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Remote immigration and asylum advice: what we know and what we need to know

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September 2024





Executive summary

Introduction

The poor geographical spread of in-person immigration and asylum advice, particularly in asylum ‘dispersal’ areas, has left 63% of the population in England and Wales without access to an immigration and asylum legal aid provider.¹ Those that do live near one of the remaining providers face significant barriers in accessing legally aided advice even then, as a result of saturated provider capacity² precipitated by years of unsustainable legal aid fees,³ heavy administrative burdens⁴ and burnt-out practitioners⁵. Research has shown that the provision of immigration and asylum advice in England and Wales is ‘not even adequate for first-time adult asylum applications, with a deficit of at least 6,000 for asylum applications and appeals’.⁶

In the face of this crisis in access to justice, both providers and the Legal Aid Agency have explored the use of remote advice to bring together providers who have capacity to take on referrals outside of their contract area with clients struggling to find a legal aid provider near them.⁷ Although it does not address the fundamental issue of the

1 Law Society (2024) Immigration and asylum – legal aid deserts.

<https://www.lawsociety.org.uk/campaigns/civil-justice/legal-aid-deserts/immigration-and-asylum>

2 Rourke, D., Cripwell, E., Summers, J. & Hynes, J. (2023) Access to immigration legal aid in 2023: An ocean of unmet need. <https://publiclawproject.org.uk/content/uploads/2023/09/Oceans-of-unmet-need-Sep-2023.pdf>

3 Immigration Law Practitioners’ Association (2023) Ministry of Justice’s Consultation: Legal aid fees in the Illegal Migration Bill Response of the Immigration Law Practitioners’ Association. <https://ilpa.org.uk/wp-content/uploads/2023/08/07.08.23-ILPAs-Response-to-MoJ-Consultation-IMB-Legal-Aid-Fees.pdf>. Paragraphs 6 & 45.

4 Rourke, D., Cripwell, E., Summers, J. & Hynes, J. (2023) Adrift: An Explainer for Navigating the Immigration Legal Aid Framework. <https://publiclawproject.org.uk/content/uploads/2023/09/Adrift-explainer.pdf>

5 Hynes, J. (2023) Overstretched & unsustainable: a case study of the immigration and asylum legal aid sector. Young Legal Aid Lawyers & Public Law Project. <https://publiclawproject.org.uk/content/uploads/2023/05/YLALPLP-Report-April-2023.pdf>

6 Wilding, J. (2022) No Access to Justice: How Legal Aid Deserts Fail Refugees, Migrants and Our Communities. https://assets.website-files.com/5eb86d8dfb1f1e1609be988b/62a1e16cba8478993c7d512c_No%20access%20to%20justice-%20how%20legal%20advice%20deserts%20fail%20refugees%2C%20migrants%20and%20our%20communities.pdf

7 See for example the Legal Aid Agency’s Immigration Providers South West Support Directory (<https://www.gov.uk/government/publications/immigration-providers-south-west-support-directory>) and University House’s West Country ‘Webcam’ Clinic (<https://legaladvicecentre.london/advice/our-projects/>).



scarcity of legal aid provider capacity,⁸ could the remote provision of immigration and asylum advice more fairly redistribute a commodity (legal advice) that is currently scarce? To begin to answer this question, this report sets out what we know and what we need to know about remote immigration and asylum advice.

Studies conducted to date have often focused on the provider perspective, which is valuable in the context of understanding if remote advice provision is a viable means of increasing legal aid provider capacity.⁹ However, we know far less about the experiences of remote advice for those navigating the immigration and asylum system. The voice of people receiving remote advice is an important part of the story, not least because as a recent Ministry of Justice report on blended advice and access to justice highlighted, 'clients...are not used to having their experiences taken seriously by those outside the [advice] sector'.¹⁰

Remote advice provision remains a key evidence gap for the justice system. Natalie Byrom, a researcher and policy adviser with expertise in justice system reform and data governance, proposed a series of priority research questions to address this gap in March 2024.¹¹ These questions were:

8 Public Law Project (2023) Will a Remote Providers List Help Resolve Legal Aid Shortage? <https://publiclawproject.org.uk/latest/will-a-remote-providers-list-help-resolve-legal-aid-shortage/>

