

Welfare benefit advice provision during the pandemic

This report has been written on behalf of the Administrative Justice Council (AJC) and JUSTICE's *Reforming Benefits Decision-Making working party*, a collaborative project between the AJC and JUSTICE (see annex 1 for more information).

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Foreword

As the Chairman for the Administrative Justice Council (AJC), I am delighted to present this report on welfare advice provision during the pandemic. This report follows on from our 'Digitisation and Accessing Justice in the Community Report' published in April 2020, and looks at how frontline advice providers have adapted to the pandemic in delivering advice in social welfare law. It builds on the constructive advice from our first report to the Courts and Tribunals Reform Programme and highlights the impact of digitisation on frontline services and the people they serve. Evaluating how frontline advice providers have adjusted to digitally assisted service provision through the pandemic is an area of particular interest for the AJC and we will continue to monitor the impact it has had on both providers and their clients over the coming year.



The pandemic has rapidly accelerated the roll-out of the Reform programme and those who are operating within it. Advice providers have been required to not only adjust to assisting clients in using online platforms, but also to deliver effective advice through telephone or online channels. Whilst some clients have welcomed the change, others have fallen through the gaps. As a Council, it is paramount that we ensure that these gaps are closed and that access to justice is available to all who need it.

The need for research in this area was identified by Dr. Naomi Creutzfeldt, Co-Chair of our Academic Panel and Diane Sechi, member of our Pro Bono and Advice Sector Panels, during their meetings with members of the AJC/JUSTICE Reforming Benefits Decision-Making Working Party. It provides additional evidence-based research on the preparedness of advice services to operate in a digital world. I am grateful to them both for leading this research which resulted in a survey and subsequent report.

This timely report invites the government to consider expanding the capacity of the advice sector to provide advice to the most vulnerable, and excluded, in society by developing an advice infrastructure and increasing resources to the sector in order to provide advice to those who need it the most.



Rt. Hon. Sir Ernest Ryder

Chairman

The Administrative Justice Council

EXECUTIVE SUMMARY

The COVID-19 pandemic has fundamentally altered the way people live their lives. The measures brought in by the Government and the societal responses have forced organisations and individuals to adopt alternative working methods. As unemployment has risen and personal finances have been squeezed, the demand for social welfare assistance has grown.¹ This report details how social welfare advice providers have responded to these unusual circumstances, understanding how they have been working during the pandemic and what the effects have been for providers and clients following the switch to remote advice provision.

The Ministry of Justice has been undertaking a reform programme to digitalise the justice system since 2016.² The Administrative Justice Council's (AJC) report *Digitisation and accessing justice in the community* examined how prepared advice providers were for offering digital assistance regarding welfare benefits law, finding that demand for digital assistance was high and organisations were unable to meet this demand across all levels of social welfare law.³ As the pandemic has required an overnight shift to remote provision of advice, a second survey (*Pandemic survey*) was issued to ascertain the impact of this unanticipated transformation of the sector.

The results presented a contrast with the *Digitisation* report. While the *Digitisation* survey suggested that many providers were deeply concerned about lack of preparedness for coping with the digitisation of the courts and advice, many respondents used the survey to highlight areas in which greater help was needed, such as funding and training. The *Pandemic* survey suggested a greater level of preparedness and that respondents were proud of how they had coped with adapting to remote provision during the pandemic. However, it was notable that systemic problems were prevalent and issues relating to funding, training, and digital literacy were common across the respondents.

Mitigation of the challenges presented during the pandemic was a recurring theme with advice providers attempting to cope as best they could. The changes in operations have been undertaken at an accelerated pace and lessons have been learned throughout the roll out of new practices, making the focus on mitigation an understandable initial approach.

The findings revealed that remote provision has become reliant on the telephone rather than computer-based services, with advice providers insufficiently prepared for providing online services. A lack of funding, inadequate technology, and the need for greater training on digital systems were reasons cited for issues encountered while transferring to remote provision. Vulnerable people in need of advice were those at greatest risk of being rendered invisible by the transition to remote provision and it was widely acknowledged that face-to-face services were crucial for engagement with vulnerable cohorts. Hybrid models of advice provision, combining face-to-face meetings, telephone calls and electronic messaging emerged as an effective means of ensuring adequate provision for all in future,

¹ Government figures show the number of universal credit claimants has risen from 3 million to 5.6 million over the course of March to July 2020: < <https://www.gov.uk/government/publications/universal-credit-statistics-29-april-2013-to-9-july-2020/universal-credit-statistics-29-april-2013-to-9-july-2020#people-on-uc-header> >.

² The Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals, 'Transforming our Justice System: summary of reforms and consultation.' (2016). Available at < https://consult.justice.gov.uk/digital-communications/transforming-our-courts-andtribunals/supporting_documents/consultationpaper.pdf >.

³ Diane Sechi, *Digitisation and accessing justice in the community*, (Administrative Justice Council, 2020). Available at < <https://ajc-justice.co.uk/wp-content/uploads/2020/04/Digitisation.pdf> >.

accommodating those clients who are more technologically capable without excluding those most vulnerable.

The researchers would like to offer their sincere thanks and gratitude to all the respondents for taking the time to complete the survey and provide their insight into the circumstances the pandemic has presented.

Acknowledgements

Firstly, a very special thank you to all those organisations who gave their time to complete the survey making this report possible. A further thank you to those who commented on the survey and helped to distribute the link: Lindsey Poole Advice Services Alliance; Chilli Reid, Advice UK, David Hawkes, AdviceUK and Chair of the Claimants Support sub-group and members of the claimant support sub-group.

