites. In addition a search was conducted using the Westlaw legal database5 and the International Legal Aid Group website6. The review has been restricted (in the main) to literature published since 2000. There are a few exceptions from the late 1990s where these have been considered key. There are several other more theoretical works in the law and society tradition which are not referred to directly here but have been included in the bibliography for reference purposes only. Publications and research which did not provide useful findings or which were tangential to the focus of the review have not been included, although they may have provided background understanding for the author. The bibliography includes details of over fifty references that have been used.

The literature review was conducted in two parts: part one considered existing research on users’ experiences of legal service in order to provide a framework for the fieldwork; while part two considered research on outcomes, impact and satisfaction with legal advice in order to inform the recommendations on collecting this information for CLAO.

5 http://www.westlaw.co.uk/
6 http://www.ilagnet.org
Part one - Using existing knowledge of service users’ experiences to provide a framework for the fieldwork research

The first phase of the literature review was used to provide a framework for the fieldwork. A summary of the areas covered is provided below.

General background on people’s knowledge and understanding of the law

Studies of users’ experiences of legal services tend to fall into the following categories:

- population studies of the general public (which by their nature tend to include lower proportions of people who may qualify for state funded legal support) (e.g. Finch et al 2010, Genn 1999, Genn and Paterson 2001, Pleasence et al 2004).

- studies of users of court services, which although important, may miss out much of the important legal work that is carried out prior to court hearings – note that some of this also includes criminal courts. (e.g. Kemp and Balmer 2008, Moorhead et al 2008, Morris et al 2006, Smith 2007)


- studies of users of state funded (or related) legal support services (Buck et al 2010a and 2010b, Howieson 2010, Melville and Laing 2010, Moorhead et al various dates, Morris et al 2006, Wiggan and Talbot 2006, Williams and Sansom 2007)

- studies of those who are dissatisfied with legal services (e.g. complaints)

- wider literature on user satisfaction with public services (e.g. Cabinet Office 2004, Ipsos MORI 2007)
There is a general sense across the literature that the general public does not have a good understanding of the law or legal services but that experience of particular legal procedures affects people’s perceptions. Studies of services users’ experiences and satisfaction with the services they access need to be understood in this context.

In general, studies emphasise the importance of:

- The relationship between types of legal problems and other established structural disadvantages (e.g. in relation to income, social class, education, ethnicity)
- The relationship between difficulties in accessing legal services and other established structural disadvantages (e.g. in relation to income, social class, education, ethnicity, disability).
- The need to identify issues relating to learning disability, mental health problems or communication difficulties at an early stage in legal processes so that appropriate support can be provided
- The ways in which people’s legal problems interact with other everyday problems in people’s lives, which may, or may not have legal solutions
- The extent to which particular types of legal problems are associated with stress, worry and mental heath problems
- The problems associated with ‘referral fatigue’: that people may give up seeking advice if they are constantly referred from one agency to another
- The role of family and social networks in encouraging people to seek advice and in enabling people to identify appropriate advisers
- The need to distinguish between ‘client experience’ and ‘quality of advice’, which may not always be comparable

These general findings were used as a basis for developing the fieldwork.
Part two - literature on measuring user satisfaction and outcomes and how other organisations/jurisdictions collect user satisfaction and outcome information

As with all social research, the key issue to consider here is what information an organisation is seeking to find when conducting research on user experiences: what, in social research terms, is the ‘research question’? Depending on the nature of the research question, different approaches will be appropriate. The literature review is structured around two questions: what information to collect and when to collect it, followed by an overview of how this information is collected in other jurisdictions.

What information can be collected?

The Legal Action Group outlines some of the issues which need to be addressed in attempting to gain ‘user’ views of publicly funded legal services, arguing that there are many similarities to the issues arising in seeking user views in other public services (LAG 2007). There is a wide range of literature on user satisfaction in public services, which suggest important issues for this study. Studies of user satisfaction in related public services in general tend to focus on common themes, in particular Cabinet Office (2004) cites the following important issues: ‘Delivery, Timeliness, Professionalism, Information and Staff attitude’ (p8), although it should be noted that these are derived from users’ perspectives across a very wide range of public services and that perceptions of service quality and professionalism may vary considerably across these. A study of users of the local Government Ombudsman services is perhaps closer to the issues arising in legal services. In this study the following issues are considered to be related to satisfaction: fairness, time, levels of interest of staff, helpfulness of staff, how well staff understood the problem, how well the result was explained and the final outcome of the case (Ipsos MORI 2007, p5). The advice provided by the UK Government sponsored Customer Services Excellence Scheme, which is a generic scheme applying to all public services, is useful here. The scheme’s website stresses the importance of a having clear research questions and appropriate methodologies in measurements of customer satisfaction.
Measuring outcomes of accessing legal advice

Outcomes are particularly difficult to measure in legal services. As Shdaimah reminds us, much of the literature on outcomes in publicly funded legal services makes assumptions about what would be a ‘good outcome’, while not questioning more fundamental questions about the purpose of such services (Shdaimah 2009, p17). Research by Advice UK exemplifies this, by criticising funder-led outcomes measures when, the report argues, more fundamental questions should be asked about the gaps that advice services are filling (Advice UK, 2008). Paterson and Sherr (1999, p236) note four possible ways of measuring outcomes in publicly funded legal services: case cost; time taken; results and client satisfaction, noting that surveys of client satisfaction may have limited value given that they do not often produce actionable information because they tend to show high levels of satisfaction with little indication of problem areas. Since Paterson and Sherr’s 1999 study, measurements of user satisfaction have become much more common, reflecting the consumerist turn in public services generally.

The Legal Services Commission in England and Wales requires providers of legal services to measure outcomes as part of its ‘Quality Mark’ accreditation but this measure is concerned only with the ‘legal’ outcome of the case as rated by the solicitor or firm and is restricted to specific areas of legal advice and assesses whether ‘a substantive benefit’ is achieved. (Legal Services Commission 2010). An analysis of monitoring data was carried out on the CLAC service in 2010 and concluded that these outcome measures were useful for comparing results in a general terms across service providers, but less useful for taking account of the complexities of clients’ cases, in particular integration of different levels and types of advice and referral between agencies (Smith and Patel 2010).

Surveys of users of legal services often include an ‘outcome’ question which asks the extent to which users were satisfied with the outcome (e.g. Finch et al 2010, Genn 1999, Genn and Paterson 2001, Pleasance et al 2004,). Consumer Research (2008) included an additional open question, asking what the solicitor did well or poorly but most do not consider satisfaction in any detail.
Research on legal services has established that clients’ perceptions of quality in legal aid and related services do not necessarily equate to ‘good advice’. Studies using both a ‘model client’ approach and observations of client/solicitor interactions suggest that clients’ assessments of quality relate to issues of empathy, communication etc, while ‘peer’ assessments of quality of advice (which usually focus on the technical content of the advice) do not match up with the clients' perceptions (Moorhead et al 2003, Moorhead and Sefton 2003). Tata et al (2004), in their evaluation of the Scottish PDSO scheme, consider the issue of user satisfaction and conclude in the field of criminal defence work, that ‘interpersonal’ issues are more easily assessed by clients than technical competence. It is important to remember that interpersonal issues are not entirely separable from technical competence, a point stressed by Sommerlad and Wall (1999), who argue that solicitors are likely to provide a more effective service if they ask the right questions and if clients trust them. This aspect of a solicitor’s service is also recognised in standards set by regulatory bodies such as the Law Society of Scotland. Evidence from complaints about solicitors suggests that many complaints are made, not because the solicitor has been technically remiss but because of a mismatch between clients’ expectations and the service they have received (Saville 2007).

Research has also shown that there is often an ‘outcome’ effect on customer satisfaction, in that successful service users are often more satisfied with the service they have received than those who are unsuccessful, although the notion of ‘success’ is often difficult to define in legal advice. An example of this can be found in the research carried out on users of the English Local Government Ombudsman Service (Ipsos MORI 2007).

**Measuring impact of receiving legal advice**

Impact is particularly difficult to measure. Some would argue that impact can only be measured using large scale quantitative research. The population studies carried out for the Paths to Justice project and its successors (Genn 1999, Genn and Paterson 2001, Pleasence et al 2004) have used large scale quantitative research to map the general population’s experience of justiciable problems and the extent of their attempts to seek ‘legal’ solutions. This research
also looks at how people’s problems were resolved (or not) but notes that the process of seeking to resolve a problem can in itself produce stress and unwanted outcomes. It also notes that getting appropriate advice can sometimes lead people to decide not to pursue their problem through legal means. Disentangling the effect of the ‘advice’ is very difficult. This research illustrates some of the complexities involved in measuring impact. However Pleasence et al also note that despite these difficulties ‘It seems self-evident, though, that people are better placed to deal with problems if they have an understanding of their position and options for action, and good advice provides such an understanding.’ (2004, p98).