9 Hutton, C. & Harris, J. (2020) Methods of increasing the capacity of immigration advice provision. Paul Hamlyn Foundation, <https://www.phf.org.uk/publications/methods-of-increasing-the-capacity-of-immigration-advice-provision/>; Hutton, C. (2022) How the remote delivery of immigration advice evolved during Covid. Paul Hamlyn Foundation, [https://www.phf.org.uk/publications/how-the-remote-delivery-of-immigration-advice-evolved-during-covid-the-digital-and-capacity-implications-of-this-change/#:~:text=PDF%20\(258%20KB\)-,How%20the%20remote%20delivery%20of%20immigration%20advice%20evolved%20during%20Covid,approach%20to%20client%2Dfacing%20work.](https://www.phf.org.uk/publications/how-the-remote-delivery-of-immigration-advice-evolved-during-covid-the-digital-and-capacity-implications-of-this-change/#:~:text=PDF%20(258%20KB)-,How%20the%20remote%20delivery%20of%20immigration%20advice%20evolved%20during%20Covid,approach%20to%20client%2Dfacing%20work.)

10 Mant, J., Newman, D. & O'Shea, D. (2023) Blended Advice and Access to Justice. Ministry of Justice. <https://assets.publishing.service.gov.uk/media/642569452fa8480013ec0fac/blended-advice-access-justice.pdf>

11 Byrom, N. (2024) Where has my justice gone? Current issues in access to justice in England and Wales. Nuffield Foundation. <https://www.nuffieldfoundation.org/wp-content/uploads/2024/Where-has-my-justice-gone.pdf>



1. What is the impact on services of delivering advice remotely?
2. What is the impact of remote advice provision on clients' experience, behaviour and outcomes? How does this vary across different demographic groups?
3. What kinds of people benefit most from remote advice provision?
4. How might we define quality standards for remote advice provision?

This research develops an evidence base in response to these questions, through making a start in addressing the evidence gaps that they identify and establishing what we still need to know. The existing evidence base, which focuses on the impact on services (question 1) and on barriers to delivery, is outlined on pages 13 –18. The present report then builds on this by drawing on empirical data from interviews with ten refugees and people seeking asylum with experience of both in-person and remote advice, to explore the impact of remote advice on clients (question 2) and the characteristics that allow people to benefit from remote advice (question 3). Through this, the report makes recommendations for how we might approach defining quality standards for remote advice provision (question 4) and for future research that would further develop the evidence base presented here.

Key findings

- Three key themes emerged from the research: the convenience of remote advice, the desire for choice and the importance of establishing trust.
- Remote advice was more **convenient** for some legal aid providers and clients, particularly for short consultations and for clients who had medical conditions which made travelling difficult or who felt remote calls enabled them to speak more anonymously.
- Remote advice was suitable for some types of conversations and some people, but clients need to be able to make an informed decision about whether remote or in-person advice is most appropriate for their circumstances. For this to be a meaningful **choice**, providers need to be able to offer remote and in-person advice.
- Remote advice was likely to be inappropriate when clients had not met their solicitor at all, when they were experiencing significant mental health issues,



when they did not have a private, quiet space, or when it was not their choice.

- Building **trust** between a client and their legal representative was perceived as easier in-person, but once trust had been established it made any future remote interactions easier. Establishing this trust through emotional support and reassurance was vital in allowing interviewees to feel comfortable enough to share their stories fully. Remote advice therefore worked best when clients already had an established relationship with their legal representative.
- Many of the challenges and barriers generated by remote advice were a result of the wider issues in the collapse of legal aid provider capacity and were often obstacles that cut across all modes of advice delivery. **Remote advice is not a safe harbour in an ocean of unmet need,¹² but one intrinsically connected to the wider systemic issues facing the legal aid sector.**

Recommendations

1. Before there are any future increases in the use of remote provider lists to connect clients in legal aid deserts with providers in other areas, the Ministry of Justice should **establish best practice guidance for remote advice**. This should be developed in consultation with a broad range of legal aid providers, clients and other people involved in remote advice interactions, including interpreters.
2. The Ministry of Justice should conduct or commission **research into the impact of remote advice provision on client outcomes**, both in terms of the success rate of their cases and the timeliness of the case progression.
3. The Ministry of Justice should conduct or commission research on the **accessibility of remote advice for different demographic groups** and establish who can/ cannot access it, and for whom it is/ is not beneficial.
4. Further and updated research should be conducted regarding **the impact of delivering advice remotely on a broader range of services**. This research should build on, in particular, Ceri Hutton's 2020 and 2022 reports,¹³ and should

12 Rourke, D., Cripwell, E., Summers, J. & Hynes, J. (2023) Access to immigration legal aid in 2023: An ocean of unmet need.

