



Digitisation

And

Accessing Justice in the Community

Diane Sechi

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Foreword

As Chairman of the Administrative Justice Council (AJC), I want to express my gratitude to Diane Sechi and members of the AJC for their contribution to this important report. It is drafted as constructive advice to the Courts and Tribunals Reform Programme and highlights the impact of digitisation both on front line advice services and the people they serve. One of the AJC's aims from the outset was 'to consider the impact of modernisation of tribunals on litigants in person', and the Pro Bono Panel identified very early on the availability and effectiveness of digital support as one of their priorities. This led to the production of a survey and the subsequent report. Since the drafting of the report, we now find ourselves in unprecedented times where the use of technology has become essential and central to our users' lives.



Covid-19 has radically changed the way we are able to respond to events in our lives and has involved rapid measures to make the tribunals' justice system responsive to those changes. In order to keep the tribunals' justice system working, we have had to escalate our use of digital technology, backed by emergency legislation, rule and practice direction changes. Some aspects of modernisation have necessarily advanced at an accelerated pace. This affects the way hearings are arranged and the way decisions are made as well as the way the public can interact with us. Although the current crisis has forced change, it is important that we do not lose our focus on access to justice, particularly for those individuals who are digitally excluded or digitally challenged. The conclusions set out in this report are accordingly timely and relevant.

The report also highlights the need for frontline services to support individuals who would be unable to access justice digitally. Although much of this support is presently being carried out by telephone because of social distancing, it is nevertheless vital support enabling people to obtain assistance. We acknowledge the importance of these valuable services and hope that their contribution is not only recognized but also considered as part of the lessons to be learned from the Covid-19 pandemic.

May I express my sincere thanks to Diane Sechi, Senior Pro Bono Lawyer at Simmons & Simmons, who is a member of the AJC advice sector and pro bono panels, for all her hard work in bringing this report together and to those who supported her in drafting the report. Contributions include the work of the Pro Bono Panel, who identified the areas of availability and effectiveness of digital support; the Advice Sector Panel, who shared the survey with their networks; the Academic Panel, who assisted in the methodology used; and to individual members of the Council who have contributed to the contents. The report represents an introduction to the work that will be needed and an invitation to those involved in Reform to collaborate in the future and help improve access to justice to those who need it the most.

A handwritten signature in black ink, appearing to read 'Ernest Ryder'. The signature is written in a cursive style and is underlined with a single horizontal stroke.

Rt Hon. Sir Ernest Ryder

Chairman

The Administrative Justice Council

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INTRODUCTION

The Administrative Justice Council (AJC) is the successor body to the Administrative Justice Forum which was abolished in April 2018.

The Council is the only body with oversight of the whole of the administrative justice system in the UK, advising government, including the devolved governments, and the judiciary on the development of that system. The AJC will assume and build upon the role of the Administrative Justice Forum. It will have the following aims:

- to keep the operation of the administrative justice system under review;
- to consider how to make the administrative justice system more accessible, fair and efficient;
- to advise the Lord Chancellor, other relevant ministers and the judiciary on the development of the administrative justice system;
- to share learning and areas of good practice across the UK;
- to provide a forum for the exchange of information between Government, the judiciary, and those working with users of the administrative justice system;
- to identify areas of the administrative justice system that would benefit from research; and
- to make proposals for reform.

The Council is made up of three panels: the advice sector panel, the pro bono panel and the academic panel. In addition, various working groups have been established comprising of cross panel membership. This report has been prepared for the Administrative Justice Council on behalf of the pro bono panel and in consultation with members from the other panels.

SUMMARY

Under the Reform Programme 'Transforming Our justice system'¹ the use of digital technology is being introduced as part of the reform package. In a digital environment, accessing the justice system will entail people engaging with digital processes, interacting with an online justice system, making applications and claims online, resolving disputes online and otherwise moving away from the formal traditional paper-based justice system. The Reform Programme is now heading towards the third phase with the expansion of online services, and although Her Majesty's Courts and Tribunals Service (HMCTS) have said that paper channels will continue to be available,² the use of digital processes and technology is the anticipated way forward.

In order to ensure access to justice and fairness for those who are, for whatever reason, unable to interact with an online justice system, barriers preventing access to digital assistance must be overcome. Whilst digital technology will, for many, be advantageous and make accessing services easier, and over time, many will become more digitally able, there will nonetheless, remain those who are digitally challenged and digitally excluded. The new system must work for all users and reform must not leave behind those unable to access and participate in a digital justice system. As found by the Bach Commission '*Technology has the capacity to enhance, empower and automate, but it also has the potential to exclude vulnerable members of society.*'³

Although 'Assisted Digital' support services are being introduced as part of the Reform Programme,⁴ the initial focus of the service was on digital literacy rather than the provision of legal advice and support. This emphasis on digital literacy risks access to justice becoming a secondary consideration and fails to address the important need for an integrated service providing adequate legal advice and support, especially for those most vulnerable.

Many disadvantaged and marginalised individuals have already been disproportionately affected by the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)⁵ which removed public funding for many areas of social welfare law such as welfare benefits, employment, immigration and family. The negative impact of LASPO and the shortfall in advice provision in areas of social welfare law was highlighted in a report by the Equality and Human Rights Commission where it found that there was an added stress both physical and mental, for people trying to pursue justice without legal aid.⁶

Modernisation of the justice system for areas of social welfare law, must not therefore create additional barriers further impeding access to rights and it must look beyond a technical and process driven approach and acknowledge the greater need for assistance, support and advice throughout the digital justice process to ensure access to justice and a quality service.

As more justice processes go online and requests for digital assistance increase, providers of advice and legal support in social welfare law such as traditional frontline advice agencies, voluntary sector organisations, not-

¹ The Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals, September 2016 '*Transforming our Justice System: summary of reforms and consultation.*' available at: https://consult.justice.gov.uk/digital-communications/transforming-our-courts-and-tribunals/supporting_documents/consultationpaper.pdf.

² HM Courts & Tribunals Service Reform Update Summer 2019; available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806959/HMCTS_Reform_Update_Summer_19.pdf.

³ Fabian Policy Report: '*The Right to Justice*' – the final report of the Bach Commission September 2017 p.18: available at: https://fabians.org.uk/wp-content/uploads/2017/09/Bach-Commission_Right-to-Justice-Report-WEB-2.pdf.

⁴ '*Transforming our Justice System: summary of reforms and consultation.*' supra note 1.

⁵ Legal Aid, Sentencing and Punishment of Offenders Act 2012; available at: <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>.

⁶ Dr James Organ and Dr Jennifer Sigafos, University of Liverpool; Equality and Human Rights Commission Research Report 118 '*The impact of LASPO on routes to justice*' p.53: available at: <https://www.equalityhumanrights.com/sites/default/files/the-impact-of-laspo-on-routes-to-justice-september-2018.pdf>.

for-profit agencies and other local providers, will need to respond and adapt to meet a growing demand for digital assistance and any obstacles preventing them from doing so must also be removed.

The concern behind this report is digitisation for appeals to the Social Security and Child Support Tribunal (one of HMCTS' key areas for digitisation) as these account for the largest volume of appeals going through the justice system.⁷ These appeals also involve disability benefits such as Personal Independence Payment, Employment and Support Allowance and increasingly, the work capability element of Universal Credit, and as such affect the most disadvantaged in society.

Although the focus of the report is digital assistance for welfare benefits, the research findings cover a broader spectrum of social welfare law and hopefully this report will be informative in advancing digitisation in these other areas.

FINDINGS OVERVIEW

The research findings show that many of the respondent organisations have service users who are vulnerable and the most needy in society. A large number of people approaching for help with a legal problem would need support and legal advice, together with ongoing digital assistance to navigate on online justice system.

Although many of the respondent organisations do currently provide some digital assistance at varying levels across many areas of social welfare law, the provision of digital assistance with welfare benefits is the most prevalent. However, based on the findings, the potential to do more and offer support and legal advice together with digital assistance is seriously compromised. The existing advice sector infrastructure is already under immense pressure due to a paucity of funding and resources coupled with a high level of demand for assistance. Barriers such as lack of staff, time constraints, lack of IT equipment, lack of space, lack of specialist knowledge and other priorities mean that organisations are having to make difficult choices between offering face to face advice or provide digital assistance.

The reality based on the evidence found in this report is that many organisations are struggling to meet demand for requests for digital assistance as they are not equipped to do so and do not have the finances to scale up. Investment is urgently needed to remove existing barriers preventing an integrated service to enable front line advice providers to adapt to meet demand and to ensure access to justice in a digital justice system.

KEY FINDINGS and RECOMMENDATIONS

The following key findings are drawn from the evidence found in this report and the recommendations are supported by anonymised comments from respondent organisations.

KEY FINDING 1. There is a high level of need for digital assistance. The findings from 346 respondent organisations are that between 35%-50% of their service users would require digital assistance and support to access a digital justice system.

RECOMMENDATION 1

HMCTS should urgently arrange for an independent review to assess the effectiveness of 'Assisted Digital' support services in addressing the need of digitally excluded service users to access digital services and access justice. Together with this review, HMCTS is to commit to working with relevant stakeholders to continue to monitor and collect data to measure the extent of digital exclusion with the aim of using the outcome of the review and data findings to develop a strategy of support plans linked to local communities and front line advice providers to ensure access to advice and digital support services.

⁷ Ministry of Justice Tribunal Statistics Quarterly, January to March 2019 13 June 2019; available at: - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/808118/Tribunal_and_GRC_statistics_Q4_201819.pdf.

Comments from respondent organisations on the need for digital assistance (anonymised)

- *Digital illiteracy is a hidden but hugely important problem. With so many services switching to mostly or fully online, the ability to use a computer and access the internet is taken for granted, however, it is not something that is yet, universal. Many, many people struggle with computers, the internet, and IT in general, and expecting the most vulnerable in society to be able to access it is unrealistic, exclusionary and overloading front line services with requests for help which they are unable in many cases to fulfil.*
- *The switch to digital is (deliberately) penalising the most vulnerable sectors of society, making it hardest for those who lack agency or capacity to be able to claim the financial support they are entitled to.*
- *There is a complete lack of understanding about the digital industry when it comes to people with sensory loss e.g. someone who is profoundly deaf and has British Sign Language as their 1st language do not understand written English as a hearing person does. They need a support worker and a BSL interpreter to assist with online forms. DWP tell people to go to their local library or Council building to get support, but you cannot take a blind person into a public place to ask them personal details.*
- *Our client group have (often life limiting) disabilities that make digital claims extremely difficult.*
- *Significant numbers of our users struggle with digital services due to cognitive or mental health problems, literacy and language difficulties, poverty/lack of equipment.*
- *Most of the people we assist have significant issues and also need assistance with IT, either they do not have access, are not computer literate, cannot afford to use internet services even if they could or do not understand how to deal with their issues.*
- *Due to the nature of our patients, most detained and unable to remember passwords etc for online applications is a huge struggle. Nursing staff don't have capacity to support/advise or have benefit knowledge as they are here to nurse and treat.*
- *Most of our community still do not have access to a home computer/tablet or digital platform or phone.*
- *It is virtually impossible to help someone who already had an established claim but come into hospital because of illness and cannot remember their passwords or e-mail addresses.*
- *Even ordinarily 'capable' people need reassurance from a person that they are correctly fulfilling digital requirements. The frustration of not being able to ask anyone a perfectly valid question contributes to mental illness.*
- *Vulnerable people are not catered for with this new digital era and many, who are already suffering from mental ill health, deteriorate rapidly because of the added stress regarding their claims.*

KEY FINDING 2. Barriers are preventing front line advice providers from meeting demand for digital assistance. Data was provided by 322 respondent organisations about their capacity to meet demand for digital assistance and barriers they face preventing them from doing so. Barriers such as: lack of staff, lack of IT equipment, time constraints, lack of space, other priorities and lack of specialist knowledge. The findings are that 34.4% respondent organisations are unable to meet demand. Of these 29% of organisations are completely unable to offer any digital assistance at all due to existing barriers. A further 33% respondent organisations are struggling to meet demand for digital assistance. Only 5% respondent organisations reported being able to meet demand. As digitisation increases, these barriers must be removed to ensure access to justice.