Williams provides an overview of research on the impact of debt advice (Williams 2004), arguing that there is little quantitative socio-legal research in either the UK, the USA or Canada on this topic but that there is a little more in the field of health and in advice services’ self-evaluations. Modelling work by the New Economics Foundation (2008) describes an economic model which involves an ‘impact map’ of potential outcomes from advice, both in terms of the individual and the wider community but this model is hypothetical and not based on analyses of real cases. Williams (2004) concludes that more quantitative research on the health and economic effects of debt advice is needed in order to produce generalisable findings. A study of the health effects of welfare benefits advice (Abbott et al 2006) describes in some detail the difficulties of measuring this type of outcome, because of difficulties in recruitment to studies, the problem of disentangling cause and effect and the need for longer term studies to show genuine changes in health over time. This study used the health related ‘SF 36’ measurement tool to assess health outcomes and the study consisted of interviews immediately after advice and follow up interviews 6 and 12 months later. Following on from Williams (2004), a study by the Legal Services Research Centre of the effects of debt advice used a variety of different methods to assess impact (Pleasence et al 2007). One part of this study used a similar pattern of interviews to that in Abbott et al, showing similar difficulties with recruitment and retention (Williams and Ransom 2007). This study was based on structured interviews with questions about self-reported health and wellbeing. A second part of the study involved reanalysis of the annual civil justice survey,
a population survey of legal needs. A third part of the study used qualitative interviewing techniques to assess self-reported outcomes, based on sampling from the civil justice survey. The fourth part of the study used the method of the randomised controlled trial, where one group of participants was offered advice and another group was not. This study was limited even more so by difficulties of retention, illustrating the difficulty of carrying out this type of evaluation research. Overall this research used four ‘complementary’ methods, which, the report argues, supported each other in showing positive benefits of debt advice (Pleasence et al 2007). These four complementary studies illustrate some of the advantages and disadvantages of different methods.

The two pieces of research carried out recently on behalf of the SLAB illustrate the value of different types of research well (SLAB 2009 and SLAB 2010). The telephone survey (2009) clearly produced valuable information and, because relatively large samples were used, it enables comparison across different types of client experience and comparison across time. On the other hand the report on the experiences of asylum seekers involved qualitative interviews with one group of applicants with particularly vulnerable characteristics (SLAB 2010). This report illustrates the way in which qualitative research contrasts with the quantitative approach taken in SLAB (2009). Qualitative research is often more appropriate in cases where participants are particularly vulnerable, where the timing of research is important or where there are communication difficulties, as was the case with many of the asylum seekers interviewed for this report. The findings from the qualitative study, while unable to provide the broad statistical patterns of quantitative research, are able to unearth in more detail the positive experiences of legal aid applicants as well as the problems they have experienced.

It has been argued that qualitative research is more likely to reveal negative experiences because it enables participants to reflect at greater length on their experiences (Silbey 2005, p341). The setting in which the research takes place also affects the way in which people respond: and in this case the timing of the interviews, immediately after legal proceedings, was likely to provide more detailed evidence of participants’ experiences, both positive and negative.
Timing of collection of users’ views

A key issue in collecting users’ views of legal services is when to do so. Studies have taken different approaches to this question and most base their timing on a sample of people who have contacted a service over a particular period or whose case was completed over a particular time period, with surveys or interviews taking place at a timing of weeks or months after this date. Some studies have made an effort to capture experiences at particular stages of the users’ experience, for example Buck et al (2010a) looked at the first contact with legal services providers by interviewing clients in waiting rooms, a method which enabled them to capture the immediate issues relating to sources of referral, the receptionist’s role and people who were referred out of the service. The Scottish Legal Aid Board has conducted its own customer survey (SLAB 2009) which relied on a telephone survey to assess a range of users’ experiences with the legal aid process. The sampling was based on date of application for legal aid and so less than half the sample said that their legal case had concluded at the time of survey (para 2.18). However this timing did enable those who had been refused legal aid to be included. The next stage is to consider users’ views immediately after consultation with a solicitor, as illustrated by Buck et al (2010b), a technique which picks up clients’ immediate reactions to advice, although in this study the researchers also carried out follow-up interviews with clients two weeks later. The SLAB study of asylum seekers (2010) also interviewed clients immediately after receiving initial advice about their claim and again after a decision had been made on their claim. More commonly, studies assess outcome at the close of a case. Recognising that people may take some time to understand the effect of advice that they have received, other studies have attempted to capture users’ perceptions some time after the advice has taken place, for example the large scale ‘population studies’ which usually use a time frame of 2-3 years (Currie 2006, Genn 1999, Genn and Paterson 2001, Pleasence et al 2004). Wasoff (2005) interviewed clients in relation to separation agreements relating to divorce, two years after a legal settlement. This study shows that some clients were unhappy with the agreement made, particularly where their circumstances had changed and where they felt that original agreements had not sufficiently taken account of these future changes. Although
her study is not directly about client satisfaction, it raises the issue of timing, since it shows that clients’ views of legal actions and advice can change over time. A study of family services legal advice in British Columbia looked at outcomes of legal advice, attempting to differentiate between ‘completed’ cases and those which were ongoing or had ‘reoccurred’. This study found that a small but important proportion of legal problems involving child maintenance and access reoccurred after the cases were initially completed (Focus Consultants 2006). The design of this study attempted to take account of time by including people who had accessed services up to 3 and a half years before the study date, a methodology which the authors describe as being ‘that they are more likely to have reached an initial conclusion and also have had time (in some cases) either to break down and be addressed again, and/or to involve new but related issues.’ (Focus Consultants 2006, pvi). However they also note that it is often more difficult to contact this group of people, resulting in low response rates. This issue is confirmed by the difficulties in retention experienced by the research on debt advice (Pleasence et al 2007). On the other hand Orton (2010) has been more successful in retaining participants in his six year longitudinal research on the impact of debt advice. By year three of this project 53 of the original 59 participants were still involved (p10). This ongoing study is based on qualitative interviews and seeks to understand participants’ self-reported impacts of debt advice, including impacts on finances, health and relationships.

The question of the best timing for collection of users’ views will ultimately depend on the focus of the research, as illustrated by the examples noted above. One way of dealing with the problem of timing is to map users’ experiences over time: from the first initial contact to the end point of their relationship with the service. The Government sponsored Customer Services Excellence Scheme, which replaced the Charter Mark, gives guidance on gaining customer feedback, including detailed information about the use of ‘customer journey mapping’ as a technique for finding out about the key turning points in users’ experiences⁷. Customer journey mapping is not a single measurement tool but an approach which uses a variety of methodologies to

⁷ http://www.customerserviceexcellence.uk.com/
highlight key problem areas in service provision but is useful for considering the most appropriate point(s) to seek users’ views.

**International comparisons**

The most recent international review of publicly funded legal services is Bowles and Perry (2009) which reviewed systems in Australia, Canada, France, Germany, Netherlands, New Zealand and Sweden, comparing these countries with the system in England and Wales. It notes the considerable difficulty of comparing systems across countries because of the differences in legal systems, the differences in public funding and the lack of easily comparable data (p3). This study is primarily concerned with volume and cost of publicly funded legal services and as a result has a strong focus on criminal legal advice. In the field of non-criminal legal advice there is considerable variation in terms of types of cases which can be funded, as well as variation in methods of delivery and means-testing. This report does not cover outcomes or client satisfaction

Buckley’s (2010) international review of legal aid provision discusses the evidence of the relationship between ‘unmet legal need’ and a range of negative social outcomes, but argues that there is much less research on the relationship between ‘met legal need’ and more favourable outcomes (2010 p50.) In her report however she refers to various mechanisms used by providers in Canada, the UK and the USA, citing the Legal Services Commission in England and Wales as the frontrunner in conducting research on legal services (2010, p38).

In Canada, Legal Aid Ontario and Legal Services Society in British Columbia use the Canadian ‘Common Measurement Tool’ to measure satisfaction with legal aid services (for further information about the Common Measurement Tool, see Institute for Citizen Centred Services’ website[^8]), a standardised satisfaction survey tool, cited by the UK Cabinet Office in its recent review of the Charter Mark system (Cabinet Office 2006). In Ontario the Legal Services Society uses this tool annually with a quota sample of legal aid clients, conducting the survey by telephone (Buckley 2010, p66).

Abel and Vignola (2010) summarise a range of studies in the USA on the benefits of civil legal aid on a wider community level, arguing that legal aid programs in the US context, can reduce expenditure on social security, cut down on reoffending by young offenders, prevent domestic violence and improve health but also arguing that there is a shortage of statistically generalisable research and that there has been considerable reluctance to carry out randomised controlled trials because of the ethical issues raised. They conclude however that ‘the time spent on [research] studies is more than repaid by the funding they generate for civil legal aid’ (p166).

In the USA, the Legal Services Corporation sets performance criteria (Legal Services Corporation 2007) which include evaluation of legal services provided. It requires programmes to consider the extent to which they: provide services with dignity and sensitivity, engage with the low income population in their area, enable access and use of their services by low income groups (p14), particularly those who traditionally have difficulty accessing such services (p16) and that such services meet quality standards in terms of how they are provided, including that ‘results are consistent, to the extent reasonably achievable with the client’s objectives’ and recognising a wider community level responsibility ‘also have achieved as much as reasonably possible for other lower income people, similarly situated and for the eligible population as a whole’ (p28). It does not specify how such measurement should be carried out.

Houseman’s (2007) review of civil legal aid in the United States (in which he notes the considerable variety of types of service and funding provided) reports that some states require more specific outcome measurements: ‘New York, Maryland, Virginia, Texas, and Arizona measure specific outcomes that could be achieved for clients in specific substantive areas—such as housing—and which focus primarily on the immediate result of a particular case or activity (e.g. “prevented an eviction”). These systems do not capture information on what ultimately happened to the client.’ (p 22, footnote 73) Houseman’s report does not give further detail on these measures. He also describes the many ‘creative techniques’ including focus groups, client interviews and observations, which other providers use to assess their services. (p23)
Buckley (2010) also notes the downside of increased monitoring and quality assurance, which can lead to resources being focussed on monitoring mechanisms rather than direct services provision ‘Given the scarce resources available for legal aid, it is critical that quality assurance mechanisms don’t put the cart before the horse.’ (p68). Sommerlad’s research with ‘politically motivated’ legal aid lawyers in England shows the negative effects of managerial techniques on otherwise highly motivated professionals (Sommerlad 2001). Buckley’s report argues that assessment and outcome measurements should be focussed on ‘innovation’ and on delivering services to ‘hard to reach’ groups (Buckley 2010).