A special thank you to Thomas Wright for drafting the report and Rossen Roussanov for his initial summary of the survey findings, both JUSTICE interns. Finally, we are grateful to the following for their support and comments on drafts: Stephanie Needleman, JUSTICE; Jodie Blackstock, JUSTICE and Heidi Bancroft, Secretary to the AJC.

This report may not express the views of individual members of the Administrative Justice Council, their organisations; nor those of the Reforming Benefits Decision-Making Working Party.

BACKGROUND

As part of the ‘Transforming our Justice System’⁴ Reform Programme increased use of digital technology is being introduced to the justice system. With the use of digital processes and technology expanding and online services becoming more integral to the justice system, new concerns surrounding access to justice have arisen. The Bach Commission recognised that ‘*Technology has the capacity to enhance, empower and automate, but it also has the potential to exclude vulnerable members of society.*’⁵

Under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) public funding for areas of social welfare law, including employment law, welfare benefits and immigration law, was removed.⁶ It has been acknowledged that when people face difficulties in their daily lives, such as in those areas above, the early access to accurate information and advice is most valuable. Early advice can reduce the risks of unemployment, homelessness, debt and distress for the individuals, while also incurring greater costs for the state.⁷

Even within the Reform Programme it was estimated that 70% of the UK population may be “digitally excluded” or would require assistance using digital services,⁸ suggesting accessibility could be a major barrier to justice.

To better understand these risks and identify recommendations to overcome these barriers to justice the Administrative Justice Council (AJC) conducted research into the preparedness of the advice sector for the transition to digitally assisted service provision. The findings of the *Digitalisation Welfare Advice Survey* were reported in the AJC’s *Digitisation and accessing justice in the community* report.⁹ It was found that many of the advice providers had ‘*service users who are vulnerable and the most needy in society*’ with numerous organisations ‘*struggling to meet demand [for] digital assistance as they are not equipped to do so*’.¹⁰

The COVID-19 pandemic has fundamentally altered the everyday lives of everyone throughout the country. There has been a sharp increase in people accessing benefits such as universal credit in response to the economic disruption caused by the pandemic.¹¹ Advice services have been required to adapt rapidly, undergoing a sudden change of operations and having to introduce remote advice provision at an accelerated pace. In light of this sea change to the advice landscape in England and Wales, a second survey, the *Pandemic Welfare Advice Survey*, was conducted by JUSTICE/AJC to

⁴ *Supra*, note 2.

⁵ The Bach Commission, *The Right to Justice*, (Fabian Society, 2017) p.18. Available at <https://fabians.org.uk/wp-content/uploads/2017/09/Bach-Commission_Right-to-Justice-Report-WEB-2.pdf>; JUSTICE, Preventing Digital Exclusion from Online Justice. Available at: <<https://justice.org.uk/our-work/assisted-digital/>>.

⁶ Legal Aid, Sentencing and Punishment of Offenders Act 2012; available at <<https://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>>.

⁷ The Low Commission, *Tackling the Advice Deficit*, (Legal Action Group, 2014) p. vii. Available at <<https://www.lag.org.uk/about-us/policy/the-low-commission-200551>>.

⁸ *Supra*, note 2, p. 13, para 7.1.3.

⁹ Sechi, *Digitisation and accessing justice in the community*, *supra* note 3.

¹⁰ *Ibid*, p. 7.

¹¹ *Supra*, note 1.

understand how advice providers have adjusted to working through the pandemic and to gauge the impact of remote delivery on advisory services and their clients. This report outlines the findings of this survey and analyses the responses of advice providers to the pandemic.¹²

METHODOLOGY

This report relays findings based on data collected from a survey of organisations providing advice in the field of welfare benefits and adjacent areas of law. The *Pandemic Survey* looked at the challenges faced by social welfare advice providers, and their clients, during the pandemic. The survey was completed over the period 14 September–29 October 2020 and was distributed by JUSTICE for the AJC/JUSTICE working party on Reforming Benefits Decision-Making.¹³ The results only apply to advice providers' experiences of the first national lockdown.

The survey was sent to advice providers across England and Wales, representing a sample of stakeholders having direct contact with people requesting assistance with a social welfare problem identified via desk-based research during the *Digitalisation Survey*. 328 service providers received the survey directly and an additional link to the survey was shared on social media.

The previous survey on digitisation conducted between March and July 2019 received 346 responses from respondent organisations. This report is based on 133 responses to the *Pandemic* survey, of which one submitted a blank survey yielding no data. Although the survey garnered fewer responses than the original survey, in the context of the pandemic the data gathered provides a valuable snapshot of the approach taken by respondent organisations to providing welfare benefits advice during the pandemic and the common issues with which they were faced.

The survey was sent out between 14 September and 29 October 2020. It consisted of 24 questions collecting qualitative and quantitative data aimed at understanding: the type of organisation; areas of law covered; how services had adapted to continue during the pandemic; whether remote advice provision was proving effective; and any problems which may exist with operating remotely. There were open questions capturing qualitative data and enabling organisations to offer comments on advice provision during the pandemic. Some of these comments have been used in this report but have been anonymised. (A full list of survey questions is attached in Annex 3.)

The research findings of this report are structured as follows:

Section 1. Respondents, clients, and advice: looking at the respondent organisations, members of the advice provision sector, an overview of the clientele the respondents serve and the areas of advice they provide.

Section 2. Remote advice delivery: looking at how prepared the respondents were to provide advice remotely, the impact on their services of providing advice during the pandemic, the effectiveness of remote advice provision, their methods of communication with clients and the impact remote provision has had on their delivery.

