

# Meeting legal needs

‘Justice delayed is justice denied.’ Prime Minister W. Gladstone, 1868<sup>1</sup> <sup>[#n1]</sup>

## *Why this risk matters*

Unmet legal needs can mean that people do not achieve the right outcome to their problems. This can also mean that they might:

- suffer physical or mental harm
- lose their liberty
- lose money
- not be able to fully participate in civil and economic life
- have their potential limited.

The harm can be greater when someone is vulnerable, as it can compound existing difficulties.

Unequal access to legal services can also damage trust in the justice system and can add to societal unrest. And firms are missing out on work if they do not make their information and services accessible.

People and businesses often need legal help for difficult or stressful situations. And many do not get help from a professional when they have a legal need. This can depend on whether they, for instance:

- know their legal rights and that regulated professionals can help them
- can afford legal advice and support
- know where to look for help
- have access to information and services.

Many people do not know the difference between regulated and unregulated services.<sup>2</sup> <sup>[#n2]</sup> This can mean that they are not making an informed decision about who to ask for help from.

In addition, consumers use information about price and quality to decide whether a firm offers value for money.<sup>3</sup> <sup>[#n3 class=]</sup> But the Legal Services Consumer Panel found that 64% of consumers only find out the price after contacting a provider.<sup>4</sup> <sup>[#n4]</sup> People will be more able to understand the costs and make informed choices about getting legal help if they have clear and accessible information. And the evaluation of our transparency rules [\[https://www.sra.org.uk/sra/how-we-work/archive/reports/better-information-legal-services-](https://www.sra.org.uk/sra/how-we-work/archive/reports/better-information-legal-services-)

market] found that people also associate accessible information with the potential quality of the service they might receive.

### *Who is most at risk?*

People who are more vulnerable are less likely to be able to afford a solicitor or have access to information about their rights and the help available. For instance, the Justice Select Committee noted concern: ‘that communication with clients during hearings “relied on lay parties having access to multiple devices and good standards of written comprehension.”’<sup>5</sup> And, people and small businesses who have less experience of using legal services have less confidence in choosing a solicitor.<sup>6</sup>

The increase in online information has helped many to access legal services, but 1.9 million UK households have no access to the internet.<sup>7</sup> People who have no or limited access to online services will now be more at risk. This is more likely to affect people who are elderly, disabled or whose first language is not English.

Some firms support people who are in crisis and in need of practical support, such as with family or housing issues, mental illness and drug addiction. Many people are currently experiencing additional problems that might need legal help. For example, in August 2020, Citizens Advice reported the following increases in enquiries:

- redundancy by 144%
- self-employment and business by 75%
- domestic abuse by 60%
- EU settled status by 218%.<sup>8</sup>

And many people are experiencing longer delays in getting access to legal advice and help. For instance, because of:

- court closures and backlogs
- temporary or permanent office closures
- limited visits in prisons, police stations or hospitals
- reductions in Legal Aid
- reduced disposable income or loss of employment.

‘One particular problem that concerns us is the ability of the defendant to get confidential advice from their advocate.’ John Bache, Chair of the Magistrates’ Association<sup>9</sup>

The people and solicitors in affected practice areas will be impacted for some time.

People with reduced disposable income might use alternative funding methods that might be higher risk, such as third-party litigation funding. Firms have obligations if they recommend third parties to help with funding.

Small businesses are likely to need additional legal help, for example, to advise them on employment matters such as redundancies following the job support schemes noted in the market landscape

[<https://www.sra.org.uk/sra/research-publications/risk-outlook-2020-21/market-landscape-in-2020/>].

## *We recommend*

### *Know your obligations*

You must display prices and service information if you publicise that you work in certain areas of law, as part of our transparency rules

[<https://www.sra.org.uk/solicitors/standards-regulations/transparency-rules/>]. The information should be accessible, clear and concise, so it is easy to understand. Our guidance [<https://www.sra.org.uk/solicitors/resources/transparency/>] can help you to understand your obligations. It also gives example templates and how to give the information if you do not have a website.

You must display the SRA clickable logo on your website to help the public know that you are regulated and have the protections that regulation gives.

You must explain the implications of the different funding options to people. More consumers are choosing alternative funding methods and they need to know the risks involved in the options they are considering.

You must consider people's needs and provide reasonable adjustments where appropriate.

### *Have the right controls*

Ask yourself	Actions to help you control the risk
Could you make the information about your services and prices more accessible?	Using plain language and setting out information clearly will help people better understand the cost and the services they can expect.