<https://publiclawproject.org.uk/content/uploads/2023/09/Oceans-of-unmet-need-Sep-2023.pdf>

13 Hutton, C. & Harris, J. (2020) Methods of increasing the capacity of immigration advice provision. Paul Hamlyn Foundation, <https://www.phf.org.uk/publications/methods-of-increasing-the-capacity-of-immigration-advice-provision/> ; Hutton, C. (2022) How the remote delivery of immigration advice evolved during Covid. Paul Hamlyn Foundation, <https://justice->



involve a broad range of provider types and geographical areas, in order to reflect the range of current provider experiences in the context of the legal aid crisis.

together.org.uk/wp-content/uploads/2022/06/How-the-remote-delivery-of-immigration-advice-evolved-during-Covid-FINAL2.pdf



Acknowledgments

We would like to thank our interviewees for sharing their experiences of legal advice with us and for their patience as we explored together a small part of their wider stories of navigating the immigration and asylum systems. We are extremely grateful to Dr Natalie Byrom for her insightful report, ‘Where has my justice gone? Current issues in access to justice in England and Wales’, and for her generosity in framing this report with a foreword.

This research was conducted by Public Law Project in partnership with A & M Consultancy, Helen Bamber Foundation and Asylum Aid. We are very grateful to these partners for their expertise and assistance with the research design, interviewee identification and reviewing an earlier draft of this report. We would also like to thank the funders of Public Law Project without whom this work would not be possible.



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Foreword

By Dr Natalie Byrom



In February 2024, the National Audit Office published a review of the government’s management of legal aid. Their findings made for grim reading – between 2012/2013 and 2022/2023 the number of provider offices completing legal aid work fell by 40% for civil law, resulting in more people being forced to travel further to receive publicly funded legal advice and representation.¹⁴ Whilst these issues exist across all categories

of civil law, they are particularly acute in relation to asylum and immigration advice. Successive research has confirmed that demand for services now outstrips supply across nearly every region of England and Wales.

In a fiscal environment that is likely to remain challenging, pressure to find cost-effective ways to meet the demand for advice will persist. In response, policymakers and some practitioners, reflecting on the experience of the COVID-19 pandemic, are keen to expand the use of remote methods for delivering services. Proponents argue that telephone and online advice models have the potential to both redistribute resources and make more efficient use of advisor time – meeting need whilst reducing or containing costs. However, little is known about the impact of shifting to these models on case duration, experience and outcomes for clients. In advance of an October budget that is unlikely to include significant increases in public spending,¹⁵ this timely study calls attention to what we know and need to know about remote advice, before this model for delivery is expanded.

The report calls on policy makers to invest in the creation of best practice guidelines for remote advice, based on research with a broad range of clients and stakeholders. The views of those with lived experience should be centred, and primacy should be given to ensuring that the mode of advice supports the creation of a relationship of trust between advisor and client. Ensuring that the experience of receiving legal advice

14 National Audit Office (2024) Government’s management of legal aid – Ministry of Justice, Legal Aid Agency, Session 2023-24 9 February 2024, HC 514 pp 31. Available at: <https://www.nao.org.uk/wp-content/uploads/2024/02/governments-management-of-legal-aid.pdf>

15 BBC News (2024) Budget will be painful Starmer warns in Downing Street speech, 27 August 2024. Available at: <https://www.bbc.co.uk/news/live/c0rw9edy00zt>



upholds the values of procedural justice – such as voice, dignity, and respect¹⁶ – is not only a moral imperative. Successive research has confirmed that where people’s experience of legal processes accord with procedural justice values, they are more likely to accept the outcome. In light of the government’s pledge to speed up returns for failed asylum seekers,¹⁷ ensuring that publicly funded legal advice upholds procedural justice values is especially critical.

Just as crucially, the study highlights the dearth of research linking the mode of legal advice delivery to case outcomes, case progression and timeliness. The limited research that does exist suggests that remote advice delivery may increase case duration and result in worse outcomes for clients. Verifying these findings in the context of asylum and immigration is vital to any assessment of the cost-efficacy of expanding remote advice schemes. Beyond ensuring that scarce resources are not wasted on ineffective or inefficient services, establishing the impact of remote advice on case duration is vital to deliver wider policy goals – such as supporting economic integration. Previous research conducted in Switzerland demonstrates that delays in asylum processes can have a significant negative impact on the subsequent employment rate of successful claimants.¹⁸ This study identifies the need to replicate research of this kind in the UK.