¹² For a more detailed analysis see: Naomi Creutzfeldt and Diane Sechi, 'Social welfare [law] advice provision during the pandemic in England and Wales: a conceptual framework' (2021) JSWFL (forthcoming).

¹³ AJC, 'Benefits Reform' (Administrative Justice Council, 2020). Available at < <https://ajc-justice.co.uk/working-groups/benefits-reform/> > < <https://justice.org.uk/our-work/civil-justice-system/current-work-civil-justice-system/reforming-benefits-decision-making/> >.

Section 3. Adapting to remote delivery and lessons for the future: looking at adaptations advice providers can undertake and lessons which can be learnt from provision during the pandemic.

THE FINDINGS

Section 1. Respondents, clients, and advice

1.1 Respondent organisations

Responses to the survey were received from 133 separate organisations. Although a respondent may be a member of a larger umbrella group, each response originated from an individual member group. For instance, the 11 responses from Citizens Advice represent 11 separate Citizens Advice bureaux. Table 1 provides a breakdown of respondent organisations.

Table 1: Respondent organisations

Type of Organisation	Number of respondents (individual organisations)	% of total
Citizens Advice	11	8.3
Health Service	2	1.5
Housing Association	5	3.8
Law centre/solicitor	18	13.6
Local authority	47	35.6
University/law clinic	3	2.3
Other voluntary sector	34	25.8
Other	14	10.6

Organisations which placed themselves in the 'Other' category included: charities; the Department for Housing, Communities and Local Government; a hostel; an almshouse; a legal advice centre; a welfare rights service; a social housing provider; and a benefits consultancy.

1.2 Clientele served

The service providers surveyed cater for a wide variety of clients, ranging from advising anybody who sought it to those clients fulfilling certain criteria. General advice providers accounted for 54 of the respondents (41%), offering advice to all clients requesting assistance without targeting particular groups (13 of those 54 respondents limited their clientele by geographic catchment areas). Of the service providers which catered to specific client groups the largest concentration was around those with health issues. 28 of the respondent organisations (21%) targeted their services at clients with disabilities, including 13 which either expressly included or solely catered to clients with mental health conditions and learning disabilities. A further seven (5%) offered services to clients with cancer and other terminal illnesses and their families and carers.

Six respondents (4.5%) provided advice to residents of council housing, housing associations and almshouses. Another six organisations offered their advice services to particular minoritized ethnic and international communities, asylum seekers and refugees. Finally, nine of the respondents (7%) advised vulnerable clients, including the elderly, those at risk of homelessness and poverty, and users of care services. Additionally, 22 respondents (17%) did not offer any information about their clients.

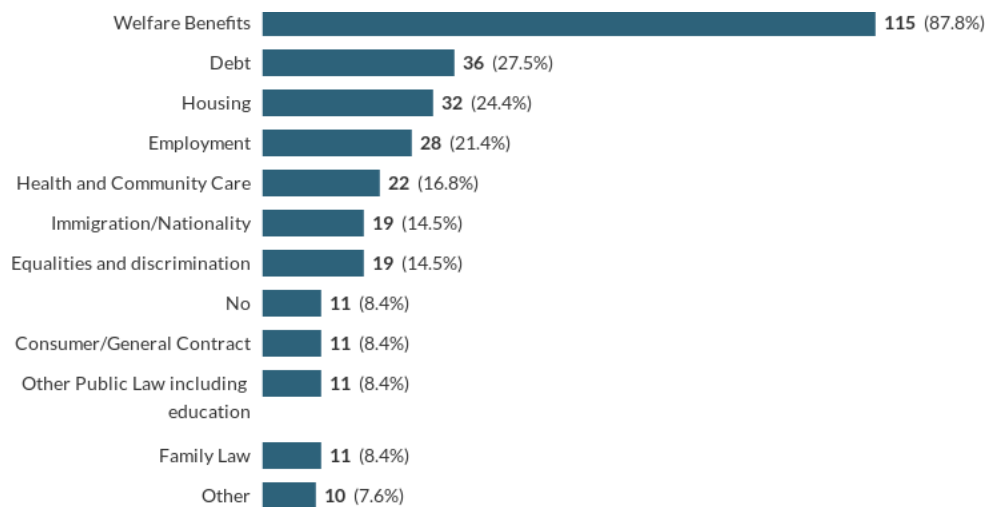
The majority of respondents (88%) stated that their usual client group continued approaching them for assistance during the pandemic, while 12% noted they had not. This was partially attributed to the

‘sheer numbers of a ‘COVID cohort’ of younger, more IT confident clients who found themselves [with issues] in employment, income or debt ... and reached out to our services in the immediate aftermath of the lockdown.’

1.3 Advice provided

The majority of respondents (88%) offered welfare benefits advice, while sizeable minorities of the respondents provided advice on debt (27.5%) and housing (24%). Table 2 records the prevalence of different types of provision. Most respondents provide assistance across multiple areas of social welfare law (chart 1).

