



Experiences of consumers who may be vulnerable in family law

A research report for the Solicitors Regulation Authority

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Executive Summary

In June 2016, the Solicitors Regulation Authority (SRA) commissioned Ecorys to conduct research on the experience of consumers who may be vulnerable in family law.

An SRA Risk Outlook paper, for solicitors working with people who may be vulnerable, acknowledges personal and situational vulnerability as important factors to consider in providing legal services.¹ This dual focused definition of vulnerability was used to shape the scope of this study.

Family law encompasses a range of practice sub-areas, including:

- divorce,
- separation,
- civil partnership dissolution,
- prenuptial agreements,
- cohabitation orders,
- arrangements for children,
- parental responsibility orders,
- property, estate and trust settlements, and
- public law actions relating to children.

Research objectives

The purpose of this research was to explore the related issues of access, cost and quality in the context of recent legal aid reforms to family law, from the perspective of legal firms and consumers.

The overarching aim of this research was to provide the SRA with insight into the experiences of consumers who may be vulnerable in family law, with specific focus on the:

- **Demand side** – the expectations and experiences of consumers that may be vulnerable in family law in relation to access, cost and quality of services.
- **Supply side** – the competence, behaviours and practices of solicitors in legal firms offering family law services to consumers that may be vulnerable.

Research approach

A mixed methods approach to the research was taken, which involved:

- **Desk based research:** A literature review was conducted to provide insight into family law and the recent legal aid reforms, as well as common and key issues relating to access, cost and quality of family law services.

¹ Solicitors Regulation Authority (2016) Providing services to people who are vulnerable.

- **Consumer survey:** a survey of consumers was conducted using Computer Assisted Telephone Interviewing (CATI) to identify and explore the types of issues occurring across different areas of family law. The sample of consumers was recruited through two routes; a targeted route with several partnered charities and a calculated random sample of the general population using a Random Digit Dial² telephone sample from an external agency. 117 interviews were completed with consumers, including those defined as vulnerable due to their situation, as well as consumers with additional personal vulnerability characteristics.
- **Consumer in depth interviews:** The consumer survey was complemented with a programme of 23 in depth interviews with selected survey respondents. This explored a number of issues identified in the survey, as well as examples of adjustments made by solicitors or advisory services
- **Firm survey:** An online survey was conducted with legal firms from a sample that had been identified by the SRA as working in the areas of family and matrimonial, children or social welfare law. The purpose of this survey was to identify the competencies, behaviours and practices of solicitors and any adjustments to service delivery made by legal firms for consumers who may be vulnerable. 115 responses were received.
- **Firm in depth interviews:** To further explore the findings from the firm survey in depth interviews were conducted with 16 legal firms that had taken part in the survey.

Key findings

Consumer vulnerability

- The characteristics or factors most commonly identified by the surveyed legal firms as likely to make someone vulnerable in the context of family law were:
 - ▶ learning disabilities (92 per cent),
 - ▶ mental health issues (89 per cent),
 - ▶ low literacy (88 per cent),
 - ▶ homelessness (80 per cent),
 - ▶ loss of income (78 per cent), and
 - ▶ threat of harm (74 per cent).
- Legal firms reported that they infrequently provided services to people with personal characteristics that increase the likelihood of being vulnerable. For example, only 17 per cent of firms reported that they support consumers with learning disabilities, and 21 per cent supported mental health issues. In contrast, many thought that a lot of their clients were vulnerable for the very reason they needed legal support (situational vulnerability).
- In the survey, solicitors reported that their motivation for supporting consumers with vulnerabilities was related to:
 - ▶ the reputation of the firm (35 per cent),
 - ▶ their own job satisfaction (30 per cent),
 - ▶ being able to offer their services to a wider client base (13 per cent) and
 - ▶ to generate more business for the firm (17 per cent).

² Random digit dialling (RDD) is a method for selecting people for involvement in telephone surveys by generating telephone numbers at random. This approach has the advantage that it includes unlisted numbers that would be missed if the numbers were selected from a phone book.

Access

- Overall, the research found that there was not an issue for consumers in finding appropriate services to support a family law issue. The majority (86 per cent) of consumers found it easy to find a family law solicitor.
- The majority of consumers asserted in the interviews that it was important to find the 'right' solicitor for their case. The solicitor's specialist knowledge and experience were the most important factors influencing their decision. This was a higher priority over cost and location of the solicitor's offices. Some consumers reported issues with accessing the necessary information, particularly around cost or an individual solicitor's experience to help them make an informed decision based on these factors.
- Legal firms reported in the interviews that they implement several strategies to help consumers make an informed choice about which services to access, even once they have been approached by the consumer. These include telephone screening systems, trained staff to receive initial calls, longer initial meetings and free initial sessions.
- Legal firms did not commonly advertise their services directly to consumers who may be vulnerable, with only 30 per cent of legal firms reporting to do so. However, there were examples given in the interviews of referral routes established with voluntary organisations supporting specific groups, most often those working with people who had experienced domestic abuse in their relationship.
- Despite these mechanisms, 52 per cent of consumers tended to base their decision about a solicitor on a personal recommendation from friends or family and 14 per cent conducted their own research using the internet. The main reason people choose to access a solicitor based on a recommendation or referral is because it provides assurance about the solicitors' approach and relevant experience, which is not readily outlined in any published information.

Cost

- Just under two thirds of consumers in the survey (64 per cent) reported their solicitor's costs to be affordable, but it was clear from the interviews with consumers that although some reported to be able to cover the costs themselves, it was not possible without additional finance from other sources. As such, it appears that costs were not directly affordable for some consumers. Given that the legal issues addressed by family law, such as divorce and child custody, can be highly emotive and the outcomes life changing for those affected, consumers will find a way to pay for the service. In doing so, their chosen mechanism can be less sustainable, particularly for cases that become protracted. Examples commonly reported by consumers included taking out a loan or using a credit card, or in one case as a result of having access to additional finance through an inheritance.
- Interviewed legal firms reported that cases involving consumers who may be vulnerable were typically more complex due to a range of factors and circumstances stemming from both personal and situational vulnerabilities. This had the potential to result in increased costs of the case due to longer appointments, greater inputs from solicitors to complete aspects of the process or more regular communication.
- Legal firms have responded positively to potential issues for consumers relating to cost. There was evidence from the interviews of legal firms ensuring they are transparent about their fee arrangements by having open communication with consumers about costs, and to help consumers to understand how their actions and behaviour may increase the cost of their case.

- 85 per cent of legal firms agreed that it is their responsibility to ensure that clients are aware of alternative funding options as a way to reduce the cost of their legal support. 67 per cent agreed that with appropriate guidance, clients should be able to manage the cost of their legal cases effectively.
- Legal firms were offering approaches such as unbundling (85 per cent) or fixed fees (88 per cent) but these could be challenging to implement in family law cases, which can be complex or unpredictable. At present, the most popular solution to supporting consumers in paying for legal support was by agreeing a payment plan for the case (93 per cent). In contrast to other approaches, this practice appeared to be at the discretion of individual solicitors rather than representing a strategy across firms and was not openly advertised to consumers.
- Legal firms, in both the survey and interviews, felt that the Legal Aid, Sentencing and Punishment of Offenders Act (2012) (LASPO) reforms have resulted in a more challenging environment in which to deliver services. 92 per cent of legal firms in the survey agreed that, since the introduction of LASPO, there has been an increase in the number of family law cases where the other party is representing him or herself and 49 per cent agreed that there has been a decrease in demand for private family law services. It was positive to note, however, that 75 per cent of legal firms reported that since LASPO firms have had to find alternative ways to reduce cost suggesting that some potential innovation may have stemmed from the reforms.

Quality

- Consumers in family law generally had a positive experience of services provided by a solicitor. Almost half (48 per cent) of consumers rated the service provided by family law solicitors as excellent although one in ten (10 per cent) rated the service as very poor. Consumers were specifically asked for their views regardless of the outcome of their case, to avoid outcome bias in their responses.
- There was evidence that legal firms supported the additional needs of consumers with vulnerabilities, in pursuit of a good quality service and to meet core competencies set out in the SRA's Competence Statement. Over two thirds (69 per cent) of legal firms reported that they frequently give information using a variety of means or media, such as formal written communications as well as more accessible or visual information. 60 per cent reported that they frequently provide additional explanations on complex processes suggesting a degree of compliance with the SRA competence to *"respond to and address individual characteristics effectively and sensitively"*.
- Adjustments in communication with consumers were also very important, with legal firms reporting that they used a range of different media and strategies in line with the competence of *"using the most appropriate method and style of communication for the situation"*. Clients who may be vulnerable tended to prefer face to face meetings for their case.
- The relative ease of implementing these adjustments for consumers who may be vulnerable varied depending on the firm. The interviews with legal firms revealed that some firms would be able to absorb the costs of making the adjustments, whilst for others the additional charges would be made on a discretionary basis.

Recommendations

This small scale research has highlighted themes that could be developed and explored further.

As some consumers found it difficult to access resources to help them make an informed choice about a solicitor, particularly to identify solicitors with appropriate experience or the required cost information, further work could be undertaken to assess the feasibility of a resource to allow consumer comparisons of

legal firms before they are engaged. Similarly, further work could explore the provision of key information, such as costs, to consumers.

The research highlighted ways legal firms are responding to different needs of consumers, to address additional needs and potential vulnerabilities. Many of the examples are either driven by a single individual, implemented on a largely discretionary basis at the firm, and with little formal training for solicitors to attend to gain the appropriate skills. This therefore suggests that further work, particularly formal training, would help to develop or address a gap in the knowledge and skill base of some solicitors.

1.0 Introduction

This research was commissioned by the Solicitors Regulation Authority (SRA) to assess the experience of consumers who may be vulnerable in family law.

1.1 Research aims and objectives

The purpose of this research was to explore the related issues of access, cost and quality of family law services in the context of recent changes to legal aid in the Legal Aid, Sentencing and Punishment of Offenders Act (2012) (LASPO), from the perspective of firms and consumers. The overarching aim of this research was to provide the SRA with insight into the experiences of consumers who may be vulnerable in family law, with specific focus on the:

- **Demand side** – the expectations and experiences of consumers that may be vulnerable in family law in relation to access, cost and quality of services.
- **Supply side** – the competence and behaviours of solicitors in firms offering family legal services to consumers that may be vulnerable.

The study has sought to achieve these aims and collate evidence through the methodology described in in Section 1.4 and build on existing research that explores vulnerability and consumer experience of legal services.

1.2 Consumer vulnerability

A person with vulnerability is usually described as someone who is at a higher risk of harm than others. Some consumers of legal services could also be considered vulnerable at the time they are seeking to access legal assistance as they may be in a state of acute difficulty and stress. They are also unlikely to need legal assistance more than a handful of times in their life. Due to this infrequency, there is often a significant knowledge gap between providers of legal services and consumers, with consumers unlikely to be familiar with the technical language or be aware of the best approach to purchasing legal services³. This gap can make the system intimidating⁴, and can also make it difficult for consumers to judge the quality of service⁵. In family law, where the majority of cases involve an emotional event, such as relationship breakdown or decisions about children, people may be considered more vulnerable due to the level of emotional stress in their current situation and the reason for needing legal assistance⁶. Information asymmetry and the associated difficulty for consumers in judging the quality of service were two barriers to access identified in recent research into the asylum legal services market⁷. Asylum seekers, like consumers accessing family law services, are often dealing with a range of issues, including

³ GfK (2010) *Research on Consumers' Attitudes towards the Purchase of Legal Services. A research report for the Solicitors Regulation Authority*. London: GfK NOP Social Research.

⁴ Deaf Studies Trust (2012) *Legal Choices – Silent Process. Engaging legal services when you do not hear*. In association with the Legal Services Consumer Panel, the Solicitors Regulation Authority, and Action on Hearing Loss. Bristol: The Deaf Studies Trust.

⁵ Vanilla Research (2010) *Quality in Legal Services*. Report prepared for the Legal Services Consumer Panel.

⁶ Legal Services Consumer Panel (2014) *Recognising and responding to consumer vulnerability: a guide for legal services regulators*

http://www.legalservicesconsumerpanel.org.uk/publications/research_and_reports/documents/Guide%20to%20consumer%20vulnerability%202014%20final.pdf.

⁷ Migration Work CIC (2016) *Quality of legal services for asylum seekers* <https://www.sra.org.uk/sra/how-we-work/reports/asylum-report.page>

arriving in a new country, bereavement, mental health difficulties and understanding the language. "These issues add a further level of complexity to their situation and make understanding the legal process all the more difficult."⁸

The SRA have highlighted good practice for working with people who may be vulnerable, acknowledging personal and situational vulnerability as important factors to consider in providing legal services⁹. Their paper identified a number of specific personal characteristics and situations that may be risk factors that could increase the vulnerability of consumers, such as having a low income, having recently experienced a bereavement or threat of deportation. This emphasis on individual differences in providing fair services to consumers, corroborates with the government's Equality Act (2010)¹⁰, which defines other specific characteristics that should be taken into account to ensure that all public serving bodies provide services in a way that prevents discrimination and promotes fairness and good relationships between those with, and those without, protected characteristics. The protected characteristics defined in the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex and sexual orientation and pregnancy and maternity.

However, focusing solely on individual characteristics and situations may be too limiting in the definition of consumer vulnerability. Individuals change depending on their situations and capabilities over time; and similar individuals do not necessarily behave or engage in the same way with services. With these considerations in mind, vulnerability may be better defined by factors in the market that challenge or affect how consumers engage with services and make decisions. Examples of these could be difficulties in finding information to make informed decisions (Information Vulnerability), greater susceptibility to pressure to make a decision (Pressure Vulnerability), lack of choice of providers (Supply Vulnerability), and greater difficulties seeking redress (Redress Vulnerability)¹¹. Underpinning these vulnerabilities will be personal characteristics and situations that are common, but the relationship between the characteristics and vulnerability is not necessarily clear cut or consistent.

This more pragmatic approach in identifying consumer vulnerability aims to help ensure that legislators, regulators, firms and others are able to appropriately address the interests and needs of all of their consumers. By emphasising the need to identify and support vulnerability, the SRA highlighted benefits for consumers, who are helped to understand their legal matter and the likely outcomes of pursuing a case; as well as legal firms, who benefit from a positive impact on the reputation of solicitors and law firms.

1.3 Family law processes

Family law encompasses a range of practice sub-areas, including:

- divorce,
- separation,
- civil partnership dissolution,
- prenuptial agreements,
- cohabitation orders,

⁸ Migration Work CIC (2016) *Quality of legal services for asylum seekers*

⁹ Solicitors Regulation Authority (2016). Providing services to people who are vulnerable. <https://www.sra.org.uk/risk/resources/vulnerable-people.page>

¹⁰ HM Government (2010) Equality Act. <http://www.legislation.gov.uk/ukpga/2010/15/contents>

¹¹ Cartwright, P (2011) The Vulnerable Consumer of Financial Services: Law, Policy and Regulation <https://www.nottingham.ac.uk/business/businesscentres/crbfs/documents/researchreports/paper78.pdf>

- arrangements for children,
- parental responsibility orders,
- property, estate and trust settlements, and
- public law actions relating to children.

This section outlines the broad processes involved in family law and highlights how the types of issues related to access, quality and cost are commonly experienced by consumers.

1.3.1 Accessing family law services

For those who have a family law problem, there are a number of services available offering advice and assistance. Consumers make decisions about which service to access based on a range of factors, including the cost of services, combined with the quality of assistance they offer for their case. Outlined below are four different routes to accessing services for family law cases and some of the factors involved in the decision making.

The first option for a consumer is to seek legal advice by **approaching a solicitor directly** (Figure 1.1). Advice from an initial meeting with a solicitor may be sufficient to resolve the matter and therefore no further services are required. Alternatively, the consumer may decide to engage the services of a solicitor to pursue the case. Once instructed, the solicitor may ask the client to submit documents to help with their case, such as evidence of a couple's separation, any children, financial statements, or details about assets. Depending upon the nature of the case and the personal circumstances of the individual there may also be an assessment to determine whether the client is eligible for legal aid.

The services delivered by a solicitor in a family law case can be broadly divided into legal advice or legal representation. Legal advice may involve filling in forms, letter writing, and negotiation with other parties, or a referral to family mediation (if the other party agrees). It is the solicitor's duty throughout the case to act in the best interest of the client, to advise on the best course of action to take for the case, and keep their client informed of any cost implications and the likely outcomes of proceedings. The solicitor may also advise that their client attends mediation sessions. Changes in legislation¹² during April 2014 mean that most divorcing couples must now attend a mediation assessment¹³ before a matter can go to court. Attending mediation is an effective option for some cases; as a case can be resolved quickly without court proceedings and the costs of involving a legal professional can be minimised. Currently, there is still legal aid available for mediation in private family law cases. However, contrary to expectations that more separating couples would choose mediation to resolve their family disputes, publicly funded

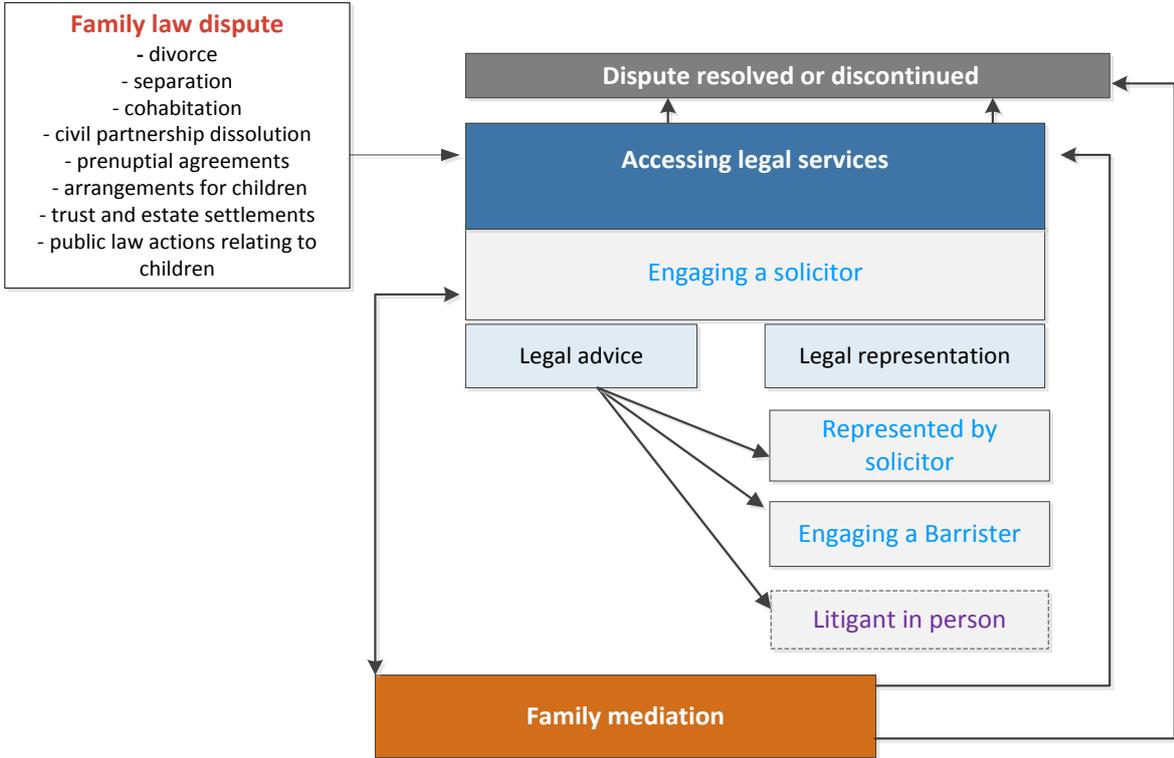
¹² Children and Families Act, 2014. Available at: <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

¹³ The Children and Families Act (2014) means that divorcing couples need to attend a Mediation Information and Assessment Meeting (MIAM) before they make an application to court, as well as applications relating to children and finances on separation or dissolution of civil partnerships. They are not compelled to mediate, only to attend the MIAM, separately or together, where a mediator explains the process of mediation and how it might help. This allows couples to make an informed decision about whether or not to mediate, or proceed with a court application. The person who would be the Respondent to any application does not have to attend a MIAM; although the Act does allow a judge to make an order in the court application for either person to attend such a meeting before the case goes any further. There are a number of exemptions to the requirement to attend a MIAM, which include instances where there has been domestic violence which has been reported and prosecuted; involvement of the social services regarding the welfare of a child; urgency and threats of the removal of a child from the country.

mediation figures have actually fallen¹⁴ – in 2012/2013 there were around 30,000 mediation meetings attended by both parties, and in 2015/2016 there was reported to have been around 13,000¹⁵.

If communication or negotiation with the other party does not resolve the dispute, the solicitor may need to initiate court proceedings and provide representation services. At this point, the solicitor may want to instruct a barrister to represent the client in court where there are complex elements to the case, or they may offer to represent the client him or herself (provided that it is not High Court proceedings, where only solicitors who have ‘higher rights’ can represent a client). Alternatively, at this point, the client may decide that he or she will self-represent, as a litigant in person, or choose to access a barrister directly under the ‘Barrister Direct’ system.

Figure 1.1 Approaching a solicitor directly



A second route into family law services is to **seek advice from an advisory service** first rather than from a solicitor or legal firm (Figure 1.2). The advice service may be face-to-face, over the telephone or via the internet. The advantage of seeking advice from an advice service is that this is often a cheaper or free way to find out options about a case and to enable consumers to make informed choices. Types of organisations who are available to provide this information may be government funded, such as Citizen’s Advice Bureau (CAB), or a voluntary organisation such as the Coram Children’s Legal Centre or Women’s Aid, who specialise in a particular issue, such as children’s rights or domestic abuse. Some of these advice services are staffed by lawyers or paralegals, while others are staffed by non-lawyers. Some

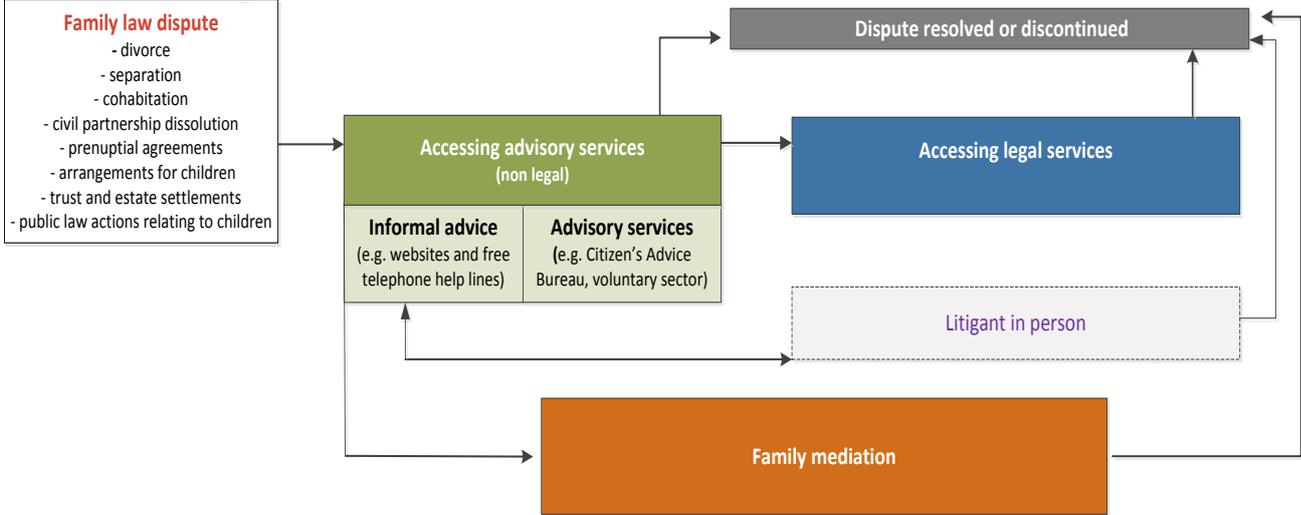
¹⁴ Legal Services Consumer Panel (2015) *Priority areas of law*. http://www.legalservicesconsumerpanel.org.uk/publications/research_and_reports/documents/PriorityAreasOfLawFinal.pdf

¹⁵ Legal aid statistics England and Wales tables Jan to Mar 2016. Available at: <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2016>

of the telephone advice services offer a call back service¹⁶, but they may charge. For some of those who use advisory services, the information will be sufficient for them to resolve their enquiry or dispute and there may be no need to seek further legal advice or initiate proceedings.

For those who need further advice, or who as a result of advice will need to take further action, there are a number of options. If the case involves divorce, maintenance, matrimonial property disputes or child arrangements, they may choose to attend mediation (provided the other party is willing). If the other party is not willing to try mediation or if mediation fails, the client can proceed as a litigant in person (with or without further advice from telephone and internet advice services) or to engage a solicitor (or barrister) to represent him or her.

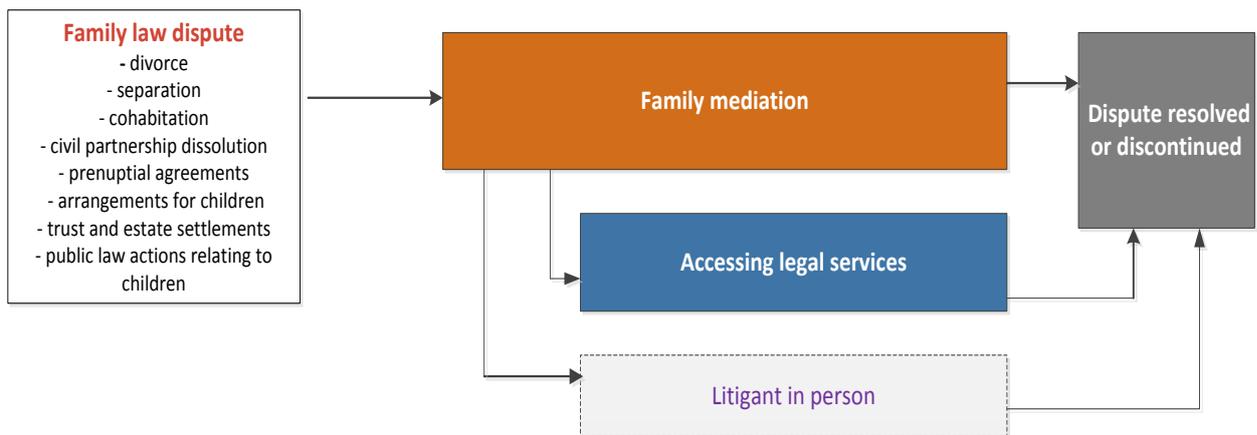
Figure 1.2 Seeking advice from advisory services



A third route into the family law process is through **family mediation directly** (Figure 1.3). If mediation is successful, that may end the legal case and no further services will be accessed. However, most mediators are likely to recommend that the client check the agreement relating to divorce and ancillary relief (i.e. maintenance and property) with his or her solicitor. If mediation is not successful or the client wants further information, a solicitor may be accessed at this point as proceedings are likely to ensue. Once the client engages a solicitor, the process is the same as for route one.

¹⁶ A call back service involves a return telephone call made by a service in response to initial contact by a consumer. They are done to allow the call to take place at a specified time or to be undertaken by an appropriate legal expert on the basis of initial information provided by a consumer.

Figure 1.3 Accessing family mediation directly



A **fourth route** is when the client decides not to seek legal advice but to continue through all stages of the process as a **‘Litigant in Person’** (Figure 1.4). A litigant in person may, at any stage of the process, seek advice from an advice service or a solicitor, or barrister under the Barrister Direct system, but many do not do so, and pursue a case without the support of any legal professional. Since the changes to legal aid for private family law cases, the number of people pursuing a family law case where both parties were represented by a legal professional had dropped from a half to a quarter¹⁷. There is limited data about litigants in person in other areas of law, but the rise in self-representation is also evident in civil law courts¹⁸. Some of the concerns related to this route, expressed by organisations which are working with consumers, are that the consumer may not make the best decisions about their dispute, which may draw out the length of the case, or, worse, result in less favourable or sustainable outcomes¹⁹. The Ministry of Justice have committed to support litigants in person in family law²⁰.

There appears also to be an emerging practice of using fee charging ‘McKenzie Friends’. McKenzie Friends are lay people who offer ‘support’ to those acting as litigants in person, taking on the role traditionally undertaken by family, friends or volunteers when an individual is not represented by a legal professional in court²¹. Little is yet known about the quality and consistency of these unregulated providers.

¹⁷ National Statistics (2014) *Family Court Statistics Quarterly. January to March 2014*. Ministry of Justice

¹⁸ Grimwood, G.G. (2016) *Litigants in person: the rise of the self represented litigant in civil and family cases*, Parliament briefing paper, Number 07113

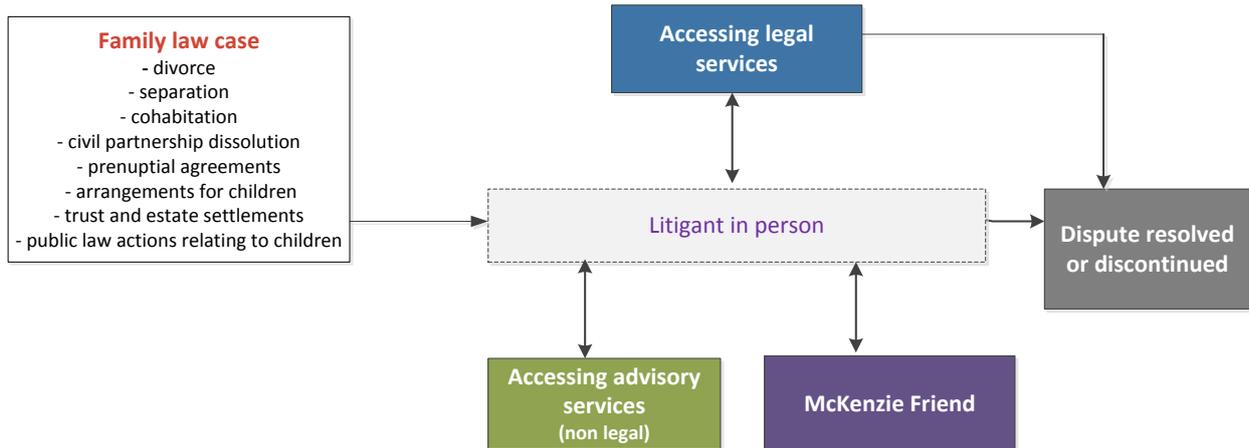
<http://researchbriefings.files.parliament.uk/documents/SN07113/SN07113.pdf> and National Audit Office, *Implementing Reforms To Civil Legal Aid*, 20 November 2014, HC 784 2014-15

¹⁹ Citizen’s Advice Bureau (2015) *Standing alone. Going to a family court without a lawyer*.

²⁰ The Low Commission (2015) *Getting in right in Social Welfare law: The Low Commission’s follow-up report*, and <https://www.gov.uk/government/news/more-support-for-separating-couples-and-parents>

²¹ Legal Services Consumer Panel (2014) *Fee charging McKenzie Friends*.

Figure 1.4 Litigants in person



1.3.2 Cost of family law services

There are three cost delivery mechanisms for regulated legal representatives: Legal Aid; privately funded services; and pro bono work²². In general, consumers are often poorly informed about how much they should expect to pay for legal services²³. ‘Shopping around’ for good value services is not widespread, and consumers have been found generally to accept the first quote they receive and to go ahead on the basis of the quoted sum²⁴. It has recently been found that there may be a lack of clarity around the costs of legal work for asylum seekers, with solicitors sometimes overcharging or obfuscating costs, particularly towards the lower end of the market²⁵. Although a different area of law, the consumers involved are potentially vulnerable due to their situations, so this is illustrative of the likely context in family law.

Since LASPO (2102) came into force, legal aid is only available in some cases of domestic violence and to support mediation, with most private family cases no longer within scope. This means that for the majority of people wishing to pursue a family law case, such as divorce or child contact arrangements, it will be necessary to pay for legal services; where previously they may have been able to obtain legal aid. The predicted and perceived impacts of these reforms have been variously reported. For example, a review by the Law Society²⁶ reported on the pressure the reforms place on legal firms to deliver affordable services. Positively, the same report also highlighted that solicitors were increasingly developing initiatives to deliver more efficient and affordable services and demonstrating a willingness on firms and services to assist people who are unable to easily pay for legal services. This included payment plans, unbundling of services or using paralegals to deliver legal work as a way for legal firms to offer an affordable and competitively priced service to consumers.

²² Pro bono work is professional work undertaken voluntarily and without payment.

²³ GfK (2010) *Research on Consumers’ Attitudes towards the Purchase of Legal Services*. A research report for the Solicitors Regulation Authority. London: GfK NOP Social Research.

²⁴ GfK (2010) *Research on Consumers’ Attitudes towards the Purchase of Legal Services*. A research report for the Solicitors Regulation Authority. London: GfK NOP Social Research.

²⁵ Migration Work CIC (2016) *Quality of legal services for asylum seekers*. Research commissioned by the Solicitors Regulation Authority and Legal Ombudsman. Carried out in partnership with Refugee Action and Asylum Research Consultancy.

²⁶ The Law Society (2015) *Affordable legal services review*

Another major potential impact from LASPO is that more consumers are likely to pursue a family law case without any form of professional support (litigants in person)²⁷, increasing the risk that disputes are left unsatisfactorily resolved²⁸. The predicted increase in litigants in person in family law raises concerns for consumers, legal firms and courts. Cases involving litigants in person can take longer and the outcomes are not always sustainable, as individuals representing themselves may not understand the system or make the best decision for him or herself²⁹.

The reforms to legal aid do not affect all consumers equally. A 2013 survey³⁰ of 674 individuals working in legally aided civil law reported concerns that the impact of service reductions would be particularly severe on specific client groups, such as: *“those in rural areas, children, those with disabilities and those who are otherwise vulnerable or disadvantaged”*. The study pointed to the potential reduction in availability of advice creating ‘advice deserts’ and that the proposed new delivery methods for advice emphasising “self help” and telephone advice lines would potentially be less accessible for consumers who may be vulnerable.