RECOMMENDATION 2

HMCTS is called upon to carry out coordinated research working together with front line advice providers to understand the extent of existing barriers and work towards removing these barriers preventing the delivery of digital assistance, with an aim to develop a long-term funding strategy informed by users' needs and to supplement existing programmes to ensure access to advice and digital assistance is made available to all.

Comments from respondent organisations on barriers preventing them from meeting demand for digital assistance (anonymised)

- *If we were going to provide this support and advertise it we would need more space, more computers and more advisors as we wouldn't want to take specialist advisors away from appeals etc.*
- *Despite both central and local government embracing 'digital by default' in order to make savings, there has been little/no funding for advice agencies to provide paid staff to support clients or to provide training for volunteers or for premises space and hardware to allow us to provide access to IT. The majority of our clients are vulnerable for one reason or another and that often translates into difficulties using IT to access benefits and other online public services.*
- *We are unable to offer due to lack of staff time.*
- *We don't have the resources to do this kind of work however it is important for the client to receive help when they need it.*
- *We currently do not have the staffing capacity to provide digital support for individuals with welfare benefits, although we occasionally help people with basic access where they have some capability.*
- *Our biggest limitation is space – interview rooms for IT equipment.*
- *Infrastructure and space cannot meet demand without compromising confidentiality.*
- *We need resources to deal with the demand.*
- *We would need adequate internet and equipment to carry this out.*
- *More investment in equipment and resources is needed.*

KEY FINDING 3. Respondent organisations reported that lack of funding was preventing them from being able to scale up not only in terms of offering digital assistance but being able to offer essential face to face advice. Although some of the barriers preventing the delivery of digital assistance have been identified and removing these barriers would require investment, it is clear from the findings that more funding is also needed to enable front line advice services to retain existing levels of specialist expertise and to train new specialist advisors to ensure a quality service.

RECOMMENDATION 3

The MOJ should develop a National strategy to set a sustainable framework with increased investment for the delivery of basic social welfare advice and legal support across all sectors providing front line advice services to the members of the public.

Comments from respondent organisations on the need for funding (anonymised)

- *Finances are diverted to face to face help as most of our clients, even if digitally aware, would not be able to progress the help without some face to face support.*
- *We need urgent funding and training in this area as it becomes more and more necessary to provide these services to the local community.*
- *We help and would love to help but we are stretched, not everyone who needs help receives help due to constant cuts.*
- *Lack of funding/resources is a major obstacle to providing digital assistance/support.*
- *More funding would be needed to take on any more work and/or to assist people whether digitally or otherwise.*
- *Severely underfunded, won't be able to sustain our service for more than another few months.*
- *Our funding is vulnerable to further cuts.*
- *We are unable to commit additional staff resource to assist people with greater digital inclusion due to continuing reduction in funding support.*
- *It would be impossible for us to support our clients with digital assistance if this was necessary for all stages of their claims/appeals. It would need an investment in our technology to ensure that it was able to do what was required.*
- *The Government advises people to go to their local library if they need to get online and need digital assistance, whilst at the same time cutting funds so these services aren't easy to access due to library closures and minimal staff.*

KEY FINDING 4. Respondent organisations reported that they were unable to meet demand for services across all levels of social welfare law. The requests for advice and assistance in social welfare law outstrips capacity to meet demand and many services are having to turn people away. This leads to an escalation of problems and often forces crisis situations. One of the aims of court modernisation is to strip away complexity and confusion and to streamline the justice system. However, there is already a high demand for assistance so it will be important that digitisation does not have an unintended consequence of increasing the workload and demand on front line services.

RECOMMENDATION 4

HMCTS should commit to collecting data and evaluating the level of demand for digital assistance across all areas of social welfare law with an aim of assessing the impact on the provision of advice services created by increased digital demand on front line service providers as digital justice processes advance across the various stages of the justice system.

Comments from respondent organisations on demand for services (anonymised)

- *Demand in the city for generalist and specialist social welfare law advice, across all areas, outstrips the capacity of both statutory and third sector provision.*
- *A lot of statutory services who cannot manage demand are signposting clients to the voluntary sector for assistance but without the financial help needed to support such assistance.*
- *We have many more people seeking help with welfare benefits than we can help and we haven't been able to attract grant funding to cover the need for advice left by the LAPSO cuts.*
- *Digital demand from (and on) clients is increasing; but our capacity and capability are difficult to increase due to a lack of resources.*
- *We are trying to increase our digital capacity and up-skill our staff, we struggle to meet demand and we also find that face to face enables better long-term assistance.*
- *We have a wide variety of competence/capability with IT within our paid and volunteer teams: matching capacity to demand is the biggest challenge we face.*
- *The need for assistance at the neighbourhood level is increasing as people are afraid of entering into any form of contract with statutory agencies.*
- *When people are asked 'do you need help' by stretched service providers they default to answering 'no' because they can see how pressurised the service is and are embarrassed to acknowledge their own lack of capability.*
- *We do not have the staff or the facilities to provide the basic level advice which most people need. A large number of clients we see will not have experienced the difficulties they presented with if they had received some support at the time of the claim.*

BACKGROUND

Digital technology is now an integral part of everyday life. However, there remain those in society who have difficulty interacting with digital processes and using online systems. When faced with a digital justice system, there is a risk that many people will be disadvantaged or left out of the system altogether if they are not able to access digital services.

There are many reasons why people may be digitally excluded. In a report by the all-party law reform group JUSTICE, Amanda Finley noted that, *'The term "digital exclusion" should be considered broadly as it includes those who lack access either to the internet or to a device, or the skills, ability, confidence or motivation to use it.'* Further, *'when faced with a "justiciable issue" even people who are normally confident with digital interaction may be vulnerable.'* The report stated that over 11 million adults in the UK lack basic digital skills such as being able to complete online forms and relocate websites.⁸

Recognising the issue of digital exclusion, digital support services were to be part of the design of the Reform Programme.⁹ In September 2017 HMCTS partnered with the digital inclusion charity, Good Things Foundation, and a project is currently underway working with Online Centres to identify and support people who need 'Assisted Digital' support.¹⁰ The Online Centres, consisting of public libraries, Citizens Advice Bureau and community hubs, are currently supporting people with Civil Money Claims, divorce, probate, Single Justice System e.g. TfL fines, help with fees and Social Security and Child Support appeals.

The Online Centre Delivery Guide by HMCTS produced in partnership with Good Things Foundation defines 'Assisted Digital' as, *'help for people who need to use online services but don't have the skills, ability, or access to do so on their own'*.¹¹ The support is via appointment and is delivered by different channels including face to face, on the phone, or through webchat. The Guide notes that, *'Assisted Digital support is not legal advice'* and advises that where a customer does want legal advice then they can be shown how to search for advice, be signposted, or, where the Online Centre does have legal or certified advice, then such advice must be given either before or after the appointment but cannot be given during the appointment.¹² The initial remit of Assisted Digital was therefore confined to technical support and procedural guidance.

Although some of the areas currently being supported by the Online Centres will be more suited to digitisation than others, a problem with the design of 'Assisted Digital' is that it has the potential to frustrate and fragment the delivery of a quality service, especially in those areas of law where the cohort is likely to be more vulnerable, disadvantaged and in greater need of digital assistance throughout. For example, an online appeal for the disability benefit, Personal Independence Payment, entails submitting an appeal online, tracking the appeal online and managing a Continuing Online Hearing. For the digitally excluded, this would require ongoing digital assistance and support.

When faced with a legal problem, technical assistance focusing on digital literacy alone will, in reality be of limited benefit to the digitally excluded when what is really needed is an integrated service with substantive advice and support in order to deal with the totality of the problem. This is especially so within the context of

⁸ *'Preventing Digital Exclusion from Online Justice'*, Chair of the Working Party Amanda Finley CBE, April 2018; available at:- <https://justice.org.uk/new-justice-report-on-preventing-digital-exclusion/>

⁹ *'Transforming our Justice System: summary of reforms and consultation.'* supra note 1.

¹⁰ Good Things Foundation: <https://www.goodthingsfoundation.org/projects/hmcts-face-face-assisted-digital-support-0>.

¹¹ Online Centre Delivery Guide 1st July 2019 – 31 July 2020 *'HM Courts and Tribunals Service: Assisted Digital Support'*; available at:- https://www.onlinecentresnetwork.org/sites/default/files/hmcts_phase_3_online_centre_delivery_guide_2019_2020_external.pdf.

¹² Ibid p.8.

people's inability to distinguish what type of problem they have and whether or not it is a legal problem.¹³ It is also the case that many people approach for help at a point of crisis when time may be of the essence and when problems have become complex, clustered or spiralled out of control. Focusing on digital literacy at such times, rather than addressing the problem and offering essential information, support and advice, has the potential to obstruct justice. As noted by Professor Roger Smith, '*A model of support which does not address all of the needs people have risks becoming a barrier to justice rather than a facilitator.*'¹⁴

In the Second Report on the Court and Tribunal reform by the House of Commons Justice Committee, it found that '*Poor digital skills, limited access to technology, low levels of literacy and personal disadvantages experienced by particular groups create barriers to access to digital justice services. HMCTS has not taken sufficient steps to address the needs of vulnerable users, particularly as regards an absence of adequate legal advice and support.*'¹⁵ In the criminal justice context, the widespread concern about disabled defendants and significant barriers to justice concerning video technology was highlighted in an interim evidence report by the Equality and Human Rights Commission. One of the recommendations from the report was the need to ensure that '*defendants have accessible information that explains their right to raise issues that they may have with participation, and accessible mechanisms that enable them to do so*'.¹⁶

Being able to obtain legal advice is of fundamental importance and can prevent problems escalating and cluster problems arising, and it also means that individuals are able to access their rights. As found by the Low Commission follow up report, a lack of timely early advice risks leaving people without redress and makes services less accountable to their users.¹⁷

A digital justice system absent integrated advice also risks negative consequences, such as ill health and increased costs. There is a growing body of evidence regarding the importance of advice in areas of social welfare law; especially post LASPO and the withdrawal of free legal advice for many areas of law and the shrinking of the advice sector.¹⁸ Key findings from a study commissioned by the Advice Services Alliance in partnership with the Low Commission found that '*The effects of welfare advice on patient health are significant and included: lower stress and anxiety, better sleeping patterns, more effective use of medication, smoking cessation, and improved diet and physical activity.*'¹⁹ In a report produced by The Legal Action Group, from the findings of an opinion poll of GPs, it found that, '*A total of 88% of the GPs questioned believed that patients not being able to access legal or specialist advice about their problems would have a negative impact on their health.*'²⁰

There is also an economic value of welfare advice as found in a review by the University of Surrey.²¹ Although the review noted that further research in this area would be helpful, evidence from the UK, drawn from Citizens

¹³ Pleasence and Balmer (2015) '*How people understand and use the law*' https://www.thelegaleducationfoundation.org/wp-content/uploads/2015/12/HPUIL_report.pdf.

¹⁴ Law, Technology & Access to Justice; Court Modernisation Empiricism and Digital Exclusion, Roger Smith, 8 April 2019; available at: <https://law-tech-a2j.org/odr/court-modernisation-empiricism-and-digital-exclusion/>.