In the year to June 2024, 97,000 people applied for asylum in the UK. Access to timely legal advice is vital to help applicants to resolve their claims and rebuild their lives. Interviews presented in this report demonstrate the crucial role the lawyer-client relationship can play in helping people who are often traumatised to: “feel like a human again” – giving them the best possible chance to make their case. As such, improving our understanding of which models of advice delivery work best is key to building a compassionate and effective immigration system. This study describes the evidence that we need to do this, and how we should go about creating it. It is vital that policymakers listen.

Dr Natalie Byrom

September 2024

16 Tyler, T. (2000) Social Justice: Outcome and Procedure, *International Journal of Psychology* 35 (2), 117-125.

17 <https://labour.org.uk/change/strong-foundations/>

18 Hainmueller, J., Hangartner, D. & Lawrence, D. (2016) When lives are put on hold: Lengthy asylum processes decrease employment among refugees. *Science Advances* 2 (8). DOI:10.1126/sciadv.1600432



Methodology

This report is based on interviews with ten refugees and people seeking asylum conducted by Public Law Project between January and April 2024. The interviews focused on people's experiences of receiving legal advice and, in particular, whether the mode of delivery impacted their experiences. We also asked them about their thoughts on how the advice they received could be improved.

We recruited participants purposefully in order to speak to people with a range of experiences. It is not a representative sample, but offers a snapshot of the experiences of people receiving immigration and asylum advice.

- **Nine interviewees had experience of both in-person and remote advice and one only had experience of remote advice via video call.** Most interviewees were therefore able to compare their experiences of in-person and remote advice.
- **Five interviewees were currently seeking asylum and five had been granted refugee status within the last 12 months.** Half the interviewees were therefore reflecting on recent experiences of receiving advice and half were reflecting on their ongoing experiences of receiving such advice.
- **Five interviewees required the services of an interpreter and five did not.** Half the interviewees were therefore able to share how involving the role of an interpreter impacted their experiences of receiving advice.

The research was conducted by Public Law Project in partnership with A & M Consultancy, Helen Bamber Foundation and Asylum Aid. A & M Consultancy is a consultancy service set up and delivered by people with lived experience of the UK asylum system. They provided the research with a valuable perspective by advising on the research design, identifying research participants from their network, and discussing the nature of the research with potential participants. Both Helen Bamber Foundation and Asylum Aid also advised on the research design and identified research participants from their clients.

Interviewees were always given a choice of the interview being conducted remotely, via either phone or Microsoft Teams video call, or conducted in-person, for which travel expenses were available. In the event, all interviews were conducted remotely. In addition, we asked at the end of each interview if interviewees would have chosen the same format for the interview if they were to make the choice again and all



interviewees indicated that they would. Nevertheless, it is worth reflecting on why interviewees unanimously chose for the interviews to be conducted remotely and what this says about the research method and about remote advice. We had discussions with several interviewees where we reflected together on whether, even with travel expenses being paid, a research interview that had no direct benefit to them was worth a lengthy journey. For example, one interviewee lived nearly two hours away from central London where interviews were conducted. For these interviewees, it was important that they had an informed choice about how the interview was conducted and that they could base their decision on the circumstances of the specific interaction. Many interviewees suggested that a remote format was appropriate for a research interview, but that this context was not comparable to legal advice. Even those interviewees who had negative experiences of remote advice and preferred advice to be delivered in-person opted for a remote interview.

Prior to the research beginning, we conducted an ethics review based on key research ethics principles: autonomy and respect for participants; research for societal benefit; 'do no harm'; confidentiality; and integrity. This was reviewed by all research partners, by an independent peer-reviewer, and by the Helen Bamber Foundation Research Committee. In summary, we sought to minimise the impact of the research on participants and ensured that all interviewees were able to give informed consent for their participation. An important part of this commitment was to limit the risk of re-traumatising research participants. Unlike the interviews that participants had with the Home Office, support organisations and their legal representatives, these research interviews therefore necessarily focused on participants' experiences of the advice itself, rather than their asylum case.

The interviews were semi-structured and guided by a series of established questions as well as by the interviewees themselves. Interview transcripts were then thematically analysed through a process of coding the data with both pre-determined and emergent themes. This allowed patterns to be identified across the interviews and convergent and divergent experiences to be determined.



Existing evidence base

The existing literature base relating to the provision of remote advice, both within the immigration and asylum context and beyond, focuses primarily on the practicalities of remote advice delivery across three themes: provider viability; barriers to accessing remote advice; and comparative analyses of telephone versus in-person advice. This section summarises the key recent publications that constitute the existing evidence base for assessing the role of remote provision in the advice sector.