Although protections for consumers who may be vulnerable and in need of legal aid for private family law matters in particular were written into the LASPO legislation, studies suggest these do not go far enough with their protection. For example, a 2015 document study of a retrospective sample of 197 case files from England and Wales (cases completed in 2011) looked at the impact LASPO would have had on the funding of the cases.³¹ It was found that there were 86 cases which contained allegations of domestic violence, but at initial application stage only 45 of these cases (52 per cent) would have met the LASPO requirements for evidence of domestic violence. This suggests some issues of access and reinforces the need for this research to explore issues of cost for vulnerable consumers.

1.3.3 Quality in family law services

Recent data from the Legal Ombudsman indicates that family law receives a higher number of complaints than other areas of law such as litigation, personal injury and wills and probate. Residential conveyancing was the only other specific area where the number of complaints was higher³². The Legal Ombudsman attributes the number of complaints to the complexity of family law cases, specifically divorce, which frequently combines highly emotional and practical aspects – *“Often, lawyers are able to help guide customers sensitively through the emotional and practical minefield that is the divorce process, enabling them to focus on what is in their best interests. However, there are some occasions where the quality of service falls short. This can be for a variety of reasons”*.³³ The findings from the Legal Ombudsman are

²⁷ Grimwood, G.G. (2016) *Litigants in person: the rise of the self represented litigant in civil and family cases*, Parliament briefing paper, Number 07113

<http://researchbriefings.files.parliament.uk/documents/SN07113/SN07113.pdf>

²⁸ Bradley, L. (2011) Legal aid reforms may leave welfare, employment and health disputes unresolved and actually increase the demand for court and tribunal hearings. Retrieved at http://eprints.lse.ac.uk/39374/1/blogs.lse.ac.uk-Legal_aid_reforms_may_leave_welfare_employment_and_health_disputes_unresolved_and_actually_increase_t.pdf

²⁹ Ministry of Justice (2014) Litigants in person in private family law cases. Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380479/litigants-in-person-in-private-family-law-cases.pdf

³⁰ Byrom, N. (2013) *The State of the Sector: The impact of cuts to civil legal aid on practitioners and their clients*. A report by the

Centre for Human Rights in Practice, University of Warwick, in association with illegal.

³¹ Harding, Maebh and Newnham, Annika (2015) How do county courts share the care of children between parents? Full Report.

Coventry, UK: University of Warwick.

³² Legal Ombudsman (2016) Annual Report and Accounts 2015/16

³³ Legal Ombudsman. The price of separation: Divorce related legal complaints and their causes. Available at: <http://www.legalombudsman.org.uk/reports>

echoed in another study about the level of customer satisfaction with divorce lawyers³⁴, which found that dissatisfaction levels are higher in divorce cases (13 per cent) than for other areas of law (average of seven per cent).

The standard and quality of legal services in family law and other sectors is regulated and maintained through policy and guidance issued by the SRA. In the SRA Handbook there are ten high-level Principles to guide solicitor practice³⁵. These are based on the key ethical requirements to firms and individuals who are involved in the provision of legal services, such as Principle 2 “*to act with integrity*” and Principle 4 “*to act in the best interests of each client*”. These principles are mandatory and apply to all solicitors at all times.

The ‘Competence Statement’, released by the SRA in March 2015, sets out the expected standards of all qualified solicitors. The definition of competence used in this statement is: “*the ability to perform the roles and tasks required by one’s job to the expected standard*”. This aims to recognise that competence is defined by requirements and expectations of the job, and will change for an individual over the course of their career, depending on the nature of their work. Meeting the competences set out in the Statement forms an integral part of the requirement detailed in Principle 5 of the SRA Principles (2011) – to “*provide a proper standard of service to your clients*”.

There are a few key statements in the SRA’s Statement of Competence which are relevant to the provision of legal services for consumers who may be vulnerable and communication by solicitors; such as, solicitors should “*respond to and address individual characteristics effectively and sensitively*”, “*provide information in a way that clients can understand*”, and “*use the most appropriate method and style of communication for the situation*”. The need for these provisions, particularly around communication is supported by recent research by Optimisa Research on behalf of the Legal Services Consumer Panel (LSCP) and the legal services regulators³⁶ to understand how consumers engage with Client Care Letters (CCLs). This research found that consumers “*tended to find it difficult to pick out the key information from the CCLs due to a lack of signposting, dense bodies of text, unfamiliar terms and heavily caveated language*”.³⁷ These issues were heightened for certain consumers, who may be vulnerable as a result of low literacy levels, visual impairments, or where English is a second language.

Other important competencies in the Statement include: “*taking into account their personal circumstances and any particular vulnerability*”; and “*to identify and take reasonable steps to meet particular service needs of all clients, including those in vulnerable circumstances*”. By embedding these qualities into their Statement, the SRA require solicitors to adapt their practice in the context of different consumer characteristics and situations.

Research by the SRA³⁸ found that not all consumers place outcomes as their highest priority regarding legal services. For some, the experience of using legal services was more important. It was found that the single principle to “*act in the best interests of each client*” (Principle 4) was generally thought by consumers to encompass and ensure achievement of good outcomes as well as a positive experience.

³⁴ BDRC Continental (2012) Legal Services Benchmarking Report. <https://research.legalservicesboard.org.uk/wp-content/media/2012-Individual-consumers-legal-needs-report.pdf>.

³⁵ SRA (2011) SRA Principles 2011 <http://www.sra.org.uk/solicitors/handbook/handbookprinciples/content.page>

³⁶ Bar Standards Board, CILEx Regulation Limited, Costs Lawyer Standards Board, Council for Licensed Conveyancers, Institute of Chartered Accountants in England and Wales, Intellectual Property Regulation Board, Legal Services Consumer Panel, Master of the Faculties and Solicitors Regulation Authority

³⁷ Optimisa Research (2016) Research into Client Care Letters. Available at:

https://www.barstandardsboard.org.uk/media/1794566/client_care_letters_research_report_-_final_021116.pdf

³⁸ SRA (2011) *What do consumers want and need from outcomes-focused regulation? An overview of SRA research findings*. Prepared in association with Vision One Research. London: Solicitors Regulation Authority.

As mentioned previously, the knowledge gap between providers and consumers means that consumers may not be able to judge the quality of services even after they have received them. Other research undertaken by the SRA has found that unwillingness to complain is driven by a lack of confidence about the justification and consequences of complaining.³⁹ While research by the Legal Services Board (LSB) also highlighted that a concern about incurring additional costs was a principle reason for consumers not complaining⁴⁰. There are barriers to complaining in other sectors, for example, research for the Citizen's Advice Bureau found that the main barriers are related to consumers' understanding of complaint processes⁴¹, which is similar to findings in the Legal Ombudsman report⁴². The Financial Ombudsman Service (FOS) also highlighted that consumers of financial services can find it difficult to identify when they might need to complain, for example, because it can be difficult to determine whether the problem occurred because of the financial advice they received or other factors, and because the problem may not become evident until years after they received the financial service⁴³. This reflects the asymmetry of information that exists between consumers and many professionals or businesses⁴⁴.

1.4 Methodology

To answer the research aims in the study, a mixed methods approach to data collection with consumers and legal firms was delivered between August and September 2016. The methodology was divided into two parts, involving surveys and in-depth interviews with consumers (the demand) and legal firms (the supply). The scope of these is outlined in more detail below.

1.4.1 Research with consumers

To explore consumer experiences in family law, a telephone survey was conducted using Computer Assisted Telephone Interviewing (CATI)⁴⁵. The survey was targeted at consumers who had a recent experience of accessing, or trying to access, legal services for family law issues; principally those who had used solicitors; as well as those who had sought help from other advisory services or who had represented themselves in legal proceedings as a litigant in person.

As part of the purpose of this research was to explore the accessibility and affordability of family law services under current legal market conditions, the research focused on consumer experience and practice by firms since April 2013. This timeframe also reduced the likelihood of participants failing to accurately recall detail from their legal experiences.

³⁹ SRA (2008) *Consumer views and their experiences on using solicitor services and their awareness of the Solicitors Regulation Authority. Baseline research report for the Solicitors Regulation Authority*. Research carried out by Sidekick Planning and Research. London: SRA.

⁴⁰ Legal Services Board (2011) *First-tier Complaints Handling*, <https://www.barstandardsboard.org.uk/code-guidance/first-tier-complaints-handling/>

⁴¹ DJS Research (2016) *Understanding consumer experience of complaints handling*, Citizen's Advice Bureau. <https://www.citizensadvice.org.uk/about-us/policy/policy-research-topics/consumer-policy-research/consumer-policy-research/understanding-consumer-experiences-of-complaint-handling/>

⁴² YouGov (2012) *Consumer experience of complaint handling in the legal services market - Premature Complaints*, Legal Ombudsman

⁴³ Boorman, T (2013) *Competition, conduct and complaints in financial services* (speech) <http://www.financial-ombudsman.org.uk/news/speech/2013/TB-Oxford-Sep13.html>

⁴⁴ SRA Policy statement (2015) *Approach to regulation and its reform*; Hanson, R, (2016) *Secrets and lemons*, The Economist <http://www.economist.com/news/economics-brief/21702428-george-akerlofs-1970-paper-market-lemons-foundation-stone-information>; Legal Services Consumer Panel, [Understanding consumers' views of quality in legal services in England and Wales](#)

⁴⁵ Computer-assisted telephone interviewing (CATI) is a telephone surveying technique in which the interviewer follows a script provided by a software application.

The sample of consumers was recruited through two routes. A targeted route was pursued with partnered charities, which used their own networks and social media channels to raise awareness of the survey and share a specific link to a data capture form to collect contact details of participants. The second recruitment route was through a random sample of the general population using a Random Digit Dial telephone sample from an external agency⁴⁶. The sample was stratified so that it included quotas from each of the nine standard geographical regions across England and Wales.

Implementation of the survey for both the pilot and main stage of the consumer research followed the same process. Participants were introduced to the survey by the interviewer with a brief description of the research aims and length of survey. The questionnaire was developed for testing in the pilot stage; this was subsequently subject to amendments prior to its use in the main survey stage. The final questionnaire, including programming and routing instructions, can be found in Annex Two.

A total of ten interviews were completed at the pilot stage in August 2016 and a further 107 interviews were completed in the main survey between August 23rd and September 18th 2016, resulting in 117 completed interviews in total. Interviews for the main survey lasted an average of 30 minutes.

The survey was complemented by a programme of 23 in-depth interviews with consumers, conducted between 14th September and 30th September 2016. Participants for these interviews were recruited at the end of the survey. These interviews were an hour long and conducted on the telephone. The interviews explored, in more depth, the issues raised in the survey, as well as discussing examples of adjustments made by solicitors or advisory services.

1.4.2 Research with legal firms

An online survey was conducted with solicitors identified by the SRA as working in the areas of family and matrimonial, children or social welfare law. The purpose of this survey was to find out about the nature of their engagement with clients who may be vulnerable and to identify practices and adjustments made by legal firms, such as specific advertising or training, as well as alternative strategies and measures taken on cases.

A sample was generated from SRA records of 3,905 legal firms that had some of their turnover attributed to family law. All were invited to take part in the survey through an email invitation.

A total of 115 responses were received during the four week survey period between 17th August and 19th September 2016. Email and telephone reminders were used to prompt respondents to complete the survey.

To explore the findings from the survey in more depth, 16 follow up interviews were conducted with legal firms who responded to the survey and were willing to take part. The interviews focused on understanding specific practices for supporting consumers who may be vulnerable, as well perspectives of practice across the family law market.

⁴⁶ Random digit dialling (RDD) is a method for selecting people for involvement in telephone surveys by generating telephone numbers at random. This approach has the advantage that it includes unlisted numbers that would be missed if the numbers were selected from a phone book.

1.5 Report structure

This report details the findings from the two main parts of the research. The remainder of the report is structured as follows:

Section 2 Profile of legal firms and consumers: This section provides background to legal firms providing family law services and their perceptions on consumer vulnerability. It also outlines the characteristics and vulnerability of consumers accessing family law services in the current research.

Section 3 Access: describes consumer and firm experience related to identifying and accessing, or trying to access, family law services.

Section 4 Cost: describes consumer and firm experiences of the cost of family law services and the implications this has on other decisions made about services.

Section 5 Key issues and conclusions: this section summarises the main issues in family law identified by consumers and legal firms. It also draws together what consumers and providers believe constitutes good practice and adjustments in family law.

2.0 Profile of legal firms and consumers

This section profiles the firms working in family law in terms of their size, experience in the different family law markets and their views on consumer vulnerability. The section also provides information on the characteristics and vulnerabilities of consumers accessing family law who were included in the current research.

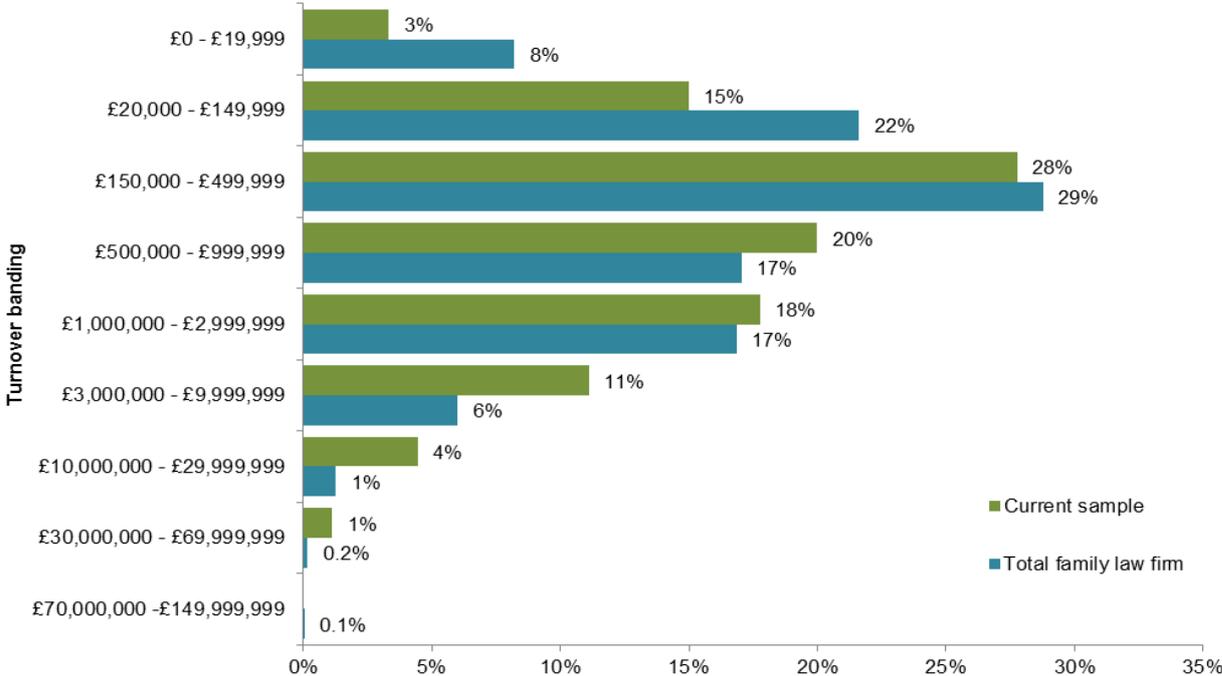
2.1 Number and size of firms

The SRA regulates over 10,000 firms in England and Wales. It is estimated that there are approximately 3,900 firms involved in the provision of family related services, including those that have involvement in social welfare and children law. The majority of firms are relatively small, with 78 per cent of firms employing fewer than ten partners. Of the firms surveyed the majority have fewer than ten partners employed at the firm (93 per cent) and over a third reported to be sole practitioners (37 per cent).

The turnover banding with the largest proportion of family law firms is the £150,000 – £499,999 (Figure 2.1). In the current sample, two thirds (66 per cent) of firms had a turnover less than £1,000,000 and the largest proportion (28 per cent) fall within the turnover band £150,000 - £499,999.

These descriptive statistics indicate that the majority of law firms active in the family law market are small businesses and that the sample in the current research reflects this profile.

Figure 2.1 Size of firms (by turnover)



Source: Ecorys analysis, based on SRA administrative data.

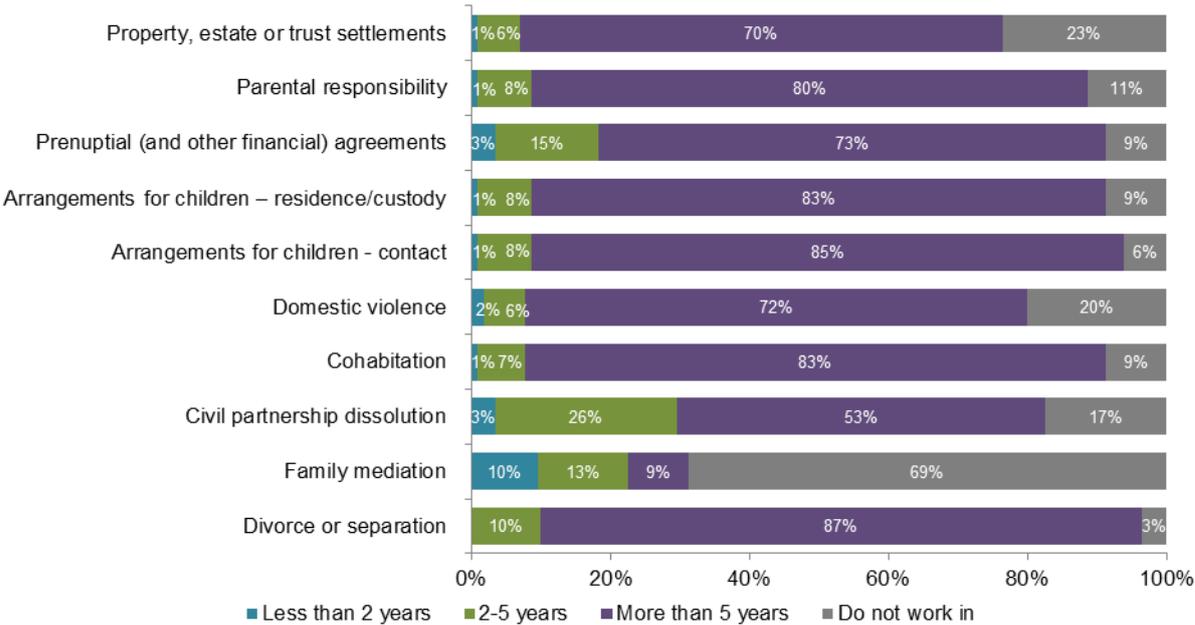
2.2 Areas of work in family law

Evidence from the current survey with legal firms indicates that:

- A very high proportion of firms are active in the more traditional and larger family law areas, such as divorce and separation (96 per cent) and arrangements for children for contact, residence and custody (93 per cent and 91 per cent respectively).
- Around 90 per cent of legal firms are involved in cohabitation issues (91 per cent), prenuptial (or other financial) agreements (91 per cent), and parental responsibility orders (88 per cent).
- Over three quarters of firms offer services in property, estate and trust settlements (76 per cent), civil partnership dissolution (82 per cent) and domestic violence cases (80 per cent).
- The area of service that firms offer least commonly is family mediation, with less than a third reporting to work in this area (31 per cent)

Most of the firms surveyed have been working in the different areas of family law for over five years (Figure 2.2); however, there have been developments in a few areas, such as family mediation and civil partnership dissolution, where only ten per cent of firms have been working in the area for more than five years.

Figure 2.2 Length of time firms have been working in different areas of family law



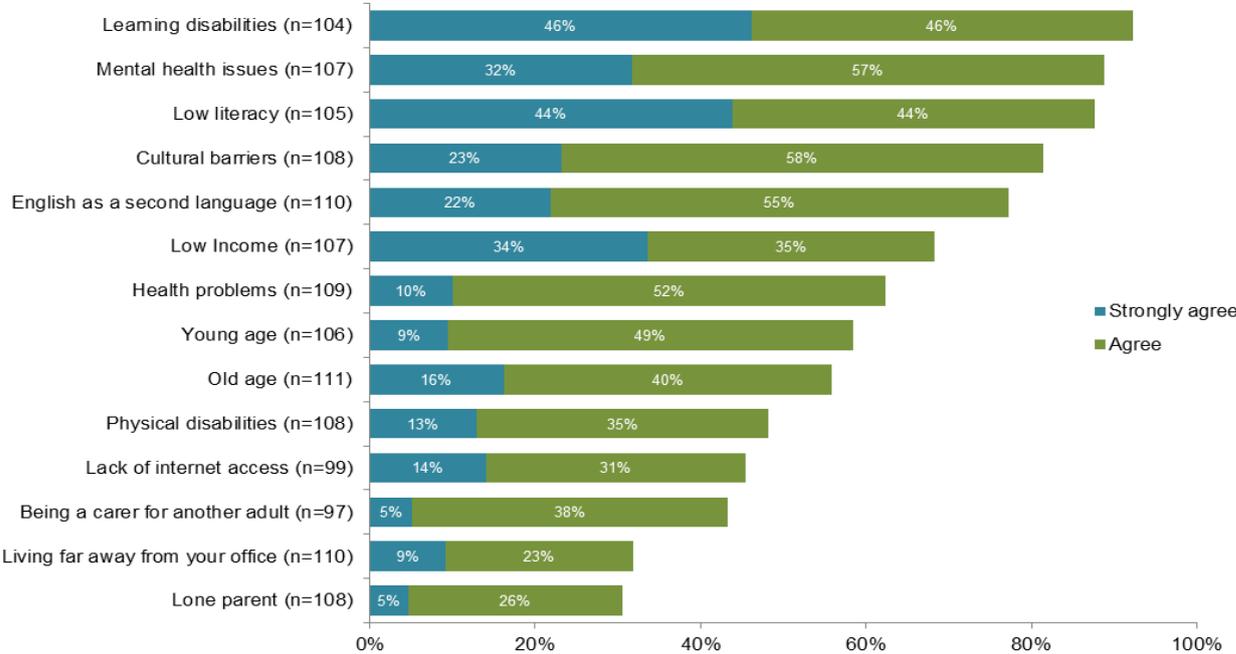
Source: Ecorys supply survey data; base: 115.

2.3 Views on vulnerability in family law

In their Risk Outlook paper⁴⁷ on working with consumers who may be vulnerable in legal services, the SRA identify a number of personal characteristics and situations as risk factors that may make someone more vulnerable when accessing legal services. Legal firms responding to the survey indicated that the following personal characteristics were most likely to make someone vulnerable in the context of family law (Figure 2.3):

- learning disabilities (92 per cent strongly agreed or agreed),
- mental health issues (89 per cent strongly agreed or agreed) and
- low literacy (88 per cent strongly agreed or agreed).

Figure 2.3 Personal characteristics which may increase vulnerability in family law

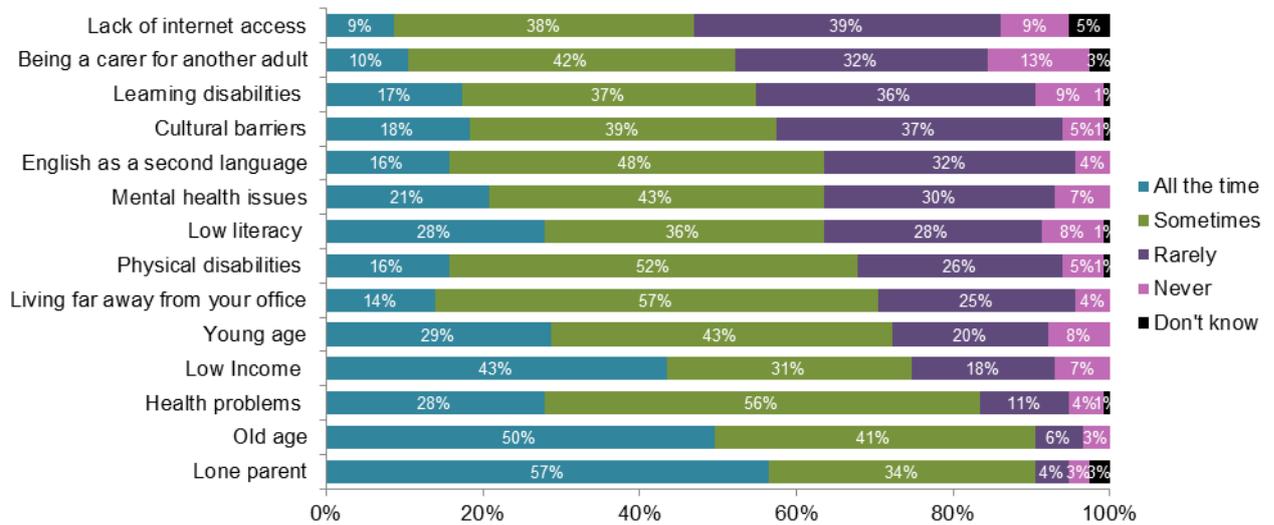


Source: Ecorys supply survey data. Base: legal firms who reported to work with each personal characteristic.

Factors that legal firms most frequently reported in the survey as increasing an individual consumer’s vulnerability were the ones which firms reported as encountering least frequently (Figure 2.4). Only 17 per cent of firms reported that they encounter consumers with learning disabilities all the time, and 21 per cent supported mental health issues; whereas 92 per cent and 89 per cent respectively agreed that these characteristics were associated with vulnerability. Other research shows that access to legal services for people with learning disabilities remains problematic⁴⁸. In comparison, over half (57 per cent) frequently supported lone parents and older consumers (50 per cent), but only 31 per cent and 43 per cent considered this a factor associated with vulnerability in family law.

⁴⁷ Solicitors Regulation Authority (2016) Providing services to people who are vulnerable.
⁴⁸ Norah Fry Research Centre (2013) *What happens when people with learning disabilities need advice about the law?* Legal Services Consumer Panel
<http://www.legalservicesconsumerpanel.org.uk/ourwork/vulnerableconsumers/Legal%20Advice%20Learning%20Disabilities%20Final%20Report.pdf>

Figure 2.4 How often firms encounter consumers with the following personal characteristics in their family law service

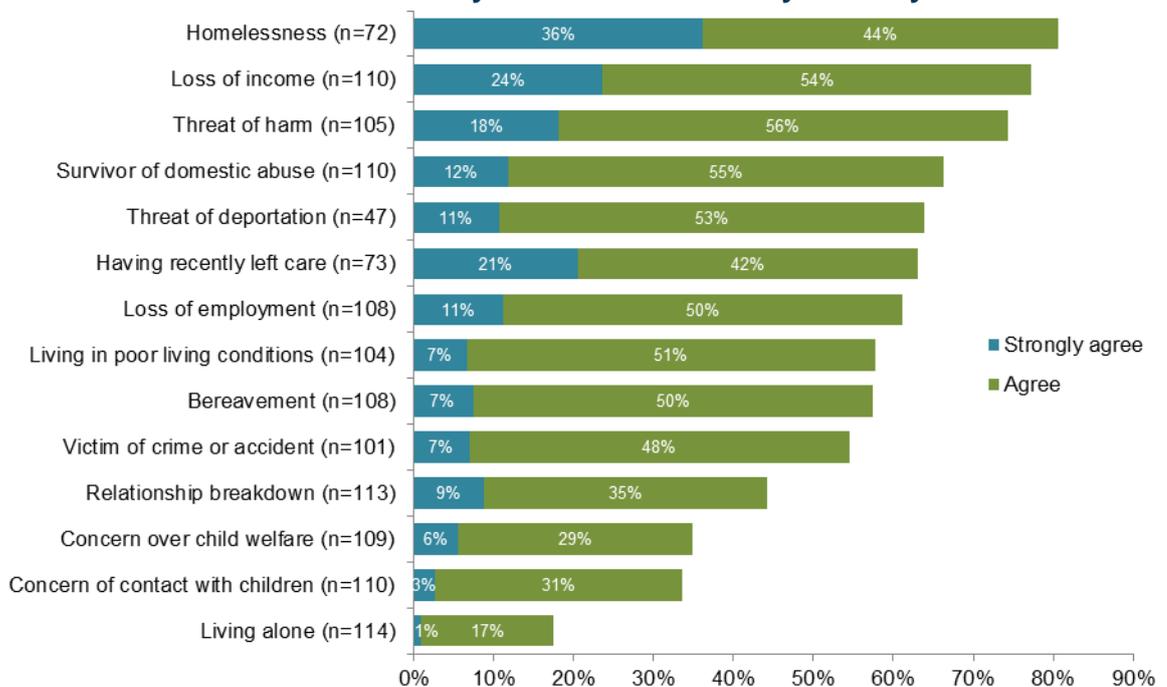


Source: Ecorys supply survey data; base: 115

In relation to situational factors, legal firms reported the following as most likely to make someone vulnerable (Figure 2.5):

- homelessness (80 per cent strongly agreed or agreed),
- loss of income (78 per cent strongly agreed or agreed) and
- threat of harm (74 per cent strongly agreed or agreed).

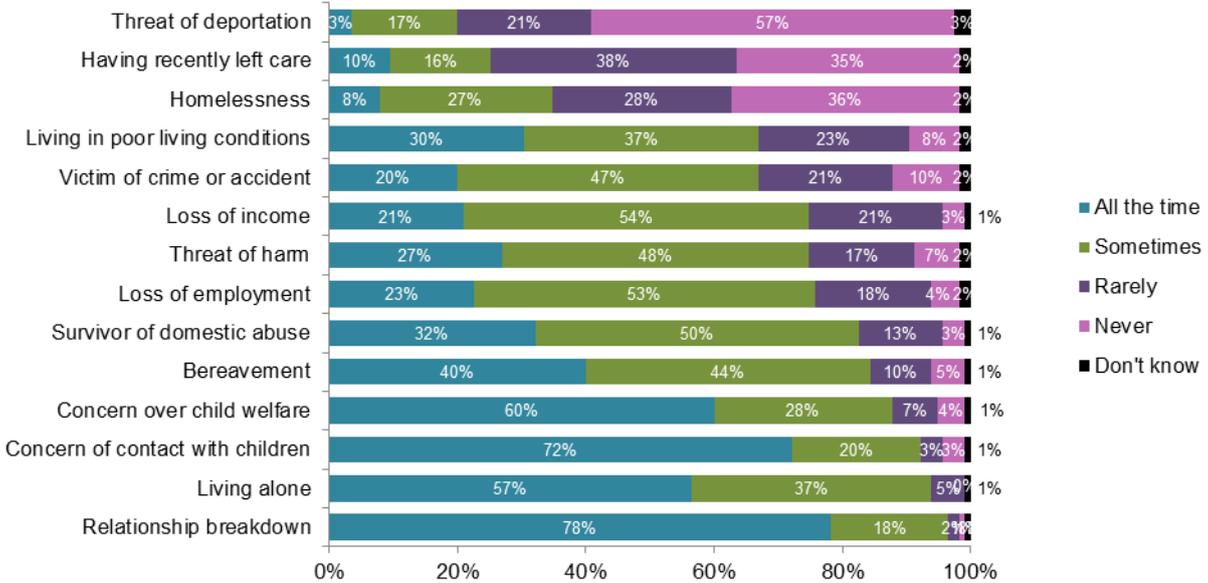
Figure 2.5 Situational factors which may increase vulnerability in family law



Source: Ecorys supply survey data; base: legal firms who reported to work with each situational factor

Similar to personal characteristics, situational factors that were least associated with vulnerability, such as living alone (18 per cent agreed) and relationship break down (44 per cent agreed), were also the types of situations most common for the consumers that the firms provided service to 'all the time' (78 per cent and 57 per cent respectively) (Figure 2.6).

Figure 2.6 How often firms support consumers with the following situational characteristics



Source: Ecorys supply survey data; base: 115

In the follow up interviews, solicitors working at private family law firms confirmed that they did not typically work with clients who had the personal characteristics associated with increased vulnerability. However, they agreed that the characteristics that increased vulnerability included, mental health issues, homelessness, and low literacy; as well as additional ones related to addiction and dependency, such as problem gambling and alcoholism. They felt these characteristics were more common in consumers who were accessing services through legal aid. This was confirmed by solicitors working at legal firms that had a legal aid contract, who explained that the majority of their clients were vulnerable with one or more reasons relating to their personal or situational vulnerability. It was also more common for solicitors working on legal aid cases to mention the need to assess the mental capacity⁴⁹ of their clients to ensure that their vulnerabilities did not affect their ability to make decisions about their case. Capacity was mentioned by solicitors working in private family law, but more in relation to older clients who were making financial decisions relating to family members in their wills.

While the majority of private family lawyers interviewed were not working with clients with high levels of vulnerability, many did think that a lot of their clients were vulnerable for the reason they needed legal support, as one explained:

“All family law clients are vulnerable by the nature of family law.” (Legal representative 11)

Solicitors also commented that because situational vulnerability in family law was so common, and directly related to the case, if the consumer also experienced other risk factors associated with vulnerability, this would likely increase their vulnerability substantially.