¹⁵ House of Commons Justice Committee 'Court and Tribunal reforms' Second Report of Session 2019, Report together with formal minutes relating to the report, October 2019; available at: <https://publications.parliament.uk/pa/cm201919/cmselect/cmjust/190/190.pdf>

¹⁶ '*Inclusive justice: a system designed for all*'; interim evidence report, Video hearing and their impact on effective participation; Equality and Human Rights Commissions; available at: https://equalityhumanrights.com/sites/default/files/inclusive_justice_a_system_designed_for_all_interim_report_0.pdf

¹⁷ '*GETTING IT RIGHT IN SOCIAL WELFARE LAW*' The Low Commission's follow up report, March 2015.

¹⁸ Ibid p.20

¹⁹ '*The Role of Advice Services in Health Outcomes*': Evidence Review and Mapping Study: advice services alliance & The Low Commission, June 2015; available at: <https://www.thelegaleducationfoundation.org/wp-content/uploads/2015/06/Role-of-Advice-Services-in-Health-Outcomes.pdf>

²⁰ '*Healthy Legal Advice*' Findings from an opinion poll of GPs, LAG the access to justice charity.

²¹ Legal Action Low Commission evidence review: '*The business case for social welfare advice services*', An evidence review – lay summary, Professor Graham Cookson and Dr Freda Mold, University of Surrey, July/August 2014.

Advice, AdviceUK, Scope and Law Centres pointed to a strong economic justification and the return on investment of legal advice in social welfare law.

Digital assistance must therefore be integrated with support and advice and should be considered as an ongoing process including for example, assistance to access and use a computer; help to navigate and interact with an online system; assistance and advice to understand and identify problems; assistance to scan and upload documents; and, assistance and advice to pursue the best course of action so as to conclude the matter or obtain a remedy.

As evidenced by the findings in this report, many frontline advice providers and other community organisations providing advice and support in areas of social welfare law are already providing some digital support together with their other services, but scaling up to do more presents a challenge. Notwithstanding the fact that the 'Assisted Digital' pilot phase will be looking at how best to work with the advice sector, this can only be successfully achieved if the advice sector and community providers, have the capacity to assist, advise and take the necessary steps to advance a case in a digital justice system.

Whilst traditional advice agencies such as Citizens Advice and Law Centres are the most familiar places to seek help, providing advice and information is an integral part of services which many community organisations, charities and other local providers offer. For example, Local authorities and housing associations provide assistance and advice to their residents, especially around income maximisation and claiming essential benefits. Many charities provide advice and assistance to groups having specific characteristics such as sight loss, physical and mental health problems, learning difficulties and the elderly; or have a focus on particular issues such as homelessness, domestic violence or leaving prison. These groups in many instances include the most vulnerable and needy in society, many of whom will be digitally excluded for a variety of reasons and will need help to access justice in a digital justice system.

Therefore, in order to obtain some understanding of the broader advice landscape and the capacity of different types of advice service providers to meet demand for digital assistance, in addition to Citizens Advice, Law Centres and members of AdviceUK, the research also sought information from other places where people may turn to for help or to access digital assistance such as local authorities, housing associations, charities, public libraries, MP surgeries and NHS settings.

In an increasingly digital environment, the research is designed to look through a wider lens, beyond 'Assisted Digital' to obtain information and provide an overview of resources currently available. The research looked at where digitally challenged or digitally excluded people can seek assistance and obtain legal advice with a social welfare law problem. The report also seeks to identify barriers preventing front line advice agencies and community providers from offering digital services both currently and in the future; barriers which may prevent access to justice as more justice processes go online.

METHODOLOGY

This report details findings based on data collected from an online survey sent to approximately 2500 organisations across the UK as representing a sample of stakeholders having direct contact with people approaching for assistance with a social welfare problem.

Desk based research was conducted to identify and select a sample of organisations from across various regions in the UK. As the survey wanted to gain information from those advice providers assisting members of the public, the following organisations were selected: advice agencies, voluntary sector organisations, charities, MP surgeries, public libraries, local authorities, housing associations and NHS settings. Telephone calls were made to many of these organisations before sending out the survey to avoid the risk of the survey not being sent to the right person or department. Details of MP surgeries and public libraries were located online and emails were sent to the online lists, although for public libraries, there were many undelivered emails due to the advertised email addresses being incorrect or the libraries having closed. The Law Centre Network, AdviceUK and Advice Services Alliance agreed to send the survey to their members and Citizens Advice also agreed to send the survey to some of its members.

The survey was sent out between March and July 2019. It consisted of 17 questions collecting quantitative data aimed at understanding the type and size of organisation, areas of law covered; the range and level of advice on offer; when people attend for advice (for example, early initial advice or when they have run into difficulties) whether digital assistance is already being offered and any barriers which may exist. As the focus of the survey was to capture information about digital assistance for appeals to the Social Security and Child Support Tribunal, the survey also asked about the range of digital assistance available for welfare benefits. There was an open question at the end of the survey capturing qualitative data and enabling organisations to offer any further comments on digitisation. Some of these comments have been used in this report but have been anonymised. A full list of survey questions is attached at **Annex 1**.

We piloted the survey before we sent it out. The generated data was cleaned and analysed by Nicholas Bailey. The author was part of this process and also consulted other experts on earlier drafts of the report.

This report is based on the 346 responses received from respondent organisations.

The research findings of this report are structured as follows:

Section 1. Advice sector and beyond: looking at the advice sector and other advice providers to see where people go for help and the availability of specialist and legal advisors.

Section 2. Assistance with which area of law and at what stage: looking at what assistance is available across areas of social welfare law; when people approach for help and an approximate number of how many people receive assistance each week.

Section 3. The provision of welfare benefit assistance: looking at the provision of assistance currently available for welfare benefits and which welfare benefits are covered; whether any assistance is in a digital format and finally, what type of digital assistance is available.

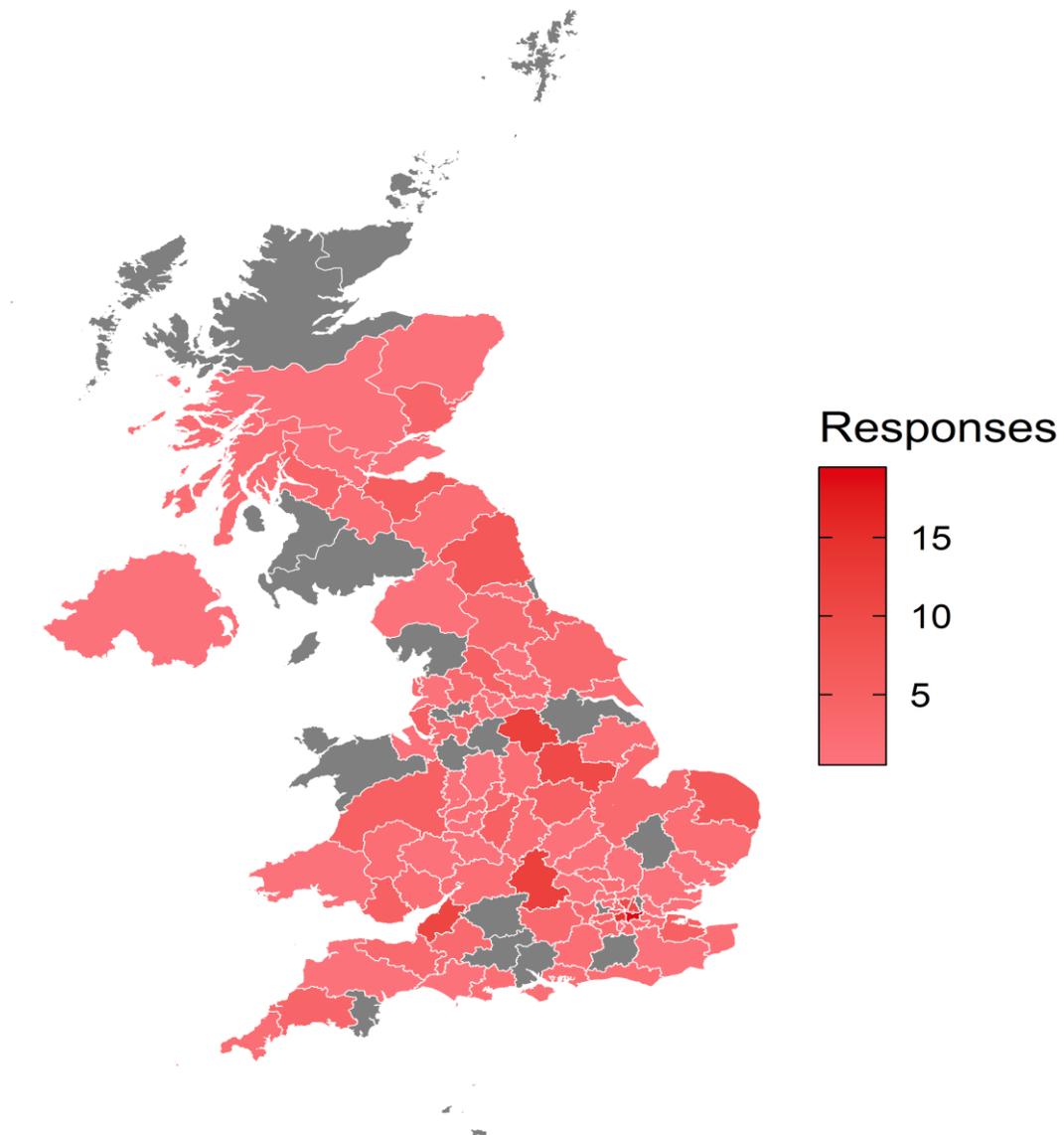
Section 4. Digital assistance currently being provided: looking at the provision of digital assistance currently available across all areas of social welfare law; whether the digital assistance includes legal advice; the capacity of organisations to provide digital assistance and any barriers there may be; and, understanding from the respondent organisations as to the proportion (as a percentage) of service users requiring digital assistance.

THE FINDINGS

Section 1. Advice sector and beyond

1.1 Where do people go for help?

Responses to the survey came from many different organisations across the UK as shown on the map below.



There was a total of 346 responses. Each response is from a separate organisation, even though they may be a member of a larger umbrella group. For instance, the 33 responses from Citizens Advice represents 33 separate Citizens Advice bureau. Table 1 below provides a breakdown of the type of organisations responding to the survey together with the number of responses by each organisation.

Table 1: Respondent organisations by type, number and percentage

Type of organisation	Number of respondents (individual agencies/outlets)	% of total
Citizens Advice	33	9.5%
Law Centre	24	7%
AdviceUK	62	17.9%
Charity	42	12.1%
MP surgery	28	8.1%
Other	57	16.5%
Library	45	13%
Local authority	28	8.1%
Housing association	9	2.6%
NHS setting	6	1.7%
NA	12	3.5%
Total	346	

Notes on respondents (also see Glossary)

Charity respondents were both registered and independent charities covering many areas such as: sight loss; sensory impairments; learning disabilities; mental health problems; physical health problems such as sickle cell, lupus and diabetes; homelessness; therapeutic support; the elderly and a Hospice. Age UK, MIND and the Personal Support Unit (now, Support Through Court) were amongst the charity respondents.

For the purpose of this report, ‘local authorities’ will be used throughout but this also includes responses from District Councils and County Councils.

