

AN ANATOMY OF ACCESS

**EVALUATING ENTRY, INITIAL ADVICE AND
SIGNPOSTING USING MODEL CLIENTS**

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EXECUTIVE SUMMARY

This research uses model clients (also known as 'mystery shoppers') to test the approach of 294 Specialist Quality Mark holders when approached by clients needing advice in a category of work in which they do not specialise. The purpose of this was to gauge the frequency of signposting (advising the client to see another provider) and referral behaviour (making an appointment for the client with a specific provider), as well as the tendency of some agencies to provide advice outside of the categories of law in which they have specialist contracts. Where such advice is given, we were able to test the quality of that advice using quality peer review. The methodology also provides significant insight into the level and nature of access problems faced by clients, in particular in their ability to make contact with NFP agencies on the telephone. It enables a tracking of initial attempts to access the service, the first point of contact and pathways to advice or alternative providers after that. As such it provides an anatomy of access into the CLS. The key findings can be summarised as:

- Not one model client was 'referred'
- 12% of visits resulted in severe access problems.
- We estimate that between 35% and 40% of clients were signposted to an appropriate supplier.
- We estimate that a similar proportion (35% to 40%) were signposted to a less appropriate provider (e.g. they could have been signposted to a Specialist Quality Mark provider practising in the relevant locality). There is a gap between what we regard as less appropriate and what is permitted by the Quality Mark. That gap should be scrutinised and possibly diminished.
- 6% received advice and were not signposted, but given the quality of advice this decision was probably justified.
- About 12% received advice which was poor enough to suggest that the decision not to signpost was probably not justified. 7% (i.e. just over half of those receiving poor advice) received advice which appeared to be damaging to the client's interests.

A relatively minor change in behaviour on the part of suppliers (ensuring providers signpost to specialists not others and discouraging non-specialist advice where there are suitable alternatives) could substantially improve the 'seamlessness' and quality of the CLS.

There is also interesting evidence of the nature of poor advice by non-specialists and the potential for specialist advice to promote preventative law, saving public funds and making a direct impact on clients' lives.

MODEL CLIENT SCENARIO 2

HOUSING

You are a single parent living with your young child in a privately rented one bedroom flat. You are in receipt of income support (£53.75) and entitled to housing benefit. You have recently moved to the local area.

You signed a tenancy agreement three months ago – you have a written agreement and remember that it is an assured shorthold tenancy for a fixed term of six months. The landlord is a friend of a friend and said that if everything goes OK you will be able to stay for longer. You have no copy of the tenancy because you sent it to housing benefit office when you made your application for housing benefit on moving into the flat. The rent is (£) per calendar month. You had the rent checked by the housing benefit office (a pre tenancy determination) prior to signing the tenancy and housing benefit office advised that they would pay whole amount. You pay the gas and electricity separately on top of the rent and as far as you know the landlord pays the water rates. You also paid a deposit when you moved in of a month's rent in advance which you borrowed from family.

You applied for housing benefit as soon as you moved in to the flat. You got a receipt for the application which is at home. About a month ago you received a request from housing benefit office for your child's birth certificate and you supplied this - again you have a receipt at home - but you have heard nothing from them since. You intend to go into the housing benefit office again today to try to find out what is going on. If they are still not able to confirm that the application has been dealt with you want to know if there is anything you can do about this. Apart from the deposit the landlord has received no money from you and you have missed three months rent.

Two days ago the landlord rang and said that he'd had enough of waiting for the rent. He thought that housing benefit would be paying and he's now fed up. He said that he didn't care that the tenancy still had 3 months to run - he wanted you out. He didn't say when but he mentioned the weekend. You found this upsetting because he sounded quite angry. He's a friend of a friend and so you think that he won't just chuck you out but you are anxious nevertheless. You have to think of the child. You do not want the adviser to write to or contact the landlord at this stage because you think that at the moment this may just make him angrier.