**Conclusion to literature review**

These studies of outcome, impact and customer satisfaction measurement suggest that there are two ways of approaching the question of measuring user satisfaction and outcomes in legal services:

2) **Standard user satisfaction survey tools to assess the experiences of service users, usually at the close of their case.** There are several models for this kind of tool, including that recommended by the Canadian government (see Institute for Citizen Centred Services' website[^9]) and following the generic advice provided by organisations such as Customer Services Excellence Scheme[^10]. These tools have been designed to deal with the concerns of users of public services generally and provide broad parameters for assessing ‘customer satisfaction’ in public services. A more nuanced tool, designed with CLAO issues more specifically in mind could be used in this way. The advantages of this type of tool would be that it could be used in a systematic way to collect data which would be comparable over time and between services. The disadvantages would be that it would not cover the full range of experiences across the timeline of advice provision and it would not be able to pick up the experiences of those unable to access the service, or who dropped out.

[^10]: [http://www.customerserviceexcellence.uk.com/](http://www.customerserviceexcellence.uk.com/)
or stopped using services for some reason. Nor would it pick up the medium to long term impact of legal advice.

3) **One-off or periodical research focussing on particular concerns.** Recognising the disadvantages of customer satisfaction surveys, there are many other ways that user satisfaction and outcomes in publicly funded legal services can be considered. The literature reviewed in this report includes a range of examples, including research which concerns particular types of client, particular types of service or key points in time along the route from accessing advice to after the conclusion of a legal problem. There are examples of large scale quantitative studies, including randomised controlled trials (although these have not proved to be easily used in this field of study) and of qualitative studies which consider the more in-depth experiences of clients, including some longitudinal studies. However these would not be easily used on a regular basis with all clients but would instead be appropriate for one-off or periodical research projects. A variety of different research techniques are available and will be appropriate for particular research questions
Main findings from the qualitative research with CLAO clients

This chapter details the main findings from the qualitative research with CLAO clients. The first section discusses the impact of the CLAO service on clients’ wellbeing and the subsequent sections explore the aspects of the service that mattered to clients: treatment/attitude of staff; communication/information; honesty and managing expectations; timeliness; administrative staff; and confidence in solicitors’ competence.

The impact of the CLAO service on clients’ wellbeing

Immediate impact

When clients first came into contact with CLAO solicitors, they were generally at a crisis point and many were deeply distressed and anxious about the issue they were seeking help with (e.g. the threat of eviction, divorce proceedings, debt, the custody of a child). While some clients continued to feel very worried until the case was resolved, more commonly there was some immediate sense of relief that something was being done and the problem was being dealt with – particularly in cases where the problem had been hanging over the client for some time. Some clients were comforted by receiving specific reassurance that the worst case scenario that they had been worrying about would not happen, or at least that some time could be bought:

"I just wanted to know how I stood regarding what would happen to me. Would I get put out on the street? All these things were going through my head. Would he sell this place from under me? And to be reassured that he couldn’t do that, that made me feel fine."

"I was screaming and I was shaking and she was just that friendly. She just calmed the situation down. She explained “You’re still here. Your house isn’t taken away from you yet. You haven’t lost it yet, this is what I’m going to try and do to get your house back.” She just calmed everything down and it was reassuring there was somebody there that was willing to help."

In particular, the feeling that someone was finally “on their side” appeared to have an immediate and significant impact.
The first meeting I felt as if I had somebody on my side, and sure that she would help me.

[previous, private solicitor] just didn't like me I don't think, and I just felt that she was on my husband's side all the time. [...] I never ever felt she was fighting in my corner and yet from the first minute I felt [CLAO solicitor] was fighting in my corner.

In addition, clients’ perceptions that the CLAO solicitor was caring, understood their problems and their situation, and was competent to deal with it, tended to have an immediate impact on wellbeing by providing reassurance and inspiring confidence. All of these aspects are discussed in more detail below.

**Longer term impact**

When the outcome of the case was positive, it was clear that the resolution of a major problem or threat - which had often been the source of huge anxiety and distress - had a direct and significant impact on clients’ wellbeing, with one client who had avoided eviction stating that CLAO had “saved my life”.

They granted the [custody] order and that was what we were waiting for, you know, it was like getting a million pounds.

Now he [adult with incapacity] has control [of his money] and that affects the whole behaviour, there was pure frustrations building up as happens with somebody with [incapacity issue], massive, because well what are they doing with my money? It's my money [...] we could tell he was really happy at the outcome, it was a celebration for him, it was a real celebration for him.

However, even in cases where the outcome was not what the client had hoped for, or when they had decided not to proceed with the case\(^{11}\), there was evidence that CLAO support had a positive impact and made a bad situation more bearable. This appeared to stem from an understanding and an acceptance that every avenue had been explored and everything that could have been done had been done: if the outcome was negative it was because of the reality of the situation, not because they were not represented, or had received bad advice, or had not known what their options were.

\(^{11}\) Of the 20 interviews, 9 had experienced a positive outcome, 6 had a negative outcome and 5 had decided not to pursue the case.
Again, the sense that there had been someone “on their side” was important here. Describing how she now felt about her divorce, and the impact of the CLAO solicitor’s involvement, one client said:

*Just depressed at the whole failure of my marriage, I think, still depressed at the failure of my marriage. So yes, he did alleviate that a bit for me, yes, just the fact that I felt somebody was on my side.*

Despite being evicted, another client felt her experience of the CLAO would make her more positive about tackling problems in the future and encourage her to seek help at an earlier stage. She explained:

*I think it’s quite a good service, especially for people that have lost hope in some way, it’s quite nice to have a bit of hope even if they don’t manage it, it was good to feel like, wow, you think everything is hopeless but there is always something else that can be done. Always another angle or solution to a problem and I think in that sense it can be quite affirming [...]*

*Researcher: Even if, ultimately, it doesn’t work out?*

*It doesn’t matter. It’s that feeling that there is still something that can be done or there is still something to try and we live in a country where you’re not just thrown to the dogs, there are these kind of services out there for people who feel that there is absolutely no way out.*

**Treatment of clients and attitude towards them**

Clients were extremely positive about the way they were treated by the CLAO and the attitude of CLAO staff towards them. This was often in contrast to their experiences of other agencies and solicitors. They highlighted the following aspects:

- feeling that the CLAO solicitor was “on their side”
- the “human”, caring and sympathetic attitude
- being treated like an individual and feeling that the CLAO solicitor was interested in them as a whole person
being sensitive to individual circumstances and adapting to individual needs

being treated with respect and not being patronised or made to feel stupid

feeling the CLAO solicitor had time for them.

Each of these aspects is discussed in a little more detail below, with some examples of the ways in which staff helped clients feel they were being treated well.

**Feeling that the CLAO solicitor was “on their side”**

As noted in the ‘Impact’ section above, feeling that they – finally – had someone on their side, who was acting in their best interests, was extremely important to clients. This was particularly the case when clients had arrived at CLAO having had a long-running problem or battle with an agency or opponent, when they had been dissatisfied with a private solicitor or when they had been unable to find a private solicitor who would take on their case.

*I’ve got big trust issues with a lot of people but I learnt that [CLAO solicitor] is on my side and she does see it from my angle.*

It is difficult to specify exactly how CLAO staff managed to convey to clients that they were on their side – but it seemed to be a combination of the other elements discussed in this ‘Treatment and attitude’ section.

**The “human”, caring and sympathetic attitude**

CLAO solicitors were commonly described by clients as ‘human’, ‘caring’, ‘sympathetic’ and ‘understanding’. This was because they listened, asked questions and showed an interest in the client’s story - clients therefore felt that their solicitor understood their situation. They also appreciated why the client might be upset and were sympathetic and put them at ease about being upset during meetings.

*I knew I was going to get upset and cry because I was all over the place, but just, I mean back then I thought social work stabbed me in the back, because that's the way I was feeling but, and going up*
there and having to explain it all, but she was quite good at putting me at ease, she asked me everything about [son] and things like that.

If I was upset or anything like that he would deal with it, he was always kind and understanding and, you know, he would always take a wee minute out if I got too upset or that, but never seemed to make an issue out of it.

Although the prevailing perception from clients was that their solicitor was caring and sympathetic, one client felt she had to give ‘quite personal information in quite a clinical factual way’. While she thought this was inevitable given the solicitor’s need to establish the details of the case, she felt it would be ‘kinder’ if there was a lay person in the CLAO who clients could meet first and pour out their story to, who would then prepare them for seeing the lawyer. This demonstrates the importance of feeling that the solicitor cares and does not mind if the client gets upset. It is also worth noting that, exceptionally, this particular client felt that the solicitor was ‘working for the law and the state’ rather than her. She thought this was entirely appropriate but it contrasts with the perceptions of other clients and perhaps shows the link between these factors.

Being treated like an individual and feeling that the CLAO solicitor was interested in them as a whole person

Closely linked to the perception that CLAO solicitors were caring and sympathetic (discussed above) and had time for them (discussed below), was the feeling clients had that they were being treated like an individual and that their CLAO solicitor was interested in them as a whole person. They felt there was a personal approach:

I thought I would be going into some very sterile office and paperwork would be whisked through and then I would be whisked through like just another number in the machine, but no, it was a very personal approach and they understand.

This was partly because CLAO solicitors understood clients’ personal circumstances and sometimes helped with issues other than the original problem (e.g. in a child contact case, writing to the local authority housing department to explain the client’s circumstances). Some clients contrasted this
with their experience of other solicitors with whom they had experienced much less contact and sense of involvement.

One client was very appreciative of the fact that, when she phoned to tell the CLAO solicitor that she had decided not to go ahead with a divorce, the solicitor had asked if she was being pressured by her partner – and had phoned her back a week later to see how she was and to check again that she was not being coerced.