Does your firm take opportunities to innovate in the ways you offer your services?	Using different technologies to help people find out about your services and building relationships with community organisations will help to attract new consumers.
Could you share information with organisations that support people with legal needs?	Working with charities who support people with different needs will help you to understand the barriers they face and ways that you can provide your services to them. For example, our research [ <a href="https://www.sra.org.uk/sra/how-we-work/archive/reports/disability-workplace/">https://www.sra.org.uk/sra/how-we-work/archive/reports/disability-workplace/</a> ] found that some firms who supported disabled charities had a better awareness of disability with both employees and consumers.
Are all staff trained to support people with different needs to access your services, including those who cannot access digital information?	Understanding the different ways that some people are disadvantaged can improve the accessibility of your services and how all staff interact with people.
Could you get more involved in shaping access to legal services?	Adding your valuable input to consultation processes could help improve access to legal services and the justice system.

### *Understand consumer needs*

It is important to understand what people and businesses can afford and whether they need different payment options.

Feedback from consumers about how you present information will help you to make improvements and increase the number of people and businesses accessing your services. This could be done through a short survey on your website or asking people when they contact you.

As online information and services grow, it is also important to think about how you can help people who have no or limited online access. For example, by promptly answering telephone enquiries or having printed information available, written in plain language and in larger fonts if needed.

### *Case example: Using technology to help people*

Virtual courts are working well in many cases and are particularly helpful when people cannot attend in person, for example, during local or national lockdowns.<sup>10</sup> Some solicitors are making good use of technology to help prepare people for court appearances in new ways, such as video calls.

Some significant issues, such as domestic abuse, increased during lockdowns. One of our Legal Access Challenge

[<https://www.sra.org.uk/sra/news/press/2020-press-release-archive/legal-access-challenge-final-reports/>] winners, CourtNav

[<https://injunction.courtnav.org.uk/register/triage>] and FLOWS (Finding Legal Options for Women Survivors), has seen use of their app increase. It links female and male domestic abuse survivors with an accredited domestic abuse legal aid solicitor. And it helps women survivors to find clear information and local legal support, as well as offering a secure and discreet webchat app.

To help support domestic abuse survivors, you can refer people to the app. If you are a domestic abuse-accredited solicitor, you can be a part of the initiative and receive referrals.

Another challenge winner, Mencap and Access Social Care helps people to understand and exercise their social care rights. Their chatbot uses IBM Watson technology to provide free, accessible legal information to complement the human expertise of their advisers. You can signpost people to this chatbot, where appropriate.

### *Get more information*

Our guidance on our transparency rules

[<https://www.sra.org.uk/solicitors/guidance/transparency-in-price-and-service/>] includes examples about how you can display the required information. And the Law Society also has practice notes and examples

[<https://www.lawsociety.org.uk/topics/price-and-service-transparency>] to help you comply.

The evaluation of our transparency rules [<https://www.sra.org.uk/sra/how-we->



[work/archive/reports/better-information-legal-services-market/](#)] highlights the information that consumers look for when they need legal help.

If you are planning to become a sole practitioner or an SRA-regulated freelance solicitor, our guidance [<https://www.sra.org.uk/solicitors/guidance/preparing-sole-practitioner-regulated-independent-solicitor/>] will help you understand your obligations and how to comply with them.

You can use our checklist [<https://www.sra.org.uk/solicitors/guidance/client-care-letters/>] to help you decide whether you need to improve your client care letter.

## *What we are doing*

### *Supporting firms and solicitors*

Our Standards and Regulations give more flexibility to the profession in how they offer their services, including allowing solicitors to practise reserved legal activities on an individual freelance basis and offer non-reserved activities to the public when working in unregulated businesses.

We are supporting solicitors to offer services in new ways. For example, solicitors can apply to test out new approaches in our SRA Innovation Space [<https://www.sra.org.uk/solicitors/resources/sra-innovate/>]. We also ran the Legal Access Challenge which also offered networking opportunities for firms and other innovators.

### *Regulating based on evidence*

Our transparency rules aimed to improve access to legal services. We commissioned an independent evaluation of their initial impact [<https://www.sra.org.uk/sra/how-we-work/archive/reports/better-information-legal-services-market/>] and found that consumers were seeing some benefits. For example, easier access to information on price and service was most useful in helping people when they were initially considering which provider to use. And consumers who had looked at their solicitor's website were more likely to feel that they would find it easier to engage with legal advisers in the future.

Some firms are already seeing some benefits too, with 29% of those surveyed reporting that they would recommend publishing price and service information as being good for business. And, some firms were already voluntarily publishing price information for legal services that are not covered by the rules. We will continue to evaluate the impacts over the coming years.