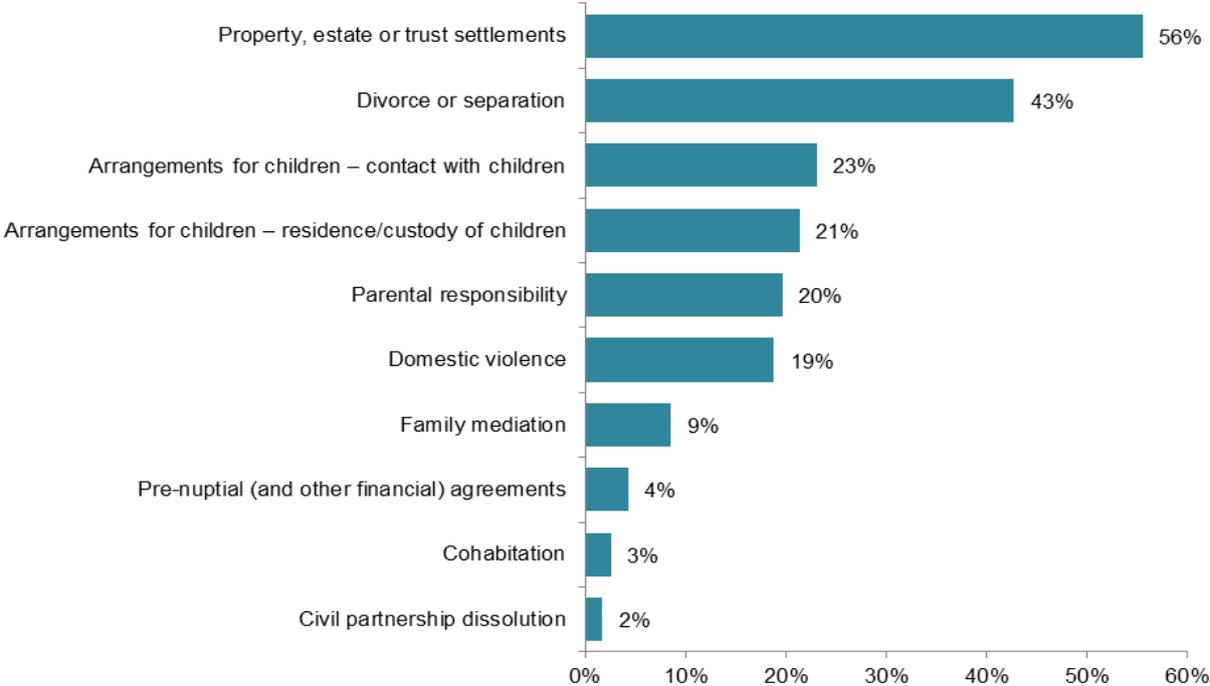
⁴⁹ <http://www.scie.org.uk/publications/mca/assessing-capacity/>

In the survey, legal firms reported that their motivation for supporting consumers with vulnerabilities was related to the reputation of the firm (35 per cent), their own job satisfaction (30 per cent), as well as being able to offer their services to a wider client base (13 per cent) and to generate more business for the firm (17 per cent). The most commonly cited challenges in working with consumers who may be vulnerable were the costs involved for the firm (26 per cent), ensuring that they understood the legal advice and process (23 per cent), lack of funding (22 per cent) and time involved (17 per cent).

2.4 Profile of consumers in the current research

The consumers surveyed in the current research accessed services for a range of family law cases in the last three years, with many accessing services for more than one issue (Figure 2.7). The most common cases related to property, estate and trust settlements (56 per cent), with the second most common being divorce or separation (43 per cent).

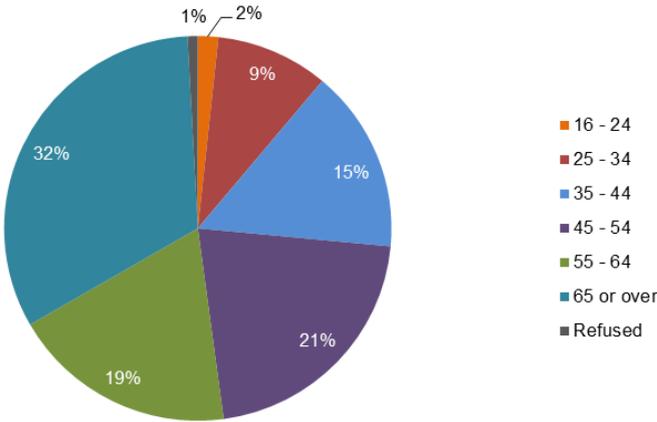
Figure 2.7 Types of reasons for accessing family law services in the last three years



Source: Ecorys demand survey data; base: 117. Consumers may have accessed family law services for more than one reason.

Over half of the all consumers surveyed were aged 55 or over (51 per cent) (Figure 2.8). Two thirds of the consumers aged 55 and over (68 per cent) reported to have engaged family law services for a property, estate and trust settlement case in the last three years.

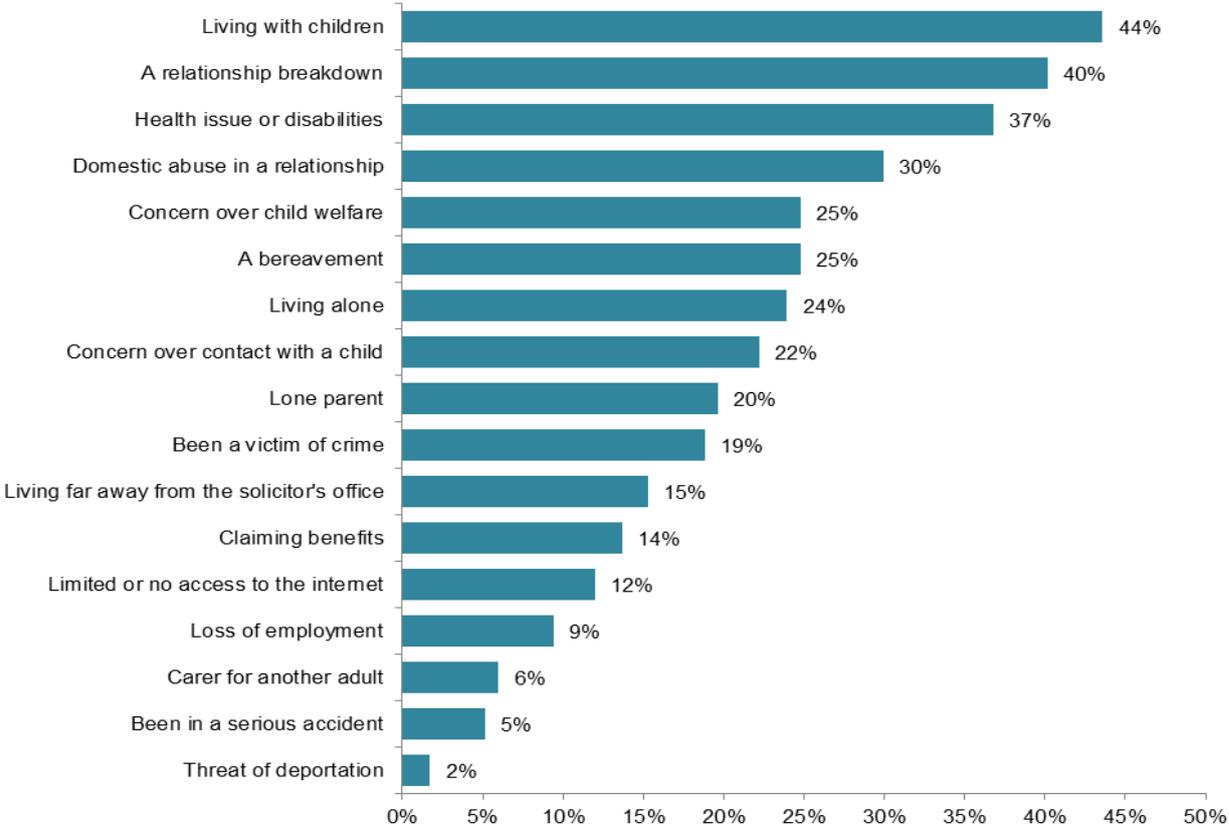
Figure 2.8 Age of consumers surveyed in the current research



Source: Ecorys demand survey data; base: 117 (all consumers).

One in five consumers (22 per cent) in the survey self-reported that their personal ability or situation made accessing legal services more difficult. However, 75 per cent of consumers reported to have at least one of the risk factors associated with vulnerability. Living with children (44 per cent) and relationship breakdown (40 per cent) were the most common, followed by health issues (including mental health) and domestic abuse (Figure 2.9). This confirmed the experiences expressed by legal firm respondents that the majority of consumers accessing private family law services experience vulnerability due to situational factors related to their case, and less often due to other wider personal characteristics or situations. However, the spread of characteristics occurring in over ten per cent of the sample, suggests that there are other common vulnerabilities in this group that may affect the consumer’s experience of services.

Figure 2.9 Prevalence of risk factors associated with increased vulnerability in the current sample of consumers



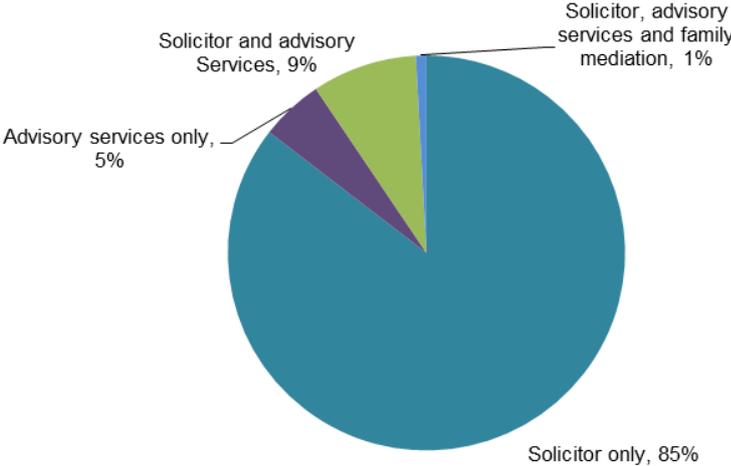
Source: Ecorys demand survey data; base: 117 (all consumers)

Other characteristics of the consumer sample included:

- 56 per cent were female, 44 per cent were male.
- 92 per cent were White British.

The survey principally engaged consumers who had used a solicitor. 101 respondents (85 per cent) accessed only a solicitor, and a further ten also accessed another service as well as a solicitor to support with the legal process (Figure 2.10). A very small number (six respondents) chose not to access a solicitor, pursuing an alternative route by accessing advisory services instead.

Figure 2.10 Routes for accessing family law services



Source: Ecorys demand survey data; base: 117 (all consumers)

The following section explores the experiences of those consumers who had directly engaged a solicitor. It examines specifically the routes these consumers used to access family law services, the factors they considered in making their decision, and the resources that they used.

3.0 Access

Key findings

- The majority (86 per cent) of consumers found it easy to find a family law solicitor.
- The solicitor's specialist knowledge and experience was the most important factor consumers considered when choosing a legal firm. This was given a higher priority over cost and location of the solicitor's offices.
- Consumers tend to base their decision about a solicitor on a personal recommendation, either from a family member (23 per cent), a friend (16 per cent), a professional (ten per cent) or someone at work (ten per cent). A further 13 per cent of consumers access solicitor services as a result of a referral from another organisation.
- The main reason people chose to access a solicitor based on a recommendation or referral was because it gave additional assurance about the solicitor's personal approach and relevant experience.
- A high proportion (85 per cent) of consumers chose to access legal services in the same region as where they live. The main advantages of accessing a solicitor locally were reported to be the convenience of face to face meetings; reduced time spent travelling, as well as reduced overall costs.
- Consumers typically have various pressures when choosing a solicitor, such as short timescales for their cases, so they have to make decisions quickly without necessarily considering all the factors.
- A very small number of people (six) chose not to access a solicitor at all for their legal issue. The main reasons cited for not accessing a solicitor was the cost of the services. All of the people who did not access a solicitor thought the outcomes for their case would have been different if they had used a solicitor.

This section outlines the different routes people used to access family law services, the factors they considered in making their decision, and the resources that they used.

3.1 Finding and choosing a family law solicitor

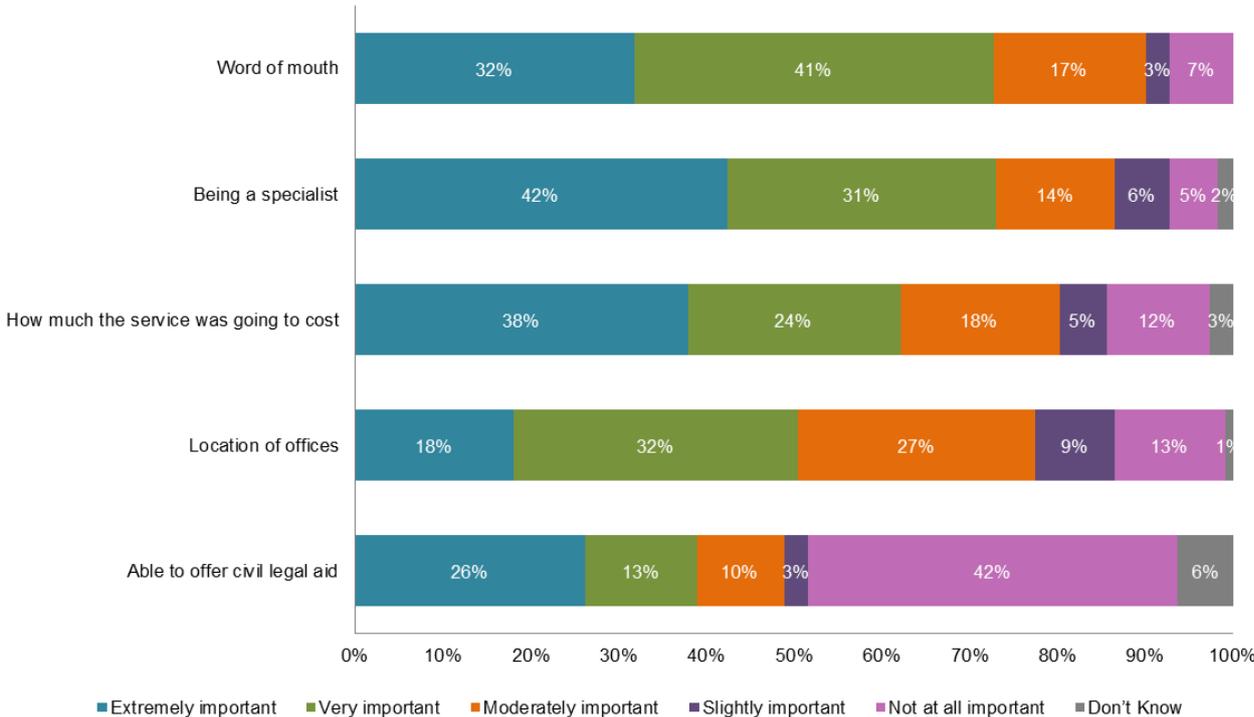
The evidence from the research suggests that people do not generally have difficulties finding a solicitor for their family law issue, as 86 per cent of respondents in the survey who used a solicitor answered positively to the question: *“Overall, was it easy to find a suitable legal firm or solicitor?”*

Consumers consider a range of factors when choosing a solicitor. Of equal importance were word of mouth and being a specialist – with three quarters reporting that this was very important or extremely important (73 per cent). The cost of services was the third most important factor, with 62 per cent reporting that this was very or extremely important. Despite only 17 per cent rating cost as not, or only slightly important, 40 per cent of consumers said that they did not check the cost of services before

asking the solicitor to start work. The second least important factor for consumers was the location of the offices (although 50 per cent still thought this factor was very or extremely important) (Figure 3.1).

While the data indicates certain trends in how the consumer chooses a solicitor, it also shows that there are differing views on what is and is not important to consumers. This supports previous literature which stated that consumers are a heterogeneous group and their individual needs influence the factors that are important in choosing a solicitor⁵⁰. The most obvious example of this is the legal firm’s ability to offer civil legal aid – for almost a quarter this was extremely important, but over 40 per cent thought it was not important at all. The most consistent factor that consumers agree on is the specialism of the solicitor.

Figure 3.1 Different factors considered in choosing a family law solicitor



Source: Ecorys demand survey data; base: 111 (consumers who accessed a solicitor)

The few (15) consumers in the survey who expressed that they had difficulties finding a solicitor, indicated that this was most often due to difficulties in finding a specialist or appropriate solicitor to support the complexities of their case. This corroborates the finding above (Figure 3.1) that being a specialist with relevant experience was a key factor when choosing a family law solicitor. Although this was a small group of consumers, ten were female, 12 had at least one personal characteristic associated with vulnerability, and 14 reported at least one situational risk factor associated to vulnerability. There was not any particular area of family law in which it was more difficult to find services.

Consumers also discussed the factors that contributed to finding a solicitor as well as the importance of different factors in the in depth interviews. While the majority of consumers confirmed they had not had difficulty finding a solicitor, there was some agreement that it was a challenge to find a 'good one'.

⁵⁰ Cartwright, P (2011) The Vulnerable Consumer of Financial Services: Law, Policy and Regulation <https://www.nottingham.ac.uk/business/businesscentres/crbfs/documents/researchreports/paper78.pdf>

"It was a lot harder to find someone who was recommended or reviewed that had a good track record. You sort of go in blind to things." (Consumer, divorce)

"It's difficult to find a specialist for domestic abuse who understands the nature of the problem and can properly understand and deal with the abuser's subtle tactics... It's also difficult to find a solicitor who specialises in children with special needs." (Consumer, divorce with children involved)

In providing more detail on the information they were looking for, consumers gave almost equal importance to knowing the solicitor's personal qualities, approach and sensitiveness to their case; as to their background and knowledge of an issue. For many consumers it was a priority that the solicitor understood the emotional aspects of their case, but this was of particular importance for those who had experienced domestic abuse.

"Somebody who had time to deal with the complexity of the case and sensitivity... Somebody that really understood the situation and how abusive... and the sort of tactics he would use through his solicitors that affected my solicitor." (Consumer, divorce with domestic violence)

Other consumers stated that finding the right solicitor for their case was more important than considering the cost of the service, particularly if the case involved granting access to children.

There was evidence from consumers that they were intending to make decisions based on cost of services, but reported that this information was not readily available for them to compare. In contrast, a consumer survey on behalf of the Competition and Markets Authority (CMA) on accessing legal services providers found two thirds of consumers reported ease in making cost comparisons between legal service providers⁵¹. This previous research covered a wider range of legal issues; nonetheless it potentially suggests some issues in the transparency of costs in family law services, potentially due to the unknown duration of cases.

While cost was not often the primary factor in making a decision, consumers in this study commented that solicitors were often perceived to be charging high fees for their services and it is not always obvious what the price differences in services meant in terms of service experience. There were a couple of consumers during the interviews who suggested that it would be helpful to have an online website that compared solicitors' experience and cost directly.

3.1.1 Resources used to find a family law solicitor

52 per cent of respondents found a solicitor through recommendations by friends, family members, colleagues or another professional, such as an accountant or financial advisor (Figure 3.2). While some consumers did conduct their own research using the internet (14 per cent), relatively few reported responding to advertising in newspapers or magazines, radio or using social media as a mechanism to identify a legal firm. 'Following a recommendation' was reported to be a way of gaining reliable testament for the solicitor and the quality of the service they might receive. Other research suggests this route to finding a solicitor is not unique to family law services. Research commissioned by the CMA⁵² which looked across the broader legal services market, found recommendations from family or friends to be the most commonly reported means of identification of a legal services provider. This finding is supported by

⁵¹ Competition and Markets Authority (2016) *Market study into the supply of legal services in England and Wales – consumer findings*

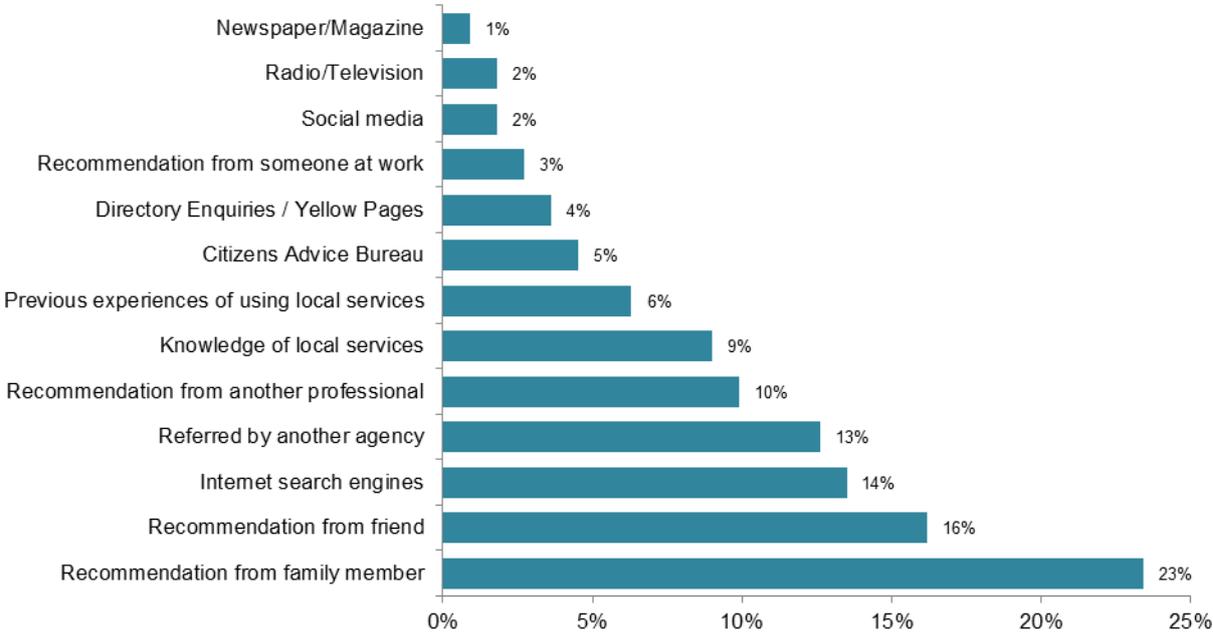
⁵² Competition and Markets Authority (2016) *Market study into the supply of legal services in England and Wales – consumer findings*

recent research into the personal injury market⁵³, which found that solicitors are increasingly sourcing business through personal recommendations, which is attractive due to low costs and the associated reputational enhancement.

A further 13 per cent of surveyed consumers found their solicitor as a result of a referral from another agency, such as the police, or their work union. The consumers in this group all reported to have at least one personal characteristic associated with vulnerability. This was often when the case involved social services or the police and legal proceedings were about to start. The consumers described choosing a solicitor from a list of recommendations provided by the agency they were in contact with. In these examples, the consumers were satisfied with their experience, and some felt reassured in accessing a solicitor because of the recommendation source.

Other consumers had sought help from a charity, such as Women’s Aid. One consumer pursued this route following a bad experience with an initial solicitor they had chosen through other means, but for others this was because they were seeking a recommendation from an organisation with experience of a particular issue (such as domestic abuse). Approaching a trusted organisation was a way to be sure that the solicitor they chose would be appropriate. This was felt by consumers to be important when they were experiencing a stressful period in their life as a result of the situation they found themselves in. However, concerns were raised, in the SRA’s asylum seeker research⁵⁴, of community groups and statutory bodies making referrals or recommendations to poor quality or even unregulated advice. It was common for statutory bodies to have the same problems of information asymmetry and lack of understanding, identified in this report.

Figure 3.2 Types of resources used by consumers to find a family law solicitor



Source: Ecorys demand survey data; base: 111 (consumers who accessed a solicitor)

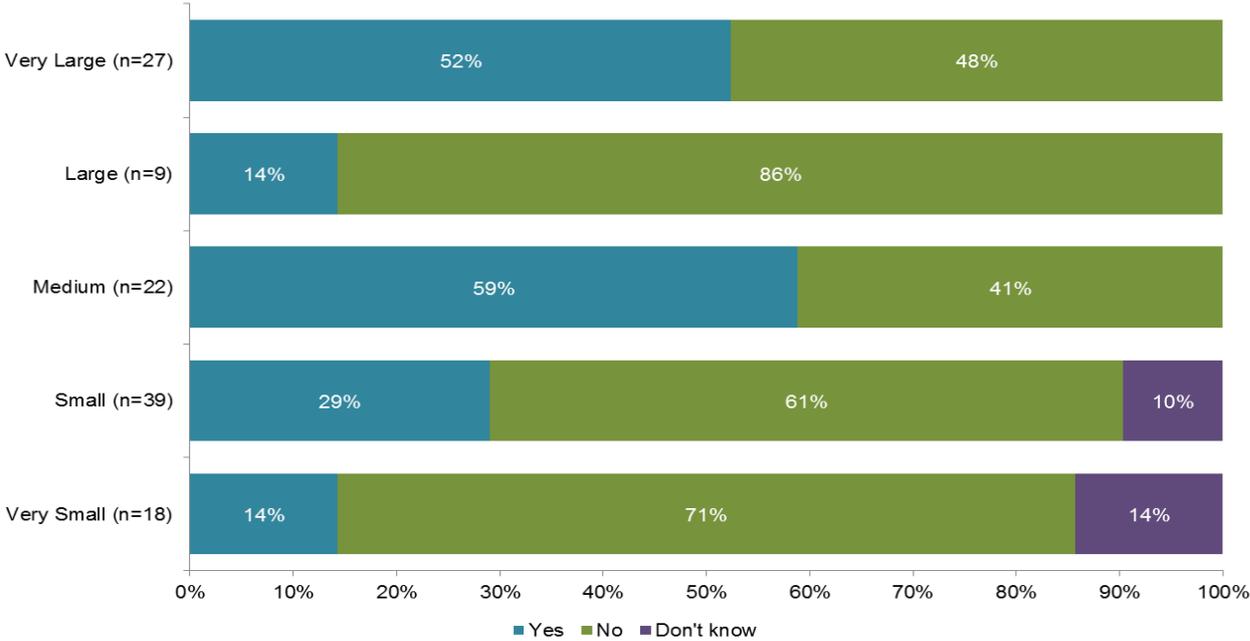
⁵³ ICF Consulting Services (2016) *An assessment of the market for personal injury*. <https://www.sra.org.uk/sra/how-we-work/reports/pi-report.page>

⁵⁴ Migration Work CIC (2016) *Quality of legal services for asylum seekers*

3.1.2 Advertising family law services to consumers who may be vulnerable

In the survey with legal firms, 60 per cent reported that they do not purposefully advertise their services to vulnerable clients or establish specific referral routes. Approaches to advertising varied by the proportion of family law work at the firm. Over half of the firms where the majority of work is in family law reported advertising, whereas less than a third of firms with only a small amount did any form of advertising (Figure 3.3).

Figure 3.3 Legal firms that advertise their services to consumers who may be vulnerable by proportion of work in family law



Source: Ecorys supply survey data; base: 115. Proportion of work in family law: Very Large = 75 – 100%, Large = 50-74%, Medium= 25-49%, Small = 5-24%, Very Small =0-4%.

In the follow up interviews, the legal firms who reported advertising their services described using a range of media to do so, including radio, TV, websites, and social media. While some of the advertising was targeted at people more likely to have family law issues, legal firms did not tend to target groups based on their personal characteristics. Their reason for not doing this was attributed to the cost and complexity involved for the business in supporting consumers with particular vulnerabilities. Further, firms that do not offer legal aid would generally not target these groups as they would be unlikely to help them.

In the interviews, some smaller firms or sole practitioners said they did not need to advertise their services to any type of consumer because they received enough business through recommendations or referrals. For some, they wanted to keep their client numbers to a manageable level as it was important to them to be able to offer a personal service and meet clients’ specific needs.

In the follow up interviews, there were a few examples of legal firms who confirmed that they have professional links with organisations working with vulnerable groups, such as women’s refuges and domestic violence charities. In all cases, these were firms with a legal aid contract and they said that there was business benefit in attracting clients from these groups. For one legal firm, for their part in the professional partnership, solicitors were conducting free half hour legal advice sessions, as a way to offer support to people accessing the legal charities. However, this was also another way to engage clients, who would often instruct a solicitor at their firm following the free meeting.

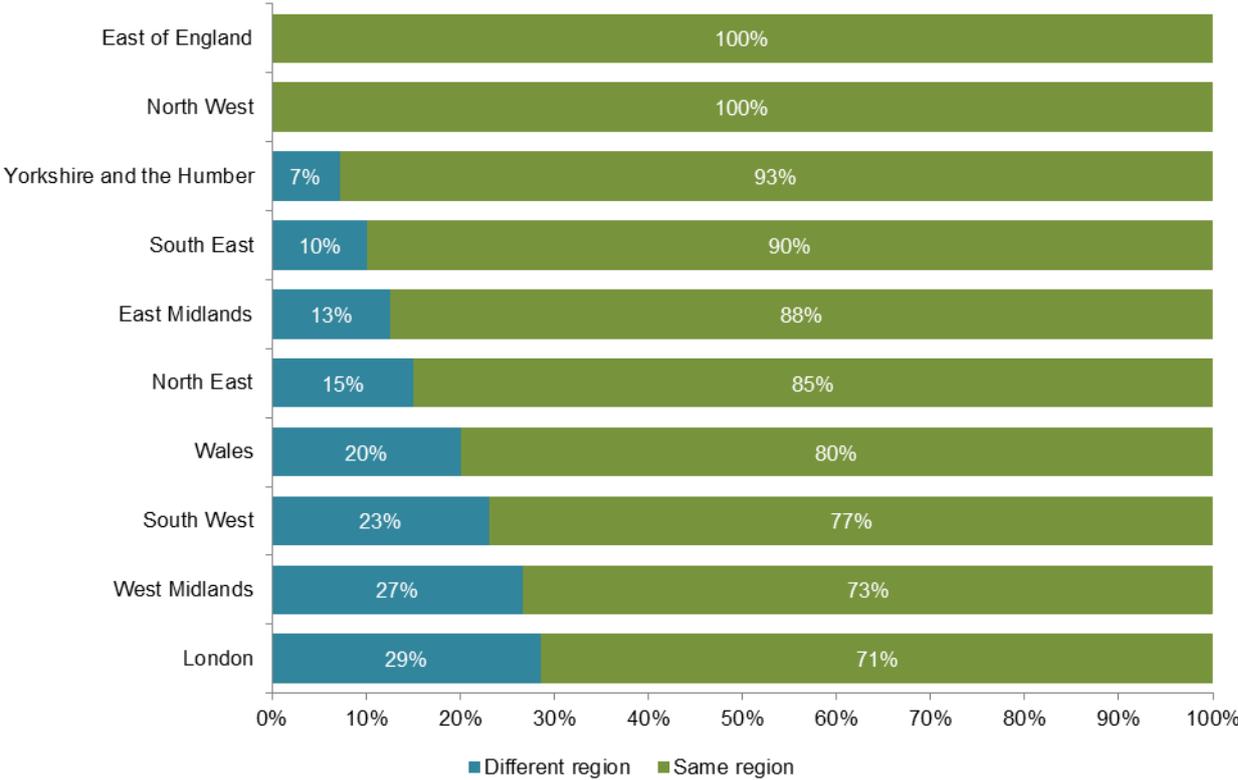
Although this practice of referral routes does appear to be an effective way of increasing access for consumers with vulnerabilities or complex cases, some interviewees typically suggested that the links were related to an individual working at the firm rather than reflective of a whole firm ethos, or practice. Others indicated that the process was in place but overall the benefits to the firm were not huge and the motivation to facilitate it was mainly a moral one.

“We don’t make a huge amount of the money out of it. We do legal aid because we have a social conscience and these people need help.” (Legal firm, medium size firm)

3.2 Accessing local family law services

The majority of consumers (85 per cent) were able to access a family law solicitor in the region where they lived. The regions with the highest proportion of consumers accessing solicitor services in a different region to where they lived was London (29 per cent) and West Midlands (27 per cent) (Figure 3.4). In the East of England and the North West all of the respondents (100 per cent) accessed solicitor services in the same region as where they lived at the time.

Figure 3.4 Proportion of consumers who reported to have accessed a solicitor in a different region to where they lived (by regions in England and Wales)



Source: Ecorys demand survey data; base: 111 (consumers who accessed a solicitor)

Consumers said that the main benefit of accessing a local solicitor was for convenience. It meant they could easily ‘drop in’ and arrange face to face meetings for the key parts of their case, such as the initial meeting or to sign documents. Other advantages for accessing a local solicitor included ease of access if the consumer had children, minimising travel time, as well as keeping overall costs of the case manageable. These considerations were particularly important if the consumer thought their case was going to be complicated or take a long time.

Consumers also ended up choosing a solicitor locally because they were often under time pressure and needed to arrange legal representation quickly - a local high street firm was quick to identify and start the legal process.

"I used a local service for convenience and thought it was pragmatic. I was under time pressure to get divorced as soon as possible, so did not have time to look for another solicitor."
(Consumer, divorce)

Overall, while consumers chose to access a family law solicitor that was local to them, it was a higher priority for them to consider the appropriateness of the solicitor, rather than simply choosing for the location. This reflects other consumer research in the legal market where location of a legal service provider was a common factor considered but qualifications/experience and reputation were also reported as important factors when choosing an legal services provider⁵⁵. A few interviewed consumers added that while they initially thought location of the offices would be important, they later realised what was involved in the process for family law cases, in terms of completing the necessary forms and communicating with other parties, and they did not actually need to see the solicitor that often for their case.