You want to know what landlord can do - can he just chuck you out before the end of the six months - can he put you on the street? What can you do if he does - can you get help from the local council because you aren't sure that you could borrow a deposit again to find a new place? You would like to stay in the flat really and you like the area but are worried about being thrown out. You also want to know what you can do about the housing benefit situation.

NB

1. advice to be given on assumption that agreement is an assured shorthold tenancy - very unlikely not to be;
2. rent needs to be adjusted according to area;
3. housing benefit issues very common in London and Essex - presuming that similar problems elsewhere;
5. client should present as an eviction case - mentioning the threats from landlord - otherwise she may get diagnosed as a welfare benefits (housing benefit) case

MODEL CLIENT NAME _____	PERSONAL VISIT1	(11)		
SUPPLIER CODE _____	TELEPHONE CALL.....2	(12)		
SCENARIO _____	TIME ARRIVED/START OF CALL _____	(13)		
DATE OF VISIT/CALL _____	TIME DEPARTED/END OF CALL _____	(14)		
I confirm that the visit reported on here was conducted according to the instructions given at the briefing on 19 June 2002		(15)		
SIGNED _____		(16)		
DATE REPORT COMPLETED _____		(17)		

PART A – QUESTIONS GENERAL TO ALL SCENARIOS

MAKING CONTACT

1. **How did you first make contact with the firm/organisation ?** (21)
 - By telephone 1
 - In person 2
 - Written communication 3

2. **How many times did you have to call before you got through to a person ?** (22)
 - Once/Made contact on first attempt 1
 - Twice 2
 - Three times 3
 - More than three times 4
 - Did not make contact 5
 - Not applicable 6

3. **Was access easy ?** (23)
 - Yes 1
 - Fairly 2
 - No 3

FIRST POINT OF CONTACT

4a. So far as you are aware, what was the status or function of the person who initially communicated with you from the firm/organisation ? (24)

- Receptionist 1
- Secretary 2
- Triage 3
- Lawyer 4
- Advisor 5
- Other 6
- Don't know 7

4b. If 'Other' at Q4a., please specify: (25)

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5. When you first made contact did they . . . (26)

- ... deal with scenario immediately, there and then 1
- ... arrange an appointment for an interview in person 2
- ... arrange an appointment for an interview by telephone 3
- ... tell you they could not help you and did not suggest an
..... alternative form of assistance 4
- ... tell you they could not help you but suggested an
alternative form of assistance 5
- Other (Please specify below)..... 6

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6a. If they told you they could not help, did they explain why ? Give details (27)

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6b. If they suggested an alternative form of assistance, what was this ? If they referred you to another organisation/firm, give details. (28)

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DETAILS OF INTERVIEW

- 7a. If an interview took place, what was the status of the interviewer ?** (29)
- Triage 1
 - Secretary 2
 - Lawyer 3
 - Advisor 4
 - Same person as at Q4a 5
 - Other 6
 - Don't know 7
- 7b. If 'Other' at Q7a., please specify:** (30)
-
-
-
-
- 8. Did the interviewer give you his/her name ?** (31)
- Yes 1
 - No 2
- 9a. Please state the date and time of the interview** (32)
- Date
 - Time
- 9b. Was the interview on time ?** (33)
- Yes 1
 - No 2
- 10. How long was your interview (in minutes)?** (34)
- 11a. Do you feel you had time to explain the problem ?** (35)
- Yes 1
 - Not sure 2
 - No 3

11b. If 'No', or 'Not sure', why not ? (36)

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12a. Did the interviewer provide any advice on your 'Scenario' problem ? (37)

- Yes, dealt with the problem..... 1
- Yes, dealt with some of the problem 2
- No, suggested I go somewhere else 3
- Other 4

12b. Please explain your reply at Q12a. (38)

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SIGNPOSTING AND REFERRAL

13a. If the interviewer suggested you go elsewhere, what did they suggest ? (39)