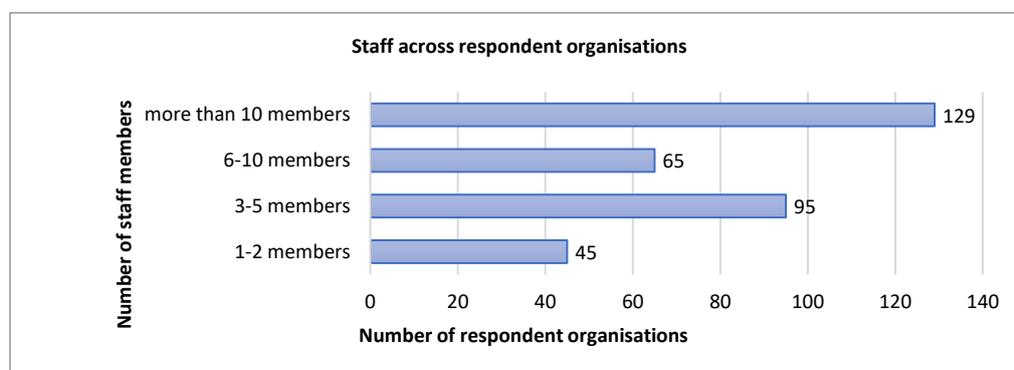
‘Housing associations’ will be used throughout the report but this also includes responses from registered social landlords.

Organisations which placed themselves in the ‘Other’ category included: voluntary sector organisations, supported housing organisations, community hubs and church associations, other accredited advice agencies, a CIC independent advice agency, a carers association, university clinics, a student union, and a local councillor.

‘NA’ indicates Not Available and refers to organisations which did not specify their identity.

1.2 Size of organisation by reference to staff numbers who advise members of the public

Organisations were asked to only include members of staff within their organisations which assist members of the public. The chart below details the findings.



Although the findings indicate that the largest of respondents in a single range (129) had more than 10 members of staff advising the public, there was no organisational difference as nearly all of the differing types of

respondent organisations reported having members of staff across all of the ranges. The only notable exception was for MP surgeries. The vast majority of MP surgeries (96.4%) reported having fewer than 5 members of staff assisting members of the public. Taking this into consideration, the findings are that the majority (88.7%) of organisations have more than 3 members of staff advising members of the public.

There were no identifiable regional variances from the sample survey, indicating for instance, that those organisations in urban areas had larger numbers of staff compared to those organisations of the same type in more rural locations.

1.3 The availability of specialist and legal advisors

Given the importance of quality advice at all stages of the justice process, including digital justice processes, the research was designed to elicit the number of specialist and legal advisors currently able to offer advice and assistance to members of the public.

There are a number of quality standards covering different levels of general, specialist and legal advice and many organisations are accredited and operate under these standards. For instance, the Advice Quality Standard (AQS) is a quality standard for advice services operating in the area of social welfare law. It ensures that services are well run and have quality control mechanisms in place so as to ensure quality whilst promoting social justice.²² The Specialist Quality Mark (SQM) owned by the Law Society, is an organisational standard designed to ensure that Legal Services Providers are well run and provide excellent client care.²³ LEXCEL is the Law Society's legal practice quality mark for practice management and client care.²⁴ In addition, there are certain regulatory requirements for organisations advising in particular areas such as those giving debt advice, as they may need authorisation from the Financial Conduct Authority.²⁵ Those organisations providing immigration advice will need to be registered with the OISC.²⁶

In social welfare law, specialist advisors who are not legally qualified are able to give legal advice providing they are not carrying out a 'reserved legal activity'.²⁷ The provision of this advice will be subject to accreditation, certain quality control standards and, where necessary, compliance with other regulatory requirements.

²² <https://advicequalitystandard.org.uk/>.

²³ <https://www.recognisingexcellence.co.uk/sqm/>.

²⁴ <https://www.lawsociety.org.uk/for-the-public/quality-marks/legal-practice/>.

²⁵ <https://www.fca.org.uk/>.

²⁶ <https://www.gov.uk/government/organisations/office-of-the-immigration-services-commissioner>.

²⁷ Solicitors Regulation Authority, Looking to the future; available at: <https://www.sra.org.uk/sra/policy/future/position-paper>

There are a number of key legal activities set out in The Legal Services Act 2007 which only individuals and regulated firms can carry out. These are known as 'reserved legal activities' which include: exercising rights of audience, conducting litigation, preparing certain documents relating to probate and conveyancing, acting as a notary and administering oaths. Outside of these areas, the non-reserved legal activities can be provided without formal legal qualifications.

Specialist advisors



The findings are that 219 (63%) respondent organisations use specialist advisors. However, not all respondents expanded on the type of specialist advice offered but reported that they had one or more ‘specialist caseworkers’ or just ‘caseworkers’. Of those that did provide details of specialisms, and this was over 80% of respondents, the following is a breakdown.

97% of Citizens Advice bureau reported having specialist advisors. This was the largest response from any one organisation. The main areas of specialisation are welfare benefits and debt. Citizens Advice also reported having money advisors, offering assistance with Debt Relief Orders, employment, immigration and housing. Other specialist services reported were the use of Macmillan advisors, advisors providing assistance with court duty desk for evictions and providing outreach services.

Over 83% of Law Centres reported having specialist advisors. The concentration of specialist advice relating to areas of law removed from scope post LASPO such as welfare benefits, debt and employment.

81% of AdviceUK members reported having specialist advisors. The diversity of AdviceUK member organisations is reflected in the different specialist services on offer. Welfare benefits was the leading specialism noted with 50% of AdviceUK members offering specialist advice in this area. Debt, money advice and specialist immigration and asylum advice were also common specialisms. Other noted specialisms include housing, family, students and tenants, and one member reported having a specialist autism advisor. Of the charity respondents, 67% reported using specialist advisors. There was a wide range of specialisms including specialist health care work advisors, family support workers, prison outreach and assistance with housing and mental health. Assistance with welfare benefits and attending tribunals was also noted. Although 44% of MP surgeries reported using specialist advisors, and there were some that defined specific areas of specialism such as housing or welfare benefits, in the main, most MP surgeries noted having ‘caseworkers’.

From the Other category, 50.8% use specialist advisors. Some of these specialist advisors were reported as covering areas such as welfare benefits, migration, complaints, school life and community outreach.

The report found that only 24% of libraries reported the use of specialist advisors. This advice was achieved through partnership working with Citizens Advice, housing departments of local authorities and the National Careers Service.

89% of local authority respondents reported the use of specialist advisors. For the majority of these, specialist welfare benefit advice was cited but advisors also covered debt, income maximisation and housing.

89% respondent housing associations use specialist advisors. Of those which provided details, specialisms include advise on financial inclusion and social impact and money guidance. Alongside these, welfare benefit and debt advice are also provided.

50% of respondents from NHS settings reported having specialist advisors. These included assistance from the Patient Advice and Liaison Service (PALS), assistance with patient finance and assistance with welfare benefits.

From the NA category, only 8% had a specialist advisor and this was noted to be for benefit appeals.

Legal advisors

The research findings are that a much lower overall percentage of organisations have legally qualified members of staff assisting the public than those which reported having specialist advisors. 22% (77) of the total 346 respondent organisations reported having legally qualified members of staff compared to 63% (219) of total respondents who have specialist advisors.



Of these 77 organisations, 64 (83% of the 77) also reported having specialist advisors meaning that 64 organisations (i.e. 18% of all 346 respondents) have both legal and specialist advisors. Not all respondents reported the actual numbers of legally qualified members of staff.

Of the respondent Citizens Advice bureau, 45.4% reported having legally qualified staff. The number of staff varying from 1 – 12 staff members. A couple of Citizens Advice noted having housing and employment solicitors whilst others reported using pro bono lawyers in clinic settings, using honorary legal advisors and working with external firms of solicitors.

All Law Centre respondents reported having legally qualified staff, representing just over 31% of the total responses. Although there was a wide range of the number of legally qualified staff across the different Law Centres, the average number was six. There was though one Law Centre member who reported having 20 legally qualified members of staff and one Law Centre reported having only one legally qualified member of staff.

Of the responses from AdviceUK, 27.4% reported having legally qualified members of staff. Where the actual number of staff were noted, this varied from one to 12 staff members. Some AdviceUK members also reported that they can refer to a range of partners or offer 30 minutes free with a solicitor twice per week. One reported working closely with three local solicitor firms on housing, social care and family.

19% of charity respondents reported having legally qualified members of staff helping the public. The number of legally qualified staff, where reported, varied from 1 – 10 members per charity.

There was only one MP surgery (3.6%) which reported having a legally qualified member of staff advising members of the public.

In the Other group, 5.3% reported using legally qualified members of staff. This included one university law clinic which noted having six legally qualified members of staff and a university pro bono clinic which reported having two legally qualified members of staff.

6.6% of respondent libraries reported having legally qualified members of staff. These were in partnership with external organisations although there was no report of how many members of staff were involved.

10.7% of local authorities reported having legally qualified members of staff assisting the public. There was no indication as to numbers of staff. One local authority said that this service was outsourced.

22.2% of housing associations reported having legally qualified members of staff assisting the public. Again, no actual staff numbers were provided.

Only one NHS respondent reported having a legally qualified member of staff advising members of the public.

1.4. The use of Volunteers

Volunteers are a vital source of help and make an important contribution to the functioning of an organisation. Volunteers can be drawn from many walks of life including legal students and retired professionals. Many respondents noted the use of ‘trained volunteers.’ So, when thinking about accessing services, digitisation and removing barriers, volunteers may have an important role to play but there would be a cost implication in terms of training and infrastructure. The research was designed to ascertain, in reference to the type of organisation, the use of volunteers and hours of service provided by them.

Most respondents 214 (62%) reported using volunteers. Not all respondent organisations reported the actual volunteering hours commenting: ‘it varies’, ‘it depends’, ‘it changes’, ‘uncertain’ and ‘not sure’. The design of the question in relation to volunteering hours therefore failed to elicit a consistent response from organisations, making analysis of the data difficult. However, for the sake of completeness and to provide some indication of the responses, Table 2 below has simply taken the lowest and highest recorded number of hours worked by volunteers from each organisation without attempting to find an average of hours or attempting further analysis of this data.

Table 2: Use of volunteers and approximate number of volunteering hours per week

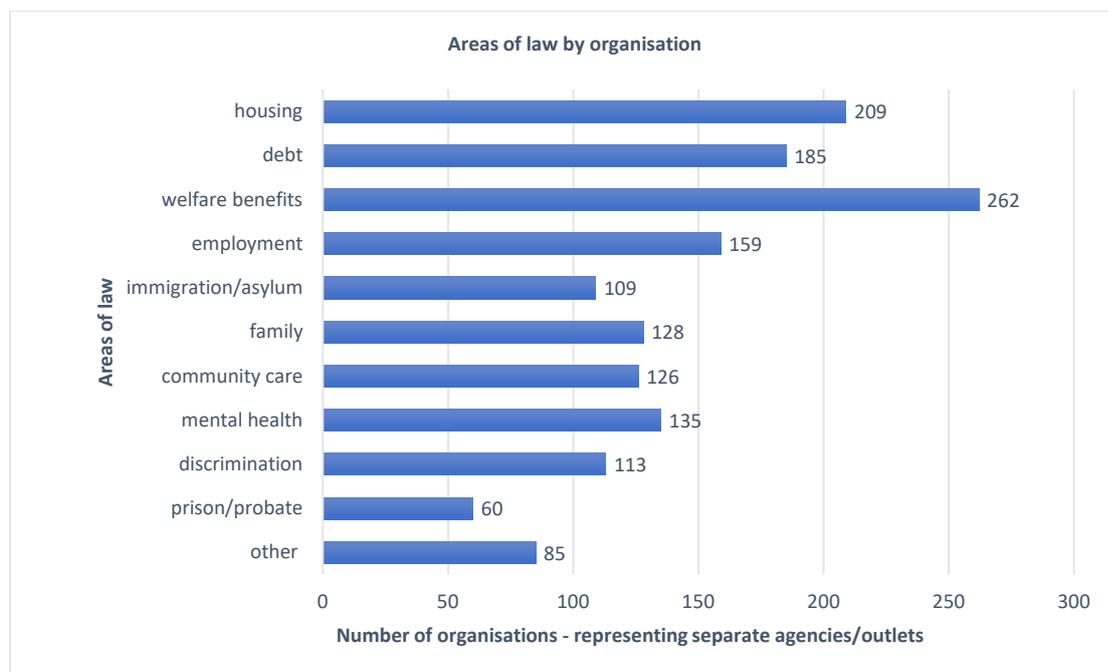
Organisation	Number of respondent organisations reporting the use of volunteers	Volunteering hours per week (as an approximate) where stated
Citizens Advice	33 (100%)	6-990
Law Centre	19 (79%)	5-350
AdviceUK	41 (66%)	3-200
Charity	37 (88%)	4-350
MP surgery	3 (11%)	1-35
Other	33 (58%)	1-60
Library	39 (87%)	1-260
Local authority	3 (11%)	36-160
Housing association	2 (22%)	6-15
NHS setting	3 (50%)	1-7
NA	1 (8%)	1-220
	214	

Despite the difficulty in identifying the actual numbers of volunteering hours, the research found that volunteers are used by all types of respondent organisations and in particular, the finding is that all Citizens Advice respondents use volunteers.