"It [having a local solicitor] wasn't as important as I thought it was going to be." **(Consumer, divorce)**

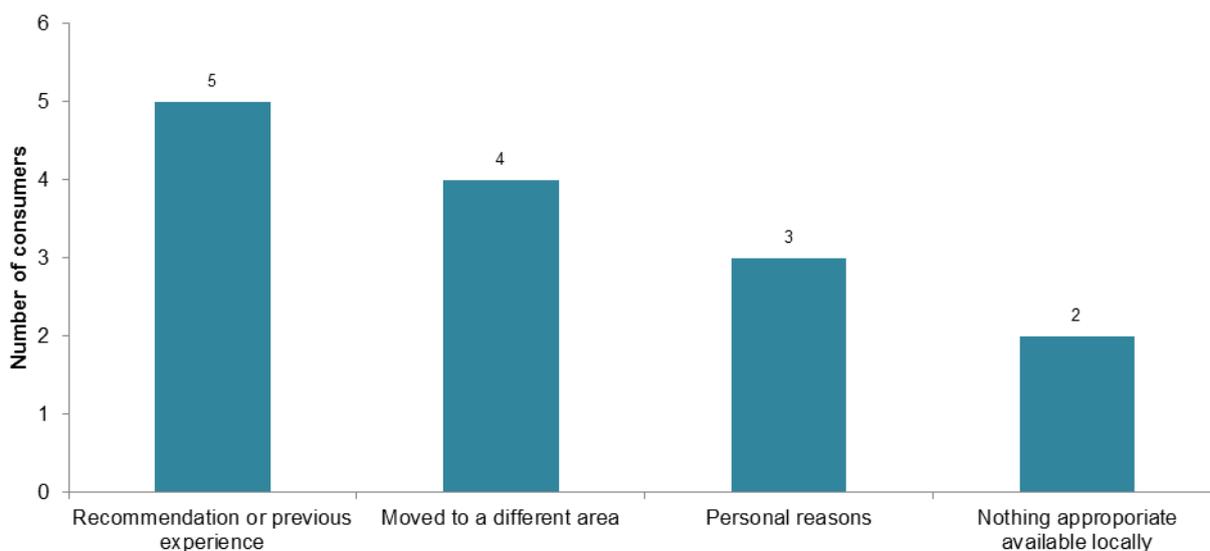
"I wanted to access a solicitor locally so that I could go and see them and speak to them, but I actually only went a handful of times." **(Consumer, arrangements for children – custody/residency)**

All interviewed firms confirmed that the majority of their clients were local. While this did not explicitly affect the progress of a case, legal firms recognised that they were able to provide a more personable service through face to face meetings, and it was more straightforward to offer home visits for clients who needed them.

Of the 17 consumers who chose to access their legal firm in a region outside where they lived, five cited a specific recommendation or previous experience with a firm as the reason for accessing services further afield (Figure 3.5). This supports the finding that recommendations are a strong influencer in finding a solicitor in family law. One consumer during the interview said that she went with an out of region recommendation partly because she could trust the experience of the solicitor, but also because the local services were not actively advertising their business, so she did not see much advantage to choosing one locally instead.

⁵⁵ Competition and Markets Authority (2016) Market study into the supply of legal services in England and Wales – consumer findings

Figure 3.5 Reasons consumers chose not to access a local solicitor



Source: Ecorys demand survey data; base: 16 (consumers who chose not to access a solicitor in their local region). 2 consumers did not provide a reason.

3.3 Choosing not to access a family law solicitor

93 per cent of legal firms surveyed reported that there had been an increase in people representing themselves in family law cases since LASPO. However, only six consumers reported that they did not access a solicitor for any support with their family law issues. All of them had at least one personal characteristic associated with vulnerability, and five of them had a situational factor associated with their vulnerability. Five out of these six reported directly that they had personal difficulties which made accessing services more difficult. While the size of this group means that it is difficult to extrapolate or generalise from these findings, the proportional difference in factors associated with vulnerabilities and personal difficulties from the overall sample suggests that this group may be more vulnerable than those who chose, and are able, to access a solicitor.

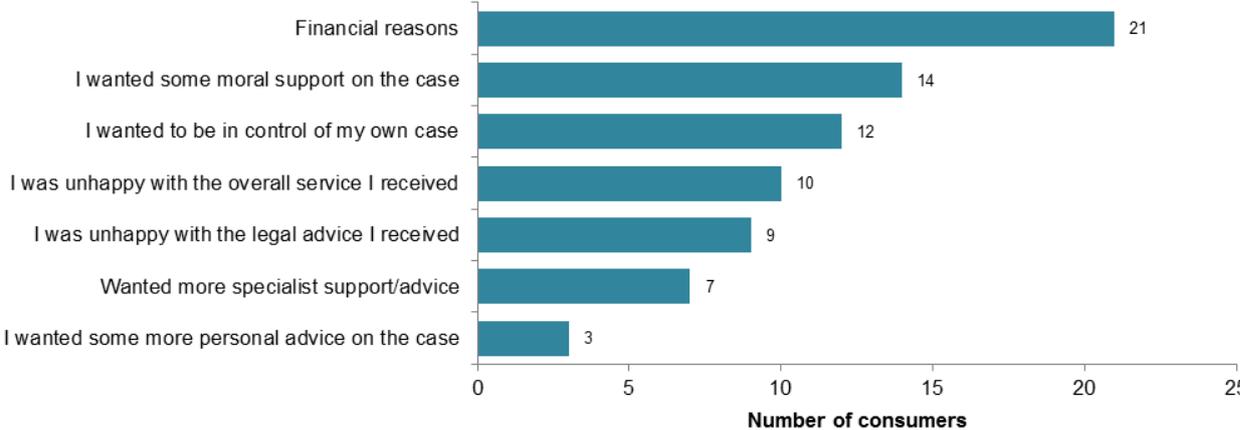
The reasons cited for choosing not to access a solicitor were:

- Did not feel confident to approach a solicitor.
- Thought it was better for my family if I didn't start formal legal proceedings.
- Could not afford a solicitor.
- Accessed help with legal advice through someone who visited a Women's Refuge.
- Approached four solicitors but none had access to legal aid.
- Accessed legal advice through work instead.

Although only a small number of consumers chose not to access a solicitor, over a quarter (31 respondents) of consumers who did access a solicitor also chose to complete part of their case themselves. Specifically, they communicated with other parties; conducted court preparation and representation; attended mediation; and completed paperwork and forms themselves. A further 33 consumers sought help from a non legal professional to support them with their case. People chose to complete part of the process without the help of a solicitor for a variety of reasons, most commonly because of financial reasons (21), followed by wanting moral support (14) and to be more in control of the

case (12). Although choosing not to access a solicitor for different reasons, half of this group (16) did not think the outcome of their issue would have been any different if they had accessed a solicitor for all of their case⁵⁶ (Figure 3.6).

Figure 3.6 Reasons consumers pursued parts of their legal case themselves or with the support of a non legal professional



Source: Ecorys demand survey data; base: 49 (consumers who chose to pursue all or part of their case themselves or with the help) of a non legal professional. Multiple responses per respondent. Some consumers did not answer the question due to revisions in the survey during fieldwork

These findings echo previous research. A study undertaken for the Law Society and LSB⁵⁷ of consumers with a range of legal issues found 21 per cent did not access a professional independent adviser for reasons of cost, and 40 per cent because they did not feel they needed to or they possessed sufficient knowledge to progress their case. The following section examines the specific issue of cost, looking at the overall affordability of services and a range of approaches legal firms have implemented to help consumers access legal services.

⁵⁶ 13 thought that it would have made a difference and two didn't know.

⁵⁷ Ipsos Mori (2016) Online survey of individuals' handling of legal issues in England and Wales 2015

4.0 Cost

Key findings

- Almost two thirds of consumers in the survey (64 per cent) reported that they found their solicitor's costs to be affordable and 84 per cent were able to pay the costs themselves rather than relying on friends or family, although other sources of credit were used.
- For just under a third of consumers, costs for legal support from a solicitor were more difficult to manage (31 per cent), undermining the ability of consumers to access continued professional legal support, particularly where cases progressed to court.
- Amongst those consumers who felt the solicitor's costs were more than they expected, two thirds stated that their solicitor did not explain why the cost was higher (26 respondents) suggesting issues around the transparency of costs for consumers.
- Firms reported that cases involving consumers who may be vulnerable were typically more complex due to a range of factors and circumstances stemming from both the personal and situational vulnerability of consumers. This had the potential to result in increased costs due to longer appointments, greater inputs from solicitors to complete aspects of the process or more regular communication with consumers.
- There was strong recognition, amongst legal firms, of their role and responsibilities in terms of ensuring costs of legal services were manageable; 85 per cent of legal firms agreed that it is the responsibility of legal firms to ensure that clients are aware of alternative funding options.
- Firms reported using various practices to reduce costs for consumers. However, typically these practises appeared to be at the discretion of individual solicitors, rather than representing a firm wide strategy and were not openly advertised to consumers.
- From the perspective of legal firms, through both the survey and interviews there was evidence that the LASPO reforms have resulted in a more challenging delivery environment. Overall, legal firms held views that the reforms may have reduced the number of consumers who may be vulnerable being able to access legal services; but there was also the positive view that more consumers were trying to resolve their disputes without going to court.

This section provides an overview of the experience of consumers in paying for legal services, including their views on the affordability of services and issues arising from, and reasons for, higher costs. The section also provides detail on a range of innovative approaches legal firms have implemented to help consumers afford legal services, their experience of different practices and the need to balance the needs of the business in making these decisions. Finally, the section briefly discusses the impact of the legal aid reforms on family law services from the perspective of the legal firms and consumers.

4.1 Overall affordability of legal services

Just under two thirds of consumers in the survey (64 per cent) reported their solicitor's costs to be affordable. This finding differs from much of the debate related to the affordability of legal services and

the impacts of perceived high costs on access to justice. However, there are three interrelated issues that seem to have led survey respondents to consider their costs as affordable:

- Many of the legal issues addressed by family law, such as divorce and child custody, can be highly emotive and the outcomes life changing. Consumers will, therefore, find a way to pay in order to secure their desired outcome.
- In doing so, consumers select various mechanisms for payment. Some of these may be unsustainable, particularly if the case becomes protracted. The most commonly reported payment mechanisms among survey respondents were the use of loans or credit cards.
- Other research has highlighted that unbundling of legal services and perceptions of higher costs have led some consumers to undertake elements of their case themselves, including in court as a Litigant in Person.

“I paid the solicitor fees out of my mother’s estate which meant I could afford them. Otherwise I wouldn’t have been able to pay for them.” (Consumer, property estate and trust settlement)

Other consumers, who covered the required fees themselves, acknowledged that this put pressure on their finances.

“It’s been a struggle to pay for it because it eats significantly into my take-home pay.” (Consumer, arrangements for children)

Despite the high proportion of consumers stating they cover the cost themselves *without* having to rely on family and friends (84 per cent), it was clear from the interviews with consumers that for some this was necessary to enable them to pay.

“We were lucky because we had family who could help [with the cost]” (Consumer, arrangements for children)

However, for others it was clear that the costs for legal support from a solicitor were more difficult to manage. Just under a third of the consumers in the survey (31 per cent) reported that they found the costs involved unaffordable.

Across all consumers in the survey, just under half regarded the solicitor’s cost to be more than they expected (47 per cent). Other research has shown that there is a general perception of costs being high, which reduces the use of solicitors⁵⁸. The expectations of costs are likely to be affected by the limited cost information available to consumers when choosing a solicitor. For example, the LSB found that very limited information was available to consumers other than guideline hourly rates which do not indicate the overall likely cost and only 17 per cent of firms advertise their rates online⁵⁹. The consumer interviews provided evidence that difficulties often arose as cases progressed and additional costs were incurred as a result of prolonged legal activity or appeals.

“I struggled paying for the appeals and claims my husband was making which extended the case.” (Consumer, divorce and arrangements for children)

⁵⁸ Legal Services Board (2012) *Regulatory Information Review* (<https://research.legalservicesboard.org.uk/analysis/demand/cost-of-services/> accessed 15.12.16)

⁵⁹ Legal Services Board (2012) *Regulatory Information Review* (<https://research.legalservicesboard.org.uk/analysis/demand/cost-of-services/> accessed 15.12.16); OMB Research (2016) *Prices of Individual Consumer Legal Services* Legal Services Board

Evidence from previous research found that most asylum seekers could not pay the full cost all at once and often received financial support from friends, family, churches, schools and charitable organisations⁶⁰.

Despite these reported difficulties around costs, for some, the circumstances and nature of the case was a clear driver for consumers to continue pursuing the case despite the cost. The majority, 85 per cent of consumers, reported that solicitor's costs were not a hindrance to the continuation of their case.

“The cost was more as the case took longer as the mother made it difficult, so the costs were a lot more than I expected. But the priority was to get my daughter home, money wasn't important.”
(Consumer, arrangements for children)

4.2 Factors affecting the costs of a case

Amongst those who felt the solicitor's costs were more than they expected, two thirds stated that their solicitor did not explain why the cost was higher (26 respondents) suggesting issues around the transparency of costs for consumers. However, firms reported that cases involving consumers who may be vulnerable were typically more complex due to a range of factors and circumstances stemming from both their personal and situational vulnerability. This might explain the perceived rising costs experienced by consumers.

Although the evidence in the survey, and from the interviews, indicates a positive approach from firms in making adjustments (see Section 5.4), there was openness that many of these adjustments may incur cost for the consumer. The adjustments most commonly reported by legal firms to incur a cost related to translation or interpretation services supplied by an external agency.

Beyond this, adjustments which involved more time input from solicitors were a key factor in increasing costs. The reasons for greater time inputs ranged from solicitors meeting consumers at alternative locations or, more typically, the need for longer appointments to complete specific aspects of the legal process. For example, in taking statements, or drafting documents when interpretation or translation was needed due to English as a second language or low literacy. Some firms also reported in the interviews that some consumers' difficulties in giving concise information or producing the necessary documents also resulted in longer appointments, particularly for drafting statements. A common theme emerging from the firm survey and interviews was that legal support for consumers who may be vulnerable resulted in the need for additional time and inputs from solicitors to ensure understanding, both for those with intellectual disabilities and more widely with consumers who are not familiar with the legal process.

“Appointments [with vulnerable clients] take longer as it is important that they understand what is happening and take time to make decisions.” **(Legal firm, small firm)**

Additionally, a few legal firms reported in the interviews that when people were distressed and emotional, appointments or legal process tasks took longer. The emotional aspects were highlighted, in particular, by firms as a very common issue in their direct dealings with a consumer:

“If people are upset emotionally everything is much harder even to do something basic.” **(Legal firm, large firm)**

⁶⁰ Migration Work CIC (2016) *Quality of legal services for asylum seekers*

This aspect was also highlighted by firms as potentially affecting the progression of the case. One firm highlighted that when consumers are emotionally vulnerable they can be in a state of denial and therefore it required more coaxing or time for consumers to reveal full details or their preferences as to how they want the case to progress.

Most legal firms highlighted in the interviews that consumers who may be vulnerable tended to need or prefer more regular contact or communication. This related to a need for reassurance but also inputs by solicitors to access written communications or information provided outside of meetings. For example, solicitors stated that consumers who may be vulnerable were less likely to have internet access to review documents in their own time and were more likely to need documents to be read out and explained over the telephone.

There were differing views amongst legal firms as to whether some or all of these additional costs were passed on, with some firms reporting in the interviews to absorb these costs and offer pro bono work while others charged consumers directly. In many cases, the decision to make adjustments and whether to charge additional costs comes down to a difficult balance between offering an affordable and accessible service to consumers and underlying business decisions. One small legal aid firm described how they were able to offer home visits and arrange translation services quite readily for clients who needed it, but then conceded that they would charge the clients for the cost of travel for a home visit. Thus if the client needed extra support there would be an additional cost.

One other view was that large firms, who possibly had more flexibility with discretionary budget, were more likely to treat the case as a file or 'number'. These firms would be less motivated to provide a personal approach and make adjustments or develop a relationship with the client.

“Typically the bigger firms... are more likely to continue to charge consumers who may be vulnerable for the extra time needed to simplify or explain things about their case.” (Legal firm, large firm)

There were also examples from the interviews where firms had made these adjustments on a more informal basis, such as providing a translator that was a personal contact to help during the initial meeting, or not charging travel costs for home visits with local clients. The justification for this was because the solicitor saw the adjustments as part of providing a good service and did not think that it should be charged as extra. They realised that if a client had a good experience they would be more likely to make recommendations about the service. As reported earlier, recommendations were the principle route by which consumers who may be vulnerable identified a legal firm. Others were motivated by ensuring that the legal system was accessible to all, irrespective of their level of need.

4.3 Practices and approaches to manage costs

There was strong recognition amongst legal firms of their role and responsibilities in terms of ensuring costs of legal services were manageable (Figure 4.1). 85 per cent of legal firms agreed that it is their responsibility to ensure that clients are aware of alternative funding options as a way to manage the cost of their legal support. 67 per cent agreed that, with appropriate guidance, clients should be able to manage the cost of their legal cases effectively, and just over half acknowledged that a range of mechanisms exist for legal firms to offer reduced fees.

Figure 4.1 Legal firms views on their role in managing costs



Source: Ecorys supply survey data; base: 115

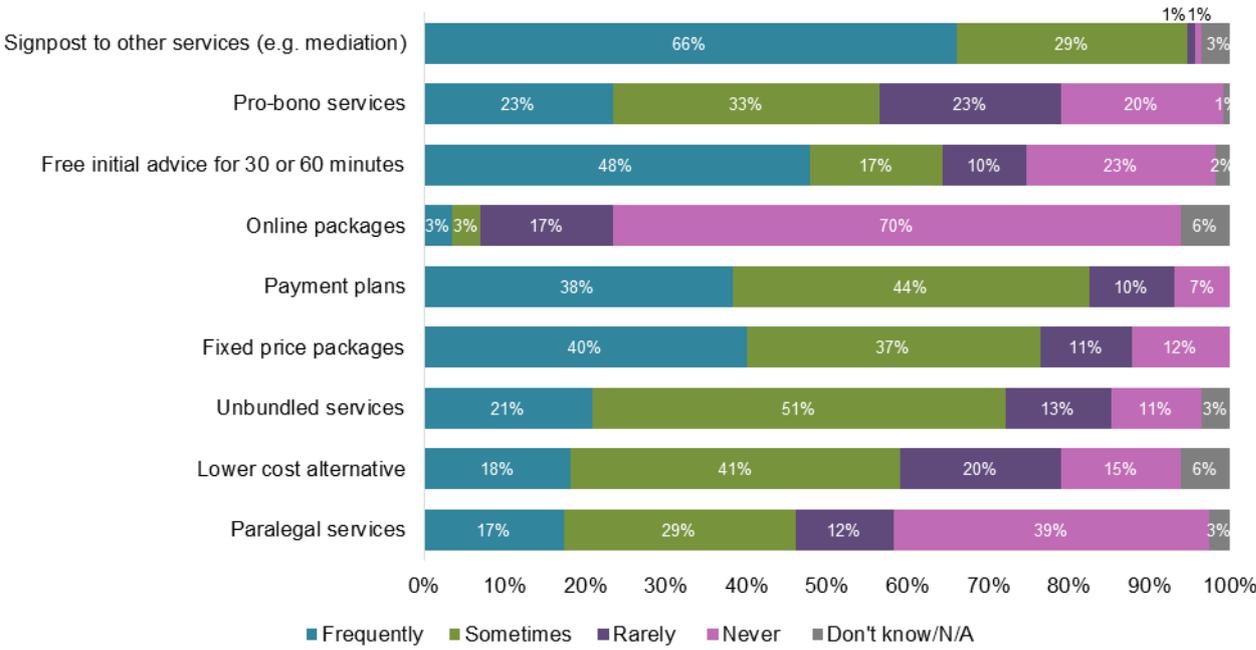
Evidence emerged of a number of additional practices, offered by legal firms or used by consumers, to reduce or manage costs to fulfil their responsibility. Most commonly reported (Table 4.1) and most frequently used (Figure 4.2) was the signposting of clients to other services (96 per cent of the firms reporting to use this practice and 66 per cent used it frequently). Payment plans were offered by 93 per cent of firms and were reported to be frequently offered by 38 per cent of firms. These practices are examined in more detail below.

Table 4.1 Practices reported by legal firms to manage client costs

Practice to reduce or manage costs	Number of firms	% of firms
Signpost to other services	110	96%
Payment plans	107	93%
Fixed price packages	101	88%
Unbundled services	98	85%
Pro-bono services	91	79%
Lower cost alternative	91	79%
Free initial advice for 30 or 60 minutes	86	75%
Paralegal services	67	58%
Online packages	27	23%

Source: Ecorys supply survey data; base: 115

Figure 4.2 Frequency of use of practices to reduce or manage client costs



Source: Ecorys supply survey data; base: 115

4.3.1 Signposting and referrals

Signposting to other services was the most commonly reported practice by firms, with 96 per cent of respondents reporting that their firm offers this practice. This was revealed, in the in depth interviews, to encompass a number of referral routes, with differing degrees of formality in the referral mechanism. Firms explained that this signposting commonly included referral to mediation services or, if clients were felt to be eligible, to a General Practitioner (GP) to enable clients to gather evidence to qualify for legal aid on the basis of domestic violence issues.

Alternatively legal firms, who do not hold a community care or legal aid contract, signpost people without the means to pay for representation to other local firms who did offer legal aid. In another example, one small locally focused firm had developed a professional network including a financial advisor, an accountant, a counsellor and surveyors to facilitate appropriate referrals. Despite the high frequency of signposting, firms reported in the interviews that they had seen a reduction in the availability or capacity of support organisations locally, for example pressures experienced by Citizen Advice Bureaux or other voluntary and charity organisations and social enterprises, which had closed.

4.3.2 Payment plans

The availability of payment plans was commonly reported by legal firms (93 per cent) but this contrasted with findings from consumers, where the majority (87 per cent) reported that their solicitor did not offer a payment plan for their costs. Interviews with legal firms confirmed that payment plans typically were offered on an ad hoc basis rather than routinely advertised, as this respondent reported.

“The payment plans are very individualised, often in instalments but the firm has to be careful around the Consumer Credit Act so we don’t routinely offer them.” (Legal firm, medium size firm)

The criteria for offering payment plans was confirmed by legal firms to be the financial circumstances of the individual client but firms did not take a consistent approach in terms of assessing this or the evidence on which it was based. While some firms used the evidence of financial standing that clients provided in the course of their case, others only introduced this potential option if the client admitted they were facing difficulty in making payments or failed to pay an initial invoice. Typically, the payment plans offered by legal firms were structured around monthly payments.

“We offer payment plans whereby client could make fixed monthly payments towards a case and then pay balance when case is finished in the same way or by lump sum payment” (Legal firm, small firm)

4.3.3 Fixed price packages

The use of different cost models was confirmed by consumers, with just under half (48 per cent) reporting that a fixed cost for the service was charged by the solicitor, while a further 45 per cent reported the cost of their legal support was based on an hourly rate of solicitor time. Interviews with consumers suggested both approaches had pros and cons. Where a fixed cost was quoted by the solicitor, this gave consumers a clear, upfront, idea of the cost of solicitor input and so consumers could plan accordingly to ensure they could pay the fees or negotiate a payment plan. The use of fixed price packages also demonstrated evidence of the competency around *“agreeing the services that are being provided and a clear basis for charging.”*⁶¹ In contrast, where hourly fees were paid to the solicitor by a consumer, this gave consumers flexibility to pursue elements of the case themselves to reduce costs (see unbundling of services below).

“The second solicitor I used was by the hour which was much better, much more flexible; it meant I could do more things myself.” (Consumer, arrangements for children)

Fixed price packages were made available by 88 per cent of legal firms. It did not appear from the in-depth research, however, that these were routinely advertised or used consistently by all firms. The criteria for offering fixed fees were not explicitly reported by firms but one did state that fixed fees were offered for those clients who were previously financially eligible for legal aid. Other examples suggest firms offered fixed fees for particular elements of the legal process, for example, the initial information and advice interview, therefore offering unbundled services. Where a firm worked across family law services, it was common for fixed fees to be available for certain family law aspects such as divorces, as the likely inputs and progression of a case were more predictable. This finding is supported by recent research for the LSB⁶² which explored the costs and charging models for several different legal issues. In this research, the majority of firms would charge using a fixed fee for the simpler uncontested divorces.

4.3.4 Unbundling

85 per cent of firms offered a limited retainer or unbundled services. *“In the context of legal services, the term ‘unbundling’ is used to describe the provision of discrete acts of legal assistance under a limited retainer, rather than a traditional full retainer, where a solicitor typically deals with all matters anticipated from initial instructions until the case is concluded”*⁶³. For instance, where the solicitor conducted the initial part of the case, including negotiating with the other party, preparing court documents or filing court proceedings, but the client acted as a litigant in person in court. As such, the costs to the consumer were lower as they only paid for the limited inputs from the solicitor.

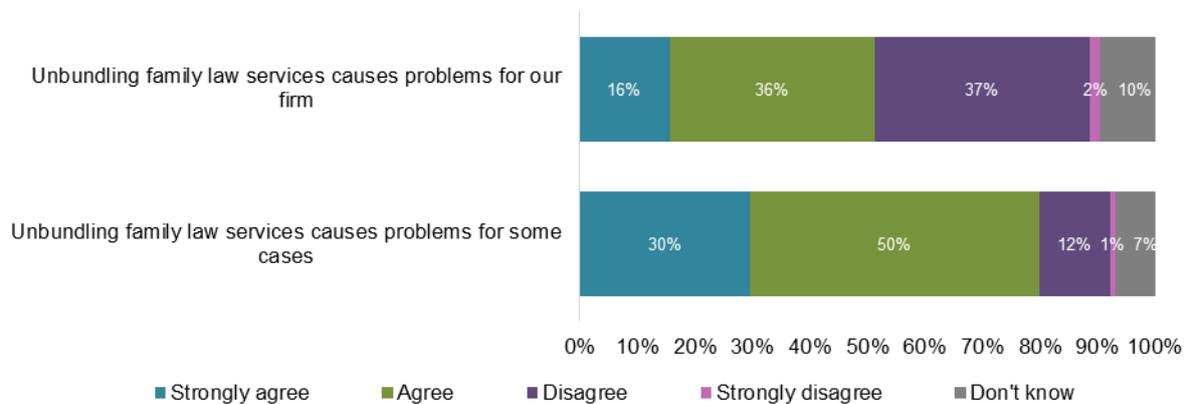
⁶¹ www.sra.org.uk/competence

⁶² OMB Research (2016) Prices of Individual Consumer Legal Services Research Report

⁶³ Unbundling civil legal services, <http://www.lawsociety.org.uk/support-services/advice/practice-notes/unbundling-civil-legal-services/>

Despite offering unbundled services, interviews with legal firms identified potentially negative aspects or risks around this practice in a family law context (Figure 4.3). 80 per cent of legal firms agreed that unbundling family law services caused problems for cases and 52 per cent agreed it caused issues for the firm.

Figure 4.3 Legal firm views on unbundling



Source: Ecorys supply survey data; base: 115

Interviews with legal firms revealed a common perception that unbundling was risky as there was potential for no one with legal expertise having an overview of the case. Firms also recognised that for consumers who may be vulnerable this approach was potentially challenging as they lack the skills and knowledge to effectively undertake aspects of the case themselves. Related to this, one firm highlighted that the risk of negligence cases being brought against them was potentially higher where unbundled services had been offered. Similar concerns with unbundling have also been reported in the legal press but the Court of Appeal has given explicit backing to unbundling and reassurances about the work conducted under limited retainers where the limitations have been clearly recorded⁶⁴.

Despite these reservations about the provision of unbundled services, there were more positive views from individual firms who had successfully done so. One firm that offered this approach felt it was successful and that the risks were negated when the firm was very clear about what it involved and the implications. In another firm, one solicitor had developed, and will share, template letters (at no additional cost to the consumer) with consumers who are acting as litigants in person or undertaking some aspects of the case themselves.

There was also one firm who highlighted a pay as you go approach to divorce. This was similar to unbundling as consumers paid for inputs from solicitors for only certain aspects of the case. However, the difference with this approach was that consumers were self-representing from the outset and the onus was on consumers to contact the legal firm when they wanted the input at any point in the process. The legal firm reported this to be a relatively new innovation in the wider family law market, demonstrating evidence of compliance of this legal firm with the SRA competence to “*adapt practice to address developments in the delivery of legal services.*”⁶⁵

⁶⁴ *Minkin v Lesley Landsberg (Practising As Barnet Family Law)* [2015] EWCA Civ 1152

⁶⁵ www.sra.org.uk/competence

4.3.5 Pro bono work

Emerging from the interviews with legal firms was evidence that pro bono work was undertaken by solicitors on occasion. Pro bono work was often undertaken where additional inputs or items arose purely as a result of a consumers' vulnerability. Examples included not charging for the more regular communication that often occurred or the overrunning of appointments.

"We will provide aspects of our services without charging, such as ensuring we have time to talk about non-legal matters without the client paying for that time. We provide this pro bono work in many cases and to varying degrees." (Legal firm, small firm)

Where examples of pro bono work were reported, it was typically by smaller legal firms or individual solicitors who used this practice discretionarily, and stemming from a moral point of view. There was no evidence it was a specific strategy or policy of any firm.

"I don't feel comfortable charging clients when they simply don't understand something. I don't know what else to do because it wouldn't be morally right for me to charge clients." (Legal firm, large firm)

4.3.6 Paralegal work

One other practice that was reported by legal firms as having the potential to reduce costs for consumers was items or inputs being undertaken by paralegals or less experienced fee earners, who worked at a lower charging rate. While 58 per cent of firms reported to offer this service it did not emerge from consumers as a practice they recognised. It is not clear if firms explicitly inform consumers of the practice or whether consumers generally do not recognise the different levels of legal input they may get on their case despite the use of paralegals typically being documented in cost breakdowns provided to consumers.

Where legal firms adopted this approach, there was evidence that the required supervision occurred but there was differing practice in terms of the charging for the supervision. One firm reported not charging for supervision of the paralegal work that was done, while another reported this was still incurred and as such was an extra cost for a consumer, although the overall cost of their case may be lower through the paralegal inputs. One other firm highlighted that this approach was not ideal for consumers who may be vulnerable with high level needs and complex cases.

4.3.7 Free initial session

Three quarters of legal firms reported to offer a free initial advice session, typically a 30-60 minute session. While legal firms acknowledged that this did serve to reduce client costs to a small degree, for some firms this was not the principal purpose of the session. Legal firms variously stated that it served as a marketing opportunity for the firm but also an opportunity to ensure the consumer was clear on the likely case progress and subsequent costs. Legal firms reported that this initial session was delivered by telephone or as a face to face meeting. In one legal firm, however, an initial free 60 minute session was delivered through Facebook messenger service rather than a traditional face to face appointment. The legal firm felt using this approach made it easier to manage the time and had limited additional costs for the firm.

4.3.8 Other practices

Legal firms reported various other practices that were delivered in pursuit of reducing costs for consumers. These practices appeared to be informally delivered and at the discretion of individual solicitors, rather than representing strategies across firms.

Individual solicitors reported charging for items and inputs using discounted rates, commonly aligning rates to legal aid rates. In the small firm where this was reported, it was confirmed that this was very much offered at the discretion of an individual solicitor.

There was recognition from legal firms of the common aspects of cases that can incur additional costs for consumers, most typically court appearances and communication. In response, there were individual examples of approaches taken to reduce or limit these aspects to help manage costs for consumers. Given the propensity of consumers who may be vulnerable to be in more regular contact with solicitors, one legal firm reported to seek to limit communications with the agreement of the consumer.

“Agreeing to speak for example once per week avoids daily build up of correspondence which if I address adds costs.” (Legal firm, small firm)

Over two thirds (69 per cent) of legal firms agreed that consumers who may be vulnerable might experience higher legal costs because their cases often take longer than expected. Legal firms commonly reported in the interviews that trying to keep cases out of court had the potential to avoid more significant costs for clients. It was recognised, however, this was very dependent on the other party in the case. One firm suggested that if the other party was seeking to prolong the case, or if court was a likely outcome, the solicitor would telephone the other party directly and attempt to negotiate. It was reported that this approach was used only where they were directly aware, from having had sight of bank statements, that court appearances would be unaffordable for consumers. Although rare, it does act as an example of solicitor competence around ‘negotiating solutions’ and specifically “*identifying all parties’ interests, objectives and limits*”.⁶⁶

Regular and open communication with consumers on cost was reported by legal firms as an important mechanism to manage costs. The vast majority of legal firms (94 per cent) reported that they frequently provide a breakdown of the cost of services at the initial engagement stage. Legal firms reported the importance of providing realistic cost estimates initially and keeping clients updated on costs by way of regular interim bills. Other examples of practice included agreeing with a consumer a maximum or interim fee level and then discussing case progress and outstanding action as that fee level approached.

4.4 Balancing cost management with business need

The use of these practices was not without challenges for legal firms from a business point of view. The majority of legal firms strongly agreed or agreed (88 per cent) that there was pressure on legal firms to make services more affordable without consideration of the demands on the legal firm as a business.

A perception emerged from the research of smaller firms seeking to help consumers manage their costs. This was principally because their business was more reliant on receiving future business via client recommendations. Additionally, the ability to use their discretion in relation to costs was reported to be easier where the solicitor dealing with consumers was also involved in the management of the firm and

⁶⁶ www.sra.org.uk/competence

was more aware of the cost margins involved. Despite this and the evidence of smaller firms offering pro bono work, one respondent from a legal firm reported:

“Smaller firms can't 'pick up the slack', whereas bigger firms might be able to let it go.” (Legal firm, small firm)

Across legal firms of all types and sizes, there were examples of solicitors reporting to be uncomfortable balancing business need with their ability to support consumers who may be vulnerable with costs, as this respondent reported:

“We are under pressure to juggle moral ethics with targets and keeping jobs.” (Legal firm, medium size firm)

As a consequence of the balancing, one legal firm reported that other firms in the sector might be reluctant to take on consumers who may be vulnerable without evidence that they can cover the anticipated costs.

“The risk is getting rid of clients who have no money and [...] don't pay their bills and demand a lot of time”. (Legal firm, large firm)

Legal firms reported access to justice was an issue as a direct result of cost issues. This was more strongly expressed in the context of the changing availability of legal aid as a result of the LASPO reforms, which is explored in more detail below. Another theme related to LASPO was an increased onus on solicitors to provide assistance to consumers in managing costs, with 83 per cent reporting that there had been an increase in responsibility for solicitors to balance what is best for the consumer with what is affordable for them. As evidenced above, this resulted in the emergence of practices to manage costs, which for many firms from a business point of view made operating in the family law market difficult.