**Being sensitive to individual circumstances and adapting to individual needs**

Clients gave many examples of CLAO solicitors showing an awareness of their personal circumstances or difficulties. Moreover, there was a sense that difficulties were not just accommodated, but that solicitors adapted sensitively and willingly, such that clients felt understood and did not feel that they were causing problems.

Some of the examples related to communication and understanding:

- taking time to go over written correspondence with a client with lower levels of literacy:
  
  You get it in your head sometimes when you've got things like that wrong with you, everybody will laugh at you, silly stuff like that, but they were really understanding, but it is harder for some folk to learn things, they were really understanding and helpful

- taking time to explain things to someone who had relatively little English

- understanding that clients might forget things or be confused at times:
  
  She's got to know me and understand me and realise that I ain't taking the piss, there is times when my head is foggy and I just cannot understand what you're telling me and it's not because of education, it's just because if I'm not well at the time, pressure just gets on top of me, so she sort of tries to keep me at ease

- understanding that clients might sometimes be irrational, angry or upset

- communicating sensitively with a client with incapacity issues:
she was just sympathetic, you just could see immediately the way she communicated […] you could see she was showing empathy, she was also including him in the conversation, and sometimes it’s difficult for people who don’t have anything to do with disabilities, they don’t know how to handle it, scared they might say the wrong thing, but she was really good.

Other examples related to practical matters:

- being understanding when a client had to take her young children to appointments – not just letting them draw pictures but being ‘really friendly with them as well […] made them feel welcome as well’
- being aware of a client’s regular hospital treatment and scheduling appointments round that
- offering to meet a disabled client at a more accessible venue than the CLAO premises
- being aware that a client was often staying with various friends rather than at her flat and therefore suggesting that copies of all correspondence would be sent to her mother’s house
- being aware that there might be other people around when phoning so checking that it was convenient to talk. For the client who mentioned this, it was symbolic of a much deeper consideration of her circumstances and respect for her.

There was very little evidence of the CLAO failing to adapt to clients’ needs, although one individual felt that CLAO could have been more understanding of her communication needs. She had become unemployed and informed the CLAO office that she could not afford to pay for calls and, as a result, requested that the office call her about the case. Despite this request, on a number of occasions she had to make the call, much to her annoyance.

*Being treated with respect and not being patronised or made to feel stupid*

Clients felt that they were treated with respect by CLAO solicitors and said they did not come across as superior or intimidating. This was often contrasted with
previous experiences of solicitors. Clients also appreciated the fact that, despite
their lack of knowledge of the legal system, they were not ‘talked down to’ or
made to feel stupid when they did not understand something or had forgotten
something that had previously been covered. The effect of all this was that they
felt more relaxed and were comfortable asking questions or asking for further
clarification.

He just explained and always, yes, if I didn’t understand what he
said, I would say to him, whereas she [previous private solicitor]
intimidated me so much I didn’t even want to say to her ‘no I don’t
understand that’, whereas he was quite different, I felt I could ask
him and not feel stupid asking. He’s a really intelligent man, he
comes across as being really smart, but just explained everything so
well. He was good.

Again, relatively small things could make a difference. Another client liked the
fact that ‘the secretary didn’t take you through to her, she came out to you and
welcomed you into the office’.

Feeling the CLAO solicitor had time for them

A further element of the service that was clearly important to clients was the
feeling that their solicitor had time for them. This added to their confidence that
he or she was “on their side” and cared about them. In turn, because they did
not have the sense that the solicitor’s time was too precious, it meant that they
were more comfortable asking questions and asking for more explanations in
meetings - and were more likely to contact their solicitor promptly if something
new came up.

The following quote sums up good practice in this area quite effectively:

He did make me feel like I was the only person he dealt with […] He
made me feel that his whole world revolved around me, which he did
really, because he said ‘if you ever need to call, just call, you know
you have a mobile contact, you have the works’. […] I never, ever
felt uncomfortable or like he was in a rush to do something else, or
somebody else was coming in, it was time for me to get out, I never
felt that ever, that’s usual, but I didn’t because you even feel that at a
doctor’s these days […]. You felt it was all about you. They were
there just to do for you and you can’t ask for better than that.
The fact that clients tended to see the same solicitor every time, and had relatively little contact even with administrative staff, added to the impression that their own solicitor had time for them.

*It wasn’t like see her once and then see another lawyer to do with it, it was the one person I saw all the time and, even the phone calls, it was her that phoned me, it wasn’t somebody else acting for her. Whereas I experienced with that other lawyer that I went to, that if I didn’t get him I got somebody else that knew nothing about the case.*

**Communication/information**

Strong communication skills were also identified as an extremely positive aspect of CLAO’s service. In addition to accounting for the general lack of understanding of the law and legal services, clear communications were very important to CLAO clients for two reasons. First, clients who had never received legal assistance before felt a high level of uncertainly and apprehension at the start of the process – of course, these emotions were exacerbated by additional issues that many clients were dealing with (mental health problems, money concerns etc.). Therefore, clear and regular communications helped to reassure clients about the process.

*In order for you to go to a lawyer something has to have gone really screwy somewhere and the last thing you need is to be baffled, more baffled than you already are.*

Second, given the socio-economic profile of clients who use the CLAO, many of whom have low levels of education among other structural disadvantages, clear and straightforward communications were vital to ensuring clients understood what was going on throughout their case.

While, in many ways, solicitors’ strong communication skills cannot be disentangled from other interpersonal skills, such as being sympathetic about people’s circumstances (discussed above), clients spoke positively about four aspects in particular:

- solicitors took time to explain things clearly, and in a way they could understand (both oral and written communications)
• solicitors kept them informed about what was going on, and clearly outlined each stage of the case

• solicitors made clear what was expected of clients

• solicitors were approachable and receptive to questions.

Each of these aspects is discussed in more detail below.

**Explaining things clearly**

Clients were very complimentary of their solicitor’s ability to explain key aspects of their case, sometimes complex issues, in a way that they were able to understand. Central to this was the perceived effort CLAO solicitors made to avoid using legal jargon.

*She avoids going into technical terms, explains it properly…and she doesn’t go into the highfalutin and leave me sitting going, what the heck?!*

*I mean she made it quite all understandable for me. Like you go to the doctor’s you’ve got this, this and this and what does that mean, but it wasn’t like that, she was really good at explaining things.***

To exemplify this point, one client, who had experience of receiving legal advice elsewhere, noted how her CLAO solicitor was very adept at choosing the appropriate level of communication depending on the setting. In particular, she praised the solicitor for speaking to her in simple lay terms and reserving more complex language for court, where it was necessary to use it. This approach was very much in contrast to the communication style of other solicitors she had experienced:

*[The CLAO solicitor] spoke English, whereas lawyers don’t, they have a language all to their little ownsome and we are all supposed to understand it […] It makes them easier to understand, you know what they’re talking about, you don’t have to go, okay now can I have that again in English? Because I’m constantly saying that to my solicitor, all right so what does that mean to me? Whereas when we were talking with the [CLAO solicitor]; there it was all English. You almost knew immediately what she was talking about…and when she was in court she did her job, she was one of those foreign-***
speaking lawyers [...] when she got into court she was definitely a lawyer, but in the office she was human.

This distinction between CLAO solicitors and other solicitors also applied to written communications. Letters prepared by CLAO for the client were written in lay language.

...even the letters were written in kids’ English, so even a young kid could pick it up and read it and understand it, whereas lawyers’ letters are always written by lawyers, they are all stupid words that nobody ever understands...you could ask her questions about foreign documentation that we got, like the bumph you get through from the court, I defy anybody to make sense out of that...but that's what you need because that legal jargon brain scrambles you, I defy anybody to understand it.

The paperwork that she did for me was all simply done so that I could understand it, I didn’t need another lawyer to tell me what was [being] done.

When the solicitors had to produce letters containing more complex language, for example for court or the opponent’s solicitor, they took the time to explain the content to clients to ensure they were happy with it, and offer a chance for them to suggest any amendments.

...when she was going to send a letter to [the opponent], she sent me a copy which she had wrote, she would put it down and what she did was she phoned me that morning and she said, I've done up this letter to be sent to [the opponent], I'll read it out to you, but I'll also send you a copy and if there is anything you want me to subtract or add, feel free.

Similarly, clients noted how solicitors would also explain the content of letters received from the opponent’s solicitor.

She made sure I was understanding things she was saying before carrying on; just going through some of the letters that we had back from [the opponent] and making sure I understood the various paragraphs to understand what that means.

One client, in particular, who had very low levels of literacy, felt that her solicitor made special efforts to ensure that she understood the content of letters relating to her case.
Well I explained to her how I have problems with reading and writing and understanding and she would always speak to me about things, like if I was going to get sent a letter, what was in the letter and things; basically she had already told me all the information that was to be in the letter.

However, there were a few examples of where clients did not feel their solicitor communicated with them as effectively:

- one client felt that their solicitor could have been clearer about how CLAO stored personal information relating to their case

- one client, while understanding that she would have to pay a contribution, was surprised at the amount she ended up paying – she felt she could have been given more information, earlier in the process, about the likely contribution she would have to make at the end of her case

- While it was found that overall, CLAO solicitors clearly specified what information and paperwork the client had to provide, one client was unhappy that she received, in her view, an excessive number of requests for information to check her eligibility to receive legal aid. Thus more could perhaps have been done to inform her why this information was necessary.

Keeping clients informed about what was happening/next steps

Clients also discussed how their solicitor would clearly inform them about what would happen at each stage in their case, and explain the next steps.