Section 2. Assistance with which area of law and at what stage

2.1 Areas of law

The areas of law shown on the chart below cover both the main areas of social welfare law and those areas of public law where the consequences of not getting timely advice could have the greatest negative impact on the most disadvantaged. The 'other' category enabled respondents to detail other areas in which they may specialise but fall outside the main areas of social welfare law. The chart shows the number of organisations which reported providing advice in the relevant area of law.



The findings are that most respondents offer assistance across various areas of social welfare law. The main area being welfare benefits with 76% respondent organisations offering assistance. This is unsurprising given the need for assistance in this important area affecting income, and the introduction of Universal Credit with its associated problems such as administrative errors, problems with not receiving the housing cost element and delays in payment.²⁸

The 'other' areas of law where 85 respondents reported offering advice or assistance included: education, university and student finance, environment, criminal, issues around sight loss, homeless resettlement, public law, EU law, consumer issues, passport issues, budgeting and money skills, hospital and GP enquiries, terminal illness and bereavement, hate crime and domestic violence, NHS transforming care, special education needs, disability and diabetes, council related services, Medico legal reports, trauma focused therapy, obtaining blue badges, scams and wellbeing, help with bailiffs and community based services. Some respondents also noted digital support and signposting as another area in which they offered assistance.

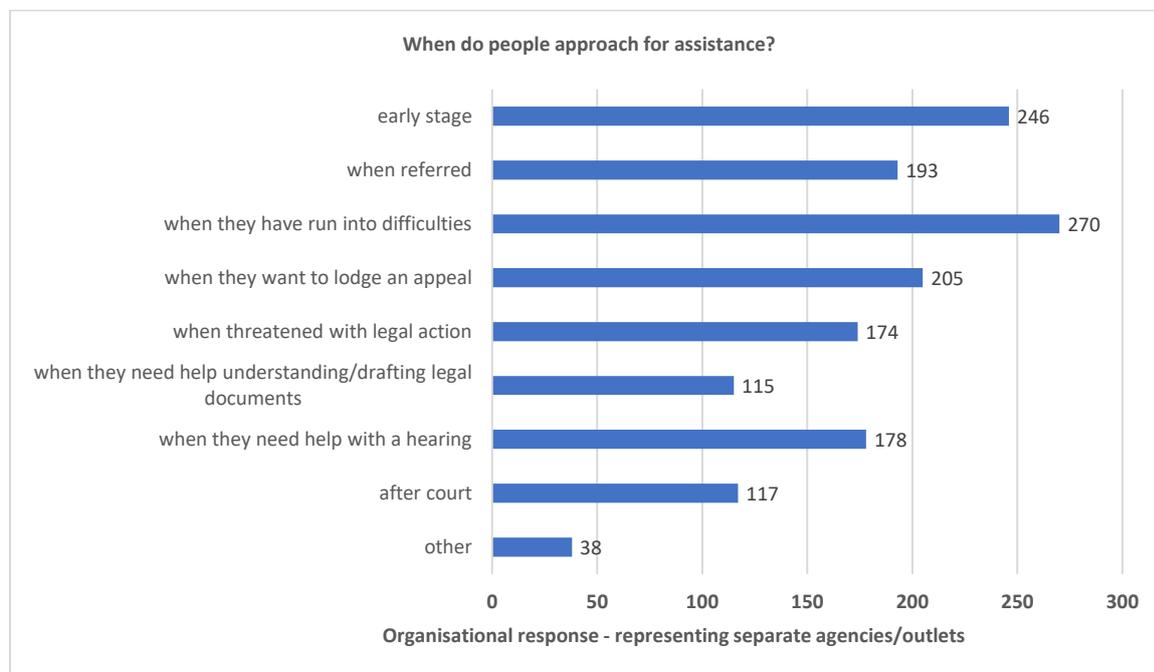
For a more detailed analysis of responses by organisations see **Annex 2**

²⁸ CHILD POVERTY ACTION GROUP 'EARLY WARNING SYSTEM:

<https://cpag.org.uk/sites/default/files/files/policypost/Early%20Warning%20System%20Top%20UC%20Issues%20July%202018.pdf>.

2.2 When do people approach for help?

Getting good advice at an early stage, helps prevent problems escalating to crisis point and otherwise clusters of problems arising.²⁹ The aim of this question was to identify the different stages people approach for assistance and advice. The below chart documents the findings from the research. Organisations could select from multiple options and the findings show that people approach organisations of the same type at varying stages.



The findings identified that people approach for advice and assistance at different stages, including at an early stage as reported by 246 respondents. The stage attracting the largest number of responses, 78%, was when people have run into difficulties. The findings did not identify any pattern or trend between different types of organisations, or between regions, regarding the different stages at which people approach for assistance.

In respect of the 193 organisations reporting the stage at which people approach for assistance is when they are referred, the research found that the nature of these referrals reflect the services offered by some respondent organisations and included referrals from police stations, social services, NHS acute wards, GP's, witness services, housing departments and the jobcentre.

For the 'other' stage when people approach for assistance, as reported by 11% of the respondent organisations, these stages touched upon the 'other' areas of law identified at section 2.1. above, and reflect the different services offered by various organisations. These 'other' stages include assistance with academic appeals, help in crisis, assistance with Medico-legal reports, assistance with partners going into prison, assistance under the court duty scheme, assistance with welfare benefits Upper Tribunal appeals and assistance with language difficulties. The research also found that people approach for assistance when wanting help to pursue a complaint and when wanting assistance 'after the fact' when all other options have been exhausted.

Many of the above stages would require experienced advice going beyond 'Assisted Digital' and highlights the need for advice services tailored to meet the needs of the user with a 'whole person' approach at various stages of the justice process.

²⁹ Ipsos MORI 'Analysis of the potential effects of early legal advice/intervention' November 2017

2.3 The number of people receiving assistance each week

The findings identified that many respondent organisations assist a large number of people each week. The findings also pointed to a marked variation both within organisations of the same type, such as Citizens Advice, and between different organisations. There were no findings from the research regarding particular trends or regional variances. Some of the organisations seeing fewer people each week were located in urban areas whilst many organisations reporting seeing in excess of 400 people per week were in more rural locations. However, those organisations which reported having larger numbers of staff, reported seeing more people per week than those organisations having fewer staff members.

No assumptions are made as to the level of service provided but organisations were asked not to include signposting unless that formed part of their service – which for many it does - and could account for the large numbers of people reported as being assisted by some organisations. Where responses were recorded non numerically, e.g. ‘dozens’, these were converted to natural numbers. Table 2 below charts the findings.

Table 2: approximate number of people seen per week per organisation

Organisation	Approximate number of people seen per week
Citizens Advice	30-800
Law Centre	4-1000
Advice UK	1-3900
Charity	4-200
MP	13-260
Other	1-800
Library	1-60
Local authority	0-3500
Housing association	5-125
NHS setting	0 - 5000
NA	1-135

Section 3. The provision of welfare benefit assistance

3.1 Who provides help with welfare benefits – digital or otherwise?

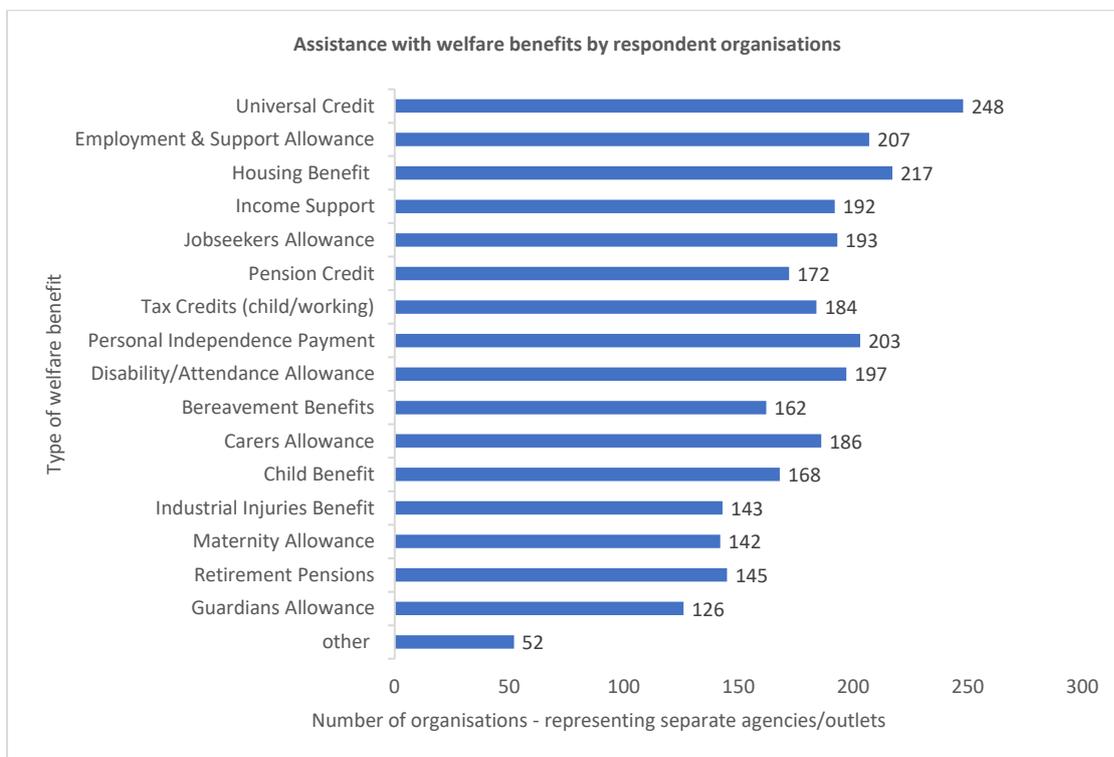
The research wanted to identify the current level of advice or assistance on offer for welfare benefits. Welfare benefits provide a vital source of income for many disadvantaged individuals and the withdrawal of free legal help in this area has already disproportionately affected their ability to receive assistance and obtain redress. A further concern is that digitisation for disability benefit appeals is currently being piloted by HMCTS.