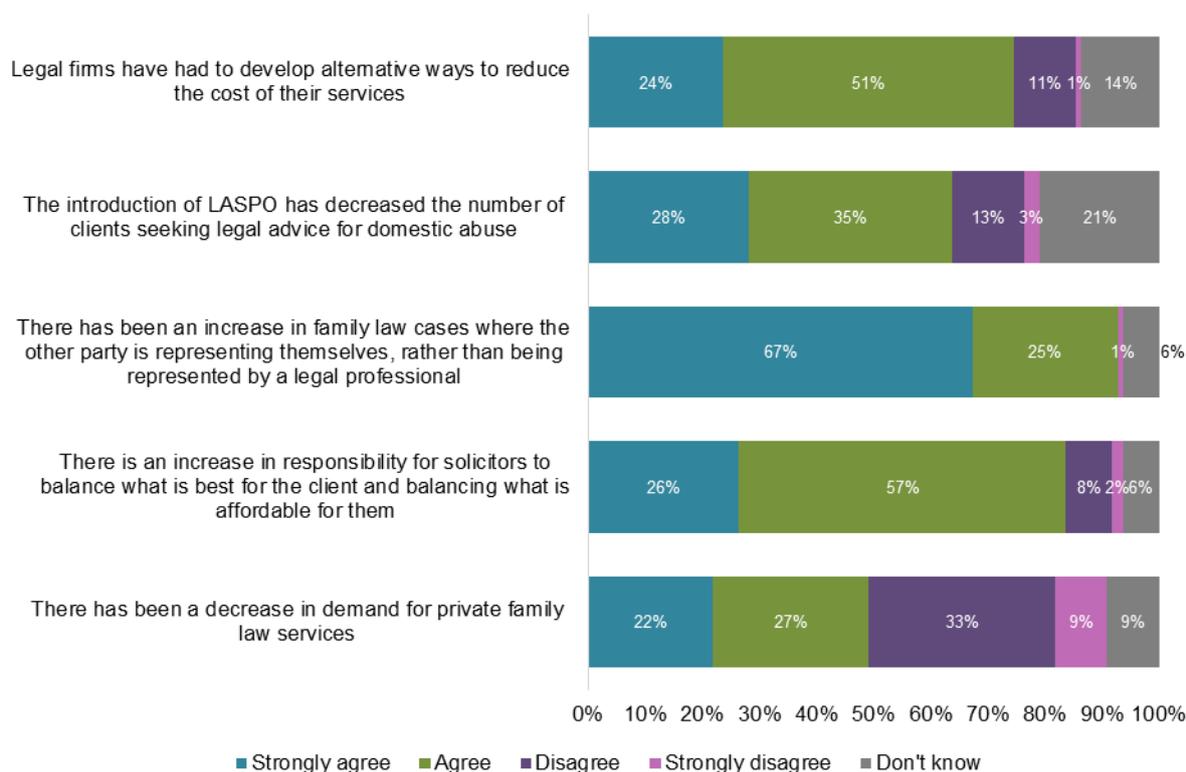
4.5 Accessing legal aid

Of the consumers who responded to the survey, approximately one in five participants (21 per cent) were eligible for legal aid for their case. Of those who were eligible for legal aid funding (23 consumers), six reported to have received legal aid for only part of their case, while 14 received it for their full case. Despite this receipt of fully funded legal provision, there was a perception amongst individual consumers that they were not getting a complete or full service, as this consumer suggests when reflecting on the solicitor input to their case.

“Because I am legal aid they probably thought it is not worth the money. Because you are only limited on what you can have, it means people don't do everything that they probably could.” (Consumer, divorce)

From the perspective of legal firms, through both the survey and interviews, there were perceptions that the LASPO reforms have resulted in a more challenging environment in which to deliver services. Firm perceptions to a series of statements related to the LASPO reforms, are shown below (Figure 4.4).

Figure 4.4 Views of legal firms since LASPO



Source: Ecorys supply survey data; base: 115

63 per cent of legal firms reported a reduction in clients seeking advice for domestic abuse and nearly half of firms said that the demand for family law services has decreased. It was positive to note that 75 per cent of legal firms reported that since LASPO firms have had to find alternative ways to reduce cost suggesting that some degree of innovation may have stemmed from the reforms. This echoes a previous review by the Law Society which reported that legal firms are increasingly developing initiatives to deliver more efficient and affordable services⁶⁷.

The majority of legal firms (92 per cent) strongly agreed or agreed that, since the introduction of LASPO, there has been an increase in the number of family law cases where the other party is representing him or herself, rather than people being represented by a legal professional. This finding supports other research by the Law Society⁶⁸ which predicted a potential impact of LASPO would be an increase in self-representation. As reported above, the practice of unbundling services can prove difficult as a solicitor no longer has oversight or full control of the whole case. The interviews with legal firms confirmed that litigants in person appearing in court were causing delays and additional costs in the court system due to being ill-prepared. This echoes previous evidence on the implications of litigants in person, which highlighted that the "significant increase in LIPs in family courts had cost the MoJ £3.4m in 2013-14."⁶⁹

"If anything [as a result of LASPO] the signposting of clients to mediation has reduced and the ability to channel those clients and their expectations has been lost, leaving them before the court

⁶⁷ The Law Society (2015) Affordable legal services review

⁶⁸ Law Society (2011) Unintended Consequences: the cost of the Government's Legal Aid Reforms

⁶⁹ Grimwood, G. (2016) *Litigants in person: the rise of the self represented litigant in civil and family cases*, Parliament briefing paper, Number 07113

<http://researchbriefings.files.parliament.uk/documents/SN07113/SN07113.pdf>

raw, exposed and completely ill prepared and ill equipped to deal with the issues that judges and courts are now having to manage.” (Legal firm, large firm)

The emotional impact on consumers who represented themselves as a result of not being eligible for legal aid is explored further in the section on quality.

There was less consensus amongst legal firms about the extent to which the LASPO reforms have altered demand within the family services market, with 49 per cent of respondents strongly agreeing or agreeing that there has been a decrease in demand for private family law services since the introduction of LASPO, but 41 per cent strongly disagreeing or disagreeing with the same statement. The change in demand or ability of consumers to access legal services was a strong theme that came through the interviews with legal firms, with the majority expressing negative views on the implications of LASPO in this respect. There was consensus that the reforms had impacted on the number of people who can access legal advice:

“Since LASPO we have to turn away 70 per cent of enquiries because people are not eligible for legal aid anymore.” (Legal firm, medium size firm)

In contrast, legal firms reflected that a consequence of the reforms for other firms in the sector has been a need to take on more cases to offset the lower legal aid fees. This was felt to have a detrimental affect on consumers who may be vulnerable, echoing what consumers themselves report around the perceived standard of service received:

“I have heard of other firms which are very strict about how they deal with legal aid clients which is they just do what they get paid to do which means the service to the vulnerable person is not holistic and good.” (Legal firm, medium size firm)

In contrast to the negative view of LASPO, there were some more positive perceptions. One legal firm, for example, highlighted that a positive effect of the reforms was a change in attitude on the part of some consumers about settling cases in court:

“There is less litigation for the sake of litigation that is a positive effect of LASPO.” (Legal firm, small firm)

The LASPO reforms have clearly changed the delivery environment for solicitors. More widely, solicitors have needed to be more alive to issues of the cost and affordability of legal services and therefore have adapted their practices to respond to cost challenges. The following section examines the quality of service provision based on consumer experiences in the context of these delivery conditions.

5.0 Quality

Key findings

- Almost half (48 per cent) of consumers rated the service provided by family law solicitors as excellent, whereas only one in ten (10 per cent) rated the service as very poor.
- The most common information received by consumers at their initial meeting related to the legal process and services on offer (72 per cent). The least common related to signposting to other resources to help with the case (25 per cent).
- Over 80 per cent of consumers thought that their solicitor had a professional manner and almost 70 per cent thought their solicitor had a good understanding of their case.
- Consumers also praised solicitors with good personal skills as well as their legal skills in family law. It was reported that 'good' solicitors became invested in the case and the outcome, or simply showed sympathy and understanding of the emotional issues involved.
- 41 per cent of consumers needed help with understanding complex information about their cases. This was also the most common adjustment made by legal firms.
- Consumers tended to prefer face to face meetings for their case as a way to feel reassured that the solicitor engaged with the complexity of the issues. Solicitors confirmed that they gained important information from face to face meetings.
- Perceptions of poor quality service tended to arise in isolated examples when cases were passed over to more junior solicitors who were perceived to lack understanding about complex issues or adopt an inappropriate approach to the case.
- There were 21 consumers that were not happy with the service, four of whom made a formal complaint. People who had negative experiences tended not to make complaints as this was perceived as prolonging the stress involved with their case and because they felt it would not affect the outcome.

This section explores the quality of service provision based on consumer experiences.

- Firstly, it provides an overview of the information given to the consumer and the types of services offered by a solicitor. This aims to provide insight into the completeness of the services provided.
- Secondly, it reports on the consumers' perception of the overall service as well as their views about the individual behaviour of the solicitor.
- Thirdly, it explores adjustments made by legal firms to provide a quality service to consumers that may be vulnerable.
- Fourthly, it looks at the training undertaken by legal firms to support vulnerable groups and concludes by exploring complaints and areas of poor quality service.

5.1 Information provided and services offered by a solicitor

The initial meeting or contact with a solicitor is the first opportunity for the consumer to decide whether the solicitor is appropriate for their particular case. According to the surveyed consumers, the following information was provided during their initial meeting or contact:

- Almost three quarters received information on the legal process or services on offer (72 per cent);
- Just over half received information about costs and the typical involvement of the solicitor (57 and 55 per cent respectively);
- Two fifths received information on possible outcomes or issues that may arise (39 and 38 per cent respectively);
- Around a third received information about how to complain, and about the likely completion time for the case or information (35 and 34 per cent respectively);
- One quarter received details of alternative services available (25 per cent); and
- One fifth received resources to help understand their case (20 per cent).

The varied reporting of what information was provided by solicitors could be interpreted as potential areas of non-compliance, with key information such as costs not being provided to consumers. Alternatively it could be accounted for by varying degrees of recall or engagement with the information provided. The latter reflects recent research which looked specifically at the Client Care Letters (CCLs) typically provided by legal service providers. A key finding from the research was very mixed engagement with the CCL, with the majority of consumers only briefly scanning the letters and many not reading them at all. Communication with consumers with specific vulnerabilities *“had the potential to lead to complete disengagement”*⁷⁰.

In the interviews, consumers were generally positive about their experience of the initial interview, and many saw it as an opportunity to share key information as well as to receive it. Consumers described how they valued face to face meetings, particularly initially, as this was felt to be a more appropriate way to introduce their personal issues; as well as being a key opportunity to gauge the professionalism and demeanour of the solicitor. One described a feeling that when all communication was conducted remotely some of the ‘human warmth’ would be lost in the ‘cold’ lawyer language. Others implied that it was difficult to communicate in enough depth, or to articulate, the complexities of their case well enough when the conversation was not face-to-face. Consumers who had experienced domestic violence, in particular, were clear that they wanted more face to face meetings as they needed more assurance from the solicitor throughout the case. This preference for more face-to-face engagement and meetings was also identified by asylum seekers who considered them important in building trust and rapport with their solicitor and in making it easier to share difficult and distressing information in support of their case.⁷¹

However, consumers had different communication preferences. Consumers in the interviews also commented that, while face-to-face meetings were helpful in the beginning, they were not ‘vital’ because the legal process could largely be conducted effectively by telephone, email or letters. Given the cost implications of face-to-face meetings, this was perceived positively. One consumer highlighted that communicating by email meant that she had a clear record of the instructions that she could refer back to and she found it easier to make her points in writing, as her divorce case was quite emotional for her.

⁷⁰ Optimisa Research (2016) Research into Client Care Letters. Available at: https://www.barstandardsboard.org.uk/media/1794566/client_care_letters_research_report_-_final_021116.pdf

⁷¹ Migration Work CIC (2016) *Quality of legal services for asylum seekers*

“It’s probably easier to get your point across via email because when you’re getting divorced it can be quite emotional, you don’t think clearly when you’re trying to get everything out, so from a client point of view doing everything in writing is probably easier.” (Consumer, divorce)

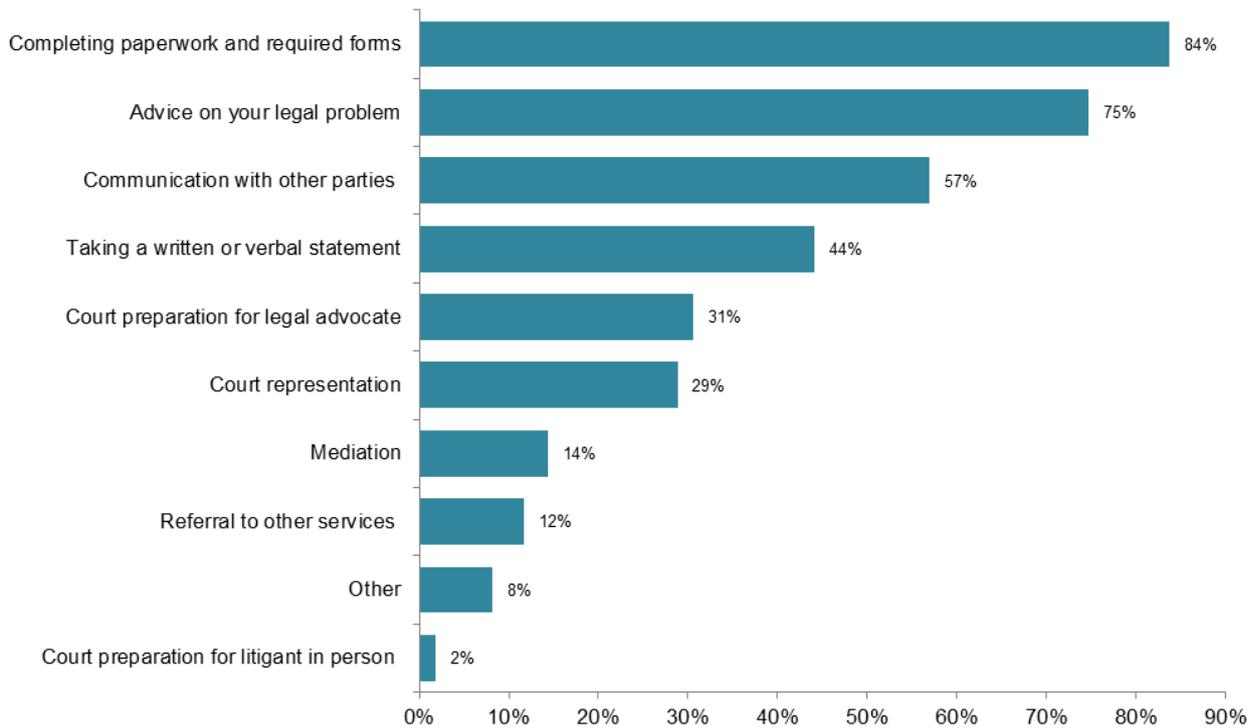
Legal firms also confirmed that face to face meetings, particularly the initial meeting, were an important way to find out the individual needs of the client. Some firms conducted this meeting by formally asking a set of questions, while others based any judgement on their personal experience in noticing additional needs. For many, the initial meeting was the first opportunity to gauge the client’s emotional state and attitude towards their case. One solicitor described the importance of active listening, to learn about the nature of any key relationships, areas of anxiety as well as aspirations for outcomes for the case. Another asserted that the emotional capacity of the client was as important to them as the details of the case:

“The first part [of the initial meeting] is emotional, the second half is practical.” (Legal firm, large firm)

Consumers reported that, as part of their cases, solicitors were most likely to complete the paperwork and required forms (84 per cent) and provide advice on a legal problem (75 per cent) (Figure 4.1). The least commonly reported service was providing support in preparation for a consumer to represent themselves in court (two per cent). This appears relatively low considering the trend for consumers to act as litigants in person, although we do not know how many of our survey respondents appeared as a litigant in person. There were also a low number of referrals to other services (12 per cent) and mediation (14 per cent). The most likely explanation for the differing provision of services evident in the survey findings is that solicitors are responding to the individualised circumstances and needs of a particular case and delivering a tailored service, which helps to meet the competence to *‘Establish and maintain effective and professional relations with clients’*⁷².

⁷² <http://www.sra.org.uk/solicitors/competence-statement.page>

Figure 5.1 Types of services provided by solicitors in family law cases

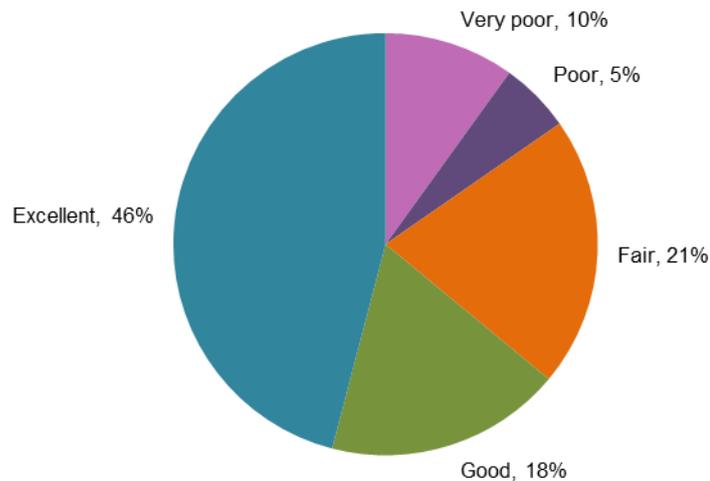


Source: Ecorys demand survey data; base: 111 (consumers who chose to access a solicitor). Valid responses included in the other category were appointing a barrister, finding a specialist to provide advice, translating documents.

5.2 Positive experiences of family law services

In terms of the consumers' overall perception of the service provided by the solicitor, just under two thirds (64 per cent) rated the quality of the service received from their solicitor as either good or excellent – with almost half rating the service as excellent (46 per cent). Consumers were asked to rate their experiences regardless of the outcome of their case to avoid outcome bias in their perceptions.

Figure 5.2 Overall rating of consumers of their experience of family law solicitors



Source: Ecorys demand survey data; base: 111 (consumers who chose to access a solicitor).

This overall positive experience of services was also reflected across the consumers' assessment of the key competencies expected of a solicitor. The following key SRA solicitor competencies⁷³ were covered in the survey with consumers, albeit not worded exactly the same to ensure accessibility for consumers:

- **Communicate clearly and effectively, orally and in writing, including**
 - ▶ ensuring that communication achieves its intended objective
 - ▶ Using the most appropriate method and style of communication for the situation and the recipient(s)
 - ▶ Using clear, succinct and accurate language avoiding unnecessary technical terms

- **Establish and maintain effective and professional relations with clients, including**
 - ▶ Treating clients with courtesy and respect
 - ▶ Providing information in a way that clients can understand, taking into account their personal circumstances and any particular vulnerability
 - ▶ Informing clients in a timely way of key facts and issues including risks, progress towards objectives, and costs

- **Draft documents which are legally effective and accurately reflect the client's instructions including**
 - ▶ Complying with appropriate formalities

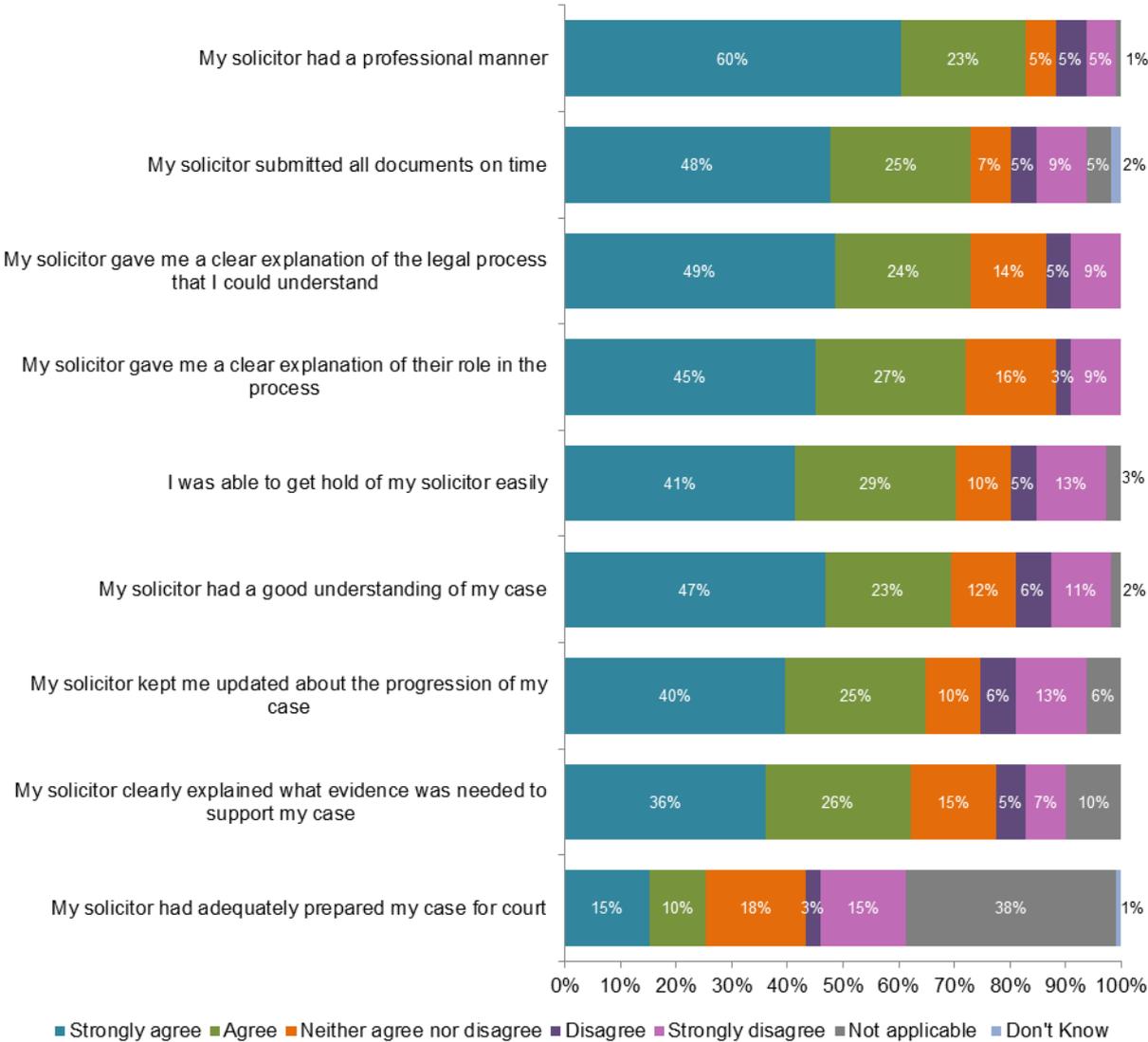
There was fairly consistent agreement among consumers that their solicitors demonstrated the different competence behaviours (average 69 per cent across the statements when the responses of agree and strongly agree are combined) (Figure 5.3). The solicitor's professional manner was most strongly recognised by consumers (60 per cent strongly agreed, 23 per cent agreed) suggesting compliance with the specific SRA competence of *"establishing and maintaining effective and professional relations with clients"* through *"treating clients with courtesy and respect."* The competencies concerned with *"communicating clearly and effectively"* were also strongly evident. For example, 73 per cent of consumers agreed that their solicitor gave a clear explanation of the legal process and 72 per cent agreed that a clear explanation of the solicitors' role in the process was given. Although further specific information of the modes of delivery of these explanations was not gathered from consumers it is reasonable to assert that, in delivering these explanations, solicitors were demonstrating competency in *"using appropriate method and style of communication for the situation and the recipient"* and *"using clear, succinct and accurate language avoiding unnecessary technical terms."*

For behaviours where there was seemingly less agreement or recognition – such as the solicitor adequately preparing for court (only 15 per cent agreement) - it was caused more by the high number of responses of neither agree/nor disagree rather than a particularly high level of disagreement . This may be due to a lack of knowledge as to what is "adequate" in a solicitor preparing for court or because of the proportion of surveyed consumers that needed to prepare for court. As mentioned previously, other research indicated that the knowledge gap between providers and consumers means that consumers may not be able to judge the quality of services even after they have received them⁷⁴.

⁷³ www.sra.org.uk/competence

⁷⁴ GfK (2010) *Research on Consumers' Attitudes towards the Purchase of Legal Services. A research report for the Solicitors Regulation Authority*. London: GfK NOP Social Research.

Figure 5.3 Consumer ratings on different aspects of the solicitor’s practice.



Source: Ecorys demand survey data; base: 111 (consumers who chose to access a solicitor).

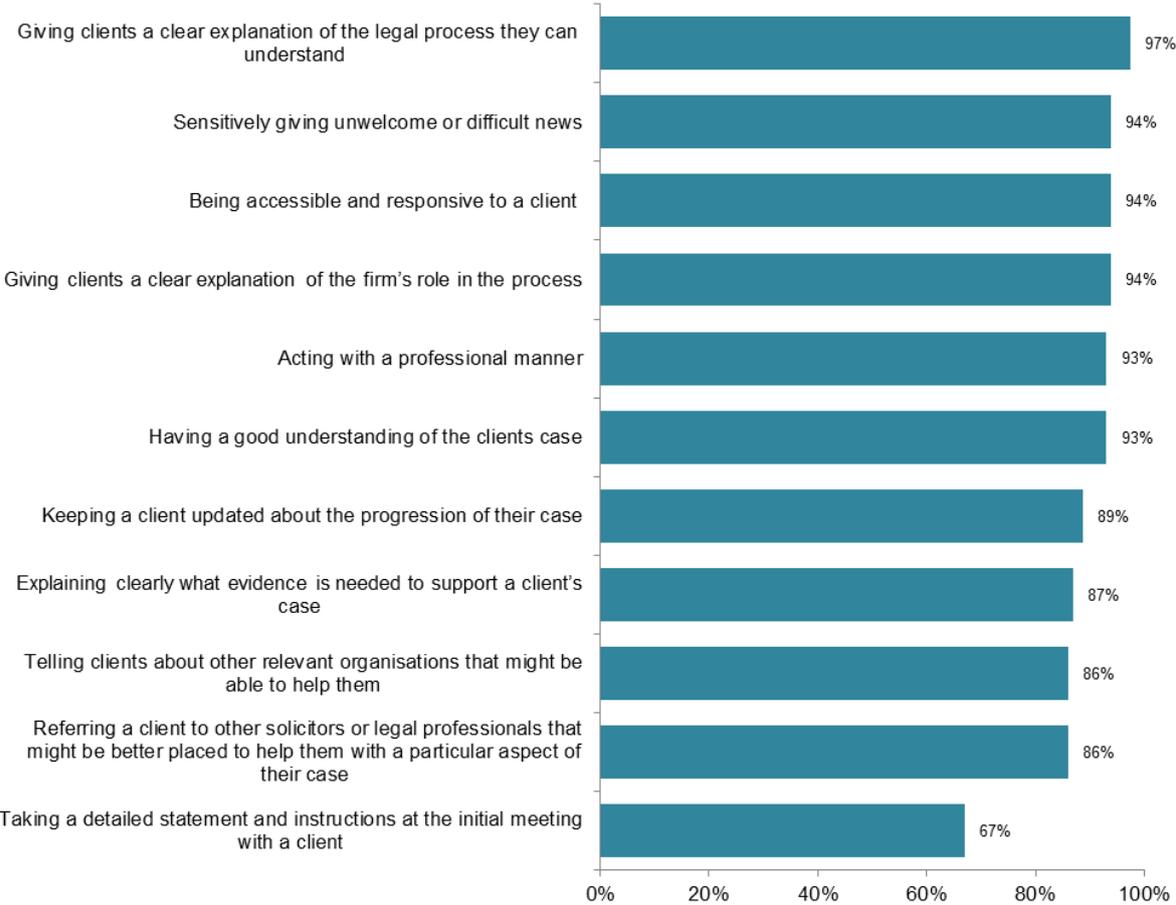
In the interviews, consumers who stated that they had a good experience with the solicitor described the solicitor as showing understanding and empathy for the issues in the case. Pro-activeness on the case, thoroughness and fairness in charging for the legal service were also reported. As indicated in Section 3 on access, the professionalism and experience of family law solicitors was of similar importance to the personal qualities of being empathetic and personable.

Some consumers mentioned that more life experience, or having children, were other helpful qualities for their family law solicitor to possess, as this may help the solicitor to identify with the consumer on what they want from the case. Other consumers were less specific, but thought that a family law solicitor should be aware of, and sensitive to, the significance of the emotional aspects of the case for a client, and not be wholly motivated by financial gain:

“Someone who listens to you shows understanding and treats you as a person, not something that can be charged a fee.” (Consumer, arrangements for children – contact)

From the perspective of the legal firms, there was very strong agreement about what parts of service delivery and competencies were necessary to support clients who may be vulnerable (Figure 5.4). Personal competencies, such as giving clear explanations and sensitively giving difficult news were rated as more important than some of the other aspects of service delivery. This echoes the consumers' views that the personal skills and qualities of a solicitor were just as, if not more, important in dealing with consumers who may be vulnerable, than their legal experience or knowledge.

Figure 5.4 Legal firms' ratings of aspects of the service as very important



Source: Ecorys supply survey data; base: 115.

5.3 Importance of consumer relationship with the solicitor

Consumers confirmed that as well as being legally competent, it was important for the solicitor to have good personal skills and for the consumer to feel able to develop a trusted relationship with their solicitor. For many, this was because their family law issue was sensitive and personal to them, and they wanted to feel comfortable discussing the complexities with their solicitor. Others thought the relationship was important because the solicitor was charging a lot of money for the service and that people should feel confident that the solicitor had their best interests at the heart of the case:

“They (the solicitor) need to be my ally.” (Consumer, divorce)

Legal firms indicated the need to strike a balance between offering emotional support with their core responsibilities to follow the legal process. Mainly, they thought this balance was important because of the financial implications for the consumer. Some indicated that they were sensitive and showed understanding in their interactions with the consumer to a point, but where they identified that high levels of support were needed they could refer people to other organisations. The latter demonstrates evidence of the solicitor competence around *“identifying and taking reasonable steps to meet the particular service needs of all clients including those in vulnerable circumstances.”*

The importance of a holistic service to people who may be vulnerable was identified within the asylum research. Legal advice is only one of the needs of asylum seekers, but their ability to use legal services may be hampered by other unmet needs, such as employment, housing, counselling, therapy and practical support⁷⁵. One solicitor, working as a sole practitioner, thought that a holistic approach to family law cases was important and had developed a network of other professionals to offer support that was outside of her remit as a lawyer, as previously described. Within the network, the solicitor had contact with a financial advisor, an accountant, a counsellor and a surveyor. Through the network, the different professions could make referrals to each other, benefiting their own businesses as well as the needs of the clients. While this example was an exception in our research, several legal firms used their knowledge of other services to offer clients additional support for their emotional needs. Interviews with the consumers also confirmed that they sometimes needed emotional, as well as legal, support from the solicitor.

5.4 Adjustments for vulnerability

Part of ensuring that consumers received the best quality service from legal firms relates to the ability of the legal firm to make adjustments to their practice based on the perceived needs of the consumer. This is in line with the specific competencies around *“understanding and responding effectively to clients’ particular needs, objectives, priorities and constraints”* and *“identifying and taking reasonable steps to meet the particular service needs of all clients including those in vulnerable circumstances.”*

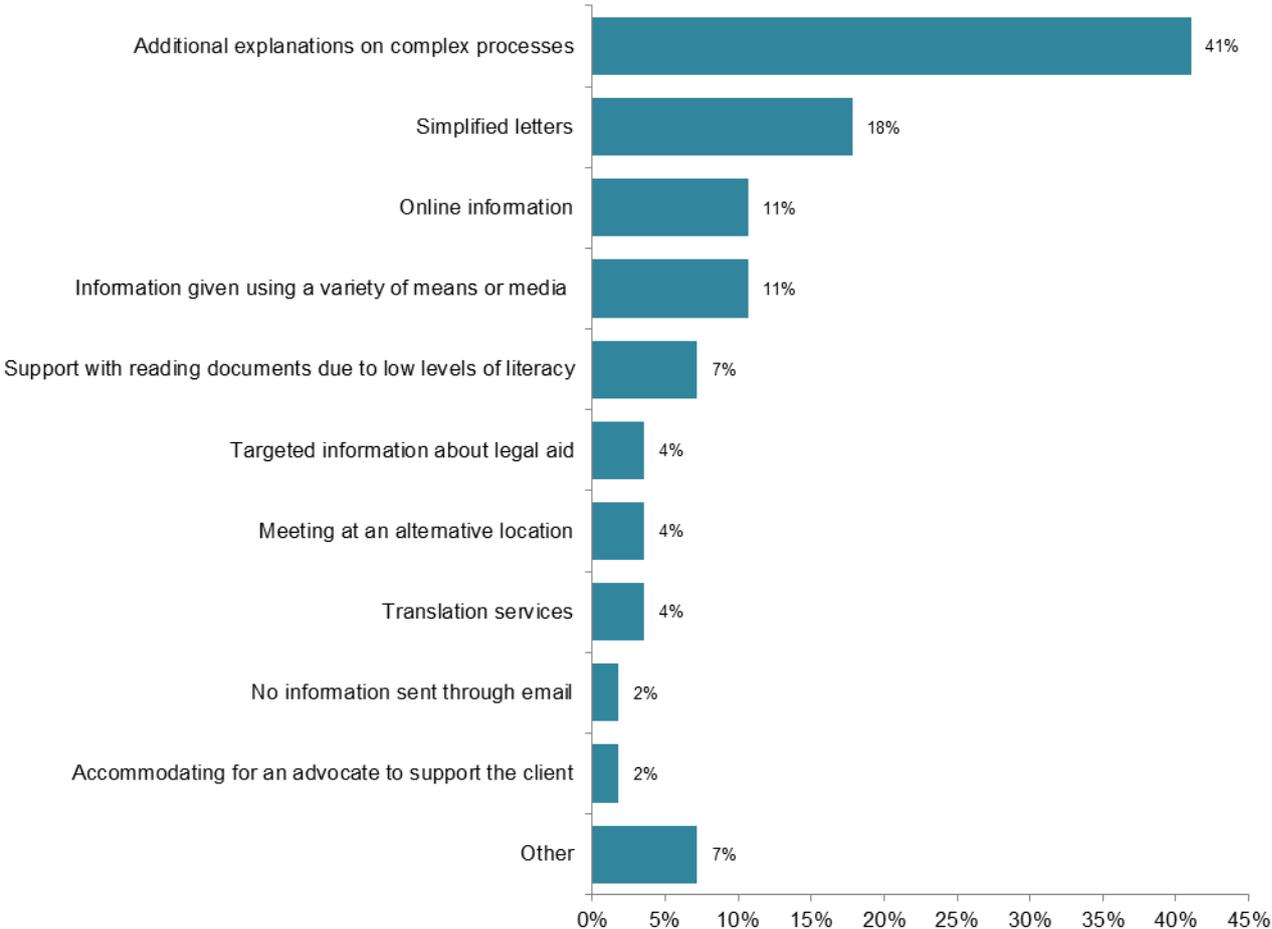
5.4.1 Types of adjustments made by legal firms

From the consumer survey, 53 per cent⁷⁶ reported that they required the solicitor to help them to understand the information provided at the initial meeting. Help was given in a range of ways (Figure 5.5). Most commonly, solicitors helped consumers to understand the information through additional explanations on complex processes (41 per cent).