I mean she explained everything how it would work from start to finish...She explained the situation I was in and the situation to the place they were trying to get me to, so she did explain saying if we do this, this is how it works and it was, oh what a relief...A good communicator, good at explaining everything, this is the situation we’re at now and this is where we’re hoping to be, this is the key points we’ve got to do from now until this certain point we’ve got to get this certain bits done, and she just explained everything.

Yes she always kept me in the loop about what was happening and when the dates were for the panels, because [social worker] never ever told me when the dates of the panels were, so she always told me in advance.
Consistent with the empathy shown by solicitors when dealing with clients, there were a number of examples where they made allowances for clients’ circumstances when choosing the best medium for updating them. Indeed, updates were tailored to the needs of clients, using a combination of face-to-face meetings, letters, telephone calls and emails, as appropriate. In a number of cases, clients perceived that their solicitor was making special efforts to ensure they kept informed.

_She kept us well and truly informed as to what was going on…She would either phone us or she would send us a letter or we could phone her or we could do it through e-mail, but either way she was, we were 100% aware of what was going on 100% of the time, unless she didn’t know, and then as soon as she found out she would let us know._

Researcher: How has she been at keeping in touch?

_Good considering…my main mobile was cut off, and I’ve got a secondary one which can take incoming calls only and not messages, so mail has been the best way and she has gone out of her way to try and make sure she has been in contact with me._

Making it clear what was expected of clients

Clients were also positive about their solicitor’s ability to clearly outline what was expected of them, and what they could expect from their solicitor. Solicitors did this in a number of ways: clearly specifying what information and paperwork the client had to provide; explaining when the input of the client was required; explaining to the client what would be done at each stage in the process; and maintaining regular dialogue with the client throughout. In some cases, clients discussed how their solicitor was proactive and actively reminded them what was expected by chasing up for information they had requested – this was particularly important in cases where the timescales were very short and/or when clients were preoccupied with other issues in their lives.

_She asked me for every paperwork and she said we need this, we need that, even little things we need…and once I had done everything she phoned to say, have you got your papers in yet?…she was not harassing me, she was just worried, she said you know we really need to get this in as soon as possible, so the next day she phoned, she said have [you done it] yet and I said I’m in the_
middle of doing it, she said well as soon as you've finished take your [paperwork] right over, I'll be in the office.

**Being approachable and receptive to questions**

Given the strong interpersonal skills demonstrated by CLAO solicitors, clients felt comfortable approaching them and asking questions about their case. When solicitors were not available to speak to clients, they would return phone calls promptly. As one client commented, there was a perception that CLAO solicitors were accessible and open to questions – unlike her previous experience of solicitors.

*I always found her easy and contactable compared to any other solicitors you’ve tried to get a hold of, she was easily contactable and if she wasn’t she would phone right back, it was very, very different.*

**Honesty and managing expectations**

While, as noted above, clients were very complimentary of their solicitor's interpersonal skills and caring attitude, these skills did not detract from their ability to be candid with clients about their case, when necessary. Solicitors did this in two ways:

- being honest and ‘straight-talking' to clients, to the extent that it sometimes meant telling the client something they might not necessarily want to hear
- being realistic and managing clients’ expectations about the case; at times counter to other advice clients had been given about the case.

Clients felt that their solicitor told them the ‘whole story’, including any negative aspects, about the case. This often meant that the solicitor would tell their client things they might not have wanted to hear. Nevertheless, this was something that clients appreciated and, as one individual noted, this level of honesty was not something that she had experienced in the past when seeking advice from other solicitors.

*I think the main thing when you're dealing with anybody is the fact that you have to feel like you're getting told the whole story,*
especially with the solicitor…I think the whole story is important, good, bad or indifferent and [my solicitor] never ever lied to me, he said I’ve never been against this before, but I don’t think it looks good, and he has never led me to believe this is going to be easy or, you know. Whereas the other [solicitor] was very blasé and oh it will be fine and it wasn’t fine at all.

Solicitors were honest to clients and set realistic expectations about the case. Setting realistic expectation is very important to ensure the client can appraise the outcome of the case fairly, whether it is positive or negative. Indeed, if a client has inflated expectations about their case, there is a chance that they will see any negative outcome as being the result of the solicitor not being effective (being ‘technically remiss’ - see literature review). However, with realistic expectations clients are more likely to feel as though their solicitor has given it their ‘best shot’, even if the outcome is negative.

A number of clients discussed how their solicitor would be very realistic about the case, and rationally set out the possible outcomes and how they could be achieved.

She explained the paperwork I would be doing first. [She never said] oh don’t worry your house will be saved, which I wanted to hear. […] so she was being truthful, you know: we will try and do what we can to save your house.

In a few cases, solicitors had to realign clients’ expectations about the case. For example, in one case, a client had been receiving advice for some time from another organisation, who had raised his expectations about the outcome. The CLAO solicitor was very quick to set realistic expectations.

[The organisation] said they thought I would probably do really well, whereas [the CLAO solicitor] said we’ll give it a go…I thought it would have been like winning the lotto…She was quite straight about it all the way through…was really frank the whole way through and I think I got better out of it than she was expecting, to be honest with you. The whole way though [the solicitor] did explain the likelihood of me getting anything was between zero and ten.
In another case this ‘straight-talking’ extended to encouraging clients to remedy some of the other issues in their lives, in order to ‘help themselves’ and give them a better chance of dealing with the case.

… she was very direct with me, she didn’t mince her words or that, she was like, I’m wanting to help you and there is a case here, you know, but at the time you’ve got to help yourself, get yourself up …that’s the way I have to have it; I don’t like people dressing things up.

**Timeliness**

As well as speaking in positive terms about the way their solicitor communicated with them and kept them informed about the progress of their case, clients were also impressed by the way that their solicitor dealt with their case, acting without delay and driving things forward with the opponents’ solicitors or other agencies when required. Unlike their experiences of other solicitors, clients felt that their CLAO solicitor had responded to their queries quickly and did not have to be chased to return calls or answer messages that had been left with other members of staff in the office. Overall, clients’ impressions were that their solicitor was responsive and efficient, that their case was being managed well and that it was progressing at the right pace.

*Where they [other solicitors] were dragging their heels a bit, I think she was pushing to get everything sorted out. She would phone and say look I’ve tried and they’re not responding and I’m going to write them another letter and I’m going to do this, so she was really, she was proactive she wasn’t going to let it settle until it was resolved.*

**Administrative staff**

Just as clients’ satisfaction with the way they were treated by their solicitor was high, their experience of the other staff working across the CLAO network was also positive; although the interaction that clients had with other staff was very limited, restricted to short telephone conversations and brief interactions at reception. Nevertheless, administrative staff were found to be pleasant and courteous, providing an efficient service and treating clients with respect. Where clients were unable to speak to their solicitor on the phone, they found that
messages were passed on quickly by other members of staff and that their queries were answered promptly.

They would take my phone number and she would call me back and I did that twice…..and I phoned and it was the secretary and she said ‘can I take your name?’ I gave my name, didn’t ask for my phone number because they already had it on file, just my name and she said ‘I’ll get her to phone you, she won’t be back in the office until the next day, what time would suit you?’ They always asked what time would suit me.

They were great, they were fine, you just didn’t feel that they were too busy to be bothered with you. It must be difficult working in a solicitor’s office, they always [in other offices] seem to be drowning in paperwork and phone calls, but no…..it was efficient.

Confidence in solicitors’ competence

Clients are clearly not in a position to judge the quality of advice or competence of their solicitor from a legal perspective (see the references to Moorhead et al 2003 and Moorhead and Sefton 2003 in the literature review). However, as noted in the literature review, interpersonal issues are not entirely separable from technical competence. This point is stressed by Sommerlad and Wall (1999), who argue that solicitors are likely to provide a more effective service if they ask the right questions and if clients trust them and is also reflected in Law Society of Scotland Standards of Service for all practicing solicitors in Scotland.

It was also evident from the qualitative interviews that clients’ confidence that their solicitor has the necessary expertise does matter. It has an effect during the case: in terms of whether the client gains some immediate reassurance and lowering of anxiety levels and (relating to the point made by Sommerlad and Wall) whether there is effective communication between client and solicitor to enable the client to receive and act on the best advice. It also has a longer term impact – particularly when the outcome of the case is negative. As discussed above in the ‘Longer term impact’ section, clients are more likely to understand and accept a negative outcome if they feel that they nonetheless received good advice, were well represented and that everything that could have been done was done.
Perceptions of competence are likely to be influenced by a wide range of factors including many of the interpersonal qualities and communication skills discussed elsewhere in this chapter. There were also a number of other specific aspects that seemed to influence clients' perceptions of competence.

First, there was a perception that the CLAO solicitors simply 'knew their stuff'. This might be conveyed by effective communication with the client on what the legal position was and what their options were, or a perception that they were effective in court or in meetings with the opponent’s solicitor.

*In a way it was reassuring the fact that she was efficient, because I felt like I was in the hands of someone that really knew their stuff and that's kind of what you want.*

Second, there was a perception that they were thorough. This was conveyed by listening carefully and asking lots of questions (particularly at the first meeting) and reading clients’ documents thoroughly (particularly at the first meeting or by the second meeting).

*I felt he was more thorough, more into everything, wanted to know absolutely everything, if it was a page he had to just flick up, he wanted to read it properly rather than flick it and I know I shouldn't say that about another solicitor. [...] Well the other solicitor wasn’t bad but I never felt he was thorough, I always felt like he was holding something back, where I didn't feel that with this [CLAO solicitor], if he had something to ask he asked it.*

Confidence that the solicitor was ‘getting on with things’ and driving things forward was a third aspect. This was particularly important to clients who were aware that time was short (e.g. before a court date or because they had been unable to find representation for while) or where the case/issue which had been dragging on for a long time.

Finally, clients valued persistence. Again, this was particularly important in long running cases and where the opponent, or the opponent’s solicitor, was perceived to be holding things up.