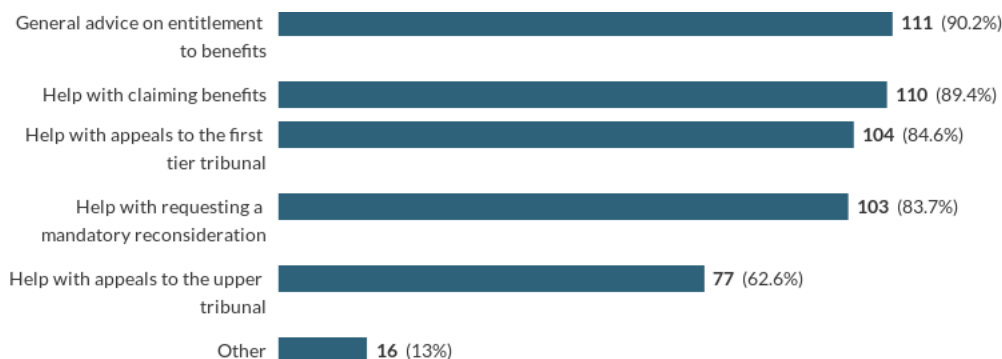
Chart 1: Social welfare law advice provided



Topics covered by ‘other’ advice included food poverty, well-being support and areas falling outside the realm of social welfare law.

The level of advice offered by the respondent organisations was broad (see chart 2). At the more generic level respondents offered general advice on a client’s entitlement to benefits and providing help with claiming those benefits. More targeted advice covered assistance requesting a mandatory reconsideration and help appealing to the first-tier tribunal and upper tribunal.

Chart 2: level of assistance provided



Within the 16 respondents reporting they provided ‘other’ advice, when asked to provide further details it was apparent this generally referred to more specific advice, or targeted to specific welfare needs, than the generic categories. Examples of the ‘other’ advice offered by respondents included

advice on judicial review, providing training on benefits, and '[advising] how disabled people can ask for an Occupational Therapy assessment' to support an application for a disabled Facility Grant.

Section 2. Remote advice delivery

2.1 Organizational preparedness

The research sought to identify whether advice providers had been ready to deliver their services remotely and understand what challenges they had faced. When asked whether they were well placed to move to remote advice delivery, 82% of respondents said they were, with 18% saying they were not. 81% of organisations had the necessary software and hardware to move to remote delivery, while 19% lacked the requisite technology.

Of those which were not well placed to deliver advice remotely, various factors were cited as to why and what was needed to improve remote services. Insufficient or inadequate technology was a recurring issue amongst those unprepared for switching to remote delivery. A lack of funding was highlighted as a barrier to establishing remote services through new IT equipment and software. Further issues were raised with the ability of clients and staff to communicate effectively via computers and telephones, although different reasons were advanced for these difficulties. Many clients, especially the most vulnerable and elderly, were reported to 'have limited digital skills' and lacked the computer literacy necessary to navigate online forms, while some clients lacked access to the corresponding equipment and software necessary to facilitate remote contact.

Staff were also stated to struggle with gathering the necessary information from clients to issue appropriate advice having become accustomed to procedures founded on face-to-face delivery and paper-based systems. The physical limitations on staff included inadequate workspaces in their homes and the risk of injury through poorly setup workstations. Concerns were also raised over ensuring client privacy when working from home. One respondent found 'it difficult mentally to have clients' voices coming into my house', and another observed 'there are some circumstances in which I can't imagine any technology would be able to replace face-to-face contact.'

2.2 Impact on services

Shifting to remote advice provision impacted on respondents to varying extents with no universal experience across the sector. Those least affected were already operating either partially or totally remotely prior to lockdown so did not require significant adaptation.

The inability to conduct face-to-face consultations has been highly inconvenient for a large swathe of respondents. In the absence of home visits particular difficulties were identified with gathering information from clients, filling in forms, obtaining documentation, and engaging with vulnerable clients and those lacking digital literacy skills. Workarounds have been found, but some have been expensive.

Similarly, organisations which have become reliant on telephone calls have experienced acute issues around viewing paperwork. Contingency measures included dictation of documents over the telephone, which was invariably slower than seeing the document in person, arranging for digital copies to be provided, requesting documents be sent through the post, organising door-step collections, and delaying until a face-to-face appointment could be arranged.

Vulnerable clients, such as those with mental health conditions, learning difficulties, or at risk of homelessness, were generally deemed to be worst affected by the switch to remote delivery, with one response highlighting 'Autistic individuals rely on face to face appointments and struggle with

telephone consultations, which take much more time.’ Increased anxiety and confusion were reported in clients, especially the most vulnerable. Some organisations have adapted to ensure their vulnerable clients can be reached, whereas others have been resigned to those who require face-to-face contact being excluded from services.

Organisations reliant on volunteers suffered reduced volunteer numbers because of lockdown and were unable to transfer those volunteers to remote working. Issues with volunteers working remotely included technological limitations, safeguarding concerns and the ad hoc availability of the volunteers.

Increased demand and changes in the client profile were common problems, noting that more first-time users and younger people, in work, were seeking advice. This is unsurprising given the rise in unemployment and reduction in hours many workers have undergone through the periods of lockdown and COVID restrictions.

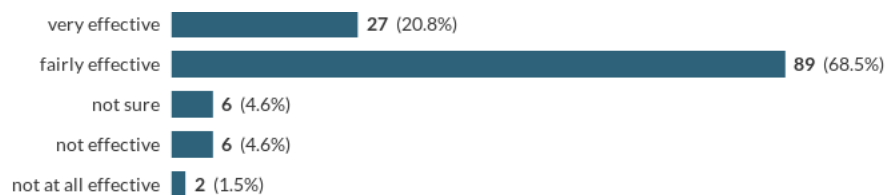
Accordingly, access to services has reduced, delays have crept in, and processes have slowed down.

Nevertheless, a minority of respondents believed the move to remote provision had positively impacted upon their service and clients, allowing direct contact with advisers via the telephone, increasing availability and efficiency, and removing the need to travel for appointments. Another common positive trend was an accelerated programme of digital innovation and broadened access to services. Client numbers have declined significantly for some organisations, although this may be due to accessibility problems identified within this report rather than reduced demand. A local authority stated it was ‘pleased with how adaptable our service has been and how service users have worked with us’.