⁷⁵ Migration Work CIC (2016) *Quality of legal services for asylum seekers*

⁷⁶ Base; 105. Six consumers did not answer this question.

Figure 5.5 Types of adjustments consumers received to understand initial information

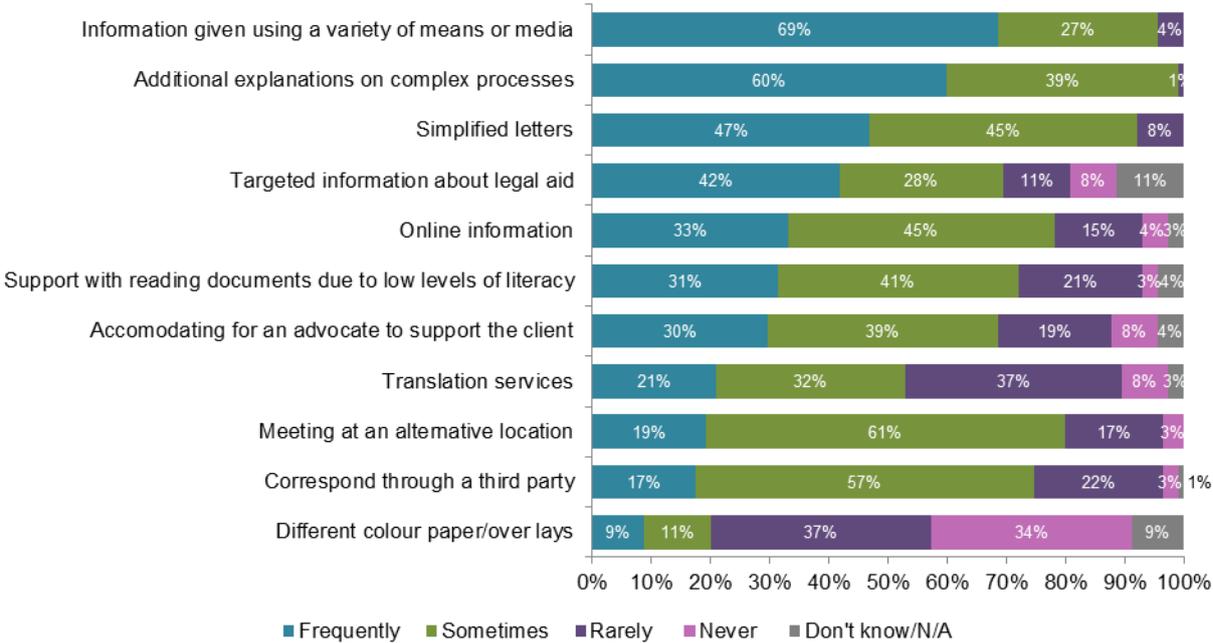


Source: Ecorys demand survey data; base: 56 (consumers who chose to access a solicitor and who reported that they received help with information at the initial meeting). 2 consumers responded 'don't know' and 3 consumers responded 'nothing specific'.

As shown in Figure 5.6, over two thirds (69 per cent) of firms reported that they frequently give information using a variety of means, and 60 per cent reported that they frequently provide additional explanations on complex processes. Firms were much less likely to provide different coloured paper or overlays: 37 per cent reported that they rarely provided this service and 34 per cent reported they never needed to provide this.

This suggests that firms are displaying the SRA competencies to “respond to and address individual characteristics effectively and sensitively”, and to “use the most appropriate method and style of communication for the situation” but there is room for improvement by some legal firms. The data supports the findings that an individual solicitor’s ability and skills to adapt their explanations was more common than firms routinely making information available in alternative formats.

Figure 5.6 How often legal firms use adjustments for clients



Source: Ecorys supply survey data; base: 115

In the interviews, legal firms explained the implications of making the adjustments reported above. One area of practice that often required adjustments was information about the case that could only be provided in writing, such as providing information in the Client Care Letter (CCL) or a written statement for a case. This required solicitors to be able to make adjustments to ensure the communication was accessible and understandable, whilst still maintaining the same detailed information. Solicitors described how they needed to highlight and explain complex terminology to clients, but there were a few clients who also had lower levels of literacy for who they needed to choose the language and length of the communication more carefully. For consumers who were partially sighted, firms adapted text size and used particular fonts. Other adjustments that solicitors identified as important for communication on a case were often down to the judgement and discretion of the solicitor, based on their professional experience and knowing what works well on different types of cases. These examples of adjustments and attempts by solicitors to make communications more accessible echo the recommendations made in recent research⁷⁷ looking specifically at the CCL, which suggested that legal services providers should play a central role in providing support to enable consumers to overcome barriers they face in engaging with legal services communications.

In some firms, the frequency with which they needed to make additional adjustments on cases meant they had established processes in place to do so. One legal firm, for example, had an established relationship with an advocate, who they could contact to obtain additional information or advice to help support consumers. When a client had a need that the firm had not experienced before, legal firms described needing to respond flexibly to ensure that they could provide full support on the case. One legal firm described the first time they needed to arrange sign interpreters for a client who was deaf. In this example, the consumer arranged and paid for the service, using a provider that the consumer had

⁷⁷ Optimisa Research (2016) Research into Client Care Letters. Available at: https://www.barstandardsboard.org.uk/media/1794566/client_care_letters_research_report_-_final_021116.pdf

previously worked with and who was reasonably priced, but the firm's ability to accommodate the need meant they have subsequently gone on to work with more deaf consumers.

Legal firms described how the adjustments they made most frequently, particularly related to communication with the client, were done without the consumer being aware of the bespoke practice. Partly because implementing these adjustments were simply part of delivering a good service, but also because drawing the client's attention to the adjustment either during or after the case may undermine the relationship they had developed and it was important that the adjustments were not perceived as patronising.

5.5 Training for solicitors to support vulnerable groups

The research has highlighted the need for solicitors to have good personal skills, including listening, understanding and relating with a client to understand the complex and emotional aspects of their case. It has also identified a number of strategies and adjustments that solicitors adopt to ensure that their service is accessible and high quality for consumers who have additional needs.

Despite this, there was little evidence indicating that solicitors in family law accessed training to help develop these skills - only just over a third (36 per cent) of firms in the survey stated they offered formal training to their staff who worked for clients with additional needs and who may be vulnerable. In the follow up interviews, the legal firms described training on vulnerability as relatively limited and there was little available that specifically focused on working with different types of vulnerability. Most of their decisions were based on professional judgement and experience.

If the solicitors had attended training, it was mainly delivered by an external provider and was largely done on an individual basis rather than being organised by the firm. In legal aid firms, there were more examples of training being provided internally, such as supervision of junior staff as a requirement of the legal aid contract, but they were still supplementing this by attending training held by external providers (e.g. local disability centre) or resources published online (e.g. by Resolution). Where legal firms organised or facilitated more widespread access to training, the motivations for this were to be able to offer high quality work to people who may be vulnerable and to deliver the service consistently across the firm.

Some solicitors thought that training focused on consumer vulnerabilities would not necessarily be in high demand across the family law sector as a whole, as they thought most solicitors working would not consider their clients to be vulnerable. However, others thought that if the training was marketed from the perspective of what the solicitor would gain and included practical tips on ways to support specific client groups such as those that are homeless, alcoholic, or have mental health issues, then solicitors may be more likely to attend the training.

Another view was that until solicitors received the training and were made aware of the gaps in their knowledge, they would not realise the benefits that could be gained from attending training, so they suggested developing the training as a free, widely available resource in the first year, and then later charging a fee.

5.6 Complaints and areas of poor quality service

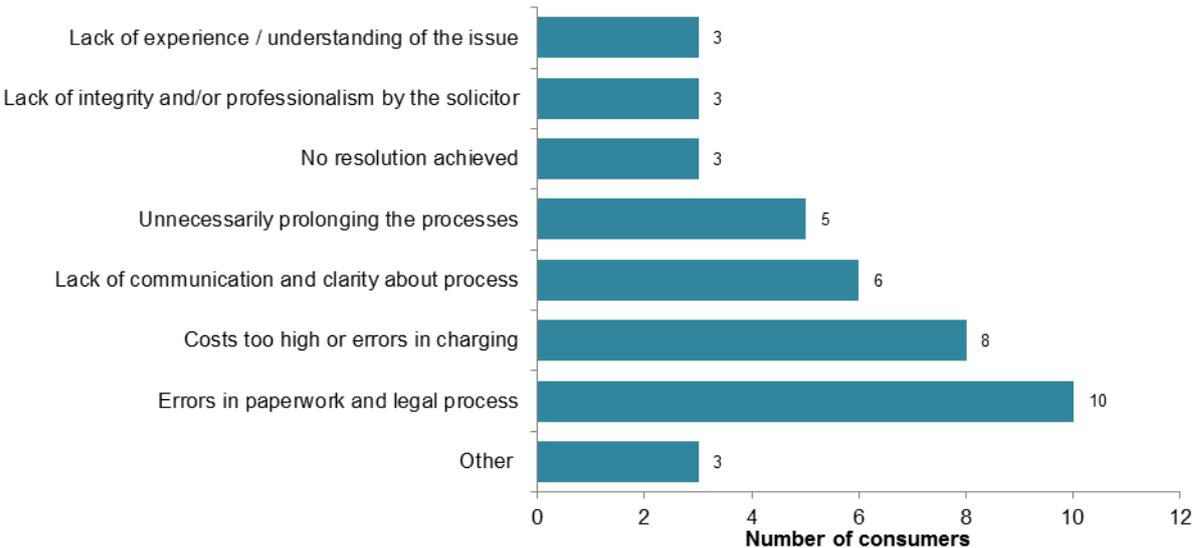
In the survey, 21 consumers reported that they were unhappy with parts of the service they received. Out of those 21, only four followed a formal complaints process. Reasons for not pursuing a complaint included not being aware of the process (four), concerns that it would either have a negative impact on the case (two) or cause delays (two), as well as not feeling comfortable to complain to the firm (two) or talk about the experience (two). One further consumer expressed that making a complaint would only add additional stress to her already complex life and she did not have the support she needed to do so.

“I was already battling with child welfare issues and concerns, as well as having to move house after I had bereavement. I would have been making a complaint with no support or help. It would have been impossible.” (Consumer, arrangements for children)

This supports other research, both in the legal sector and in other sectors, about the practical and psychological barriers to making a complaint, which also found high degrees of uncertainty about the process and the impact of making a complaint on any ongoing work or relationship⁷⁸.

A third of respondents (38) also identified areas of practice that they felt could have been improved or additional support they would have welcomed. The areas of concern, in the main, related to errors in paperwork and other parts of the legal process (such as preparing for court) (Figure 5.7).

Figure 5.7 Issues that consumers thought could have been improved in the service



Source: Ecorys demand survey data; base: 38 (consumers who accessed a solicitor and reported that the service they received could have been improved)

In the follow up interviews, individual consumers raised similar concerns about aspects of their cases, which had had an impact on their overall experience, but were not significant enough to warrant a formal complaint. Attention to detail was again a theme here, and consumers explained that it was frustrating because it undermined the progress of the case as well as their confidence in the solicitor.

⁷⁸ DJS Research (2016), *Understanding consumer experience of complaints handling*, Citizen's Advice; YouGov (2012), *Consumer experience of complaint handling in the legal services market - Premature Complaints*, Legal Ombudsman; Migration Work CIC (2016), *Quality of legal services for asylum seekers*, Solicitors Regulation Authority and Legal Ombudsman

Some consumers commented that these types of issues arose when their case was passed over to a more inexperienced member of the firm; however, one consumer specifically said that she did not make a complaint as *“she did not want to blame the solicitor for being younger and not as experienced.”* In this case it was not clear if it were a paralegal or solicitor who completed the work. However, it was pointed out that with the high fees for hourly work, there should not be an excuse for typing errors and paperwork going missing.

“Somebody charging that much for paperwork shouldn’t make mistakes... if it was somebody in industry they would be sacked.” **(Consumer, divorce)**

While these areas of poor quality services were highlighted, they serve as isolated examples, with the majority of consumers reporting a more positive experience and good quality service being delivered by the large majority of legal firms. The more significant issues that consumers mentioned in the interviews related to advice that the solicitor gave which added to the stress or which was perceived to be misguided, given their case details. One consumer explained that she was confident to represent herself in court, but on reflection was not prepared for the impact the hearing would have on her. She felt that the solicitor should have been able to convey this risk from her experience of other cases and, either prepare her better for it, or advise her against it.

“She didn’t make the connection between my being a confident person who could represent myself and history of sustained abuse. I was sat in court next to the man who had abused me for years. I was being attacked in front of people, the judge the lawyer...I had to stand up alone and it was like continuing the abuse. In the end it would have been worth the money to have somebody there with me.” **(Consumer, arrangements for children)**

The following section brings together the findings on quality with those on access and cost to provide a summary of the key issues that emerged from the research.

6.0 Key issues and conclusions

This final chapter draws together and reflects upon the evidence from the research with consumers and legal firms, and highlights some of the key issues and ideas for good practice in family law.

6.1 Key issues

The research found that consumers in family law generally had a positive experience of services provided by a solicitor and were satisfied with the support they had received.

6.1.1 Consumer vulnerability

- The research adds further evidence to the existing literature about consumers' vulnerabilities having implications for accessing legal support for family law issues. As previous research by the LSCP⁷⁹ highlighted, situational vulnerability arises where consumers are seeking to access legal assistance when they are in a state of acute difficulty and stress.
- The majority of consumers asserted that it was important to find the 'right' solicitor for their case to ensure that the solicitor would understand and engage with the complexities and sensitivities of their case.
- The legal firms reported that survivors of domestic abuse were often the least confident when seeking legal advice. This was confirmed in the research as the consumers who had experienced domestic abuse also voiced the most concern about seeking assurance about the experience of their solicitor, as they needed the legal professional to understand how abusive and controlling relationships can affect all aspects of a relationship dynamic and may have an impact on their case as it progressed.
- There was a general trend in the survey data that legal firms had strong recognition of many personal and situational characteristics. These were frequently reported as increasing an individual consumer's vulnerability but they reported a lower instance of encountering them in practice. For example, only 17 per cent of firms reported that they supported consumers with learning disabilities, and 21 per cent supported mental health issues, whereas 92 per cent and 89 per cent respectively agreed that these characteristics were associated with vulnerability.

6.1.2 Access

- Overall the research found that in terms of access there was not an issue for consumers in finding appropriate services to support a family law issue.
- The majority of consumers chose to access a solicitor for their case and most were also able to access services locally.
- Some consumers needed to act quickly given their situation and as such there was less time to review the different agencies and services available.
- Consumers who were seeking to choose between solicitors reported some difficulty in accessing sufficient information to make this decision, particularly in relation to transparent information about

⁷⁹ Optimisa Research (2016) Research into Client Care Letters. Available at: https://www.barstandardsboard.org.uk/media/1794566/client_care_letters_research_report_-_final_021116.pdf

costs. This was in contrast to earlier research by the CMA⁸⁰ where the majority of consumers reported ease in making cost comparisons in identifying a legal service provider.

- There was varied reporting by consumers of the information provided by solicitors upfront. Just under half of consumers (43 per cent) reported not to have received information on costs and only a third (35 per cent) were given information on how to complain. While this varied reporting of what information was provided could be an effect of recall on the part of consumers, there is potential evidence of non-compliance with the recommended key information to be provided to consumers. These findings together provide some evidence that consumers faced 'information vulnerability', as identified in previous research by Cartwright⁸¹.
- Positively, in response to the access issues relating to available information to consumers, as well as the likelihood that not all consumers were able to conduct research, legal firms reported to have implemented several strategies to help. These included telephone screening systems, trained staff to receive initial calls, longer initial meetings and free initial sessions. These types of practices suggested that legal firms were able to provide meaningful information to help consumers make an informed choice about which services to access, even once they have approached a solicitor.
- Legal firms with a legal aid contract frequently reported that they were partnered with voluntary organisations supporting specific groups – most often these organisations were working with people who had experienced domestic abuse in their relationship. These partnerships benefitted the firm as a business, as the referrals from the voluntary organisation generated a significant proportion of work for the firm, particularly if a lot or all of their work was publicly funded. In return though, legal firms thought that the consumers were less anxious about accessing legal services as they trusted that the solicitor would have the skills to handle their case.

6.1.3 Quality

- There was evidence that legal firms supported the additional needs of consumers with vulnerabilities, in pursuit of delivering a good quality service and meeting core competencies set out in the SRA's Competence Statement. Specifically this was around "understanding and responding effectively to clients' particular needs" and "identifying and taking reasonable steps to meet the particular service needs of all clients including those in vulnerable circumstances."
- The main practice that legal firms reported related to helping clients to understand the legal process and the complexities in their case, as well as ensuring the comprehension of the information they then provided. Over two thirds (69 per cent) of firms reported that they frequently give information using a variety of means, and 60 per cent reported that they frequently provide additional explanations on complex processes. This suggests that there is a degree of compliance with the SRA competence to "respond to and address individual characteristics effectively and sensitively" but there is room for improvement for a significant proportion of firms.
- Legal firms confirmed that adjustments in their communication was very important, partly because they needed to develop a trusting and understanding relationship with the consumer, but also because it was their duty to ensure that the consumer had fully understood the advice they had received. In line with the competence of "using the most appropriate method and style of communication for the situation" legal firms reported that they conducted their adjustments in a range of ways. This included using different media and strategies, often without the consumer being aware,

⁸⁰ Competition and Markets Authority (2016) Market study into the supply of legal services in England and Wales – consumer findings

⁸¹ Cartwright, P (2011) The Vulnerable Consumer of Financial Services: Law, Policy and Regulation <https://www.nottingham.ac.uk/business/businesscentres/crbfs/documents/researchreports/paper78.pdf>

though it was standard practice to ask the consumer in the first meeting how they would prefer to receive communication.

6.1.4 Costs

- There was strong recognition amongst legal firms of their role and responsibilities in terms of ensuring costs of legal services were manageable. 85 per cent of legal firms agreed that it is their responsibility to ensure that clients are aware of alternative funding options as a way to reduce their legal costs and 67 per cent agreed that with appropriate guidance, clients should be able to manage the cost of their legal cases effectively. 84 per cent of consumers paid for the costs themselves, although many used loans or credit cards to be able to do so.
- In practice this led to a number of practices, offered by legal firms. Some of the more flexible approaches to improve access to services, such as unbundling, presented challenges for the legal firm and the consumer. Whereas others, such as fixed fees, were more challenging to implement in family law cases which are complex or unpredictable. At present, the most popular solution to supporting consumers in paying for legal support is by agreeing a payment plan for the case. While this approach is helpful for those who indicate that they need it, it does not avoid the high costs often involved in legal advice and representation, and if cases transpire to be more complex the consumer is at greater risk of having to pay the money back over a longer period.
- There was evidence in the research of legal firms operating in a way to ensure they are transparent and fair with their fee arrangements, and to help consumers to understand how their actions and behaviour may impact on the cost of their case.
- Overall the evidence from consumers and legal firms confirms that legal firms have responded positively to issues or challenges relating to cost. However, the cost of family law services remains high and while the majority of consumers reported that they are managing the cost, for some this required use of credit, reliance on family support or placed pressure on family finances. This is relevant in family law cases, such as divorce and child custody, where the issues can be highly emotive and the outcomes life changing for those affected, meaning that consumers will find a way to pay for the service. In doing so, how they finance the costs can be less sustainable, particularly for cases that become protracted.
- Additionally, more people needing to access services for a family law issue are choosing to pursue their case as litigants in person, for either all or part of the legal process, as a way to avoid or reduce the fees of legal services. As well as affecting how consumers access the justice system, the increase has the potential to have an impact on practices by legal firms and judges in the court, who have to more regularly ensure that the legal processes are being followed correctly and fairly by the litigants in person⁸².
- The relative ease of implementing these cost and delivery adjustments for consumers who may be vulnerable varied depending on the legal firm, as some would be able to absorb the costs but others not, and therefore the additional charges would be made on discretionary basis, often using the information available to them about the client's financial capacity. While not explicitly examined in this research a key issue is the potential sustainability of these practices. On the whole legal firms working in family law are working in a low cost environment and evidence emerged of many of the practices being the result of individual solicitors' discretion rather than firm wide policies or practice.

⁸² Grimwood, G.G. (2016) *Litigants in person: the rise of the self represented litigant in civil and family cases*, Parliament briefing paper, Number 07113
<http://researchbriefings.files.parliament.uk/documents/SN07113/SN07113.pdf>

As such, there is a risk that the good practice identified through this research (as outlined below) may not be sustained across the market.

6.2 Good practice and innovations

A range of examples of what were considered to be good practice by family law firms were identified through the research and have been categorised based on the stage in the legal process to which they applied to – initial engagement, main engagement, and managing costs for the client (as set out below). The firms said that their practices had multiple benefits, although these have not been tested from the consumer point of view. Firstly, they would either enable consumers to appropriately access their services and other key services appropriately, ensuring that the firm was delivering high, and consistent, quality to all consumers; or help their consumer to manage the cost of the case and pay their charges. Secondly, implementing these examples of good practice also meant that the legal firm was able to manage their caseload more efficiently and allow for their business to meet costs and make a profit whilst still meeting the additional needs of the clients.

6.2.1 Initial engagement

Good practice relating to the initial contact or meeting were implemented by legal firms to help the consumer make a decision about which legal service to access, as well identifying at an early stage if any adjustments were needed for clients who may be vulnerable. Examples of good practice, some of which are innovative, included:

- A telephone triage service to signpost to other services if the legal firm is not able to help.
- Identifying early on if the client is eligible for legal aid and advising on access to the funding.
- Free 30-60 minute initial appointments to discuss case details and meet with the consumer face to face.
- Planning longer initial appointments for consumers who appear more likely to have additional vulnerabilities to ensure that there is opportunity to discuss the case properly and understand any complexities.
- Asking a series of questions in the initial meeting to discover whether the consumer has any additional needs.
- Establishing the preferred mode of communication in the initial meeting as well as identifying any other additional needs or preferences that could be supported.
- Taking into consideration any additional needs of the client or the complexity of case before assigning the case to a particular partner at the firm.

6.2.2 Main engagement

Good practice relating to the main engagement once the solicitor had been instructed were implemented by legal firms to ensure that the legal advice and representation was of high quality and responsive to any additional needs. Examples included:

- Making a note on the consumers' file of any additional needs that needed to be considered and supported during the case to ensure others in the firm were aware.

- Establishing relationships with a range of agencies to help provide support for additional needs (such as translation or advocacy).
- Offering a home visit to ensure that the consumer is able to access the service and meet with a solicitor where mobility or other issues prevented the consumer visiting the solicitor's office.
- Internal training or informal advice to partners at the firm on how to communicate appropriately with consumers.
- Identifying where clients have additional emotional needs and making appropriate referrals to voluntary organisations offering support, private counsellors, or advisory services.
- Professional networks to provide the required support for consumers who may be vulnerable outside of legal matters e.g. finance and housing matters. This may help to limit the time spent on a case by solicitors thus reducing the cost for consumers.

6.2.3 Managing costs for the client

Examples of good practice to support management of costs included:

- Providing information to the client upfront about parts of the case that they can easily do themselves and which may save them money.
- Open and regular communications on costs to ensure consumers are aware from the beginning, and as the cases progresses, of the likely costs for their case.
- Providing transparent information about the fees to ensure that consumers make informed decisions on their case and how to instruct their solicitor.
- Providing an estimate on costs based on the initial response from the other party, as an indication of how straightforward or complex the case may be.
- Engaging with a litigant in person by providing information on the legal process to help them progress the case more efficiently.
- Availability of options to assist consumers meet the cost of the legal services e.g. payment plans, fixed price packages or work completed by lower fee professionals.

The research also highlighted that there were areas of improvement, which are also worth noting in order to develop good practices. The main areas of improvement are the information made available to consumers to enable them to make an informed decision about which solicitor to instruct; and the consumers' ability to assess service quality and take action when the service falls below their expectations.

6.3 Concluding thoughts

The aim of this research was to explore from the perspective of consumers and firms the experiences of family law services, in terms of access, cost and quality; as well as common issues arising in the wider family law market. The research also aimed to explore the vulnerability of consumers in family law and the impact this has on their experience of services. Since the introduction of the legal aid reforms in 2013, the family law market has undergone some significant changes in terms of how consumers engage with services, and the approach legal firms and other services need to adopt to meet their needs.

In terms of vulnerability, the research found that there are a high proportion of consumers in family law who are vulnerable, and that more often this vulnerability is related to their reason for needing to access legal services, either to do with abuse in a relationship or the stress involved with making arrangements for children.

There were also findings of groups of consumers who found it difficult to access resources to help them in their decision making, or who had to make decisions under pressure and therefore did not have time to make an informed decision. There were also consumers who found it challenging to identify solicitors with appropriate experience or access the required cost information to make informed decisions. Further work could be undertaken to assess the feasibility of a resource to allow consumer comparisons of legal firms before they are engaged. Similarly some further research work could explore the potential area of non-compliance with key information such as costs not being provided to consumers at the initial contact point.

The research has highlighted ways legal firms are responding to different needs of consumers, to address additional needs and potential vulnerabilities, and to a large extent these responses are appropriate. Overall the experience of consumers is good and in line with the expected competencies of a solicitor. However, many of the adaptive practices and adjustments are still developing in firms. Examples are either driven by a single motivated individual, implemented on a largely discretionary basis at the firm, and with little formal training for solicitors to attend to gain the appropriate skills. This therefore suggests that further work, particularly formal training, would help to develop or address a gap in the knowledge and skill base of some solicitors.

Underpinning the issue is that there is currently little business incentive for family law firms to adapt their services for consumers with additional needs, and the adjustments can also incur additional costs to the client. This research has highlighted some examples of good practice, while some areas appear to require improvement. In light of this, there would be merit in the SRA disseminating these findings to assist legal firms in providing suitable support to consumers, particularly those who may be vulnerable.

Annex One: Technical Annex

Annex One: Technical Annex

This annex provides further detail on the methodology used for the research to explore the experiences of consumers who may be vulnerable in family law. A mixed methods approach to data collection with consumers (demand research) and legal firms (supply research) was delivered between August and September 2016. Specifically a survey was conducted with consumers using Computer Assisted Telephone Interviewing (CATI) followed by a series of qualitative in-depth interviews conducted by telephone. An online survey of legal firms was completed and also complemented by qualitative in-depth interviews.

1. Demand Research

1.1 Consumer survey

Survey design

The survey questions for the consumer survey were developed from the overarching research objectives developed by SRA, discussions at the inception meeting and a focused document review exercise of additional documentation and literature on consumer expectations and experiences of legal systems. The draft questionnaire was developed in consultation with the SRA research team and included a mixture of open and closed questions. Appropriate routing was used in the survey to explore specific issues depending on respondent type and legal issue/service accessed thus avoiding any unnecessary repetition or irrelevant questions. The survey was subsequently piloted and small changes made before the main stage fieldwork. A full version of the questionnaire including routing instructions can be found in Annex Two.

Sampling

Given the absence of a list of consumers who had accessed family law, the sample of consumers was constructed through two routes.

A targeted route was pursued with several partnered charities, which used their own networks and social media channels to raise awareness of the survey and share a specific link to a data capture form to collect contact details of participants. The charities that were able to help with this online promotion were: Women's Aid, Relate, Gingerbread, Netmums, Mumsnet, Only Dads, and Sheffield Young Carers. A range of engagement materials were designed and shared with the partner organisations to assist with consistent promotion of the survey. The wording used in the material was approved by the SRA to ensure that it was in accordance with their guidelines on promoting research. In addition, dissemination was undertaken through social media and relevant forums.

The second route for generating a survey was through a calculated random sample of the general population using a Random Digit Dial telephone sample⁸³. The sample was stratified so that it included sample of each of the nine standard geographical regions across England and Wales. On receipt of the sample, records were reviewed to identify sample quality, removing any records with incomplete or missing details.

⁸³ Random digit dialling (RDD) is a method for selecting people for involvement in telephone surveys by generating telephone numbers at random. This approach has the advantage that it includes unlisted numbers that would be missed if the numbers were selected from a phone book.

Across both sample strands, the research sought to include consumers who had a recent experience of accessing, or trying to access, legal services for family law issues. Principally the focus was those who had used solicitors; as well as those who had sought help from other advisory services or who had represented themselves in legal proceedings but no specific quotas were set for each of these situations. As part of the purpose of this research was to explore the impact of the changes to legal aid introduced by the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) on the accessibility and affordability of family law services, the sample of consumers was restricted to those with experience since April 2013. Screening questions were used in both the data capture form and initial part of the survey with the general population sample to ensure the sample respected these requirements.

Pilot stage

A piloting exercise was undertaken in August 2016 to test the wording, length and flow of the consumer questionnaire. A total of 10 interviews were conducted in the pilot stage. Several changes were made to the questionnaire following the pilot in terms of removal of some questions and categories in order to reduce overall length.

Main stage survey

Interviewers who were to undertake the main stage computer-assisted telephone interviewing (CATI)⁸⁴ survey were briefed by the Survey Lead and received a set of interviewer instructions which contained information on the background to the survey including the aims and objectives and the detail of the questionnaire and CATI script. Quality control during survey implementation was immediate using the automated system and run in conjunction with the fieldwork. The Survey Lead also 'listened in' to interviews to check that all briefing instructions are being followed. Similarly, quality monitoring also involved 'watching' interviews being completed on screen, again to check that all instructions and routings are followed effectively.

117 consumers were interviewed in total, between August 23rd and September 18th 2016. This included 15 per cent of responses from the targeted route and 85 per cent from the general population route. The interviews lasted 30 minutes on average – interviews took longer for those who accessed a solicitor and were in receipt of legal aid. The majority of the sample was White British (91 per cent) and female (56 per cent).

Data coding and processing

A final data file was produced containing data relating to the interview questions and derived variables and categories. Survey data was analysed using the SPSS statistical package. Coding was conducted for the open-ended questions, with code frames prepared by the survey team and checked and approved by the research team. Staff also checked verbatim answers entered by interviewers at the 'other – please specify' questions and the final survey question which asked for any final comments.

1.2 In-depth consumer interviews

Qualitative research followed completion of the consumer survey to add insight to the quantitative research findings. A series of focus groups were originally planned but lower than anticipated opt-ins and a wider geographical spread meant individual interviews were conducted instead.

⁸⁴ Computer-assisted telephone interviewing (CATI) is a telephone surveying technique in which the interviewer follows a script through a software application.

Research design

A topic guide was designed using the emerging survey findings. It was designed to explore in more depth the issues raised in the survey, as well as examples of good practice adjustments made by the solicitor or advisory service.

Sampling and recruitment

The consumer survey served as a recruitment mechanism with a final question asking for consent to re-contact consumers to conduct a more in-depth discussion. In total 32 consumers opted in to the follow on research. These consumers were subsequently re-contacted to arrange an interview. 23 in depth interviews with consumers conducted between 14th September and 30th September 2016. Table A1.1 provides an overview of the key characteristics of the sample.

Table A1.1 Sampling frame of consumers included in the qualitative research

	East Midlands	East of England	London	North East	North West	South East	South West	Wales	West Midlands	Yorkshire and Humber	Total
Arrangement for children - contact	1	1	1		1		1	1			6
Arrangements for children - residence					1					2	3
Divorce or separation			1							2	3
Domestic Violence			1		1		3			1	6
Property, estate and trust settlements				1		1			2		4
Pre-nuptial (and other financial) agreements				1							1
Total	1	1	3	2	3	1	4	1	2	5	23

These interviews were an hour long and conducted on the telephone. Notes including verbatim quotes were written up into an analysis grid immediately following the interviews. This allowed compilation of research data from across all the interviews allowing analysis to be conducted across interviews.

2. Supply Research

2.1 Legal firm survey

Survey design

A draft questionnaire was developed in consultation with the SRA research team for the legal firm survey. The purpose of the survey with legal firms was to find out about the practices and adjustments made by legal firms for consumers identified to be vulnerable, such as specific advertising route or training, as well as alternative strategies and measures taken on cases. As such the questionnaire included a mixture of

open and closed questions. The survey was subsequently piloted and small changes made before the main stage fieldwork. A full version of the questionnaire including routing instructions can be found in Annex Two.

Sampling

A sample was generated from SRA records of legal firms in England and Wales with some proportion of their turnover attributed to family law. The overall survey population consisted of 3,905 SRA regulated firms. The sample included a mix of different size of legal firms and those with differing degrees of specialism in terms of family law. All were invited to take part in the survey through an email invitation.

Pilot stage

A piloting exercise was undertaken in August 2016 to test the questionnaire. This was completed by opening the survey to all with the addition of a feedback question at the end. Following completion of this question by 5 legal firms, it was removed. No changes were made the questionnaire after this piloting.