### *Taking appropriate action*

We have found from our web-sweep checks that some firms are not publishing the information they should. We are contacting firms and, where necessary, supporting them to come into compliance with the rules. Where appropriate, we will take further enforcement action. This is set out in our topic guide on enforcing the transparency rules

[<https://www.sra.org.uk/solicitors/standards-regulations/transparency-rules/>] .

Helping people from all communities might mean making reasonable adjustments, which are a legal obligation where appropriate. But, we receive some reports about firms who might not be offering reasonable adjustments to those who need them. We investigate these and take action where necessary.

### *Helping consumers*

Our transparency rules aim to make sure that costs and service information are more visible and accessible to the public. We found that people use this information to help them to choose a solicitor and to assess value for money.<sup>11</sup> [n11]

We are working with lawtech innovators to help vulnerable people access help. For example, the Legal Access Challenge winning projects aim to help survivors of domestic abuse to protect themselves and people with learning disabilities to understand their social care rights.

We are improving people's understanding of the legal system and the benefits of using a regulated professional through our:

- clickable logo that must be displayed on all firms' websites
- Solicitors Register with information about solicitors, firms and their services
- market-level data on complaints [<https://www.sra.org.uk/sra/how-we-work/reports/first-tier-complaints-report.page>] made to firms
- work with other legal regulators to make sure the information on the Legal Choices [<https://www.legalchoices.org.uk/>] website meets people's needs. This website helps people to better understand the problems that might need professional legal advice and the options available to them.

### *On the horizon*

We will consider new applications to the next Regulators' Pioneer Fund to help us to increase access to legal services. This government fund helps UK regulators to support innovation and emerging technologies.

The effects of Covid-19 reduced demand for some services, such as personal injury and housing advice. As the demand for these services increases again, there is a risk that some firms might no longer be



operating in some local areas, because of recent financial difficulties and long-term trends. For example, the number of criminal legal aid firms has reduced by 10% in the last year.<sup>12</sup> [n12]

#### Notes

1. Forbes, Forbes quotes [<https://www.forbes.com/quotes/9805/>] , 2020
2. For example: IRN Research, Evaluation of Transparency Rules [[https://www.sra.org.uk/globalassets/documents/sra/research/year-one-evaluation-of-transparency-rules\\_research-report.pdf?version=4a91a4](https://www.sra.org.uk/globalassets/documents/sra/research/year-one-evaluation-of-transparency-rules_research-report.pdf?version=4a91a4)] , 2020.
3. IRN Research, Evaluation of Transparency Rules [[https://www.sra.org.uk/globalassets/documents/sra/research/year-one-evaluation-of-transparency-rules\\_research-report.pdf?version=4a91a4](https://www.sra.org.uk/globalassets/documents/sra/research/year-one-evaluation-of-transparency-rules_research-report.pdf?version=4a91a4)] , 2020
4. Legal Services Consumer Panel, Tracker survey report on how people are choosing legal services [<https://www.legalservicesconsumerpanel.org.uk/what-we-do/research-and-reports>] , 2020,
5. House of Commons Justice Select Committee, Coronavirus (Covid-19): the impact on the legal professions in England and Wales, 2020 [<https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/520/52002.htm>]
6. IRN Research, Evaluation of Transparency Rules [[https://www.sra.org.uk/globalassets/documents/sra/research/year-one-evaluation-of-transparency-rules\\_research-report.pdf?version=4a91a4](https://www.sra.org.uk/globalassets/documents/sra/research/year-one-evaluation-of-transparency-rules_research-report.pdf?version=4a91a4)] , 2020
7. The Guardian, Digital divide 'isolates and endangers' millions of UK's poorest [<https://www.theguardian.com/world/2020/apr/28/digital-divide-isolates-and-endangers-millions-of-uk-poorest>] , 2020
8. Citizens Advice, Advice trends, 2020
9. House of Commons Justice Select Committee, Coronavirus (Covid-19): the impact on the legal professions in England and Wales, 2020 [<https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/520/52002.htm>]
10. The Times, No contact no problem: remote courts go down a storm [<https://www.thetimes.co.uk/article/no-contact-no-problem-remote-courts-go-down-a-storm-3966mpnsg>] , 2020
11. IRN Research, Evaluation of Transparency Rules [[https://www.sra.org.uk/globalassets/documents/sra/research/year-one-evaluation-of-transparency-rules\\_research-report.pdf?version=4a91a4](https://www.sra.org.uk/globalassets/documents/sra/research/year-one-evaluation-of-transparency-rules_research-report.pdf?version=4a91a4)] , 2020



12. The Law Society, 120 criminal firms have collapsed with more to follow – Law Society demands more from government proposals, 2020