The combination of these factors – perceptions of legal knowledge/expertise, thoroughness, pro-activeness and persistence – in addition to their interpersonal
and communication skills, combined to reassure clients that their solicitor had done everything possible to help them. For instance, as one client whose case outcome had been negative said:

No there is nothing else she could have done, she did the best she possibly could, we couldn’t have expected anything more from her.
Implications and conclusions
Implications and conclusions

In this chapter, we draw together the main findings from the literature review and the qualitative interviews and, on the basis of these, we recommend a feedback tool and methodology that would seem to best meets the needs of the CLAO network and the Scottish Legal Aid Board.

Main implications from the literature review

The literature review provided a broad overview of the different approaches that might be taken to measure the outcomes, impact and satisfaction with legal advice services, depending on the main aim of the research.

In relation to collecting client feedback and outcome information from CLAO clients, we have identified a number of implications stemming from the review:

- the need for clarity about the ‘research question’ – what can usefully be learned from a client feedback tool and what can it not do?
  - it can measure just one aspect of the whole service: clients’ perceptions of key elements of the service that impact on their experience and satisfaction
  - it probably cannot measure impact on wellbeing (but there are links between what it can measure and the impact on wellbeing)
  - it cannot measure access (by definition, those completing a feedback form have managed to access the service)
  - there will still be a need for one-off or periodical research focussing on particular concerns. The literature reviewed in this report includes a range of examples, including research which concerns particular types of client, particular types of service or key points in time along the route from accessing advice to after the conclusion of a legal problem. There are examples of large scale quantitative studies, including randomised controlled trials (although these have not
proved to be easily used in this field of study) and of qualitative studies which consider the more in-depth experiences of clients, including some longitudinal studies. Indeed, the interviews conducted for this research underline the insight that can be derived from qualitative research.

- clients cannot judge the quality of the advice they receive. However, interpersonal skills are not entirely separable from technical competence and perceptions of the quality of advice do matter in terms of clients’ trust in their adviser and willingness to follow their advice or accept the outcome.

- clients’ lack of understanding of the law. The implications of this (confirmed by the qualitative research) are that they need to be confident that their solicitor is competent, can trust them and feel that he or she is on their side, and they need things explained clearly. At the same time, they do not want to feel patronised or made to feel stupid

- clients will often face multiple disadvantage. The implications of this, also confirmed by the qualitative research, are that CLAO solicitors need to demonstrate an understanding of clients’ individual situations and adapt the service appropriately and sensitively.

**Main implications from the qualitative research with CLAO clients**

The qualitative research confirmed that the issues identified in previous research (fairness, timeliness, professionalism, information, staff attitude) are broadly the same issues that concern CLAO clients. Based on the findings from the qualitative interviews, a feedback tool should (as far as possible given the limitations of space) seek to capture clients’ views on the following aspects of the service:

- **Treatment/attitude of staff**
  - whether they felt that the solicitor was “on their side”
- whether the solicitor was caring /sympathetic
- whether they were treated like an individual and the solicitor was interested in them as a whole person
- whether the solicitor was sensitive to their individual circumstances and adapted to their individual needs
- whether they were treated with respect and were not patronised or made to feel stupid
- whether they felt the solicitor had time for them

**Communication/information**
- whether the solicitor took time to explain things clearly, and in a way they could understand (both oral and written communications)
- whether the solicitor kept them informed about what was going on, and clearly outlined each stage of the case
- whether they understood what was expected of them
- whether the solicitor was approachable and receptive to questions

**Honesty and managing expectations**
- whether the solicitor was honest with them (even if that meant telling them things they did not necessarily want to hear)
- whether they felt the solicitor was realistic about the outcome of the case

**Timeliness**
- whether the solicitor did what they could to keep the case progressing at the right pace
- whether the solicitor responded promptly to questions/requests
- whether the solicitor returned telephone calls promptly

**Administrative staff**

- whether reception/administrative staff were pleasant and courteous
- whether reception/administrative staff passed on messages effectively

**Confidence in solicitors’ competence**

- whether they felt confident that their solicitor had sufficient knowledge and expertise to handle the case
- whether the solicitor was thorough
- whether the solicitor was persistent when necessary.

It is clear – from both the literature reviewed and the interviews – that it would be extremely difficult to measure the impact of the CLAO service on clients’ view of their well being i.e. their view on their broad health and welfare. While it might be possible to measure subjective aspects of wellbeing at different stages (e.g. as soon as a client was taken on, at the end of the case, and sometime after the case was closed), the wide range of other factors that might impact on wellbeing mean that, without a control group, it would be very difficult to assess what would have happened in the absence of the CLAO. From a practical point of view, the immediate impact on wellbeing would be even harder to measure than the medium and long term impact, because this would require a measure taken before the client knew that a CLAO solicitor was taking on their case.

However, it is much easier to measure clients’ perceptions of the aspects of service provision which appear to lead to positive impact on self reported wellbeing: whether they felt the CLAO solicitor was “on their side”; whether they had confidence in the CLAO solicitor’s competence/expertise; whether they felt the CLAO solicitor understood their problem and their situation; whether they felt the CLAO solicitor cared about them; whether they understood their options at different stages; and whether they felt everything that could have been done was
done. Indeed, from the point of view of service improvement and development, feedback on these specific aspects of service delivery may be more useful than measures which might show that the CLAO is having more or less impact on client wellbeing without explaining why this might be.

The Law Society of Scotland sets out ‘Standards for Scottish Solicitors’ which address both the quality of service a client can expect from their solicitor, such as using clear language to communicate and treating each person as an individual, as well as quality of conduct, specifically the behaviour of the individual solicitor. While all solicitors are required to comply with these rules of professional conduct and behaviour, our research indicates that clients were particularly appreciative of the way that their CLAO solicitor developed with them an open, trusting and respectful relationship, which was sometimes in contrast with the way they reported having been treated by other solicitors in the past.

**Recommendations for a feedback tool**

Given the complexities (discussed above) around measuring the *impact* of the service on clients, the purpose of the recommended feedback tool is solely to measure clients’ *experience* of using the service.

The outcome measures were developed following a review of:

- evidence from the interviews with CLAO clients about the aspects of the service that mattered to clients
- the key measures identified in the review of existing literature as influencing service users’ experiences, including those used in other tools designed to capture users’ perceptions
- the Client Satisfaction Survey currently used by SLAB to measure client perceptions of the CLAO service (see Appendix 3).

Following this review, we developed a number of indicators to inform three key areas of the service experience:

- treatment/attitude of staff
• communication
• handling of the case

In addition, the feedback tool also captures broader perceptions of the service, including: satisfaction with the outcome; overall rating of the service; likelihood to recommend CLAO to others, and open questions to capture clients' views on positive and negative aspects of the service.

It should be noted that SLAB’s original Client Satisfaction Survey covered many of the key issues highlighted by CLAO clients and in the literature as being important indicators of a positive service experience. We adapted many of these measures to align them more closely with clients’ concepts and thus make them more meaningful to clients. While the questions asked are different it will still be possible to continue to collect trends in the overall rating of service provided by the CLAO.

*Methodological options for the survey*

In deciding the best way to administer the survey we weighed up a number of factors:

• the likely cost of carrying out the survey
• the likely response rate
• the likelihood of capturing honest and accurate data
• the burden on clients
• the administrative burden on SLAB

After considering each of these factors, we concluded that postal self-completion is the best way for SLAB to administer the survey, compared to online, face-to-face and telephone methods. Online is not viable: a significant proportion of CLAO clients will not have internet access. While face-to-face would likely result in the highest response rates, it can be ruled out for two reasons. First, the cost of carrying out the survey – associated with travelling to respondents' addresses
and the potential need for repeated visits – would be extremely high. Second, in practical terms, there would be a heavy administrative burden on CLAOs, who would need to arrange suitable appointment times to carry out the face-to-face interviews – of course, external consultants could carry out the work but this would mean incurring significant cost.

Conducting the survey by telephone would be much more viable than an online or face-to-face approach. However, while the costs of this approach would not be as high as face-to-face, they are still considerably higher than a postal approach. Further, while generally the response rates to telephone surveys are higher than those to postal surveys, it can be questioned whether this would hold true among CLAO clients. Indeed, telephone surveys are reliant upon respondents answering their phones. Our experience of recruitment on this project indicated that many clients would not answer calls from telephone numbers they do not recognise even when they were told about the project in advance.

Postal is the most straightforward and cost-efficient way for SLAB to continue to collect service user views without incurring the administrative burden and costs associated with face-to-face and telephone methods, or without the need to use an external consultant. Further, by employing a number of additional steps, we believe that SLAB could increase the current response rates for feedback substantially. These include:

- making the existing questionnaire more user friendly for clients (while the questionnaire we have drafted is longer than the existing version, we feel that the improved design and layout and simplified wording of the questions will all impact positively on the response rate).

- informing clients about the survey, at the end of the process (at a final meeting and/or in final correspondence), the solicitor should inform the client that they will shortly be sent a questionnaire, mentioning that their feedback is valued and the reasons why it is important to learn about what CLAO do well and what they could do better in the future.
- send a reminder questionnaires to clients who have not responded to the survey after around four weeks
- carrying out a telephone reminder among any clients who have not responded to the survey after around six weeks
- reinforcing the promise that all information will be confidential by requesting that questionnaires be returned to the Board’s central office in Edinburgh, rather than the individual CLAO.

**Timing of the survey**

While the literature highlighted a number of different options for when the survey could be conducted, we would recommend that the survey is conducted at one point in time, within two to three weeks of the end of the case.