Response rate

A total of 115 responses were received during the four week survey period between 17th August and 19th September 2016, three per cent of the total sample. Email and telephone reminders were used during this period to prompt respondents to complete the survey. A further 96 (three per cent of contacts) partially completed the survey but did not submit their response.

Table A1.2 Overview of responses for legal firm survey

Response Overview	Counts
Total invitations	3672
Complete	115
Incomplete	96
Hard Bounce*	55
Soft Bounce**	149
No reply	3257
*The email address is correct but the mail bounced back **The mail was bounced back undeliverable	

The relative high no-reply rate increases the risk of non-response bias (i.e. the answers of respondents are different from the potential answers of those that did not answer). As the respondents are only a sample of the total 'population' of legal firms who work in family law, we cannot be certain that the figures obtained are exactly those we would have if all participants had been interviewed (the 'true' values). The achieved sample of 115 gives a confidence level of 95 per cent with a confidence interval of +/-9 per cent.

Data coding and processing

A final data file was produced containing data relating to the interview questions and derived variables and categories. Survey data from closed questions was analysed using the SPSS statistical package. Data from open-ended questions was separately analysed using manual content analysis.

2.2 In-depth interviews with legal firms

Qualitative in-depth interviews followed completion of the legal firm survey to add insight to the quantitative research findings.

Research design

A topic guide was designed using the emerging survey findings. It sought to explore perceptions of the practices reported in the survey as well as gather more in-depth information on the examples of good practice adjustments made by individual firms. A final version of the topic guide is provided in Annex Two.

Sampling and recruitment

The legal firm survey served as a recruitment mechanism with a final question asked for consent to re-contact legal firms to conduct a more in-depth discussion. In total 25 legal firms opted in to the follow on research, with five additional contacts sourced directly from the SRA. 16 in depth interviews with legal firms were conducted between 14th September and 14th November 2016. The profile of these firms is outlined in Table 6.3 below.

Table A1.3 Sampling frame of legal firms included in the qualitative research

Size of casework in family law / Region	East	East Midlands	London	Midlands	North East	South East	South West	Yorkshire and the Humber	Total
Very small					1			1	2
Small	1	1	1				1		4
Medium						2			2
Large			1	1					2
Very Large			2			1		1	4
Grand Total	1	1	4	1	1	3	1	2	14⁸⁵

These interviews were an hour long and conducted on the telephone. Notes including verbatim quotes were written up immediately following the interviews into an analysis grid. This allowed compilation of research data from across all the interviews allowing analysis to be conducted across interviews.

1.1.1 Limitations of the data

Having agreed the approaches above, the generation of a sample and data collection proved challenging due to a number of factors, resulting in a lower response rate than expected to both the demand and supply surveys. The lower response rates to both surveys limit the extent to which the findings can be generalised for the wider population of legal firms or consumers. As such the findings should be treated as illustrative trends amongst both groups. In respect of sub-group analysis, the small numbers mean that findings should also be treated with caution. Where this is the case, the analysis that follows makes this clear.

⁸⁵ Profiling data is not available for 2 legal firms whose contacts were secured from the SRA directly.

Annex Two: Questionnaires and Topic Guides

Annex Two: Questionnaires and Topic Guides

Supply research - online questionnaire

Ecorys UK (an independent research organisation) has been commissioned by the Solicitors Regulation Authority (SRA) to investigate the views and practices of solicitors in firms offering family legal services in England and Wales to clients that may be vulnerable.

The insights and opinions of individual solicitors and solicitor firms are fundamental to the validity and robustness of this work and we would therefore encourage you to spend 15 minutes completing this questionnaire.

The aims of this survey are to i) develop a profile of the legal firms offering family legal services ; ii) explore perceptions regarding issues of vulnerability for clients of family law; and iii) explore examples of practice and services offered to clients who may be vulnerable.

We thank you in advance for your contribution.

This first section is to find out more detail about family law services offered by your legal firm.

1.1. Which areas of family law is your firm active in and how long have you operated in each of these areas? (Please tick all that apply)

	Less than 2 years	2-5 years	More than 5 years	Do not work in
1. Divorce or separation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Family mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Civil partnership dissolution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Cohabitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Arrangements for children – contact with children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Arrangements for children – residence/custody of children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Prenuptial (and other financial) agreements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Parental responsibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Property, estate or trust settlements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.2. How many family law cases (ongoing and completed) did your firm handle in the last 12 months? (Please tick all that apply)

	1-9	10-24	25-49	50-99	100-499	500+
1. Divorce or separation	<input type="checkbox"/>					
2. Family mediation	<input type="checkbox"/>					
3. Civil partnership dissolution	<input type="checkbox"/>					
4. Co-habitation	<input type="checkbox"/>					
5. Domestic violence	<input type="checkbox"/>					
6. Arrangements for children – contact with children	<input type="checkbox"/>					
7. Arrangements for children – residence/custody of children	<input type="checkbox"/>					
8. Pre-nuptial (and other financial) agreements	<input type="checkbox"/>					
9. Parental responsibility	<input type="checkbox"/>					
10. Property, estate or trust settlements	<input type="checkbox"/>					

1.3. Which of the following accreditations are held by your legal firm (and how many years held?)

Family Law Accreditation Scheme	<input type="checkbox"/>	<input type="checkbox"/> years
Children Law Accreditation Scheme	<input type="checkbox"/>	<input type="checkbox"/> years
Family Mediation Accreditation Scheme	<input type="checkbox"/>	<input type="checkbox"/> years
Family Law Advanced Accreditation Scheme	<input type="checkbox"/>	<input type="checkbox"/> years
Wills and Inheritance Quality Scheme	<input type="checkbox"/>	<input type="checkbox"/> years
Lexcel Practice Management standard (Lexcel)	<input type="checkbox"/>	<input type="checkbox"/> years
Specialist Quality Mark (SQM)	<input type="checkbox"/>	<input type="checkbox"/> years
None of the above	<input type="checkbox"/>	

A person with vulnerability is typically someone who is at a higher risk of harm than others. A client may be vulnerable due to **personal characteristics**, such as health problems, or because of a **situation**, such as divorce or bereavement.

We would like to explore your perceptions regarding family law clients and issues of vulnerability.

2.1. How often does your firm provide legal assistance to clients with the following personal characteristics?

	Never	Rarely	Sometimes	All the time	Don't know
Old age	<input type="checkbox"/>				
Young age	<input type="checkbox"/>				
Low Income	<input type="checkbox"/>				
Low literacy	<input type="checkbox"/>				
Learning disabilities	<input type="checkbox"/>				
Cultural barriers	<input type="checkbox"/>				
Physical disabilities	<input type="checkbox"/>				
Mental health issues	<input type="checkbox"/>				
English as a second language	<input type="checkbox"/>				
Health problems	<input type="checkbox"/>				
Living far away from your office	<input type="checkbox"/>				
Being a carer for another adult	<input type="checkbox"/>				
Lack of internet access	<input type="checkbox"/>				
Lone parent	<input type="checkbox"/>				

2.2. FOR THOSE PERSONAL CHARACTERISTICS EXPERIENCED BY THE FIRMS – RARELY OR SOMETIMES OR ALL THE TIME AT 2.1

To what extent do you agree or disagree that the following **personal characteristics** reduce someone's ability to engage with the legal process?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
Old age	<input type="checkbox"/>				
Young age	<input type="checkbox"/>				
Low Income	<input type="checkbox"/>				
Low literacy	<input type="checkbox"/>				
Learning disabilities	<input type="checkbox"/>				
Cultural barriers	<input type="checkbox"/>				
Physical disabilities	<input type="checkbox"/>				
Mental health issues	<input type="checkbox"/>				
English as a second language	<input type="checkbox"/>				
Health problems	<input type="checkbox"/>				
Living far away from your office	<input type="checkbox"/>				
Being a carer for another adult	<input type="checkbox"/>				
Lack of internet access	<input type="checkbox"/>				
Lone parent	<input type="checkbox"/>				

2.3. How often does your firm provide legal assistance to clients who are in any of the following situations?

	Never	Rarely	Sometimes	All the time	Don't know
Living alone	<input type="checkbox"/>				
Living in poor living conditions	<input type="checkbox"/>				
Homelessness	<input type="checkbox"/>				
Threat of harm	<input type="checkbox"/>				
Survivor of domestic abuse	<input type="checkbox"/>				
Victim of crime or accident	<input type="checkbox"/>				
Bereavement	<input type="checkbox"/>				
Loss of income	<input type="checkbox"/>				
Relationship breakdown	<input type="checkbox"/>				
Loss of employment	<input type="checkbox"/>				
Having recently left care	<input type="checkbox"/>				
Threat of deportation	<input type="checkbox"/>				
Concern over contact with children	<input type="checkbox"/>				
Concern over child welfare	<input type="checkbox"/>				

2.4. FOR THOSE SITUATIONS EXPERIENCED BY THE FIRMS – SOMETIMES OR ALL THE TIME AT 2.3

To what extent do you agree or disagree that the following **situations** reduce someone’s ability to engage with the legal process?

	Strongly agree	Agree	Disagree	Strongly disagree	Don’t know
A. Living alone	<input type="checkbox"/>				
B. Living in poor living conditions	<input type="checkbox"/>				
C. Homelessness	<input type="checkbox"/>				
D. Threat of harm	<input type="checkbox"/>				
E. Survivor of domestic abuse	<input type="checkbox"/>				
F. Victim of crime or accident	<input type="checkbox"/>				
G. Bereavement	<input type="checkbox"/>				
H. Loss of income	<input type="checkbox"/>				
I. Relationship breakdown	<input type="checkbox"/>				
J. Loss of employment	<input type="checkbox"/>				
K. Having recently left care	<input type="checkbox"/>				
L. Threat of deportation	<input type="checkbox"/>				
M. Concern over contact with children	<input type="checkbox"/>				
N. Concern over child welfare	<input type="checkbox"/>				

2.5. Does your firm provide specific training to staff working with clients who may be vulnerable with any of the previously mentioned personal characteristics or situations?

Yes,

No,

Don't know

2.5i. Please can you briefly describe what this training includes?

(Max.100 words)

3.1. Thinking of the previously mentioned-personal characteristics and situations, does your firm have any specific advertising or referral routes for engaging clients who may be vulnerable?

Yes,

No,

Don't know

3.2. Please can you briefly describe what these specific advertising or referral routes involve?

(max.100 words)

3.3. Describe up to three successful ways your firm identifies any vulnerabilities of clients at the initial engagement stage.

1. (max.100 words)

2. (max.100 words)

3. (max.100 words)

4.1 How often is the following information provided to clients who may be vulnerable when they first contact you?

	Frequent ly	Sometim es	Rarely	Never	Don't know/N/ A
Details about the services on offer	<input type="checkbox"/>				
Client care letter	<input type="checkbox"/>				
Breakdown of cost for services	<input type="checkbox"/>				
Resources to help them understand their case	<input type="checkbox"/>				
Likely outcome of their case	<input type="checkbox"/>				
Other, please specify (max.100 words)	<input type="checkbox"/>				

4.2How often are the following services then provided to clients who may be vulnerable?

	Frequent ly	Sometim es	Rarely	Never	Don't know/N/ A
1. Advice on their legal problem	<input type="checkbox"/>				
2. Taking a written or verbal statement	<input type="checkbox"/>				
3. Completing paperwork and required forms	<input type="checkbox"/>				
4. Written communication with other parties (e.g. other solicitors)	<input type="checkbox"/>				
5. Verbal communication with other parties (e.g. other solicitors)	<input type="checkbox"/>				
6. Mediation	<input type="checkbox"/>				
7. Court preparation for legal advocate	<input type="checkbox"/>				
8. Court preparation for litigant in person	<input type="checkbox"/>				
9. Court representation	<input type="checkbox"/>				
10. Referral to other services (e.g. family mediation)	<input type="checkbox"/>				
Other, please specify (max.100 words)	<input type="checkbox"/>				

4.3 Please rate the importance of each of the following aspects of service delivery when legal firms are working with vulnerable clients, where 1 is 'not at all important' and 5 is 'very important'?

	Not at all important 01	2	3	4	Very important 5	Don't know
A. Giving clients a clear explanation of the legal process they can understand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Giving clients a clear explanation of the firm's role in the process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Taking a detailed statement and instructions at the initial meeting with a client	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Having a good understanding of the clients case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Explaining clearly what evidence is needed to support a client's case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Keeping a client updated about the progression of their case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Being accessible and responsive to a client	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Acting with a professional manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Sensitively giving unwelcome or difficult news	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Referring a client to other solicitors or legal professionals that might be better placed to help them with a particular aspect of their case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K. Telling clients about other relevant organisations that might be able to help them	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.4. How often does your firm make any of the following adjustments for clients?

	Frequently	Sometimes	Rarely	Never	Don't know/N/A
Support with reading documents due to low levels of literacy	<input type="checkbox"/>				
Online information	<input type="checkbox"/>				
Different colour paper / over lays	<input type="checkbox"/>				

	Frequent ly	Sometim es	Rarely	Never	Don't know/N/ A
Information given using a variety of means or media (e.g., letter, email, meetings)	<input type="checkbox"/>				
Correspond through a third party	<input type="checkbox"/>				
Simplified letters	<input type="checkbox"/>				
Additional explanations on complex processes	<input type="checkbox"/>				
Targeted information about legal aid	<input type="checkbox"/>				
Accommodating for an advocate to support the client	<input type="checkbox"/>				
Translation services	<input type="checkbox"/>				
Meeting at an alternative location	<input type="checkbox"/>				
Other, please specify (max.100 words)	<input type="checkbox"/>				

4.5. ASK if answered FREQUENTLY, SOMETIMES OR RARELY at Q4.4

Do these adjustments incur additional charges for the client?

	Yes	No	Don't know/N/ A
Support with reading documents due to low levels of literacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Online information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Different colour paper / over lays	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Information given using a variety of means or media (e.g., letter, email, meetings)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correspond through a third party	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Simplified letters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No	Don't know/N/A
Additional explanations on complex processes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Targeted information about legal aid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accommodating for an advocate to support the client	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Translation services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meeting at an alternative location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, please specify (max.100 words)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.6. Describe two successful ways your firm supports clients who may be vulnerable that need adjustments to access legal services:

1. (max.100 words)

2. (max.100 words)

4.7. What are the main challenges in providing legal assistance to clients who may be vulnerable that need adjustments to access legal services?

(max.100 words)

4.8. What are the benefits to your firm in providing support/making adjustments to support the access of clients who may be vulnerable?

(max.100 words)

5.1. To what extent do you agree with the following statements based on the experience of your legal firm?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
Clients who may be vulnerable might experience higher legal costs because their cases often take longer than expected.	<input type="checkbox"/>				
The cost of family law services is a barrier for clients who may be vulnerable to access appropriate legal assistance.	<input type="checkbox"/>				
With appropriate guidance, clients should be able to effectively manage the cost of their legal cases.	<input type="checkbox"/>				
A range of ways exists for legal firms to offer reduced fees for their services.	<input type="checkbox"/>				
It is the responsibility of legal firms to ensure that clients are aware of alternative funding options as a way to reduce the cost of their legal support.	<input type="checkbox"/>				
There is pressure on legal firms to make services more affordable without consideration of the demands of the firm as a business.	<input type="checkbox"/>				
Unbundling family law services causes problems for some cases	<input type="checkbox"/>				
Unbundling family law services causes problems for our firm	<input type="checkbox"/>				

5.2. What proportion of cases for clients who may be vulnerable cost more than initially predicted?

Less than 10%	<input type="checkbox"/>
10% – 25%	<input type="checkbox"/>
26% – 50%	<input type="checkbox"/>
51% -75%	<input type="checkbox"/>
76% - 100%	<input type="checkbox"/>

Don't know

5.3. What are the main reasons a case can be more expensive for a client who may be vulnerable?

(max.100 words)

5.4. How often does your firm offer the following to potentially reduce or manage the cost to clients who may be vulnerable?

	Frequent ly	Sometim es	Rarely	Never	Don't know
Paralegal services	<input type="checkbox"/>				
Lower cost alternative	<input type="checkbox"/>				
Unbundled services	<input type="checkbox"/>				
Fixed price packages	<input type="checkbox"/>				
Payment plans	<input type="checkbox"/>				
Online packages	<input type="checkbox"/>				
Free initial advice for 30 or 60 minutes	<input type="checkbox"/>				
Pro-bono services	<input type="checkbox"/>				
Signpost to other services (e.g. mediation)	<input type="checkbox"/>				

5.5. Describe two successful ways your firm helps clients who may be vulnerable to manage the costs of their case.

1. (max.100 words)

2. (max.100 words)

6.1. Does your firm have a Community Care Contract?

Yes,	<input type="checkbox"/>
No,	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

6.2. Does your firm provide targeted information on Legal Aid for family law services?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If requested by the client	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

6.3. Ask if answered yes at Q6.3 Please provide some details of the types of information your law firm provides.

(max.100 words)

6.4. Approximately, what proportion of applicants are successful in receiving legal aid for their case?
(Please provide a percentage)

Don't know	<input type="checkbox"/>
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6.5. Has the proportion of clients who may be vulnerable accessing private family law services at your firm changed since the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO, 2012)?

Decreased	<input type="checkbox"/>
Remained the same	<input type="checkbox"/>
Increased	<input type="checkbox"/>

Don't know

6.7. Since LASPO (2012), to what extent do you agree or disagree with the following statements:

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
There has been a decrease in demand for private family law services	<input type="checkbox"/>				
There is an increase in responsibility for solicitors to balance what is best for the client and balancing what is affordable for them	<input type="checkbox"/>				
There has been an increase in family law cases where the other party is representing themselves, rather than being represented by a legal professional	<input type="checkbox"/>				
The introduction of LASPO has decreased the number of clients seeking legal advice for domestic abuse	<input type="checkbox"/>				
Legal firms have had to develop alternative ways to reduce the cost of their services	<input type="checkbox"/>				

6.8. If you have other comments on the legal aid reforms, please provide a summary below

(max.100 words)

The next questions will help us to profile the family law market.

We appreciate that some of this information may not be readily available to you so we kindly ask you to provide a best estimate from your existing knowledge.

7.1. Currently, how many full-time equivalent (FTE) staff does your firm employ?

1	<input type="checkbox"/>
2-4	<input type="checkbox"/>
5-10	<input type="checkbox"/>
11-25	<input type="checkbox"/>
26-80	<input type="checkbox"/>

1	<input type="checkbox"/>
81+	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

7.2 How many partners work at your firm?

1	<input type="checkbox"/>
2 - 4	<input type="checkbox"/>
5 - 10	<input type="checkbox"/>
11 - 25	<input type="checkbox"/>
26 - 80	<input type="checkbox"/>
80+	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

7.3. For each occupational type, how many FTE employees principally work on family law cases (i.e. at least half of their work load relates to family law cases)?

Solicitor – owner/partner/director	<input type="checkbox"/>
Solicitors – non partner	<input type="checkbox"/>
Barrister	<input type="checkbox"/>
Chartered legal executives	<input type="checkbox"/>
Paralegals	<input type="checkbox"/>
Legal secretaries and other staff	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

7.4. What percentage of firm's work is in family law?

0-5	<input type="checkbox"/>
5-25	<input type="checkbox"/>
25-50	<input type="checkbox"/>
50-75	<input type="checkbox"/>
75-100	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

7.5 What legal constitution type is your firm?

Partnership	<input type="checkbox"/>
Sole practice	<input type="checkbox"/>
Company limited by shares	<input type="checkbox"/>
Limited liability partnership	<input type="checkbox"/>
Unlimited company	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

7.6 What SRA constitution type is your firm?

Recognised body	<input type="checkbox"/>
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Recognised sole practitioner	<input type="checkbox"/>
Licensed body (ABS)*	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

7.7 What is the turnover band of your firm?

£0 - £19,999	<input type="checkbox"/>
£20,000 - £149,999	<input type="checkbox"/>
£150,000 - £499,999	<input type="checkbox"/>
£500,000 - £999,999	<input type="checkbox"/>
£1,000,000 - £2,999,999	<input type="checkbox"/>
£3,000,000 - £9,999,999	<input type="checkbox"/>
£10,000,000 - £29,999,999	<input type="checkbox"/>
£30,000,000 - £69,999,999	<input type="checkbox"/>
£70,000,000 -£149,999,999	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

7.8. Finally do you have further comments that you would like to make?

(max.100 words)

As part of this research, we also plan to conduct telephone interviews during August and September with a sample of solicitor firms. These interviews will allow further exploration of the key issues identified in this survey. The interview will last up to 40 minutes and can be conducted at a time convenient to you. We would be grateful if you could indicate whether you would be happy to be contacted to arrange a telephone interview.

8.1. If you wish to be contacted for a follow-up interview, please select below:

1. Yes
2. No

8.2. If yes at Q8.1 If you are happy to be contacted, please complete the following contact details

Name:

Job Title:

Email:

Thank you for your participation.

Supply research – in depth interview topic guide

Part 1. Background to the legal firm and respondent

1. Can I just confirm your role within the firm and how long you have worked there?
2. Can you provide some more detail about the type of work that your firm does in family law?

Part 2. Vulnerability

3. In the survey you said that you stated that X, X and X (**Qu 2.2/2.4**) are strongly related to vulnerability in family law. Are there any other characteristics or situations not mentioned that you think are related to vulnerability in family law?

Part 3. Accessibility for clients who may be vulnerable

4. **(If answered yes in survey Q3.1)** In the survey, you gave details about specific advertising routes offered by your firm to attract clients who may be vulnerable. Please can you provide some more detail about this:
 - Why was this route introduced?
 - What does it involve?
 - How often are clients referred through this route?
 - What works well?
 - How could it be improved?
 - What is the benefit for clients and the firm?
5. **(If response provided at survey Q3.3)** Can you provide more detail about the approaches your firm uses to identify the vulnerabilities of clients?
6. What makes your approaches to identifying clients successful? *Prompt - benefits to the client and benefits to the firm.*

Part 4. Working with clients who may be vulnerable

7. What is your perception of how the overall family law sector deals with vulnerability?
8. In the survey, you described ways that you make adjustments for clients (**Q4.4/Q4.6**):
 - For each adjustment identified could you provide more detail on the nature of them?
 - What was the rationale/catalyst for making these adjustments?
 - Were the adjustments based on requests from clients?
 - Overall, how successful do you think the adjustments have been? (*Prompt examples*)
9. Have you obtained any feedback from clients about the adjustments at your firm?

10. Are there any needs or vulnerabilities that you are not able to meet at your legal firm? If yes, why can these not be met, what are the barriers, and what do you do in these situations (e.g., signpost elsewhere)?

Part 5. Costs of services for clients who may be vulnerable

11. Across the family law market, do you think there are differences in the costs of services to non-vulnerable and vulnerable clients? If yes, why?
12. **In our survey, almost 70 per cent of solicitors agreed or strongly agreed that costs may be more for vulnerable clients because their cases are often longer than predicted.** Do you agree, and if so, what are the main reasons for it?
13. **(If response provided at survey Q5.3)** In the survey you described other reasons cases can be more expensive for clients who may be vulnerable:
- How often does this occur?
 - How much of an issue is this for the client?
 - When this occurs, how does your firm handle it?
14. **93 per cent of solicitors in our survey agreed that there is pressure on legal firms to make services more affordable without consideration of the demands of the firm as a business.** In what ways can legal firms ensure a balance between the firm's needs as a business and the consumer's needs?
15. **(If response provided at survey Q5.4/5.5)** In the survey, you mentioned ways to help clients manage the costs of their case:
- What effect does this have for a client?
 - How easy or difficult is this for your firm to deliver?
 - Has your firm considered any other measures around costs? If not why?
16. **(Framed according to the response provided at survey 5.1)** You [agreed/disagreed] that unbundling family law services can cause problems for firm/client. Can you provide more detail to your answer?
17. How could the wider family law market help/improve the way firms can manage the cases of vulnerable clients?

Part 6. Legal aid reforms

18. **Over 80 per cent of the solicitors in our survey have seen an increase in litigants in person, since the Legal Aid, Sentencing and Punishment of Offenders Act was introduced in 2013.** Do you agree there has been an increase, and if so, in what ways has it had an impact on your practice?
19. What other changes have you seen to practice in family law since LASPO?

Part 6. Solicitor competence and skills

20. In family law, do solicitors need to learn any specific or additional skills to work effectively with vulnerable clients in family law? What about specific/additional technical skills?

21. To what extent do solicitors need to adopt different strategies on cases with clients who may be vulnerable to accommodate their needs?
22. Are there aspects of legal advice or representation that are harder in cases with vulnerable clients compared to other cases? *Prompt areas of legal practice – fact finding, legal research, legal advice, drafting documents, advocacy, negotiating, and progressing cases.*
23. Are there aspects of legal advice or representation that are more straightforward?

Part 7. Training

24. To what extent is training available in the wider family law market to help solicitors work with clients who may be vulnerable? *Prompt: how do they find out about available courses? How do they decide which one to choose?*
25. **(If answered yes in survey Q2.5)** In the survey you gave details about training provided at your firm to staff working with clients who may vulnerable. Please can you provide some more detail about this training:
 - Why do you provide training?
 - What training do staff receive?
 - Who provides the training? (External company/another external specialist/internally delivered)
 - How often is training delivered?
 - Which staff receive the training (e.g., fee-earning solicitors only or does it include other support staff)?
 - What is the quality like of the training?
 - i. How do you assess quality?
 - How does it help engagement with clients?
 - i. Do you measure or test the effectiveness of the training in terms of improving engagement with clients? If yes, how do you do it and what are the outcomes?
- 23 b. **(If answered no in survey Q2.5)** Why don't you provide training to staff? *Prompt reasons – e.g. tried to find training courses; not been able to find a course that suited their firm or clients; not known where to look.*
26. Do the staff at your firm get any other forms of support? If so, how does this help engagement with clients?

Part 8. Final comments

27. Do you think there is any support that the market could provide to clients who may be vulnerable in family law cases?
28. Do you think there is any support that the market could provide to help solicitors improve their legal advice or representation to vulnerable clients in family law cases?
29. Do you have any other feedback or comments?

Demand research – Computer Assisted Telephone Interview (CATI) questionnaire

SCREENER 1: TARGETED SCREENER

Hello, my name is XXX and I am researcher working at Ecorys UK, an independent research organisation. I am contacting you because you recently expressed an interest in taking part in a piece of research we are conducting on behalf of the Solicitors Regulation Authority (SRA).

This research aims to find out people's experience of accessing or trying to access legal support and advice for family issues in the last few years. Findings from this research may be used to help the SRA to design and distribute guidance for firms to inform solicitors how to support and advise people with legal needs.

Is it a convenient time to conduct a telephone interview with you at the moment, I just need about 10-15 minutes of your time please?

A1. Please can I confirm that I am speaking to [NAME FROM TARGET SAMPLE?]

INTERVIEWER: DO NOT READ OUT

1. Yes
2. No

INTERVIEWER: IF NOT NAMED CONTACT, FIND OUT IF THEY ARE AVAILABLE TO SPEAK TO. IF NOT AVAILABLE, ARRANGE CALL BACK

Ask if Yes at A1

Great, thanks. Before we start the survey I need to let you know that taking part is voluntary. You do not have to answer any question you do not feel comfortable with and you can stop the survey at any point. All your responses will be treated confidentially and the data will be stored in line with the Data Protection Act 1998. Your individual responses from this survey will not be shared outside of our organisation or used for any purpose other than the research.

A2. Are you happy to continue?

INTERVIEWER: DO NOT READ OUT OPTIONS BELOW.

1. Yes, continue
2. No, **INTERVIEWER: ARRANGE APPOINTMENT TO PHONE BACK AT ANOTHER TIME**
3. No, no longer interested

IF yes at A2_1 PROCEED TO QA2a

A2a Can I confirm that you have sought or needed to seek legal services for support or advice in relation to 'REASONS TO ACCESS FAMILY LAW SERVICES.'

INTERVIEWER ASK: Can I confirm **was** that within the last three years or more than that?

11. Divorce or separation
12. Family mediation
13. Civil partnership dissolution
14. Co-habitation
15. Domestic violence
16. Parental responsibility

17. Arrangements for children – contact with children
18. Arrangements for children – residence/custody of children
19. Pre-nuptial (and other financial) agreements
20. Property, estate or trust settlements
21. None of the above.

If A2a= 10 or 11. Thank and close

- A2x.**
1. Within the last 3 years
 2. More than 3 years ago

ASK A2b IF ONLY ONE REASON FROM A2a IS SELECTED. IF MORE THAN ONE ANSWER SELECTED AT A2a SKIP TO A2c

A2b To confirm we understand that you have needed to access legal services for **[ANSWER SELECTED AT A2A]** in the last 3 years. Please consider your answers to the survey in relation to this experience.

A2c To confirm, we understand that you have received legal services for **[P REASONS SELECTED FROM A2A]** within the last 3 years

A2d. Which of these reasons was your most recent experience of legal services?

A2ii Where did you go for legal advice or assistance for this most recent issue?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NECESSARY.

1. Solicitor
2. Other legal professional (e.g. barrister)
3. Voluntary organisation
4. Citizen's Advice Bureau
5. Child Law Advice Services (government funded advice service)
6. Family Rights Service (government funded advice service)
7. Employee Assistance Programme
8. Local Council
9. Other independent organisation (e.g. law centre, university legal clinic)
10. Trade Union
11. McKenzie friend
12. Family mediation service/provider
13. Friends or family
14. Other/Don't know **INTERVIEWER: DO NOT READ OUT ONLY SELECT IF RESPONDENTS ANSWER DEFINITELY DO NOT FIT INTO ANY OF THE ABOVE OPTION (SCREENS OUT)**

IF A2ii_1-13 SELECTED THEN PROCEED TO QA2b

IF A2ii -14 SELECTED THANK AND CLOSE

A3b

1. North East
2. North West
3. Yorkshire and the Humber
4. East Midlands
5. West Midlands
6. East of England
7. London
8. South East
9. South West
10. Wales

SCREENER 2: GENERAL PUBLIC

Hello, my name is XXX and I am researcher working at Ecorys UK, an independent research organisation. We are currently conducting a piece of research to find out people's experience of accessing, of trying to access, legal support for family issues in the last few years. Please could you spare me a minute to answer some very quick research questions?

B1.

1. Yes **ASK QB2a**
2. No not now **INTERVIEWER: ASK TO MAKE AN APPOINTMENT TO CALL BACK AT A MORE CONVENIENT TIME**
3. No **THANK AND CLOSE AND CODE AS SCREENOUT**

Thank you, its just 2 quick questions to confirm that you are eligible to take part in this research.

B2a. Firstly, have you ever sought or needed to seek legal services for support or advice in relation to any of the following

INTERVIEWER ASK: Was that within the last three years or more than that?

1. Divorce or separation
2. Family mediation
3. Civil partnership dissolution
4. Co-habitation
5. Domestic violence
6. Parental responsibility
7. Arrangements for children – contact with children
8. Arrangements for children – residence/custody of children
9. Pre-nuptial (and other financial) agreements
10. Property, estate or trust settlements
11. None of the above.

If B2a=10 or 11. Thank and close-

IF AT B2a=SINGLE CODE THEN SKIP TO B2c

IF AT B2a=MULTIRESPONCE THEN ASK B3a

B3a. Out of [**ANSWERS SELECTED AT B2a**], **which** of these was your most recent experience??

B2c Where did you go for legal advice or assistance for this most recent issue?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NECESSARY.

1. Solicitor
2. Other legal professional (e.g. barrister)
3. Voluntary organisation
4. Citizen's Advice Bureau
5. Child Law Advice Services (government funded advice service)
6. Family Rights Service (government funded advice service)
7. Employee Assistance Programme
8. Local Council
9. Other independent organisation (e.g. law centre, university legal clinic)
10. Trade Union
11. McKenzie friend
12. Family mediation service/provider
13. Friends or family
14. Other/Don't know **INTERVIEWER: DO NOT READ OUT ONLY SELECT IF RESPONDENTS ANSWER DEFINITELY DO NOT FIT INTO ANY OF THE ABOVE OPTION (SCREENS OUT)**

IF B2c_ 1-13 SELECTED THEN PROCEED TO QB2d

IF B2c_ 14 SELECTED THANK AND CLOSE

B2d In which region of England or Wales did you live at the time of this issue?

INTERVIEWER: DO NOT READ OUT. PROMPT IF NEEDED

1. North East
2. North West
3. Yorkshire and the Humber
4. East Midlands
5. West Midlands
6. East of England
7. London
8. South East
9. South West
10. Wales
98. Don't know **INTERVIEWER: DO NOT READ OUT**
99. Prefer not to say **INTERVIEWER: DO NOT READ OUT**

Today we are asking people if they would like to take part in a short telephone survey, which should only last 10-15 minutes about their experiences of these types of services.

This is being conducted on behalf of the Solicitors Regulation Authority (SRA) to find out people's experience of accessing, or trying to access, legal support for family issues in the last few years. Findings from this research may be used to help the SRA to design and distribute guidance for firms to inform solicitors how to support and advise people with legal needs.

Taking part in this survey is voluntary. You do not have to answer any question you do not feel comfortable with and you can stop the survey at any point. All your responses will be treated confidentially and the data will be stored in line with the Data Protection Act 1998. Your individual responses from this survey will not be shared outside of our organisation or used for any purpose other than the research.

The views and opinions of individuals who have received legal support or advice in this area are important to the research and we would therefore welcome your participation in this telephone survey.

B3. Do you have 10-15 minutes to complete the survey?

1. Yes
2. No, phone back at another time
3. No, not interested

IF B3_1 SELECTED PROCEED TO B3a

IF B3_2 ARRANGE AN APPOINTMENT TO PHONE BACK

IF B3_3 THANK AND CLOSE

B3b. In which year did you need to seek legal services for [ANSWER SELECTED AT B3a]?

Section 2:

These first questions are about the steps you took to find and choose a solicitor to help you with your legal problem and what factors influenced your decision.