2.3 Effectiveness of remote advice provision

The vast majority (68.5%) of respondents believed that despite all the problems faced in delivering advice remotely they were able to produce a fairly effective service, with (21%) rating their service as very effective. Only 2 respondents felt the service they provided was not at all effective (chart 3).

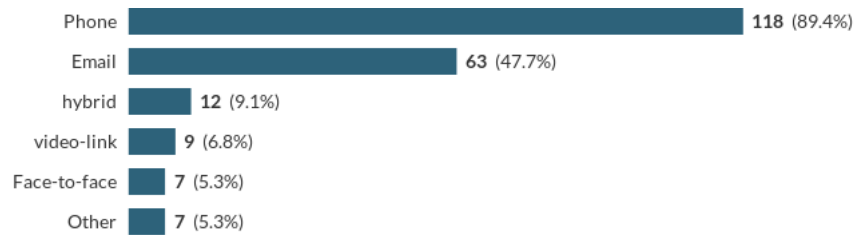
Chart 3: Effectiveness of remote advice provision



2.4 Method of communication

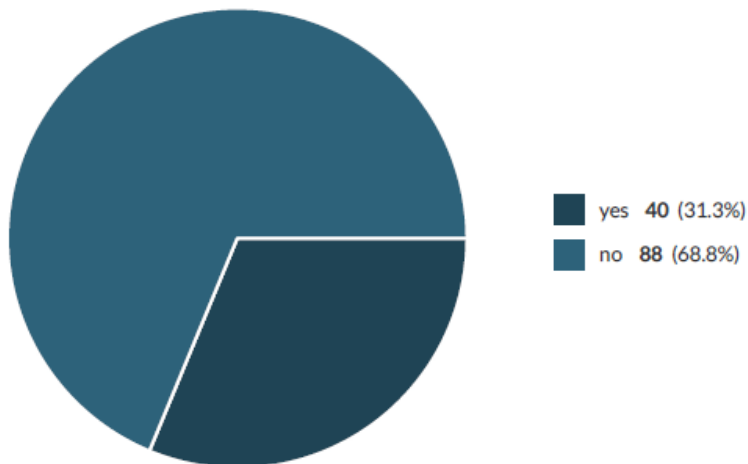
Following the move to remote delivery of advice services, the most common method of communication for most respondents (89%) was telephone calls. Almost half (48%) identified email as their most frequently used mode of communicating with clients. Surprisingly, only nine respondents used video-links as their most common means of communication (chart 4). Hybrid means comprised of mixed methods including telephone, email, digital platforms and face-to-face (chart 5).

Chart 4: Most common method of communication



'Other' means of communication included website forms, webchat functions, letters, and text messages.

Chart 5: Have you used a hybrid model (mixture of face-to-face and remote) of communication at all?



While over 80% of respondents believed that their newly adopted mode of communication worked well for them and their colleagues (chart 6), only 55% felt those same methods worked well for clients, indicating a divergence between advice providers and clients over what is deemed effective means of communication (chart 7).

Chart 6: Does this mode of communication work well for you and your colleagues?

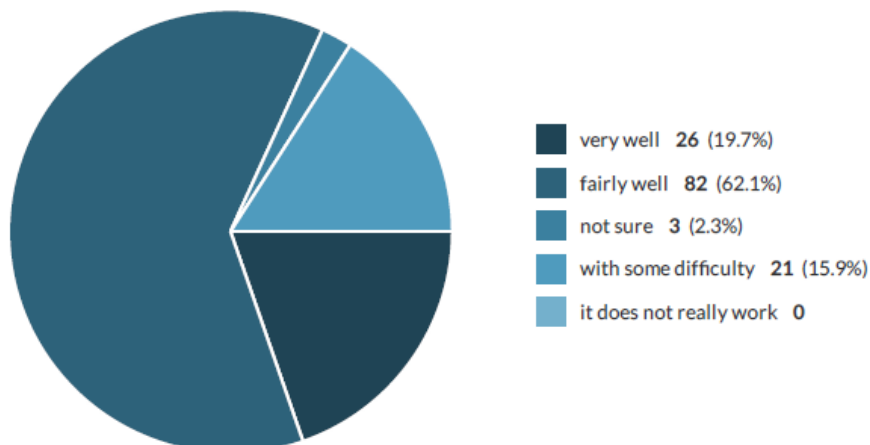
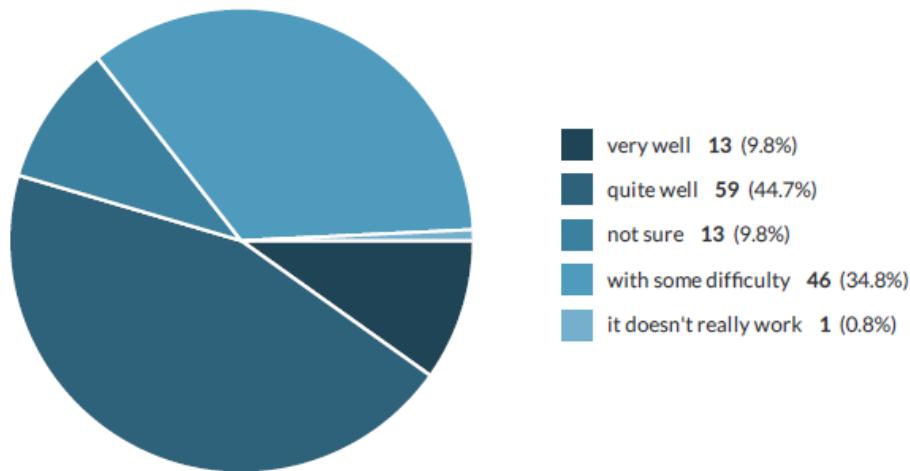