The research firstly identified those organisations which are currently assisting with welfare benefits (digital or otherwise) and the range of benefits with which they assist. The research then explored whether any of this assistance with welfare benefits is being provided in a digital format.

Does your organisation provide assistance with welfare benefits - digital or otherwise?

YES 260 (75%)	NO 66 (25%)
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3.2 Which welfare benefits are covered?



The findings are that across those 260 separate organisations offering assistance with welfare benefits, most assistance is provided for Universal Credit with 248 respondents assisting with this benefit.

However, as can be seen from the chart, the provision of assistance across the welfare benefit spectrum is fairly evenly spread. There were no findings in respect of particular patterns or trends as between organisations or regions.

Of the 'other' reported areas of assistance with welfare benefits, these covered, Irish benefits, child maintenance, armed forces payments, social fund applications, blue badge assistance, help with Discretionary Housing Payments and with the Scottish welfare fund and war pensions.

3.3 Is any assistance and advice for welfare benefits in a digital format?

As the focus of the research is the digitisation of appeals to the Social Security and Child Support Tribunal, the design was intended to investigate the current level of digital assistance available by those 260 organisations currently providing assistance with welfare benefits.

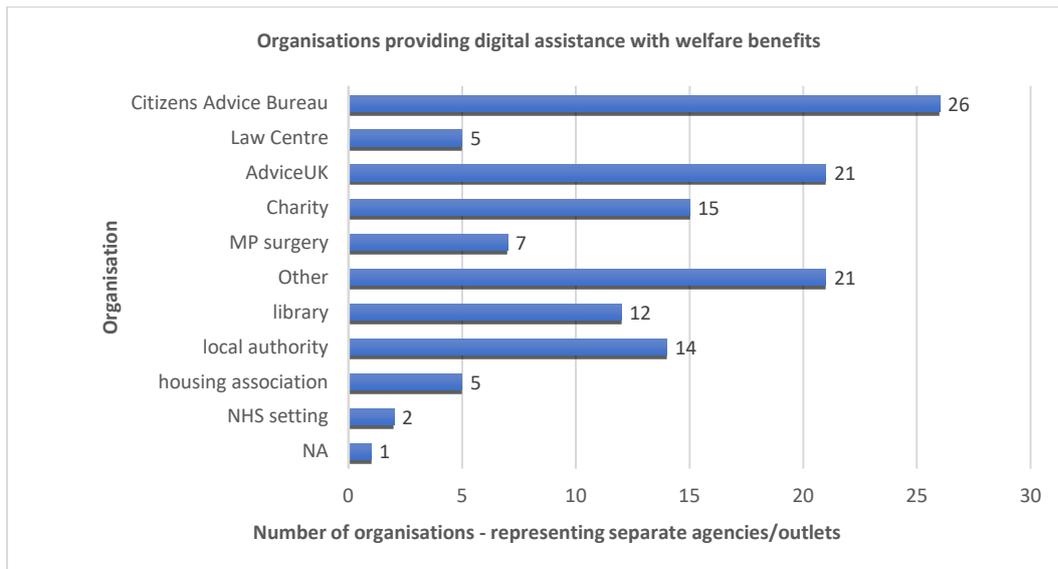
Is any of your organisations assistance/advice with welfare benefits provided in a digital format?

YES 129 (49.4%)	NO 130 (50.6%)
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As 260 respondent organisations (see 3.1 above) reported assisting with welfare benefits the findings are that half of these organisations do not currently provide their assistance in a digital format.

This would indicate that there is still a lot of paper-based assistance and advice being provided. The reasons for not providing digital assistance could be those identified in this report regarding current barriers: lack of staff, time constraints, lack of space, lack of IT, other priorities and lack of specialist knowledge. However, as digitisation for welfare benefit appeals is already being piloted by HMCTS and as digitisation increases, these barriers will need to be overcome to ensure that digitally excluded people have access to adequate advice and digital assistance.

In terms of the 129 organisations currently offering digital assistance with welfare benefits, the chart below provides a breakdown by organisation.



3.4 What digital assistance and advice with welfare benefits is being provided?

The survey provided organisations with a range of various activities and multiple options could be selected. The activities provide examples of various stages, some of which may involve justice processes. Table 3 below provides a breakdown by organisations of the range of digital assistance currently being provided.

The numbers represent separate agencies and outlets. For example, for 'provision & assistance with equipment use' 16 separate Citizens Advice bureau from various regions reported offering digital assistance.

Table 3: provision of digital assistance with welfare benefits per organisation

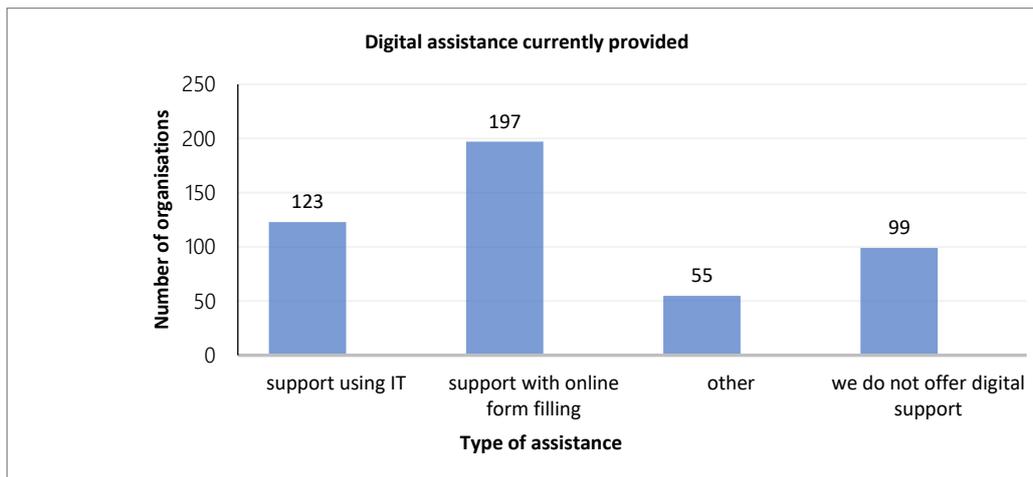
	Provision & assistance with equipment use	Assistance with online applications	Assistance with responding to notifications	Assistance with liaising with third parties	Lodging a mandatory reconsideration request	Lodging an appeal	Assistance with tracking an appeal	Assistance with appeal resolution	Other
Citizens Advice	16	26	13	18	17	18	10	9	3
Law Centre	1	4	1	2	3	4	3	2	1
Advice UK	10	19	15	14	14	16	8	8	2
Charity	6	14	11	12	10	11	11	10	1
MP	1	0	3	5	4	3	3	2	2
Other	6	14	8	7	8	11	8	9	0
Library	9	10	2	2	1	0	0	0	0
LA	1	12	9	10	9	9	7	7	0
HA	5	5	4	4	5	5	3	3	1
NHS setting	1	2	2	1	0	0	0	0	0
NA	0	1	1	1	1	1	0	1	1
	56	107	69	76	72	78	53	51	11

All of the above 129 respondent organisations offering digital assistance with welfare benefits reported having specialist and/or legal advisors. Many of the above stages would require advice and assistance which goes beyond the technical and procedural guidance of 'Assisted Digital'. For instance, 51 organisations reported providing digital assistance with welfare benefit appeal resolution, a stage which would require experienced advice to ensure access to justice. Of the 'other' areas reported by respondent organisations, these included, screening for dyslexia, Turn2us benefits checker and liaising with a Minister or MP.

Section 4. Digital assistance currently being provided

4.1 Digital assistance currently provided across all areas

Although the main concern behind the research is appeals to the Social Security and Child Support Tribunal, the research was also designed to obtain basic information about the current activity in terms of digital assistance across all areas of social welfare law. Organisations were given four options: 'support using IT', 'support with online form filling', 'other' and, 'we do not offer digital support'. The 'other' option providing an opportunity for organisations to expand on other types of digital assistance they may provide. Multiple options could be selected.

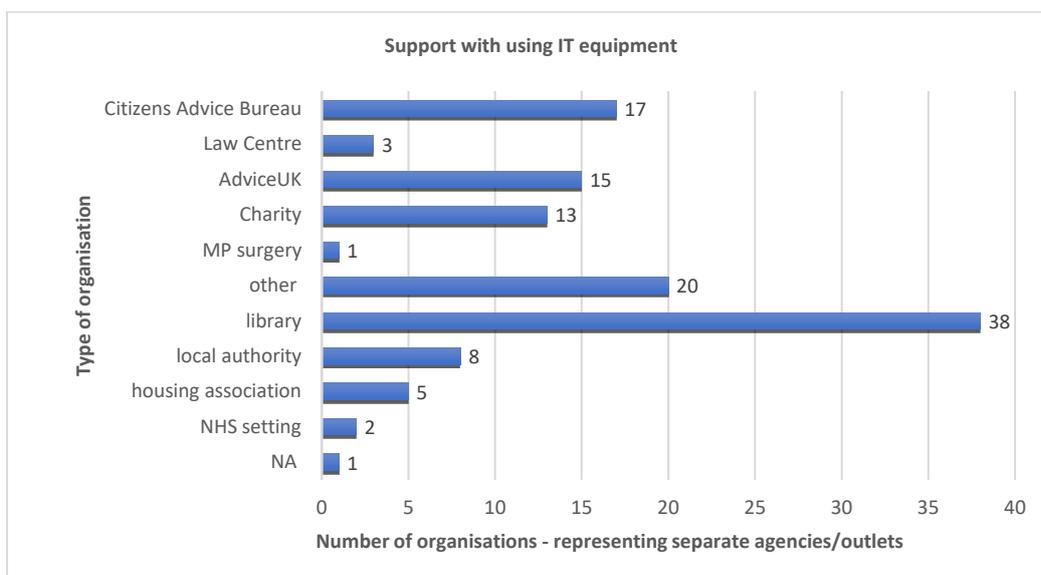


As can be seen from the above chart, the research findings are that, of the 346 separate survey respondents, 99 (29%) organisations reported not offering any digital support. Of the 247 (71%) organisations currently offering some form of digital assistance, this was offered at different levels and a further breakdown of these findings is below.

4.2 Which Organisations are providing digital assistance?

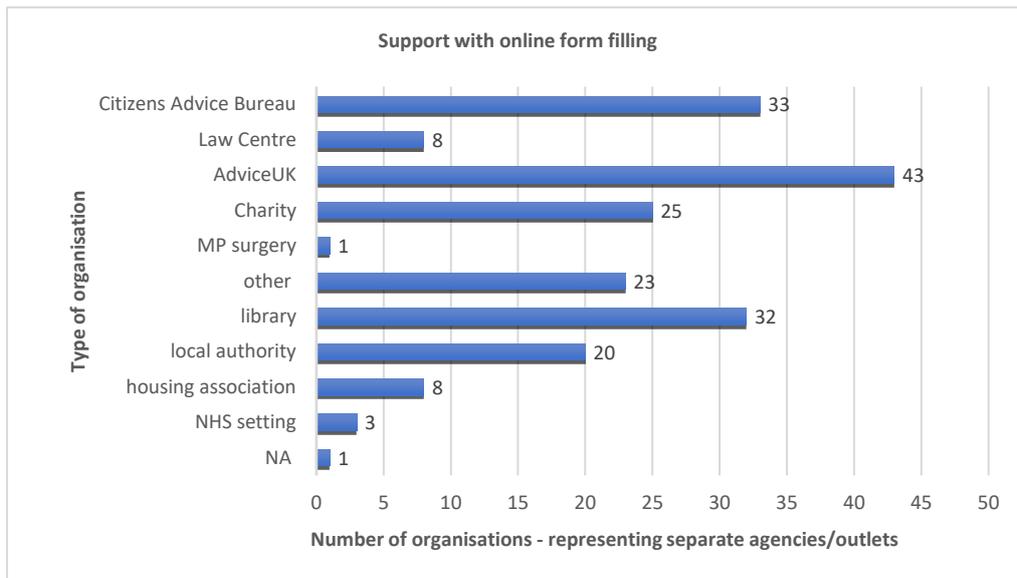
Below is a breakdown by organisation of the findings at 4.1 above.

