



**A Public Law Project review of the civil advice telephone gateway suggests the mandatory service is not living up to government hopes. The report's findings include concerns over value for money and client choice. David Oldfield explains**

## Gateway at crossroads?

**T**he civil legal advice mandatory telephone gateway affects all clients seeking legal help (ie initial advice and assistance) in the three areas of law in which it operates: education; debt; and discrimination. It is intended to be expanded to all other areas of civil law, except to asylum law following the Ministry of Justice (MoJ)'s *Review of the Civil Legal Advice Mandatory Gateway*.

The gateway differs from its predecessor, the community legal advice line, in two key respects:

- Clients are only given advice over the telephone and not on a face-to-face basis (unless a subsequent face-to-face advice referral takes place).
- The gateway is now the sole and mandatory route to accessing advice in these areas of law in which it operates – clients must telephone the gateway unless they are exempt from having to do so (because they are in detention, under 18, or have recently been referred for face-to-face advice by the service).

All calls are triaged by an operator service (initially run by Capita, and now by Freedom Communications) whose staff are not legally qualified.

### Research methodology

The Public Law Project (PLP)'s report relied on quantitative and qualitative research and comprised a literature review; analysis of legal aid statistics; a gap analysis of the MoJ review; and surveys and interviews with front-line advice providers and other stakeholders, including gateway telephone advisers.

### Findings: impact on clients

The parliamentary intention behind legal aid reform was to 'ensure' access to legal aid in the 'highest priority cases'.

The policy rationale behind the gateway also placed a clear emphasis on the concepts of client needs, client convenience, better value for money, and a high-quality service.

Our research indicates that the gateway is currently failing to meet parliamentary and policy intentions. Findings include:

- Significant numbers of matters concluding in 'outcome not known or client ceased to give instruction', or 'no recorded client benefit'.
- Lower volumes of advice being given than anticipated (even after scope changes are taken into account).

### Key statistics

- 90% fewer debt matters started than anticipated.
- 45% and 60% fewer education and discrimination matters started, respectively, than anticipated.
- Cost per debt matter resulting in a beneficial case outcome is 100% more than solicitors' firms and 170% more than NFP providers.
- MoJ confirms no peer reviews, or no operator service reviews carried out in first 18 months.
- 14% of callers transferred from operator service to telephone advisers.
- 37% of debt matters and 40% of discrimination matters result in 'outcome not known', 'client ceased to give instruction' or 'no recorded benefit'.
- 50% and 58% decrease in debt and discrimination matters, respectively, during 18 months of operation.
- MoJ reports 'negligible' face-to-face referral rates of about 0% (education) and 0.2% (discrimination).

- Ongoing reduction in volume of debt and discrimination advice being given since the introduction of the gateway.
- Very low levels of awareness of the service on the part of potential clients.
- Client difficulties navigating the operator service to secure a transfer to telephone advisers.

There were previously two key mechanisms that sought to ensure quality of advice for clients: peer reviews and market forces. Both of these are absent from the gateway. As a result, some telephone advisers have expressed concern that quality may be driven into the ground.

### Findings: value for money

Our findings also indicate that the gateway does not necessarily bring with it increased value for money. In respect of debt matters, it is a significantly more expensive system when compared with face-to-face channels of advice.

### Phased expansion

If the general presumption is that client choice is beneficial and that, as the government has stated, 'there is benefit in providing access to services through a variety of channels', there must be a sufficiently strong evidence base to justify continuation or expansion of the gateway. Unfortunately, the evidence base for the gateway remains weak and there continues to be a need for the issues outlined above to be fully addressed before any expansion is considered.

David Oldfield is a solicitor at the Public Law Project and co-author, with Ben Hickman, of *Keys to the Gateway: An Independent Review of the Mandatory CLA Gateway* (Public Law Project, March 2015).