Provider viability

<p>Ceri Hutton & Jane Harris (2020) Methods of increasing the capacity of immigration advice provision. Paul Hamlyn Foundation, https://www.phf.org.uk/publications/methods-of-increasing-the-capacity-of-immigration-advice-provision/</p>	<ul style="list-style-type: none"> • This report identifies nine methods which in some way increase the capacity of the not-for-profit sector to meet immigration advice needs, either by creating new capacity, increasing efficiency (including through remote advice and casework) or changing the environment specialist advisors are working in. • It finds that ‘remote advice and casework for clients is a cost-effective way of extending access to clients who otherwise may have no options at all’ (p. 69). • Limitations to the use of remote advice are outlined, including for people who find it difficult to use a telephone, have limited English, or need an interpreter (p. 70).
<p>Ceri Hutton (2022) How the remote delivery of immigration advice evolved during Covid. Paul Hamlyn Foundation, https://justice-together.org.uk/wp-content/uploads/2022/06/How-the-remote-delivery-of-immigration-advice-evolved-during-</p>	<ul style="list-style-type: none"> • This report summarises the benefits and challenges resulting from an increasingly digitised approach to client-facing work. • Benefits were identified (for example, time savings and being able to recruit advisors out of the area), but in the longer term, remote working methods were shown to be unsuitable for people where their situation and vulnerability meant that a lack of in-person support and contact could expose them to even more risk. Specifically, it may be unsuitable for people who have been trafficked,



<p>Covid-FINAL2.pdf</p>	<p>people with significant mental health issues, people experiencing homelessness and women fleeing domestic violence (p. 6).</p> <ul style="list-style-type: none"> • The transition to remote working enabled some providers to work with more clients, especially where a ‘case was straightforward and the client was proficient in the use of basic technology’ (p. 5). • At the same time, remote casework resulted in numbers dropping, particularly for providers supporting more vulnerable clients. Marginal clients (those who are discouraged from pursuing their matter by relatively minor obstacles) are more likely to drop out if digital access issues get in the way. This is true of those phoning for advice about irregular status, for example, or those who are just scared to contact ‘official’ organisations for whatever reason (p. 23). • It highlights specific client groups for whom remote advice and casework were particularly challenging: people with irregular status; people who are experiencing homelessness; asylum seekers; people with multiple vulnerabilities (for example, people who have been trafficked); and people who experience mental trauma, language issues or digital exclusion (p.23 - 24). • Holistic support was also shown to be important but harder to provide remotely. Providers also ‘address hunger, loneliness, physical and mental wellbeing, and social integration’, which is essential given the timeframes immigration and asylum cases work on (p. 24).
<p>Jessica Mant, Daniel Newman, Danielle O’Shea (2023) Blended Advice and Access to Justice.</p>	<ul style="list-style-type: none"> • This report draws on extensive empirical research on the use of ‘blended’ (remote and in-person) advice after the Covid pandemic. It covers principles of blended advice through exploring its



https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147571/blended-advice-access-justice.pdf

use in housing, debt and welfare benefits advice.

- It advocates a careful approach to blended advice, noting that blended advice offers logistical benefits to both advisors and clients, but there is no ‘one size fits all’ model for blended advice delivery. The research findings emphasise the ‘importance of retaining awareness of the possible differences that arise within client populations and legal problems and, crucially, to ask individual clients what they require’. This creates ‘significant complexity and further organisational and logistical challenges for advice organisations’, as it creates a need to offer ‘bespoke services’ (p.54).
- The research found that blended advice can improve access to justice by offering clients a choice of advice delivery. However, the reverse is also true: requiring clients to use remote communication platforms when it is not their preference runs the risk of client disengagement and excluding vulnerable client groups who may struggle with digital literacy, access to telephones, or who may simply require face-to-face interactions in order to build the trust necessary for meaningful engagement. Ultimately, there will always be some clients who need face-to-face interactions (p. 2).
- The research involved interviews with some clients but argued that future research involving the client voice was needed, as well as research in other areas of law, including immigration and asylum law.