(TICK AS MANY AS APPLY)

- Provided the JUSTASK helpline Number (0845 608 1122) 1
- Suggested the JUSTASK website 2
- Suggested I ring the Law Society 3
- Suggested an unnamed CAB (ie no particular office) 4
- Suggested a specific CAB (named a specific office) 5
- Provided me with a list 6
- Other 7

13b. If 'Other', please specify (40)

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14. If you were given a list, which list was it ? (41)

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- 15. If you were given a list, could you take it away with you ?** (42)
- | | |
|-----|---|
| Yes | 1 |
| No | 2 |

- 16. Did the interviewer make a referral to a specific organisation including making, or attempting to make, contact themselves first with that organisation on your behalf ?** (43)
- | | |
|--|---|
| Referred me to a specific organisation and attempted to make contact on my behalf (the attempt was unsuccessful) | 1 |
| Referred me to a specific organisation, and made an appointment for me on my behalf | 2 |
| Referred me to a specific organisation, but did not attempt to make an appointment on my behalf | 3 |
| The interviewer did not refer me to a specific organisation | 4 |
| Not applicable..... | 5 |

- 17. If you were referred to a specific firm or organisation, name the organisation:** (44)
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- 18. If they did recommend/suggest or refer you to a specific firm/organisation, did they then advise you as to the likely charges/cost of any of the different alternatives ?** (45)
- | | |
|-----------|---|
| Yes | 1 |
| No | 2 |
| Unsure | 3 |

- 19a. Were you asked to sign any forms ?** (46)
- | | |
|-----------|---|
| Yes | 1 |
| No | 2 |

- 19b. If 'Yes', please give details** (47)
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20a. Disregarding the legal advice provided, how would you describe the advisor's overall manner ? (48)

- Very helpful 1
- Fairly helpful 2
- Not very helpful 3
- Not at all helpful 4

20b. Give a brief reason to explain your choice (49)

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21a. At the end of the interview, did you feel you had been given clear advice on how to proceed with your problem ? (50)

- Yes 1
- No 2

21b. If you answered "No" to Q21a, give a brief explanation why: (51)

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MODEL CLIENT NAME _____	PERSONAL VISIT	1	(32)		
SUPPLIER CODE _____	TELEPHONE CALL.....	2	(33)		
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PART B:Housing Scenario

(Please tick one box only)

1a. Did the advisor advise you that you probably had an ‘assured shorthold tenancy’ (70)

..... 1
 No 2 2

1b. Did the advisor tell you what an ‘assured shorthold tenancy’ means ? (71)

Yes 1 1
 No 2 2
 Unsure 2 3

2. Did the advisor advise that you cannot be evicted from your home without a court order ? (72)

(Illegal eviction - you cannot be evicted from your home without a court order. Protection From Eviction Act 1977.)

Yes 1 1
 No 2 2
 Unsure 2 3

3. Did the advisor tell you what to do should your landlord try to evict you without a court order ? (73)

(In an emergency client can: call police or call local authority who have a tenant liaison officer who will speak to a landlord in these circumstances; or come back for legal representation if needed. They are likely to be eligible for public funding to obtain an injunction preventing the landlord evicting.)

Yes 1 1
 No 2 2
 Unsure 2 3

4. Did the advisor give you advice about how eviction proceedings can be prevented or slowed down ? (74)

(Rights as an assured shorthold tenant. Landlord can take eviction proceedings:

a) within fixed term possession proceedings can be brought on assured tenancy grounds under Housing Act 1988 - provided (i) the tenancy agreement includes a clause allowing Landlord to re-enter or terminate tenancy for breach of covenant or if one of statutory grounds for possession exists and (ii) correct notice of proceedings given. (iii) Prove ground under Schedule 2 Housing Act 1988. In this case mandatory ground 8 can be used where rent arrears are over 2 months rent.

b) once fixed term has expired landlord can take accelerated possession proceedings - Provided correct notice served - 2 months - Notice Requiring Possession - court will order possession. As at time of writing can ask the court to adjourn possession proceedings pending Judicial Review in respect of housing benefit.)