While there might have been concerns over how much clients would be able to realistically recall about their experiences of the service in a survey conducted at the end of their case, our experience of speaking to clients suggested otherwise. Indeed, during interviews clients were able to remember individual aspects of their experience, in some cases dating back over one year, and these experiences did not seem to vary over the course of their case.

Additionally, carrying out only one survey would minimise the burden on SLAB – from an administrative point of view – and, perhaps more importantly, the client. As noted earlier, most clients are experiencing high levels of stress during their case and it could be deemed insensitive, or an inefficient use of CLAO’s time, to ask them to give feedback on different stages throughout their case.

**Analysis**

The resulting data will enable analysis of trends over time. The extent of subgroup analysis that can be undertaken (e.g. by office, by type of case and by outcome of the case) will depend on the numbers involved and the availability of accurate data to allow the categorisation of cases. CLAO solicitors currently record the outcome of each case using objective measures of ‘hard’ outcomes (e.g. whether or not the client “gained, recovered or preserved money or
property, whether permanently or temporarily”) and a subjective assessment by the solicitor handling the case of the extent to which the result was better or worse than expected. It would be possible to link the CLAO solicitor outcome data with the feedback from clients and then analyse the correlation between clients’ views on different aspects of the service and the actual outcome/solicitor’s view of the outcome. If there is a sizeable correlation between the two, this would be particularly helpful in interpreting whether differences in client feedback (over time or between subgroups) are simply due to differences in the profile of cases/outcomes or whether they indicate a real change in service provision.

However, all this is dependent on an accurate categorisation of case outcomes and solicitors’ assessments of the outcome being valid and reliable.

Appendix 4 includes the draft feedback tool that has been designed.
Appendices
Appendix 1 – References

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Websites referred to in text

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International Legal Aid Group http://www.ilag.net.org
Westlaw Legal Database http://www.westlaw.co.uk/
Appendix 2 – Opt out letter

Dear

Listening to your views and experiences of using the Civil Legal Assistance Office

You were a client of ours at the Civil Legal Assistance Office [Insert area] and received help from us with a legal problem. The Civil Legal Assistance Office was set up by the Scottish Legal Aid Board, and the Board is now interested in talking with you about your experiences of using the Office. You may remember that when we first started acting for you, you agreed to participate in future monitoring and assessment of the CLAÓ service. This is what is now being done. Your views are important.

Your name will be given to the independent research organisation Ipsos MORI so that they may contact you. You will be asked about your experiences of being our client and how this affected you. If you do take part, everything you say will be completely confidential and it will not be possible to identify you in the research. No-one at the Civil Legal Assistance Office will be told which clients are taking part in the research.

If you do not hear anything further about this within the next few weeks you can take it that you will not have been asked to take part this time. If you are asked to take part I very much hope that you will be able and willing to help. If you need help to take part in this process a researcher from Ipsos MORI will discuss that with you if you are contacted.

If you are able to help with this research you do not have to do anything now. Someone from Ipsos MORI may contact you within the next few weeks to make an appointment to carry out an interview over the phone or to make an appointment with you to speak with you face to face. This interview should take around 30-45 minutes and you will be given a £20 voucher to thank you for your help.

If you do not wish to be approached to take part in this research please contact Clare Duffy, Research Manager at the Scottish Legal Aid Board on 0131 240 1888, email duffycl@slab.org.uk or return the response slip by Wednesday 18 May.

If you would like more information or reassurance about the research please contact Clare Duffy.

Thank you for your time
Yours sincerely

Head of Service/ Office Senior Solicitor
Appendix 3 – Current CLAO client satisfaction questionnaire

CIVIL LEGAL ASSISTANCE OFFICE – <> OFFICE

CLIENT SATISFACTION SURVEY

Client Name–Matter No:

Please read this section before turning to the next page.

Your views, as a user of the Civil Legal Assistance Office, are very important in assessing the effectiveness of the service. Your feedback will help shape the future development of the project and also the development of publicly funded legal services.

The information you provide will be treated confidentially.

The questionnaire should take only a few minutes to complete. Please complete the form and post it to your solicitor, using the enclosed stamped addressed envelope.

Thank you for taking the time to complete this questionnaire.

<>
Senior Solicitor
Civil Legal Assistance Office

Tel:
Fax:
Email:
PART 1  CONSULTING AND DEALING WITH THE SOLICITOR:

We would like to know how satisfied you feel about the service that was provided by the solicitor.

Please read the questions about the service and tick one box for each question.

<table>
<thead>
<tr>
<th>Question</th>
<th>Very Satisfied</th>
<th>Fairly Satisfied</th>
<th>Fairly Dissatisfied</th>
<th>Very Dissatisfied</th>
<th>Don’t Know</th>
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<td>Were you treated with respect?</td>
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<td>Did the solicitor listen to you?</td>
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<td>Did the solicitor spend enough time with you, in person and on the phone?</td>
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<td>Were things explained to you in a way you could understand?</td>
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<tr>
<td>Were you kept informed of the progress of your case?</td>
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<tr>
<td>Did your solicitor deal with your case without delay?</td>
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<tr>
<td>Did the solicitor explain to you how legal aid works?</td>
<td></td>
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</tr>
<tr>
<td>Overall how satisfied are you with the solicitor’s work?</td>
<td></td>
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</tbody>
</table>

PART 2  YOUR CASE:

We would like to know how satisfied you feel about your case and how it was dealt with. Please read the questions about your case and tick one box for each question.

<table>
<thead>
<tr>
<th>Question</th>
<th>Very Satisfied</th>
<th>Fairly Satisfied</th>
<th>Fairly Dissatisfied</th>
<th>Very Dissatisfied</th>
<th>Don’t Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>How do you feel about the outcome of your case?</td>
<td></td>
<td></td>
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<tr>
<td>How satisfied were you that you had been listened to, that you had</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>participated and ‘had your say’?</td>
<td></td>
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<td></td>
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<td></td>
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<tr>
<td>How satisfied are you that you were treated justly and fairly?</td>
<td></td>
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<tr>
<td>How satisfied are you that you had ‘access to justice’?</td>
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<tr>
<td>Do you feel your case was dealt with within a reasonable time limit?</td>
<td></td>
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</tbody>
</table>
**Overall how would you rate the service provided by CLAO?**

<table>
<thead>
<tr>
<th>Excellent</th>
<th>Very Good</th>
<th>Good</th>
<th>Fairly Poor</th>
<th>Very Poor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Would you use CLAO again if you had a legal problem? **YES/NO**

Would you recommend CLAO to a friend? **YES/NO**

**What (if anything) could have been done to make the service you received better?**

………………………………………………………………………………………………………………
………………………………………………………………………………………………………………
………………………………………………………………………………………………………………

Thank you again for taking the time to complete this questionnaire.

Please return it to the Civil Legal Assistance Office in the stamped addressed envelope provided.
Client views of the Civil Legal Assistance Office

We would be very grateful if you could spare a few minutes to complete this form about your experience of using the Civil Legal Assistance Office. Your views, as a recent user of the Civil Legal Assistance Office, are very important in assessing how helpful the service is. Your feedback will help us understand how we can improve so we can provide the best possible service to our clients.

Please complete the form and post it to the Scottish Legal Aid Board central offices, using the enclosed stamped address envelope.

The feedback you provide will be treated as private and confidential. Your solicitor or anyone else from your CLAO office will not see you answer.

- Once you have finished please take a minute to check you have answered all of the questions.
- The survey consists of 5 pages and should take no longer than 5 minutes to complete.

When you have completed the questionnaire please return in the enclosed stamped addressed envelope.

<MATTER NUMBER>
### How you were treated by your solicitor

1) **Please tell us whether you agree or disagree with these statements about how you were treated by your solicitor…**

**PLEASE TICK ONE BOX PER ROW**

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Tend to agree</th>
<th>Neither agree nor disagree</th>
<th>Tend to disagree</th>
<th>Strongly disagree</th>
<th>Did not apply to my case</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) I trusted my solicitor to act in my best interests</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) My solicitor cared about me and my case</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) My solicitor understood my individual situation</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) My solicitor made me feel at ease</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) My solicitor treated me with respect</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

### Communication

2) **Please tell us whether you agree or disagree with these statements about how your solicitor communicated with you…**

**PLEASE TICK ONE BOX PER ROW**

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Tend to agree</th>
<th>Neither agree nor disagree</th>
<th>Tend to disagree</th>
<th>Strongly disagree</th>
<th>Did not apply to my case</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) My solicitor explained things to me in a way that I could understand</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) I was kept informed of the progress of my case</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>c) My solicitor explained to me how legal aid works</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) My solicitor listened to what I had to say</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) My solicitor made me feel that I could ask him/her questions</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
### How your solicitor dealt with your case

3) **Please tell us whether you agree or disagree with these statements about how your solicitor dealt with your case…**

<table>
<thead>
<tr>
<th>PLEASE TICK ONE BOX PER ROW</th>
<th>Strongly Agree</th>
<th>Tend to agree</th>
<th>Neither agree nor disagree</th>
<th>Tend to disagree</th>
<th>Strongly disagree</th>
<th>Did not apply to my case</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) My solicitor always had the time to deal with any queries I had about my case</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) My solicitor was honest with me, even if it meant telling me things I didn't want to hear</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) My solicitor completed tasks related to my case in the time he/she said they would</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) I felt my solicitor did everything he/she could for me</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>e) The other staff in the office were helpful to me</td>
<td>☐</td>
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</tbody>
</table>

### Ability to handle your case

4) **Please tell us whether you agree or disagree with these statements about how well able to handle your case you think your solicitor was…**

<table>
<thead>
<tr>
<th>PLEASE TICK ONE BOX PER ROW</th>
<th>Strongly Agree</th>
<th>Tend to agree</th>
<th>Neither agree nor disagree</th>
<th>Tend to disagree</th>
<th>Strongly disagree</th>
<th>Did not apply to my case</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) I was confident that my solicitor knew what he/she was doing</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) I felt confident that my solicitor kept things moving at the right pace</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
5) **Overall, are you satisfied or dissatisfied with the outcome of your case?**

**PLEASE TICK ONE BOX ONLY**

- Very satisfied
- Fairly satisfied
- Neither satisfied nor satisfied
- Fairly dissatisfied
- Very dissatisfied
- Don’t know

6) **Overall, how would you rate the service provided by the Civil Legal Assistance Office?**

**PLEASE TICK ONE BOX ONLY**

- Excellent
- Very good
- Fairly good
- Fairly poor
- Very poor
- Terrible
- Don’t know

7) **What, if anything, did the Civil Legal Assistance Office do particularly well?**

**PLEASE WRITE IN SPACE BELOW.**

- Nothing
- Don’t know
8) What, if anything, could the Civil Legal Assistance Office have done better?