A. CHOOSING A LEGAL FIRM

2.1 How did you find out about your/solicitor?

INTERVIEWER DO NOT READ OUT BUT IF NEEDED PROVIDE PROMPT: This relates to information sources or recommendations that helped you find out about legal services available for your needs.

1. Internet search engines (e.g. Google, Yahoo)
2. Social media (e.g., LinkedIn, Twitter, Facebook)
3. Citizens Advice Bureau
4. Recommendation from family member
5. Recommendation from friend
6. Recommendation from someone at work
7. Recommendation from another professional (e.g., financial adviser, accountant)
8. Referred by another agency
9. Knowledge of local services (but not used before)
10. Previous experience of using local services
11. Directory Enquiries/Yellow Pages
12. Newspaper/Magazine
13. Radio/Television
14. Library
15. Other, please specify
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

2.2. Using a rating of 1-5, how important do you think the following are in choosing a solicitor?

- A. Knowing somebody else who has used the solicitor/firm
- B. Good independent reviews of the service
- C. Evidence of accreditations for the firm (e.g. Family Law Accreditation scheme)
- D. Being a specialist in family law
- E. Being a specialist in [insert type of legal issue]
- F. How much the service was going to cost
- G. Location of offices
- H. Able to offer civil legal aid

PROMPT CODES IF NEEDED

1. Not at all important,
2. Slightly important,
3. Moderately important,
4. Very important,
5. Extremely important
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

2.3. Using a rating of 1-5, how much did the following factors influence your decision to choose a solicitor?

- A. Knowing somebody else who has used the solicitor/firm
- B. Good independent reviews of the service
- C. Evidence of accreditations for the firm (e.g. Family Law Accreditation scheme)
- D. Being a specialist in family law
- E. Being a specialist in [insert type of legal issue]
- F. How much the service was going to cost

- G. Location of offices
- H. Able to offer civil legal aid

- 1. Not at all an influence
- 2. Slightly an influence
- 3. A bit of an influence
- 4. A small influence
- 5. A significant influence
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

2.4.

Did you consider anything else as part of your decision that was not mentioned?

INTERVIEWER DO NOT READ OUT.

1. OPEN TEXT

- 2. No, nothing else
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

2.5. Did you check the price of the services before you asked the legal firm or solicitor to start the work?
INTERVIEWER: READ OUT

- 1. I didn't ask them about the price before I asked them to start the work
- 2. I asked just this one firm or solicitor for their price
- 3. I asked this firm and 1 other firm for prices
- 4. I asked 3 firms for prices
- 5. I asked more than 3 firms for prices
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

2.6. Was the solicitor you chose the only one who helped you with your case?

INTERVIEWER DO NOT READ OUT.

- 1. Yes
- 2. No
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK ONLY IF 2.6=2

2.7a. Why did you have to choose another solicitor?

- 1. Not happy with the service I was receiving
- 2. No longer able to provide me with support so I had to change
- 3. Personal circumstances changed (e.g. location, financial)
- 4. Other, please specify
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

Ask IF 2.6 = 2. 2.7b As you used more than one solicitor for your legal issue, please answer the remainder of these questions about the solicitor you helped you with the majority of your case.

B. LOCATION OF LEGAL SERVICES

2.8. In which region of England or Wales did you find your legal firm?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NEEDED

- 1. North East
- 2. North West
- 3. Yorkshire and the Humber
- 4. East Midlands

5. West Midlands
6. East of England
7. London
8. South East
9. South West
10. Wales

- Don't know **INTERVIEWER: DO NOT READ OUT**
- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

2.9. Is this a different region to where you lived at the time?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NEEDED

1. Yes
2. No

- Don't know **INTERVIEWER: DO NOT READ OUT**
- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 2.9 = 1

2.10. What was the main reason you needed to access legal services in a different area?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NEEDED

1. Specific recommendation
2. Only poor quality services locally
3. Nothing available locally
4. Nothing specialist available locally
5. Have used their services previously
6. Found preferred solicitor on the internet
7. Other, please specify

2.11 Overall, was it easy to find a suitable legal firm or solicitor?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NEEDED

1. Yes
2. No

- Don't know **INTERVIEWER: DO NOT READ OUT**
- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 2.11 = 2

2.12 Please describe can you describe your main difficulties in finding a solicitor.

OPEN RESPONSE

- Don't know **INTERVIEWER: DO NOT READ OUT**
- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 2.11 = 2

2.13. What could have been improved to help you find a legal firm or solicitor?

INTERVIEWER READ OUT.

1. Online comparison website
2. A one stop shop website to find legal providers
3. Information about legal providers in public places (e.g. post office, supermarket, library)
4. Information about legal providers from other organisations (e.g., CAB)
5. Other, please specify
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

Section 3: QUALITY OF FAMILY LAW SERVICES

This section of the survey is about your views on the quality of the service you received from **your solicitor**.

A. INITIAL ENGAGEMENT

3.1. How long was the wait between contacting a legal firm and the first response?

INTERVIEWER: DO NOT READ OUT. CODE THE RESPONSE GIVEN

1. Next day
2. Less than a week
3. Between 1 and 2 weeks
4. 2-3 weeks
5. 1+ months
 - Don't know/Can't remember **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

3.2. Which of the following information was provided by your solicitor when you first contacted them or during your first meeting?

INTERVIEWER: READ OUT PROMPTS

1. Details about the services on offer
2. Details of the legal process
3. Breakdown of cost for services
4. Typical involvement of the solicitor in the case
5. Types of Issues that might occur/arise during your case
6. Likely time till completion for your case
7. Likelihood of outcome for your case
8. Information about how to complain
9. Details of alternative services/support available (e.g. mediation)
10. Resources to use to help you understand your case
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF Q3.2_1-10

3.3 In the previous question you said you received **PN: LOOP EACH ITEM FROM 3.2.** How were you provided with this information?

INTERVIEWER: ASK EACH ITEM IN TURN AND READ OUT THE OPTIONS.

1. Telephone conversation
2. Email
3. Text messaging
4. At the initial meeting
5. Formal client care letter
6. Other, please specify
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF Q3.3_1-6

3.4i. Was there anything about your personal circumstances or situation which made understanding this information more difficult?

- Yes
- No
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

IF Q3.4i=1 'YES' ASK 3.4ii

3.4ii Please could you explain what it was about your personal circumstances or situation which made understanding this information more difficult?

ASK IF Q3.2_1-6

3.5. Did you get any help from the solicitor to understand any of this information?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NEEDED

1. Yes.
2. No.
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK If 3.5 = 1

3.6. What help did you get?

INTERVIEWER: DO NOT READ OUT

1. Support with reading documents due to low levels of literacy
2. Online information
3. Different colour paper / over lays
4. Information given using a variety of means or media (e.g., letter, email, meetings)
5. Correspond through a third party
6. Simplified letters
7. Additional explanations on complex processes
8. Targeted information about legal aid
9. Accommodating for an advocate to support the client
10. Translation services
11. Hearing loop
12. Braille
13. No information set through email
14. Meeting at an alternative location
15. Other, please specify
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF Q3.4i=1 'YES'

3.7. Do you think anything could have been improved to help with any difficulties?

- Don't know **INTERVIEWER: DO NOT READ OUT**
- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

B. MAIN ENGAGEMENT WITH THE LEGAL FIRM

3.8. Which of the following services did your solicitor provide as part of the work they did for you?

INTERVIEWER: READ OUT.

11. Advice on your legal problem
12. Taking a written or verbal statement
13. Completing paperwork and required forms
14. Written communication with other parties (e.g. other solicitors)
15. Verbal communication with other parties (e.g. other solicitors)
16. Mediation
17. Court preparation for legal advocate (getting evidence for a case)
18. Court preparation for litigant in person (getting evidence for case and preparing client for self-representation)
19. Court representation
20. Referral to other services (e.g. family mediation)
21. Other, please specify
 - **INTERVIEWER: DO NOT READ OUT** Don't know
 - **INTERVIEWER: DO NOT READ OUT** Prefer not to say

3.9. To what extent do agree or disagree with the following statements about the quality of service provided by your solicitor:

- L. My solicitor gave me a clear explanation of the legal process that I could understand
- M. My solicitor gave me a clear explanation of their role in the process
- N. My solicitor was a specialist in the area of my case
- O. My solicitor took a detailed statement at our initial meeting
- P. My solicitor had a good understanding of my case
- Q. My solicitor clearly explained what evidence was needed to support my case
- R. My solicitor submitted all documents on time
- S. My solicitor kept me updated about the progression of my case
- T. I was able to get hold of my solicitor easily
- U. My solicitor had adequately prepared my case for court
- V. My solicitor had a professional manner
- W. My solicitor told me about other solicitors or legal professionals that might be better placed to help me with a particular aspect of my case
- X. My solicitor told me about other relevant organisations that might be able to help me

- 1. Strongly disagree
- 2. Disagree
- 3. Neither agree nor disagree
- 4. Agree
- 5. Strongly agree
- Don't know **INTERVIEWER: DO NOT READ OUT**
- Not applicable **INTERVIEWER: DO NOT READ OUT**
- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

3.10. Overall, regardless of the outcome of your case, how would you rate the quality of the service you received? Please use a rating of 1 to 5.

INTERVIEWER: READ OUT RATING FOR FIRST SERVICE. THEN JUST PROMPT THE REST.

- 1. Very poor,
- 2. Poor,
- 3. Fair,
- 4. Good,
- 5. Excellent.
- **INTERVIEWER: DO NOT READ OUT** Don't know
- **INTERVIEWER: DO NOT READ OUT** Prefer not to say

3.11. Overall, regardless of the outcome of your case, did the service you received from your solicitor meet your expectations?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NEEDED.

- 1. Yes,
- 2. No
- Don't know **INTERVIEWER: DO NOT READ OUT**
- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 3.11=2

3.12. Why did the service not meet your expectations?

- 1. **[OPEN TEXT]**
- Don't know **INTERVIEWER: DO NOT READ OUT**
- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

3.13i. Was there anything about your personal circumstances or situation which made receiving legal assistance more difficult?

- 1. Yes
- 2. No

- Don't know **INTERVIEWER: DO NOT READ OUT**
- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

IF Q3.413i=1 'YES' ASK 3.13ii

3.13ii Please could you explain what it was about your personal circumstances or situation which made receiving legal assistance more difficult?

ASK If 3.13i=1

3.14. Do you think anything could have been improved to help with any difficulties?

[OPEN TEXT]

- **INTERVIEWER: DO NOT READ OUT** Don't know
- **INTERVIEWER: DO NOT READ OUT** Prefer not to say

ASK IF 3.9 = CODES 1 or 2 'Strongly Disagree or Disagree' for A-J

3.15. As there were areas of your case that you were not happy with, did you follow a complaints process at any point?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NEEDED.

1. Yes,
 2. No,
- **INTERVIEWER: DO NOT READ OUT** Don't know
 - **INTERVIEWER: DO NOT READ OUT** Prefer not to say

ASK IF 3.15=2

3.16. Why didn't you pursue a complaint about the legal firm?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NEEDED.

1. Was not aware of a process
 2. Did not feel comfortable talking about my experience
 3. Did not feel comfortable complaining to the firm
 4. Thought complaining about the process would delay my case
 5. Thought complaining about the process would have a negative impact on my case
 6. Was concerned about incurring more cost
 7. Other, please specify
- **INTERVIEWER: DO NOT READ OUT** Don't know
 - **INTERVIEWER: DO NOT READ OUT** Prefer not to say

Section 4. SELF REPRESENTATION

The next few questions are about any parts of your case that you took may have taken forward yourself.

ASK IF ONLY THOSE WHERE CODE 1 at QB2c OR CODE 1 at A2i is SELECTED

4.1.i Were there any aspects of your case that you decided to do yourself instead of the solicitor?

1. Yes
2. No
- **INTERVIEWER: DO NOT READ OUT** Don't know
- **INTERVIEWER: DO NOT READ OUT** Prefer not to say

IF 4.1 =2 Proceed to Section 5.

ASK IF 4.1 =1.

4.2. Which of the following did you complete yourself?

INTERVIEWER: READ OUT

1. Completing paperwork and required forms
2. Written communication with other parties (e.g. other solicitors)
3. Verbal communication with other parties
4. Mediation
5. Court preparation
6. Court representation
7. None of the above, please specify
- **INTERVIEWER: DO NOT READ OUT** Don't know
- **INTERVIEWER: DO NOT READ OUT** Prefer not to say

4.3. Did anybody else help you?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NEEDED.

1. No
2. A person acting as a McKenzie friend
3. A family member
4. A friend
5. A colleague
6. Voluntary organisation
7. Citizen's advice bureau
8. Other, please specify
- **INTERVIEWER: DO NOT READ OUT** Don't know
- **INTERVIEWER: DO NOT READ OUT** Prefer not to say

ASK IF 4.1=1 or 4.3 >1

4.4. Why did you complete parts yourself or seek support from somebody other than a solicitor?

INTERVIEWER: DO NOT READ OUT. PROMPT IF NEEDED.

1. Financial reasons
2. Wanted more specialist support/advice
3. I was unhappy with the legal advice I received
4. I was unhappy with the overall service I received
5. I wanted to be in control of my own case
6. I wanted some more personal advice on the case
7. I wanted some moral support on the case
8. Other
- **INTERVIEWER: DO NOT READ OUT** Don't know
- **INTERVIEWER: DO NOT READ OUT** Prefer not to say

ASK IF 4.4=3/4

4.5 Why were you unhappy?

OPEN TEXT

ASK IF 4.1=1

4.7. Do you think the outcome would have been different if you had accessed support from a solicitor?

1. Yes
 2. No
- **INTERVIEWER: DO NOT READ OUT** Don't know
 - **INTERVIEWER: DO NOT READ OUT** Prefer not to say

ASK IF 4.7=1

4.8 Please could you explain how you think the outcome would have been different if you had accessed support from a solicitor?

OPEN TEXT

Section 5: COST OF FAMILY LAW SERVICES

This section of the survey is about the cost to you for receiving legal assistance.

A. LEGAL AID

5.1. Were you were eligible for legal aid for your case?

[Interviewer ONLY READ OUT IF THE RESPONDENT DOES NOT KNOW WHAT LEGAL AID

MEANS]For some family law cases, if you need help with paying for legal advice, you may be eligible to receive legal aid. Being eligible means that you meet the financial conditions for getting legal aid and that financial support is offered for your type of case. In some cases, legal aid is free. In other cases, you may have to pay towards the cost. Legal aid can help pay for advice, mediation or representation in court in certain, limited cases

1. Yes
2. No
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

INTERVIEWER DO NOT READ OUT: If participant requests, more information about legal aid can be emailed after the survey.

Ask if 5.1 = 1

5.2. How did you know you were eligible to get legal aid?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NEEDED.

1. My solicitor told me
2. Advice from independent service (e.g. CAB, CCLC etc.)
3. Friends, family, colleague
4. Research on the internet
5. Other, please specify
 - **INTERVIEWER: DO NOT READ OUT** Don't know
 - **INTERVIEWER: DO NOT READ OUT** Prefer not to say

ASK IF 5.1 = 1

5.3. Did you understand why legal aid was available in your case?

INTERVIEWER: IF YES, PROMPT REASONS. DO NOT READ OUT.

1. No
2. Domestic abuse
3. Financial circumstances
4. Other,
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 5.1=1

5.4. Did you receive any legal aid for all or part of your case?

INTERVIEWER: DO NOT READ OUT. PROMPT CODES IF NEEDED.

1. All of the case
2. Part of the case
 - **INTERVIEWER: DO NOT READ OUT** Don't know
 - **INTERVIEWER: DO NOT READ OUT** Prefer not to say

ASK IF 5.4 =code 1 or code 2

5.5. Which parts of your case were covered by legal aid?

INTERVIEWER: READ OUT

1. Advice on your legal problem
2. Taking a written or verbal statement
3. Completing paperwork and required forms
4. Written communication with other parties (e.g. other solicitors)
5. Verbal communication with other parties (e.g. other solicitors)
6. Mediation
7. Court preparation for legal advocate (getting evidence for a case)
8. Court preparation for litigant in person (getting evidence for case and preparing client for self-representation)
9. Court representation
10. Referral to other services (e.g. family mediation)
11. Other, please specify
 - **INTERVIEWER: DO NOT READ OUT** Don't know
 - **INTERVIEWER: DO NOT READ OUT** Prefer not to say

B. VIEWS ON COSTS

ASK IF 5.1 = 2

5.6. Did your solicitor charge you a fixed fee or by the hour?

INTERVIEWER: DO NOT READ OUT

1. Fixed
2. Hourly
3. Fixed for part of the service
 - **INTERVIEWER: DO NOT READ OUT** Don't know
 - **INTERVIEWER: DO NOT READ OUT** Prefer not to say

ASK IF 5.1 = 2

5.7. Please answer with a rating of 1-5, to what extent do you agree or disagree with the following statements about the cost of your case:

- A. The solicitor's costs were affordable for me
- B. The solicitor's costs were more than I expected
- C. Due to the costs I had to do some work on the case myself
- D. Family or friends helped with the costs
- E. I needed to take a loan or other credit to cover the costs
- F. My solicitor offered a payment plan for the costs (i.e. payment of monthly amounts)

INTERVIEWER: PROMPT CODES IF NEEDED.

1. Strongly disagree
2. Disagree
3. Neither agree nor disagree
4. Agree
5. Strongly agree
 - **INTERVIEWER: DO NOT READ OUT** Don't know
 - **INTERVIEWER: DO NOT READ OUT** Prefer not to say

ASK IF 5.7B= 4 or 5

5.8. Did your solicitor explain why the cost was higher?

1. Yes
2. No
 - **INTERVIEWER: DO NOT READ OUT** Don't know
 - **INTERVIEWER: DO NOT READ OUT** Prefer not to say

Section 6: ACCESSING ADVISORY SERVICES

ASK IF QB2c=2--or A2ii= 2- 11

These first questions are about your decision to access [Answer given at A2ii and B2c] for your assistance with your case and what factors influenced your decision.

6.1 What was the main reason you chose to seek advice from [Answer given at A2ii and B2c 2-11] and not a solicitor?

1. Did not feel confident to approach a solicitor
2. No legal services suitable/specialist available locally
3. I thought that my issues could be resolved without formal legal proceedings
4. I thought it was better for my family if I didn't start formal legal proceedings
5. For personal reasons I did not want to enter into formal legal proceedings
6. Was not aware of legal services
7. Could not afford a solicitor **INTERVIEWER: DO NOT READ OUT**
8. Other, please specify

6.2. What other resources if any did you access to resolve your problem?

INTERVIEWER: PROMPT IF NEEDED: THIS CAN BE WEBSITES, INFORMATION LEAFLETS, AND RECOMMENDATIONS BY FRIENDS

Probe specific name of websites if not elicited

OPEN TEXT

1. _____
2. _____
3. _____

ASK IF 6.1=1-8

6.3. How satisfied were you with the support you received from the service? Please use a rating of 1-5.

INTERVIEWER: PROMPT CODES IF NEEDED

1. Not at all satisfied,
 2. Slightly satisfied,
 3. Moderately satisfied,
 4. Very satisfied,
 5. Completely satisfied.
- Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 6.3 = 1.

6.4. What was the main issue with the support you received?

1. (OPENTEXT)
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

6.5i. Was there anything about your personal circumstances or situation which made accessing advisory services more difficult?

1. Yes
2. No
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 6.5i=1

6.5ii Please could you explain what it was about your personal circumstances or situation which made accessing advisory services more difficult?

OPEN TEXT

ASK IF 6.5i=1

6.6i. Do you think anything could have been improved to help with any difficulties?

1. Yes
2. No
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 6.6i=1

6.6ii Please could you explain what could have been improved to help with any difficulties?

OPEN TEXT

6.7. If legal aid was offered for your case would you have considered using a solicitor?

[INTERVIEWER ONLY READ OUT RESPONDENT DOES NOT UNDERSTAND LEGAL AID] For some family law cases, if you need help with paying for legal advice, you may be eligible to receive legal aid. Being eligible means that you meet the financial conditions for getting legal aid and support is offered for your type of case. In some cases, legal aid pays for all costs. In other cases, you may have to pay something towards the cost. Civil legal aid can help pay for legal advice, mediation or representation in court.

INTERVIEWER: DO NOT READ OUT

1. Yes
2. No
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

6.8. Have you ever used a solicitor before for a different family issue or dispute?

INTERVIEWER: DO NOT READ OUT

1. Yes
2. No
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 6.8 =1

6.9. How did this recent experience compare to using a legal firm?

INTERVIEWER: DO NOT READ OUT PROMT IF NEEDED

1. It was better
2. About the same
3. It was worse
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 6.9 = 1 or 3

6.10. What is the reason for your response?

1. **[OPEN TEXT]**
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

Section 7: STATUS OF CASE

This section is about where your case is now and your overall views on the experience.

7.1. What is the current status of your case/issue?

INTERVIEWER: DO NOT READ OUT PROMPT IF NEEDED

1. Completed
2. Ongoing
3. No longer pursuing
4. Other please specify
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 7.1=3

7.2. What was the main reason you decided to no longer pursue your case/issue?

INTERVIEWER: DO NOT READ OUT

1. Due to financial reasons I decided not to take my case any further with my solicitor
2. Due to financial reasons I decided to delay/defer my case until a later time
3. Due to financial reasons I decided to deal with the case myself
4. I decided not to take my case any further because of a change in personal circumstances (not financial)
5. No longer needed
6. Other, please specify (**PN: OPEN TEXT**)
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

GO TO SECTION 9

Section 8: OTHER TYPES OF SUPPORT

ASK IF BC2 or A2ii = 12

8.1.i What was the main reason you sought help from a family mediation service

INTERVIEWER: DO NOT READ OUT

1. Settle a family dispute
2. Agree child contact
3. Agree financial arrangements
4. Child living arrangements
5. Other, please

8.1.ii Why did you choose to access a family mediation service and not a solicitor?

INTERVIEWER: DO NOT READ OUT

1. Could not afford a solicitor
2. Did not feel confident to approach a solicitor
3. I thought that my issues could be resolved without formal legal proceedings
4. I thought it was better for my family if I didn't start formal legal proceedings
5. For personal reasons I did not want to enter into formal legal proceedings
6. Other, please specify

PN: ASK IF 8.1ii =1

8.2. If legal aid was offered for your case would you have considered using a solicitor?

INTERVIEWER: DO NOT READ OUT PROMT IF NEEDED

1. Yes
2. No
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

PN: SINGLE CODE

ASK ONLY IF B2c=13 SELECTED OR A2ii=13 (and 2-12 not selected)

8.7. What was the main reason you chose not to seek help from a solicitor or advisory service

INTERVIEWER: DO NOT READ OUT

1. Could not afford a solicitor
2. Did not feel confident to approach a solicitor
3. No legal services suitable/specialist available locally
4. I thought that my issues could be resolved without formal legal proceedings
5. I thought it was better for my family if I didn't start formal legal proceedings
6. For personal reasons I did not want to enter into formal legal proceedings
7. Was not aware of legal services
8. Was not aware of advisory services
9. No access advisory services locally
10. Other, please specify
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 8.7 =1

8.8. If legal aid was offered for your case would you have considered using a solicitor?

INTERVIEWER: DO NOT READ OUT PROMT IF NEEDED

1. Yes
2. No
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK ONLY IF B2c=2 - 13 SELECTED OR A2ii= 2- 13'

8.9. What is the current status of your case/issue?

INTERVIEWER: DO NOT READ OUT PROMT IF NEEDED

1. Completed
2. Ongoing
3. No longer pursuing
4. Other please specify
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 8.9 =3

8.10. What was the main reason you decided to no longer pursue your case?

INTERVIEWER: DO NOT READ OUT

1. I decided not to take my case any further because of a change in personal circumstances
2. No longer needed
3. Other, please specify
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 8.9 =1

8.11. Do you think the outcome would have been different if you had accessed support from a solicitor?

1. Yes
2. No
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 8.11=1

8.12 What do you think the outcome would have been different if you had accessed support from a solicitor?

1. **[PN: OPEN TEXT]**
 - Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

GO TO SECTION 9

Section 9: MONITORING QUESTIONS

ASK ALL

This final section of the survey includes a few questions about yourself and your situation at the time of accessing legal support.

INTERVIEWER: DO NOT READ OUT

9.1. Gender

1. Male
2. Female

9.2. What is your current age?

- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF Q9.2=2

Please can you tell me which of the following age categories you fall into?

INTERVIEWER: READ OUT

1. 16 - 24
2. 25 - 34
3. 35 - 44
4. 45 - 54
5. 55 - 64
6. 65 or over

- Refused **INTERVIEWER: DO NOT READ OUT**

9.3. What is your ethnic group?

INTERVIEWER: DO NOT READ OUT PROMPT IF NEEDED

White

1. English / Welsh / Scottish / Northern Irish / British
2. Irish
3. Gypsy or Irish Traveller
4. Any other White background, please describe

Mixed / Multiple ethnic groups

5. White and Black Caribbean
6. White and Black African
7. White and Asian
8. Any other Mixed / Multiple ethnic background, please describe

Asian / Asian British

9. Indian
10. Pakistani
11. Bangladeshi
12. Chinese
13. Any other Asian background, please describe

Black / African / Caribbean / Black British

14. African
15. Caribbean
16. Any other Black / African / Caribbean background, please describe

Other ethnic group

17. Arab
18. Any other ethnic group, please describe
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

9.4. At the time you accessed legal assistance, were you in full-time or part-time employment?

INTERVIEWER: DO NOT READ OUT PROMPT IF NEEDED

1. Yes, full time
2. Yes, part time
3. No.

- Don't know **INTERVIEWER: DO NOT READ OUT**
- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 9.4 = 2 or 3

9.5. Were you claiming any benefits at the time you sought legal assistance?

INTERVIEWER: DO NOT READ OUT.

1. Yes
 2. No
- Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

9.6. What is your highest level of qualification?

INTERVIEWER: DO NOT READ OUT PROMPT IF NEEDED

1. No qualifications
 2. GCSEs
 3. A Levels
 4. BTEC / professional qualifications / Foundation Degree
 5. Bachelors degree
 6. Masters degree or higher
- Don't know **INTERVIEWER: DO NOT READ OUT**
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 9.4 =1 OR 2

9.7. What was the average annual income for your household?

£ [per year]

- Don't know **INTERVIEWER: DO NOT READ OUT**
- Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 9.7= Don't know

9.8. Please can you estimate which of the following brackets your household income per year falls into?

INTERVIEWER: READ OUT

1. Under £20,000
 2. £20,000 - £29,999
 3. £30,000 - £39,999
 4. £40,000 - £49,999
 5. More than £50,000
- Refused **INTERVIEWER: DO NOT READ OUT**

9.9. At the time of accessing legal assistance, were any of the following true for you:

INTERVIEWER: READ OUT

1. Carer for another adult
2. Living alone
3. Living with children
4. Lone parent
5. Limited or no access to the internet
6. Claiming benefits
7. None of the above **INTERVIEWER: DO NOT READ OUT**

9.10. At the time of accessing legal assistance, had you experienced any of the following?

INTERVIEWER: READ OUT

1. Domestic abuse in a relationship
2. Been a victim of crime
3. Been in a serious accident

4. A bereavement
5. A relationship breakdown
6. Loss of employment
7. Threat of deportation
8. Concern over contact with a child
9. Concern over child welfare
 - None of the above **INTERVIEWER: DO NOT READ OUT**

9.11. Do you consider yourself to have any health issues or disabilities?

INTERVIEWER: DO NOT READ OUT

1. Yes
2. No
 - Prefer not to say **INTERVIEWER: DO NOT READ OUT**

ASK IF 9.11 = 1

9.12. Do you consider yourself to have any health or disability issues related to your mental health?

INTERVIEWER: DO NOT READ OUT

1. Yes
2. No
3. Prefer not to say

9.13. Do you have any children?

INTERVIEWER: DO NOT READ OUT

1. Yes
2. No
3. Prefer not to say

END OF RESEARCH

That completes this survey. As part of the second phase of this research, Ecorys are conducting a series of group discussions with some of the people who have taken part in the survey. This is an opportunity to discuss in more depth the issues raised in the survey about the access, quality and cost of legal services. The group discussions are planned for August and September across England and Wales. The specific dates and locations will be confirmed nearer the time. As a thank-you for taking part in the discussion Ecorys are offering £30 in shopping vouchers.

10.1. Would you like to be contacted to take part in these groups' discussions?

1. Yes
2. Yes, but require more information. **INTERVIEWER: OFFER CONTACT DETAILS FOR CATHERINE ERSKINE ON 0121 212 8841.**
3. No **Thank and close**

10.2 Please could you provide a telephone number to contact you on?

10.3 Would you be willing to take part in a telephone interview, rather than a group discussion? Ecorys are offering £15 in shopping vouchers as a thank-you for taking part in a telephone interview.

1. Yes
2. No

X1. Thank you for your time and co-operation today. Just to confirm my name was xxxxxx and I was calling from Ecorys on behalf of the SRA. Should you have any queries or concerns about the validity of this interview I can provide you with details of ways in which you can verify that we are a genuine market research company, would you like this information?

1. **Yes**
2. **No**

X2 Ecorys abides by the Market Research Society's Code of Conduct and is bound by the Data Protection Act, 1998. The researcher in charge of this survey is **Catherine Erskine** on telephone number **0121 212 8841**

You can confirm that Ecorys is a member of the market research society ball calling the MRS Freephone Service which is available seven days a week, 9am to 11pm, on **0500 39 69 99**.

Demand research – in depth interview topic guide

Part One: Background to the respondent

Before starting the interview make a note of the participant's family law dispute issue and the services they accessed for the dispute. The information gained from the introduction should provide more context for the discussion.

1. Can you just confirm that you accessed legal assistance for [XXXXX]?

Ask only if not clear from the survey responses:

- *Which year did you seek legal assistance for this issue?*
 - *Was this your first experience accessing legal services?*
 - *What is the status of the case?*
 - *Were there children involved in the case?*
2. In the survey, you indicated that you accessed a solicitor and X to help you with your case. Were these the only services that provided assistance?

Part Two: Access to legal advice

3. **In our survey, over 80 per cent of respondents said that they found it easy to find a solicitor.** Do you agree? If not, why did you find it difficult? If yes, what made it easy?
4. ***(If accessed a solicitor locally)*** In the survey, you said that you were able to find a solicitor in the same region as where you live. Can you provide more detail about why you were able to access a solicitor locally?
 - *Prompt, how important was it for you to access a service in your area?*

(If accessed a solicitor in a different area) In the survey, you said that you were unable to find a solicitor in the same region as where you live. Can you provide more detail about why this was the case?

 - *Prompt, did you have any difficulties in finding a solicitor in your local area?*
 - *Prompt, do you think it affected your experience of the service in any way? Why?*
5. **Our survey suggests that people find out about solicitors to use in a number of ways (recommendations, advertising).** What do you feel would be the best way to find a solicitor?

- *Prompt, what information would you like to see when looking for a solicitor (e.g. customer reviews, disciplinary action, and cost information)?*
 - *Prompt, where would you expect to see that information (e.g. websites - which ones; leaflets - given out by who)?*
6. **Just over half of the people from the survey said that they needed help to understand the information from their solicitor, such as simplified letters and explanations about the case.** Do you think family law solicitors could do any more to help people use their services? If so, what else could they do?
7. Was there anything you needed for your case that the solicitor was not able to do? (E.g., support with reading documents, additional online information, simplified information or explanations, information about legal aid, translation services, hearing loop, and braille.)
- *prompt, how did this affect the service you received?*

Part Three: Quality

8. What professional qualities do you think are important for a good family law solicitor?
- *E.g. professionalism, timely actions, clear explanations, good judgement and advice about the case, human/caring/sympathetic attitude, 'feeling like someone was one your side', signposting to other options)*
9. How important do you think it is for solicitors to meet face to face with their clients?
10. What do you think helps people to feel confident in the legal assistance they receive?
11. Were there any aspects of the service that you received that were particularly good?
- (Ask 12/13 if in the survey they have said that they were not happy about parts of their service.)***
12. In the survey, you said that you were not happy with parts of the service you received, but that you did not make a complaint about the solicitor or the firm. Please can you provide more detail about why you did not want to make a complaint?
13. In the survey you said that you were not happy with parts of the service you received and that you complained to the solicitor or the firm. What did they do to address your complaint and were you satisfied with the action taken?
- *If not, did you take your complaint further? If not, why not? Prompt: are you aware of other organisations that could help you if you wanted to make a complaint?*

Part Four: Cost

(If indicated in the survey responses that the client paid for at least some of their case)

14. Did the potential cost of your case affect any of the decisions that you made? If yes, how?
15. Did you struggle to pay for the legal costs? If yes, was it the solicitor's fees or the overall legal costs (court fees, mediator, etc.) that proved difficult to pay for? Did you tell your solicitor you were struggling? If yes, did your solicitor offer anything to help manage the costs?
16. **1 in 3 people who took part in our survey had completed part of their case themselves.** What do you think are the risks of people doing some of the work themselves or representing themselves in court?

(If indicated in the survey that the client received legal aid for their case

17. Overall, what was your experience of applying for legal aid?
18. Did you receive help from anyone to make your application? Who were they and what help did they give you?
19. Were there any challenges in providing evidence? Were there any other challenges?

Part Five: Personal circumstances or situation

20. Thinking about your personal circumstances or situation at the time of needing legal assistance, was there anything that made finding and using a solicitor more challenging? Was there anything that you found stressful?

If yes to 20 ask:

21. Did you make your solicitor aware of these challenges/stresses? Did they adapt their services to help you?
22. Did you seek or receive support for these challenges/stresses from other people or organisations? If yes, is there anything that the solicitor could have done that these people or organisations did?

Final comments

23. If you had another family issue/dispute in the future, would you choose the same solicitor? Why?
24. Is there anything else to add about your experience of family law services?

That is the end of the interview. Thank you for taking part.

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