Chart 7: Does this mode of communication work well for your clients

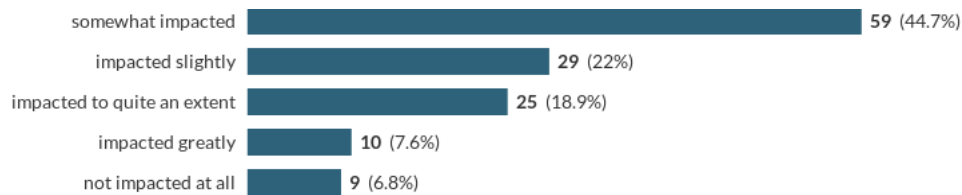
2.5 Impact on delivery

The



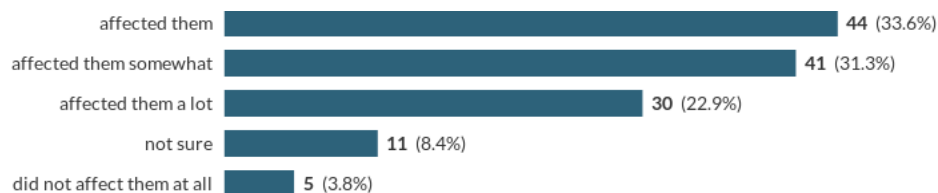
research asked respondents how remote working had impacted on their relationship with their clients. Responses were equivocal. 45% felt their relationships had been somewhat impacted, while ten respondents believing they had been greatly impacted, but nine reported no impact at all (chart 8).

Chart 8: Impact of remote working on relationship with clients



However, respondents were firmer in their answers that remote delivery has greatly affected the clients' experience of their services. 56.5% reported that remote delivery affected clients or affected them a lot, while only five reported the clients experienced no effects at all (chart 9). One respondent felt the switch to remote delivery had impacted their clients positively 'because they have a better more personal service' making the relationship more relaxed. However, the responses generally suggested the switch had proven negative for most clients and providers.

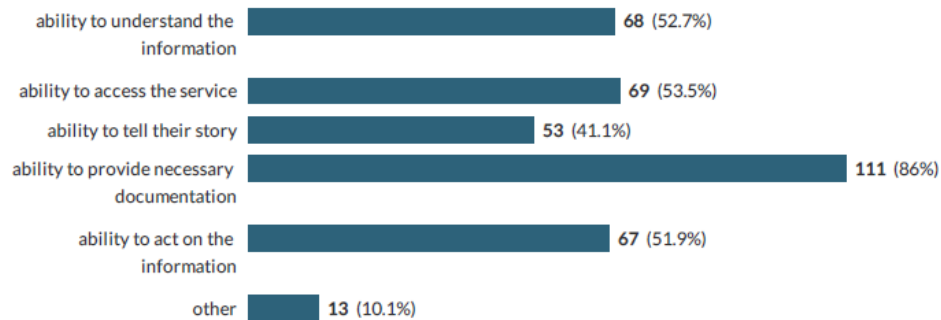
Chart 9: Impact of remote delivery on clients' experience of services



Understanding the practical difficulties remote delivery created for clients was a key concern for the research. The most common problem identified by respondents (86%) was the ability to provide necessary documents (chart 10). This finding reflected concerns raised in the open responses exploring the impact on services, where one respondent stated they had 'several cases which I am unable to progress much at all at the moment because the clients are not able to provide documents to me'.

Accessing the service was a concern for more than half the respondents, while problems of clients understanding the information and being able to tell their story remotely were also significant concerns.

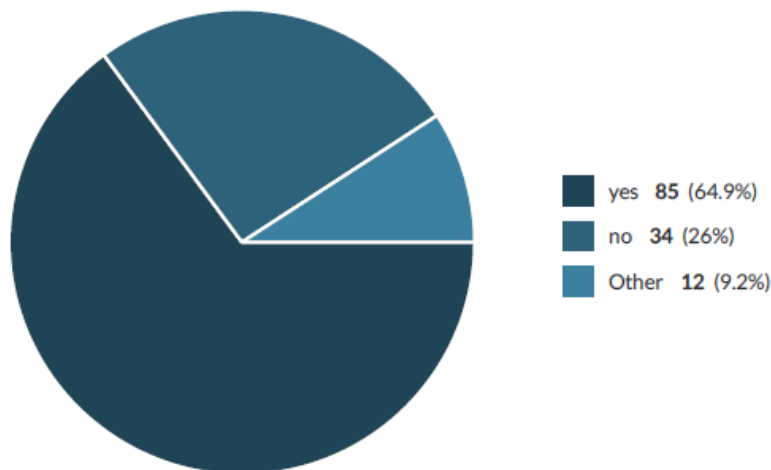
Chart 10: Problems remote delivery has created for clients



Among the 'other' responses were issues affecting particular client groups, especially those who had sensory impairments and language barriers. This was attributed to the difficulties of using the telephone as the primary means of communication. The absence of face-to-face interactions left some staff members feeling unable to provide the levels of emotional support they had done previously.

Additionally, almost two-thirds of respondents stated clients had problems understanding the advice delivered remotely, with only 26% reporting clients were not having problems understanding the advice (chart 11). Difficulties in understanding advice were raised as concerns especially affecting those with mental health conditions, learning difficulties, sensory impairment, and language issues. Advice providers which adopted workarounds and extra-organisational support, for instance nursing staff or relatives of clients, were better able to ensure advice had been understood.