SUPPORT WITH IT EQUIPMENT – 123 separate respondent organisations



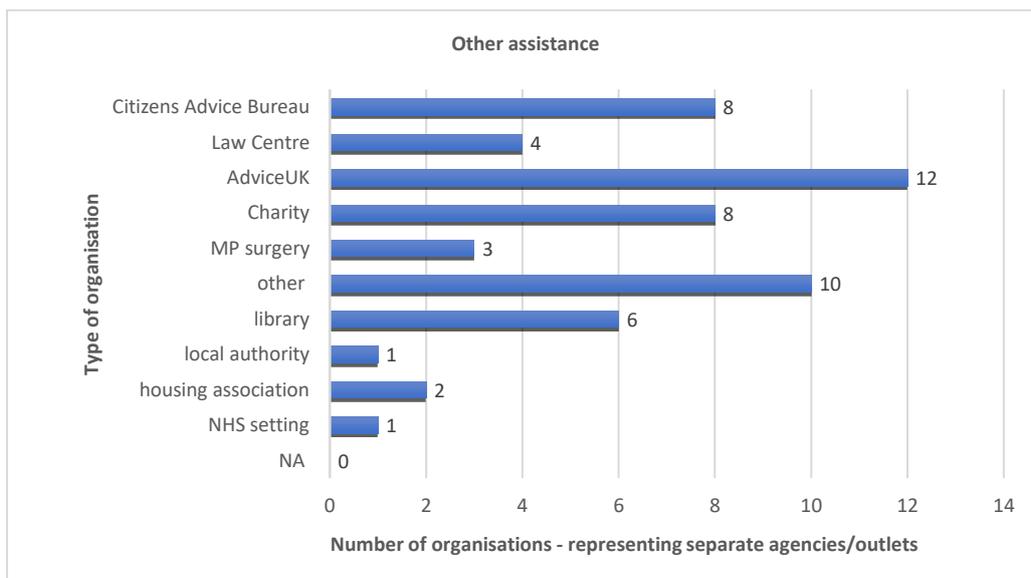
As can be seen from the above, respondent libraries (84.4%) offer the most support with the use of IT equipment.

SUPPORT WITH ONLINE FROM FILLING – 197 separate respondent organisations



The findings are that all respondent Citizens Advice bureau offer assistance with online form filling.

OTHER ASSISTANCE – 55 separate respondent organisations

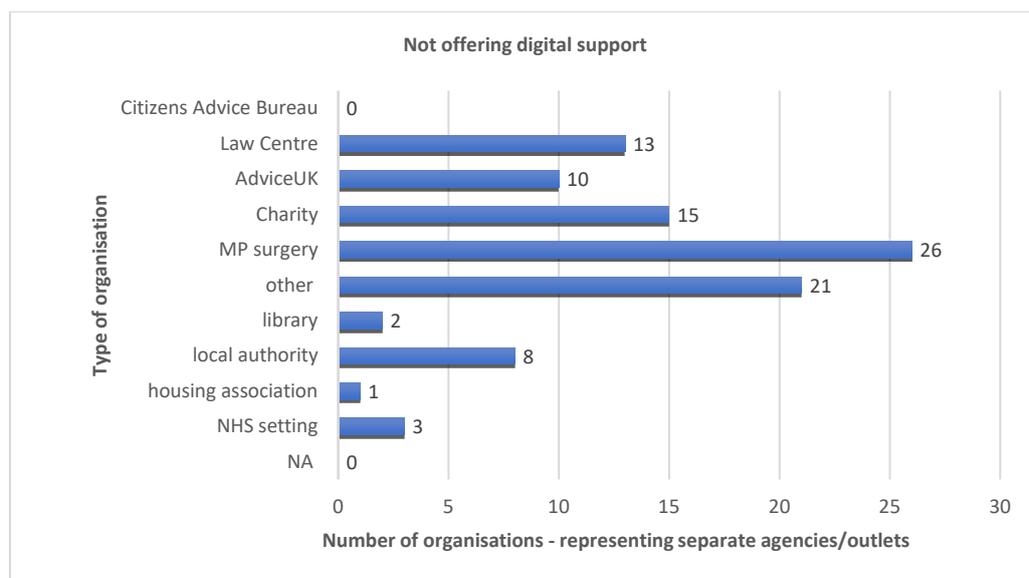


Of the ‘other’ digital assistance being provided, the research found that respondent organisations offer the following: help for appointees, email advice, use of price comparison tools, bankruptcy applications, visa and leave to remain applications, EU settled status applications, job training and searches, child arrangement forms, switching utility providers, support with bidding for housing, development of guided pathways, support to those with sensory impairments and support for people with learning disabilities.

From the above data, the findings are that, together with existing services, there is already some digital support and assistance being provided by advice agencies, other voluntary sector organisations and local providers.

However, the research found that 99 (29%) organisations do not currently offer any digital assistance at all. The below chart provides a breakdown by organisation of those currently not offering digital support.

NOT OFFERING DIGITAL SUPPORT – 99 separate respondent organisations



4.3 Does the digital assistance include legal advice?

From those organisations which reported offering some form of digital assistance, the research was designed to identify whether legal advice may also be available together with this digital assistance. Therefore, the survey question about offering legal advice with digital services was only made available to respondent organisations which reported offering digital assistance. The question was therefore open to 247 organisations.

Does the digital assistance include legal advice?

YES 53 (23%)	NO 180 (77%)
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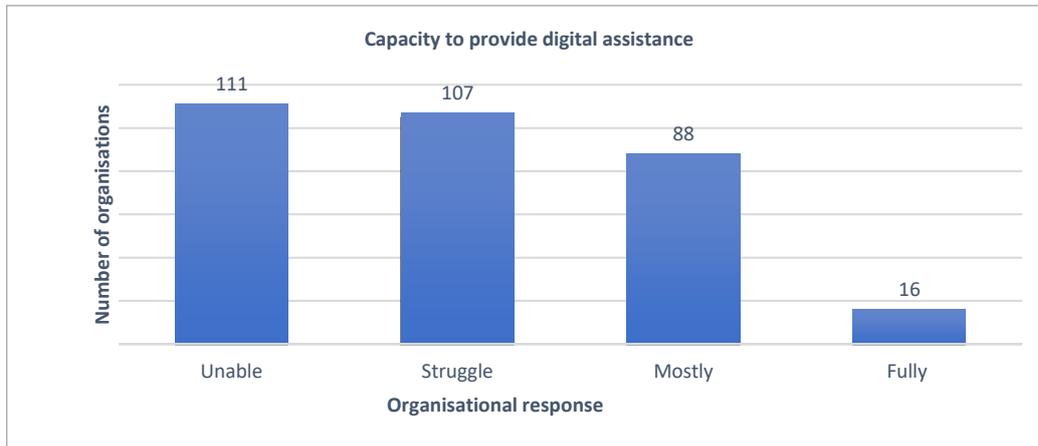
There were 233 responses from a possible 247. Of these, 180 (77%) respondent organisations reported not offering legal advice with their digital services. 23% of respondent organisations reported offering legal advice. No assumptions are made either way regarding those 14 organisations not providing a response. The chart below details a breakdown of the research findings.



The findings are that, although the largest response was from AdviceUK, 19 separate members (30.6% of AdviceUK respondents) there is a higher percentage of Law Centres offering legal advice with digital assistance, 9 Law Centres representing 37% of total Law Centre respondents.

4.4 Capacity to provide digital assistance

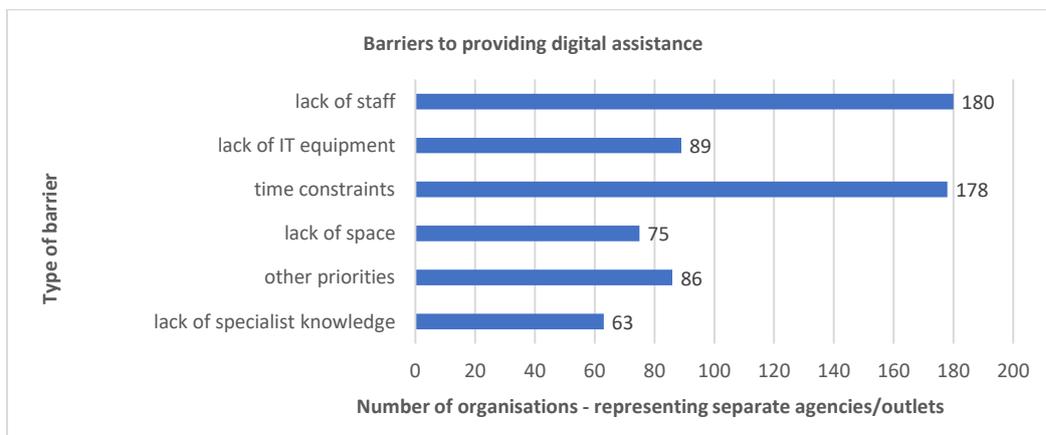
The research wanted to investigate the current capacity of front line advice agencies to deliver digital assistance. As the research wanted to elicit responses from all organisations, the survey question regarding capacity was open to all, including those 99 organisations which reported not currently offering digital assistance. Respondents could select from a range of four possible options regarding their ability to satisfy demand for digital assistance. The options were 'unable', 'struggle', 'mostly' and 'fully'. From a possible 346 responses from separate agencies/outlets, the below findings are drawn from the 322 responses received.



As can be seen from the findings, many respondents, 111 (34.4%) are unable to meet demand for requests for digital assistance. 107 (33.3%) respondent organisations are struggling to meet demand. Only 16 (5%) of respondent organisations can currently meet demand for digital assistance. No assumptions have been made within the findings regarding those 24 organisations not responding to this question. A more detailed breakdown by organisation can be found at **Annex 3**.

4.5 Barriers to providing digital assistance

One of the key concerns for the research was to identify barriers affecting the ability of front line advice services to deliver digital assistance either now or in the future. The survey question regarding barriers to offering digital assistance was open to all respondents including the 99 respondents which reported not offering any digital assistance (see 4.1 above). Respondents were provided with six potential barriers and were not restricted to just one option. The findings are detailed in the chart below.