Yes	1	1
No	2	2
Unsure	2	3

5. Did the advisor advise what could be done to get the housing benefit application determined ? (75)

(Housing Benefit - Council are in breach of regulations governing determining housing benefit applications: HB (General) Regs 1987 - reg 76(3) - claims should be determined within 14 days or as soon as reasonably practicable thereafter. Letter before claim could be sent on client's behalf in respect of Judicial Review proceedings, further advice to client re public funding and proceedings for Judicial Review.)

Yes	1	1
No	2	2
Unsure	2	3

6. Did the advisor give you advice on the implications of leaving the house voluntarily ? (76)

(Local authority help

a) as homeless under Part VII Housing Act 1996 obligations to unintentional homeless in priority need - but application likely to be premature at this stage and client should be advised of finding of intentional homelessness and implications of leaving the flat voluntarily at this stage - So do not leave the house voluntarily !

b) longer term - is client on the housing register ? Can make an application now.)

Yes	1	1
No	2	2
Unsure	2	3

7. Did the advisor get your priorities right - ie understand that you want to (77)

(a) get housing benefit sorted out and

(b) make sure you are able to stay in the property ?

Yes, focussed mainly on (a)	1	1
Yes, focussed mainly on (b)	1	2
Focussed on both (a) and (b)	1	3
No	2	4

**PLEASE DETAIL ON THE ACCOMPANYING SHEETS
ALL THE ADVICE GIVEN ON THE ABOVE ISSUES AND ANY OTHERS**

Table 15: Housing Advice - Specific Questions (by sector)

	Yes	No	Unsure
Did the adviser advise you that you probably had an 'assured shorthold' tenancy'?	67.6	32.4	
<i>NFPs</i>	69.6	30.4	
<i>Solicitors</i>	63.6	36.4	
Did the adviser tell you what an 'assured shorthold tenancy' means?	29.4	61.8	8.8
<i>NFPs</i>	26.1	65.2	8.7
<i>Solicitors</i>	36.4	54.5	9.1
Did the adviser advise that you cannot be evicted from your home without a court order ?	97.1	2.9	
<i>NFPs</i>	95.7	4.3	
<i>Solicitors</i>	100.0		
Did the adviser tell you what to do should your landlord try to evict you without a court order ?	47.1	47.1	5.9
<i>NFPs</i>	43.5	52.2	4.3
<i>Solicitors</i>	54.5	36.4	9.1
Did the adviser give you advice about how eviction proceedings can be prevented or slowed down ?	32.4	50	17.6
<i>NFPs</i>	30.4	43.5	26.1
<i>Solicitors</i>	36.4	63.6	
Did the adviser advise what could be done to get the housing benefit application determined ?	26.5	58.8	14.7
<i>NFPs</i>	34.8	47.8	17.4
<i>Solicitors</i>	9.1	81.8	9.1
Did the adviser give you advice on the implications of leaving the house voluntarily?	11.8	82.4	5.9
<i>NFPs</i>	8.7	82.6	8.7
<i>Solicitors</i>	18.2	81.8	

Base: 34, 23 NFPs, 11 solicitors

Model clients were also asked whether advisers got their priorities right. The answers are shown in the following table.

Table 16: Did advisers get the client's priorities right (housing, by sector)

	Yes, focused mainly on (a)	Yes, focused mainly on (b)	Yes, focused mainly on a)and b)	No
	%	%	%	%
Did the adviser get your priorities right - ie understand that you want to (a) get housing benefit sorted out and (b) make sure you are able to stay in the property ?	29.4	14.7	50.0	5.9
<i>NFPs (n = 17)</i>	39.1	4.3	56.5	
<i>Solicitors (n = 11)</i>	9.1	36.4	36.4	18.2