Chart 11: Have any of your clients had problems understanding advice delivered remotely?



Section 3. Adapting to remote delivery and lessons for the future

3.1 Adapting to remote delivery

When asked to reflect on what has worked well during remote delivery and what adaptations have been made to methods of advising clients, advice services offered a wide range of responses. Flexibility on the part of the advice providers was key to delivering services remotely. Allowing longer for

appointments and taking 'more time to ensure that good quality work is achieved' were common changes providers adopted to their pre-pandemic work methods.

Use of multiple communication methods was cited as an important adaptation to ensure advice was understood by clients, confirming telephone conversations via emails, letters, and text messages. Follow-up contact with clients increased the burden on advice providers but aided the clients in understanding their advice. Liaising with clients' care co-ordinators, social workers and relatives was highlighted as an important means of improving the quality of client contact, assisting clients in understanding processes and advice, while ensuring advisers were able to get the requisite information and documentation most effectively.

Numerous respondents stated that working from home had led to fewer interruptions and disturbances when working, enabling greater productivity and a better work-life balance. Conducting all meetings remotely in place of home visits was also reported to have allowed for more time to spend with clients as travel time was eliminated.

Clients with mental health conditions were noted to respond more positively and with less anxiety to telephone calls compared with home visits, although this is contrasted with problems raised in the survey with conducting effective communication via the telephone with those clients, emphasising that each client and provider has their own needs and unique challenges. Even when outlining things that had worked well and positive adaptations which had been made, many responses stressed that this was making the best of a difficult situation and required significant effort from staff and clients to maintain advice provision through the pandemic and the positives were largely mitigation rather than best practice.

One response evocatively claimed that 'nothing' had worked well for their remote provision, voicing the frustrations of many workers across sectors during this period.

3.2 Lessons for the future

The research aimed to identify any successful working practices adopted during the pandemic which might become a long-term part of advice provision and recognise any lessons providers had learnt. Many respondents saw significant advantages to maintaining the option for remote provision, accepting 'we can do more telephone work than we thought we could.' The productivity of working from home, reduced travel time and flexibility of remote delivery were seen as generally positive practices which could become normalised in the post-lockdown world. Nevertheless, it was recognised that the most vulnerable clients and complex cases benefited from face-to-face contact. An adviser stated 'We need to return to face-to-face meetings as soon as possible. They are essential'. Another response noted the strain remote working had placed on the staff, observing 'it is very lonely and quite against human nature.'

A hybrid working model, combining in-person meetings with remote advice delivery, was broadly recognised as an appropriate method for many respondents, offering the clients greater choice and increasing flexibility in the services provided. Adaptability of approach was most needed for the more vulnerable clients, responding pro-actively to their own needs rather than attempting a one-size-fits-all approach. However, improved IT and software would be needed by advice providers to continue with remote delivery in the long-term. It also cannot be assumed that all clients would be able to engage effectively with the service digitally meaning face-to-face meetings and paper-based forms must be accessible to ensure adequate provision for everyone.

CONCLUSIONS AND RECOMMENDATIONS

The responses to the survey show advice providers have gone to great lengths to adapt their services in response to the dramatic change of circumstances created by the pandemic. Throughout the first lockdown and subsequent COVID restrictions they have endeavoured to continue offering advice to the best of their abilities.

Re-locating face-to-face conversations to the telephone has been the most common trend. While most respondents believed they were well prepared to switch to remote delivery of advice prior to the pandemic, the data clearly indicate significant problems have been encountered by staff and clients. Technological issues were repeatedly raised throughout the responses and arose in various forms, including: inadequate or insufficient hardware for staff; lack of software; and poor digital literacy amongst clients. Many of these issues were blamed on lack of funding.

Advice providers responded they had largely been able to deliver remote advice effectively. However, they also recorded numerous problems experienced by clients in understanding the advice they had been given, as well as operational difficulties in receiving documentation. Advisers were concerned about their ability to communicate effectively with clients remotely, highlighting the importance of face-to-face contact to build rapport and overcome language barriers. Adaptations to improve comprehension of advice included follow-up contact via letters, telephone calls and emails. The most vulnerable clients were shown by the data to be the most at risk of exclusion from remote services.

Hybrid models, mixing face-to-face contact and remote delivery proved a popular model to be adopted by many organisations in the long-term. It was broadly acknowledged that remote working enabled increased capacity for client contact and swifter turnaround on less complex cases. However, this was offset by other cases requiring longer appointments and supplementary assistance, such as the dictation of documents. Certain cohorts of clients engaged more effectively with the advice when delivered remotely, although it was recognised that not everyone would have the same experience. The importance of ensuring direct provision through face-to-face meetings was emphasised repeatedly. Building in the flexibility and choice would allow for greater availability of services across geographical areas and with fewer time constraints, such as travel time, without excluding those who are digitally excluded or vulnerable and reliant on in-person services and paper-based systems.

RECOMMENDATIONS

Recommendation 1: Comprehensive support must be provided to the advice sector.

The advice sector infrastructure must be urgently supported by Government if it is to continue to function with a sustainable framework and adapt pre-pandemic practices. Successful hybrid models will enable greater choice for clients, flexibility for providers, and reduced travel time for both clients and providers, while maintaining access for those unable to make use of specific methods. Face-to-face meetings are still required for obtaining documentation from digitally excluded individuals and serving the most vulnerable clients.