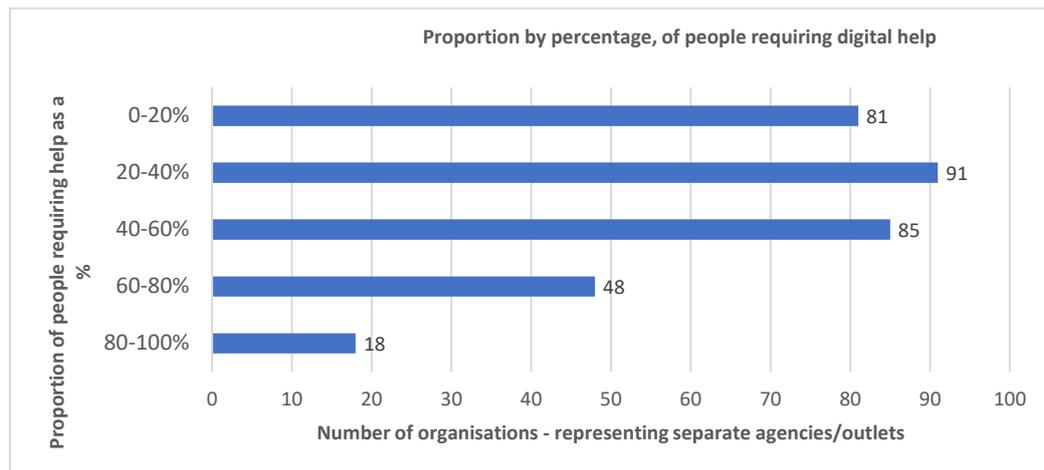


The research findings strongly indicate that front line advice services are facing many barriers preventing them from providing digital assistance. Lack of staff and time constraints acting as the main barriers. Of the 99 respondent organisations not currently offering any digital assistance, the findings identified that all of the barriers were cited and in particular, lack of staff (47 of the 99 respondents) and lack of time (50 of the 99

respondents) being the major obstacles. These findings evidence that the 99 organisations not currently offering digital assistance are being prevented from doing so because of these barriers, rather than digital assistance not forming part of their services. A detailed breakdown of responses by organisation can be found at **Annex 4**.

4.6 Proportion of people as a percentage requiring digital assistance

Front line services and community organisations have a good understanding of the cohorts they assist, the difficulties they may face and the vulnerabilities they may have. The research wanted to elicit information from the organisations, based on their experienced observations about the level of need for digital assistance within their client group. The findings are drawn from 323 responses and these are detailed in the chart below.



These findings indicate there is a high level of need for digital assistance across respondent organisations. From the above findings, between 35% and 50% of services users require digital assistance. When compared with the reported number of people assisted by these organisations on a weekly basis (see **2.3** above) digital exclusion and difficulty navigating online systems affects a large number of people.

CONCLUSION

The data clearly indicates that the vast majority of front line providers of advice and assistance in areas of social welfare law are already overstretched and at capacity. Although some digital assistance is being provided together with other key services, the potential to do more is unattainable due to existing barriers as identified in this report.

Most organisations offer advice for welfare benefits including assistance with appeals, and as this is an area affecting the most disadvantaged, any inability to provide digital assistance together with legal advice is a cause for concern.

The data also clearly demonstrates that many people approaching for assistance with a legal problem in areas of social welfare law would require digital assistance to navigate an online justice system. However, demand for digital assistance cannot be met which means that many disadvantaged individuals are unable to get the help they need to access justice in a digital system.

As digitisation across all areas of social welfare law increases, urgent steps need to be taken to remove existing barriers and this would require investment to the existing infrastructure, including investment to retain the existing levels of specialist expertise and to train more specialists to ensure the future delivery of a quality service.

Glossary

Accredited advice agencies	Advice agencies that hold accredited quality standards relevant to their work. There are different accreditation schemes and quality standards across various professional bodies.
Administrative Justice Council (AJC)	The AJC is the successor body to the Administrative Justice Forum which was abolished in April 2018
Advice Services Alliance (ASA)	An umbrella body for independent advice services in the UK. Members are national networks of not-for-profit organisations providing advice and help on the law, access to services and related issues.
AdviceUK	A national advice umbrella organisation with 680 members across England, Scotland and Wales with a very diverse membership from local advice agencies to national sectoral networks including numerous specialist providers with some employing solicitors.
Age UK Charities	A leading charity dedicated to helping everyone make the most of later life Registered and unregistered - organisations whose aims are exclusively charitable and exist for the public benefit. Registered charities are those registered with the Charity Commission.
CIC independent advice agencies	A Community Interest Company (CIC) is a special type of limited company which exists to benefit the community rather than private shareholders.
Citizens Advice (Citizens Advice Bureau)	A network of 316 independent charities throughout the UK that give free, confidential information and advice to assist people with money, legal, consumer and other problems.
Community hubs	Multipurpose centres that provide a range of services to the local community
County Council	An elected administrative body governing an area known as a County.
District council	An Independent council responsible for local services such as rubbish collection, housing and planning applications.
Good Things Foundation	A digital inclusion charity with an aim to helping people to improve their lives through digital.
HMCTS - Her Majesty's Court and Tribunal Service	HMCTS is an executive agency, sponsored by the Ministry of Justice and responsible for the administration of criminal, civil and family courts and tribunals in England and Wales.
Housing associations	Private, non-profit making organisations that provide low-cost social housing similar to that provided by councils.
JUSTICE	JUSTICE is an all-party reform and human rights organisation working to strengthen the justice system -administrative, civil and criminal - in the United Kingdom.
Law Centres	Law Centres offer legal advice, casework and representation to individuals and groups. Law Centres are independent and operate on a not-for-profit basis.
LAG - Legal Action Group	A national independent charity promoting access to justice for members of society.
Local authority	Local authorities are responsible for the provision of an extensive range of public services including promoting the interests of the local community.
MIND	A mental health charity providing advice and support to empower anyone experiencing a mental health problem
MP surgeries	Sessions held within constituencies where members of the public can raise issues of concern.
Not -for-Profit Organisations	Not-for-profit organisations dedicated to further particular social causes which uses its revenue to further the aims and objectives of the organisation.
Registered social landlords	Providers of social housing regulated under the Housing and Regeneration Act 2008.
Scope	A disability charity operating across England and Wales who, in addition to campaigning, provide practical information and emotional support.
Support Through Court	A charity dedicated to providing free, independent assistance to people facing proceedings without legal representation.
University clinics	Clinics run on a pro bono basis by supervised students providing free advice to individuals.
Voluntary sector organisations	Organisations which are independent of local and national government, such as charities, whose primary purpose is to create social impact and further social objectives

ANNEX 1 – LIST OF SURVEY QUESTIONS

1. How best would you describe your organisation: Member of Citizens Advice Bureau; Member of the Law Centre Network; Member of AdviceUK; A public service/facility (e.g. local authority, library, MP surgery, NHS setting – please provide detail); Other (please provide detail).
2. How many staff at your organisation (FTE) provide assistance/advice to members of the public? If you are part of a larger organisation (e.g. CAB) please only include staff at your branch/location.
3. Does your organisation employ/use any (non-legally qualified) specialist advisors to advise member of the public in areas such as welfare benefits, debt, employment, probation etc?
4. Does your organisation employ/use any legally qualified advisors (e.g. solicitors, barristers, paralegals) to advise members of the public?
5. Does your organisation currently use volunteers (if yes, how many hours do they contribute per week?).
6. Does your organisation offer assistance/advice in any of the following areas? (please select all those that apply) Housing, Debt, Welfare benefits, Employment, Immigration/asylum, Family, Community care, Mental health, Discrimination, Prison/probate, Other (please specify).
7. At what stage do people generally approach (or are referred to) your organisation for assistance/advice? (please select all those that apply: Early stage (e.g. when an issue first arises, for early initial advice/information); When they are referred (by another organisation/court) at a specific stage; When they have run into difficulty trying to manage the issue/s alone; When they want to lodge an appeal (e.g. welfare benefits, employment); When they have been threatened with legal action (civil or criminal); When they need help with understanding/drafting documents; When they need help with a hearing/court or tribunal attendance; After a court or tribunal hearing; Other (please specify).
8. How many people does your organisation offer assistance/advice to per week? (do not include people who you signpost elsewhere unless this forms part of your service).
9. Does your organisation currently offer any of the following digital assistance/support for any of your services? (please select all that apply) Support using IT equipment; Support with online form filling; Other (please specify); We do not offer digital assistance/support.
10. Does your organisation's digital assistance/support involve legal advice? Examples of legal advice includes providing an opinion on how someone should deal with a specific legal matter, providing advice on what to write on a legal form or other legal document, offering an opinion on the outcome of a case.
11. What capacity does your organisation have (in terms of skills and personnel time) to provide digital assistance/support to meet demand?
12. If your organisation does not offer or cannot meet the demand for digital assistance/support, what are the main reasons? Lack of staff; Lack of IT equipment; Time constraints; Lack of space; Other priorities; Lack of specialist knowledge.
13. Approximately what percentage of your clients do you consider would need digital assistance/support: 0-20%; 20-40%; 40-60%;60-80%;80-100%.
14. Does your organisation provide assistance/advice (digital or otherwise) with welfare benefits? Yes or No.
15. Which benefits does your organisation provide assistance/advice with? (please select all that apply) Universal credit; Employment and Support Allowance; Housing Benefit; Income Support; Job seekers Allowance; Pension Credit; Tax Credits; Personal Independence Payments; Disability Living Allowance/Attendance Allowance; Bereavement Benefits; Carers Allowance; Child Benefit; Industrial Injuries Benefit; Maternity Allowance; Retirement Pensions; Guardian's Allowance; Other (please specify).
16. Is any of your organisation's assistance/advice with welfare benefits provided in any digital format? Yes or No
17. What digital assistance/support with welfare benefits does your organisation provide? (please select all that apply): Provision and assistance with equipment use; Assistance with online applications (e.g. UC, HB); Assistance with responding to notifications; Assistance with liaising with third parties; Lodging a mandatory reconsideration request; lodging an appeal; Assistance with tracking an appeal; Assistance with appeal resolution; Other (please provide detail).
18. Is there anything else you would like to tell us about your organisation's ability to provide digital assistance/support either currently or in the future?

ANNEX 2 – AREAS OF LAW BY ORGANISATION

(numbers representing separate agencies/outlets)

	Housing	debt	Welfare benefits	employment	Immigration & asylum	family	Community care	Mental health	Discrimination	Prison/probate	Other
Citizens Advice	32	31	33	31	22	31	22	22	30	7	9
Law Centre	22	13	23	16	16	4	9	3	8		5
Advice UK	36	43	51	22	7	11	9	15	11	2	14
Charity	25	24	34	22	10	17	17	20	11	9	17
MP	28	24	28	23	28	27	26	27	27	24	10
Other	26	17	39	15	11	17	20	21	15	7	11
Library	14	4	16	18	7	11	12	13	5	3	14
Local authority	15	18	25	6	5	4	6	5	4	4	3
Housing association	7	7	8	5	1	4	2	3	1		1
NHS setting	3	3	4	1	1	2	3	6	1	4	1
NA	1	1	1		1						
	209	185	262	159	109	128	126	135	113	60	85

**ANNEX 3 – ORGANISATIONAL BREAKDOWN OF CAPACITY TO MEET DEMAND FOR DIGITAL ASSISTANCE
(numbers representing separate agencies/outlets)**

	Unable	Struggle	Mostly	Fully	Total
Citizens Advice	7	19	7	0	33
Law Centre	18	5	0	1	24
Advice UK	19	25	12	3	59
Charity	13	13	14	1	41
MP	14	4	3	3	24
Other	16	15	18	3	52
Library	9	14	21	1	45
Local authority	11	7	8	1	27
Housing association	1	1	5	2	9
NHS setting	2	3	0	1	6
NA	1	1	0	0	2
	111	107	88	16	322

ANNEX 4 - ORGANISATIONAL BREAKDOWN OF BARRIERS TO PROVIDING DIGITAL ASSISTANCE

(numbers representing separate agencies/outlets)

	Lack of staff	Lack of IT equipment	Time constraints	Lack of space	Other priorities	Lack of specialist knowledge
Citizens Advice	24	13	20	17	5	3
Law Centre	16	7	15	8	13	1
Advice UK	34	19	35	18	12	5
Charity	22	15	23	11	5	8
MP	9	2	11	6	14	7
Other	24	15	32	5	15	14
Library	31	8	24	3	7	21
Local authority	14	5	10	4	10	2
Housing association	2	1	4	1	1	0
NHS setting	4	3	4	1	4	2
NA	0	1	0	1	0	0
	180	89	178	75	86	63