PLEASE WRITE IN SPACE BELOW.

_____________________________________________________

Nothing □
Don't know □

9) And, finally, how likely would you be to recommend the Civil Legal Assistance Office to a friend who was experiencing similar issues to yours?

Please circle a number below between zero and ten, where zero means you definitely would not recommend the Civil Legal Assistance Office and ten means you definitely would recommend the Civil Legal Assistance Office.

PLEASE TICK ONE BOX ONLY

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
</table>

THANK YOU VERY MUCH FOR YOUR TIME
Appendix 5 – Discussion guide

Collection of Client Feedback and Outcome Information across the CLAO Network

Topic guide

Key topic areas are in bold. Some prompts are included to help the interviewer where appropriate, though these are only used as a guide and don’t represent an exclusive list of all the questions which will be asked of each respondent. The time allocated to each section is also just a rough guide and will be led by the respondent.

Introduction (5 mins)

Aim: Establish background to research

- Introduce self and Ipsos MORI. Thank participant for taking part.

- Research commissioned by the Scottish Legal Aid Board to speak to people who have had experience of the CLAO. In particular, we are interested to find out about your views and experiences of the CLAO and any other legal services and procedures you have been through.

- Explain should take around an hour, but fine to stop the interview at any stage or take a break. Don’t have to answer all the questions – just say if don’t wish to answer something.

- Anonymity of respondents and MRS (Market Research Society) code of conduct.

- Stress independence of Ipsos MORI and confidentiality of what respondent tells us. Personal information passed on to Ipsos MORI will only be used for the purposes of the research and will not be retained after the research is completed. Respondent will not be identified in the research findings and no information identifying respondent revealed to the CLAO or SLAB. Information they provide us with will have no bearing on past or future case(s).

- Permission to audio record, explain how it will be used.

Respondent background (5 mins)

Aim: brief discussion about respondent’s case history

- I understand that you were in contact with the CLAO in connection with a case you were involved with last year. Could you tell me a little about your case / the problem you were seeking advice on? (If necessary, clarify that we only need to know a little about the background to their case in order that we can better understand the experience they have had of legal services).
Experience of legal services (10 mins)

Aim: probe in more detail about the path taken by the respondent through the civil justice system, including their experience of different legal services and procedures

- **What made you decide to seek legal advice for your problem?** PROBE: contact from opponent or solicitor / advised by other agency / visit by debt agency / unsure of other options etc.

- **Did you talk to friends and family about it at all?** Did they give you any advice?

- **Before being in contact with the CLAO, which other people or organisations had you spoken to?** PROBE: for all individuals and agencies had contact with and try to determine sequence of events. Self referral or referred from other agency? Establish whether the contact with other solicitors or agencies was positive or negative and why this was.

- **Did you know what options you had at this stage in terms of how to deal with your problem?** PROBE: what were your options? How did you find out what these were?

- **How did you end up being a client of the CLAO?** PROBE: for understanding of why and how referred to the CLAO from other solicitor or agencies they had been in contact with. Did they have contact with the CLAO before being accepted as a client? How long did this take? How did you feel going through this? Note for interviewer: Probe for awareness of clients’ understanding of whether they knew if they had been referred to other services before being accepted as a CLAO client and recognition that this was part of the role of the CLAO.

- **At that time when you first tried to get legal advice, how were you feeling?** PROBE: get a feel for the impact the legal problem was having on their lives – effect on physical and mental health; family dynamics/relationships; living circumstances; financial strain?

At this stage, if appropriate for respondent, introduce Emotion Card exercise. *The aim of this projective technique is to help respondents articulate the feelings and emotions they were experiencing throughout their case in a non-verbal manner, since this is something respondents can find difficult to express to an interviewer. Where appropriate during the interview, we will encourage respondents to select a card which shows different emotions being expressed in pictorial form, to communicate their own feelings.*

- **Were you having to deal with any other problems at the same time?**

- **IF APPROPRIATE, ASK: What in particular was causing the most stress?** What were you most worried about? PROBE: relationship/contact with opponent; not knowing how to deal with problem or what outcome was going to be; concern about costs involved; impact on family relationships; length of time taking to resolve; worry about going to court; not being taken seriously / understood / not being able to find a solicitor to represent them etc.
Making contact with the CLAO and your solicitor (20 minutes)

**Aim:** find out more about respondent’s contact with the CLAO solicitor, including their expectations of what the CLAO could do for them and the experience they actually had.

- **Can you tell me about your first meeting with the CLAO?** PROBE: who did you see? referral officer, administrator, solicitor? Note for interviewer: If need be, clarify that we are asking about their first meeting as a client of the CLAO, and not about any earlier enquiries/contact with the office.

- **What did you hope the solicitor was going to be able to do for you?** PROBE: what did you expect to happen to resolve your problem? What did you think the solicitor’s role in this was going to be? What did you think the resolution was going to be? Looking back did you think that was realistic?

- **How long was it since you had first realised that you had a problem and your first contact with your solicitor?**

- **How did you feel about being a client of the CLAO?** PROBE: relief that someone was taking on case; concern about costs / time involved etc.

- **Did you have any previous experience of contact or going through the legal system?** PROBE: which parts-police, courts, tribunals, hearing, solicitors? Any previous experience of privately funded legal advice and whether their expectations were different re. service expected from CLAO.

- **What was that initial contact with the CLAO like?** PROBE: what happened at first meeting? Perception of people working there? How did different people make them feel?

- **How did you feel after having had that first contact with the CLAO?** PROBE: for confidence in CLAO and understanding of what their role was going to be; what next steps were going to be; what was going to be required of respondent; how long things were going to take.

- **IF APPROPRIATE, ASK:** You mentioned earlier that around the time that you were referred to the CLAO you were feeling …… (e.g. stressed) – how did you feel when you started having contact with the CLAO?

- **Can you tell me a little about what happened after that initial contact with the CLAO?** PROBE: for how case progressed.

- **Did the case go to court/tribunal/hearing?** PROBE: did you go to court/tribunal/hearings? How many times? What was this experience like? Had you ever been to court before?

- **Were you put in touch / referred to any other agencies throughout the legal process?** Which ones? Why was this?
General experience and satisfaction with your CLAO solicitor (10 mins)

Aim: assess respondents’ perceptions of how they were treated by the solicitor and how well they were communicated with

- How well informed were you kept about what was happening with your case and how it was progressing? PROBE: for how well solicitor communicated with respondent and nature and timing of communications.

- How well did you feel you understood what was happening at different stages in your case? PROBE: for how easy communications were to understand – use of jargon / legal terms.

- How well did your solicitor explain to you about how legal aid works? PROBE: Did they provide financial information? Did you pay contribution toward your legal costs? Did you understand why you had to do this?

- How well do you feel you were treated by your solicitor? PROBE: did you feel listened to / respected / treated as an individual?

- How well do you feel that your solicitor responded to concerns that you had? PROBE: how well were their needs addressed? How quickly did they respond? Did the CLAO seem to ‘care’ about the case? Did they spend enough time with you / talking to you?

At this stage, if appropriate for respondent and time allows, introduce Timeline. This is a projective technique which we will use to record significant stages / milestones in the case and will plot clients’ emotions and feelings at these different stages as their case progresses. The aim of the exercise is to help respondents recall how they were feeling during their case and can help them to express their emotions in a non-verbal way. By talking through the Timeline with the respondent, we will be able to get a better idea of the impact of, for example, their initial contact with the CLAO, appearing in court, having their case settled, and so on.

Case outcome (10 mins)

Aim: wrap up discussion and give respondents the opportunity to reflect on the all the legal processes they have been through, making suggestions for improvements

- What is the current situation with your case? How long has it taken to resolve? Do you feel that it has actually been resolved? PROBE: for whether people recover property/ funds. Were they asked to give money back from that to cover legal costs (‘clawback’)

- Overall, how do you feel about the outcome of your case? PROBE: reasons for satisfaction / dissatisfaction across whole justice journey. Does the legal system and your experiences of that seem fair / unfair? What parts went well? And what didn’t you like? What do you think went badly?

- How do you think your solicitor viewed the outcome for you?

- How are things in general for you now? PROBE: for current well-being, whether other problems still exist? (Look out for opponents).
Thinking again about all the contact you had with the CLAO solicitor what did you like about them? What do you think went well? And what didn’t you like? What do you think went badly?

Compared with what you thought it was going to be like at the beginning, was your experience of the CLAO better or worse than expected?

What impact do you feel the CLAO had on you personally? PROBE: wider impact of getting advice – effect on mental and physical health, family, living circumstances, finances etc.

What were the main things you learnt about the legal processes that you went through?

Finally, if you were in the same position again, what would you want to change? Do you think the service provided to you by the CLAO could be improved?

Is there anything else that you want to say that we’ve not discussed?

THANK RESPONDENT