Recommendation 2: Ensure proper funding for advice providers.

Continuous funding for advice providers and adequate investment from the Ministry of Justice in appropriate technology is necessary to enable organisations to maintain high levels of service and adapt to remote delivery of services and ongoing digital reforms. This funding is urgently needed in addition to other types of support underpinning the infrastructure. Collaboration between providers and other

stakeholders, and collective assistance for training in new technologies, both for staff and clients, will broaden digital inclusion, improving access to advice and access to justice.

Recommendation 3: Develop a hybrid system within a setting to cater for all clients' needs.

To serve clients who are more digitally capable, service providers are encouraged to develop online resources and build upon those online services that worked well during the pandemic. . This will free up capacity for advisers to engage with more complex cases and more vulnerable clients face-to-face.

Recommendation 4: Further research into best practices in the sector.

As the pandemic restrictions relax and advice providers adapt to the new working conditions, further research should be undertaken to examine and evaluate the best practices for advice provision. Areas for investigation might include observing the extent to which lessons have been learned from operating during the pandemic and assessing different methods for overcoming the difficulties identified with remote delivery. For example, whether increasing the use of video calls might address the acknowledged shortcomings of traditional telephone calls. This research could be funded by the Ministry of Justice and put out to tender on a regular basis.

ANNEX 1 - THE AJC AND JUSTICE

The **Administrative Justice 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 has 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 practical 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 and the Reforming Benefits Decision-Making Working Party by Dr. Naomi Creutzfeldt, Co-Chair of the Academic Panel and Diane Sechi, member of the Pro Bono Panel and Advice Sector Panel, both are also members of the AJC/JUSTICE working party.; and Thomas Wright, JUSTICE, who drafted the report.

JUSTICE was established in 1957 by a group of leading jurists, JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system – administrative, civil, and criminal – in the United Kingdom. We are a membership organisation, composed largely of legal professionals, ranging from law students to the senior judiciary. Our vision is of fair, accessible, and efficient legal processes, in which the individual's rights are protected, and which reflect the country's international reputation for upholding and promoting the rule of law. To this end:

- We carry out research and analysis to generate, develop and evaluate ideas for law reform, drawing on the experience and insights of our members.
- We intervene in superior domestic and international courts, sharing our legal research, analysis and arguments to promote strong and effective judgments.
- We promote a better understanding of the fair administration of justice among political decision-makers and public servants.
- We bring people together to discuss critical issues relating to the justice system.

Reforming Benefits Decision-Making Working Party JUSTICE and the AJC set up a joint Working Party in April 2020 to improve the benefits decision-making system for claimants. The Working Party is examining the procedural aspects of benefits decision making and the processes for challenging benefits decisions. It is looking at how the Department for Work and Pensions makes benefits decisions as well as the processes of mandatory reconsideration and appeals in the First-tier Tribunal (Social Security and Child Support) (the "Tribunal"). The aim of the Working Party is to recommend

ways in which benefits decision-making processes can be improved to help ensure that decisions are made correctly on the first occasion and that the review process functions more effectively, efficiently and fairly. This includes looking at what support claimants need both to make a claim and to challenge decisions.

ANNEX 2 – LIST OF TABLES AND CHARTS

Table 1: Respondent organisations

Chart 1: Social welfare law advice provided

Chart 2: level of assistance provided

Chart 3: Effectiveness of remote advice provision

Chart 4: Most common method of communication

Chart 5: Have you used a hybrid model (mixture of face-to-face and remote) of communication at all?

Chart 6: Does this mode of communication work well for you and your colleagues?

Chart 7: Does this mode of communication work well for your clients

Chart 8: Impact of remote working on relationship with clients

Chart 9: Impact of remote delivery on clients' experience of services

Chart 10: Problems remote delivery has created for clients

Chart 11: Have any of your clients had problems understanding advice delivered remotely?

ANNEX 3 – LIST OF SURVEY QUESTIONS

1. What type of organization best describes you?

1.a. If you selected Other, please specify:

2. Do you serve a particular client group (e.g. the elderly, people with learning disabilities, people with sensory impairments)

3. Do you provide social welfare law advice?

3.a. If you selected Other, please specify:

4. If you do provide welfare benefit advice, please select below the levels of assistance provided.

4.a. If you selected Other, please specify:

5. How has the shift to remote service provision impacted upon your services?

6. Was your organization well placed to move to remote advice delivery?
7. Please explain why and what you need to improve the services.
8. Did your organisation have the necessary software and hardware to move to remote delivery?
9. please explain
10. How effective is remote advice delivery in your experience during the pandemic?
11. Which is the most common method of communication with your clients now?
 - 11.a. If you selected Other, please specify:
12. Does this mode of communication work well for you and your colleagues?
13. Does this mode of communication work well for your clients?
14. Has remote working impacted on your relationship with your clients?
15. Do you think that remote delivery has affected how your clients experience your services?
16. In your remote delivery please state what, if any, have been problematical for you clients:
 - 16.a. If you selected Other, please specify:
17. Have any of your clients had problems understanding advice delivered remotely?
 - 17.a. If you selected Other, please specify:
18. How have you adapted your method of advising clients during remote delivery?
19. What has worked well for your advice delivery during the pandemic?
20. What have you learned from the pandemic related remote delivery of your services about future best-practice?
21. Have you used a hybrid model at all, where clients receive advice through a mixture of face-to-face and remote delivery?
22. Has your usual client group been approaching you for assistance during the pandemic?
23. If you responded no to above, what would be the most effective way to reach out to them?
24. Please let us know if you would like a copy of the report by leaving the name of your service and your contact details.