Barriers to accessing remote advice

<p>Sophia Taha Hayat & Jude Hawes (2021) Locked Out: Barriers to Remote Services. Citizens Advice Staffordshire North & Stoke-on-Trent, http://www.snsCab.org.uk/assets/Reports/Locked-Out.Final.pdf</p>	<ul style="list-style-type: none"> • This report explores the full extent of barriers to accessing remote services for the most marginalised of Citizens Advice’s Black and People of Colour client groups. The decline in service uptake for the group of clients who were ‘Known Non-UK nationality’ was almost twice the decline for the whole client group when services became remote. • Specifically, they surveyed the three client groups whose contact with Citizens Advice had dropped the most significantly during a shift towards remote services – asylum seekers, refugees, and migrants with No Recourse to Public Funds. • The barriers to accessing remote services that they identified involved digital poverty, digital literacy and English language literacy. They concluded that complete reliance on remote services will exclude some clients.
<p>Migrant and Refugee Children’s Legal Unit (2021) Breaking Connections: Lessons learned from working with and for children and young people seeking asylum during the Covid-19 pandemic, https://miclu.org/assets/uploads/2021/06/Breaking-Connections-final-report.pdf</p>	<ul style="list-style-type: none"> • This report reflects on working remotely with children and young people seeking asylum and the difficulties they faced in translating their child-centred and trauma informed approach to a remote context. • It highlights key barriers to providing remote advice to this group, including: access to hardware and stable Wi-Fi, and a lack of confidential space from which to give instructions.
<p>HMCTS Open Innovation Team (2024) Review of Civil Legal Aid</p>	<ul style="list-style-type: none"> • As part of the Review of Civil Legal Aid in England and Wales, this report reviewed legal aid provision across six international jurisdictions, including their



<p>in England and Wales: Comparative Analysis of Legal Aid Systems, https://assets.publishing.service.gov.uk/media/66461e94993111924d9d36ab/240516 - _RoCLA Comparative Analysis of Legal Aid Systems.pdf</p>	<p>use of remote advice services.</p> <ul style="list-style-type: none"> • The report identifies a series of best practice principles, resulting from the collated learning across the comparator jurisdictions. One of these is to ‘[u]nderstand the risks of digital exclusion and the importance of face-to-face support in certain contexts’ (p. 13). It notes the prevalence of technological and digital exclusion in the UK and suggests that ‘in many cases, technological and digital legal services are not the most appropriate or effective way to provide support to users where more empathetic and face-to-face forms of justice are required’ (p. 14).
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Comparative analyses of telephone versus in-person advice

<p>Nigel Balmer <i>et al</i> (2012) Just a phone call away: is telephone advice enough? <i>Journal of Social Welfare and Family Law</i> 34 (1), 63–85.</p>	<ul style="list-style-type: none"> • This research compares telephone and face-to-face advice in the area of housing, based on legal aid data from the Legal Services Commission. • It found that telephone advice took longer than face-to-face advice and rarely progressed beyond the initial interview. After controlling for key variables such as client demographics, case type and the stage of the case, they found that telephone advice takes an average of 14 minutes longer than face-to-face advice.
<p>Marie Burton (2018) Justice on the line? A comparison of telephone and face-to-face advice in social welfare legal aid, <i>Journal of Social Welfare and Family Law</i> 40 (2), 195 – 215.</p>	<ul style="list-style-type: none"> • This research found that face-to-face advice has advantages, including: enabling emotional engagement and support from the adviser and facilitating the use of documents to support the interviewing process. Overall, face-to-face advice is ‘more likely to produce better quality instructions and greater cooperation from the client and more comprehensive and effective advice and assistance from the adviser’ (p. 210).



	<ul style="list-style-type: none">• The report highlights the importance of clients being able to choose the medium of the advice delivery, based on their personal circumstances. It also found that some clients had a ‘highly significant’ mistrust of telephone communications and that this was ‘particularly pronounced in relation to clients who were originally from overseas’ (p. 5).
<p>Marie Burton (2020) Lost in space? The role of place in the delivery of social welfare law advice over the telephone and face-to-face, <i>Journal of Social Welfare and Family Law</i> 42 (3), 341 – 359.</p>	<ul style="list-style-type: none">• This research found that there were services integral to in-person advice delivery that were unable to be replicated with telephone delivery. Specifically, it identified that ‘[f]amiliarity with the geographical location, knowledge of local policies and procedures, relationships with opponents and allies, and an understanding of the ‘local legal culture’ mean that face-to-face advisers are often able to conduct their legal casework more effectively’ (p. 341).• It notes the value of telephone advice in providing an immediate point of access to clients, from which they could be advised or referred, but that difficulties arise ‘when telephone-only advice becomes the sole or predominant method of clients receiving social welfare law services’ (p. 348).



Client experiences of remote advice

In the interviews conducted as part of this research, three major themes emerged: the convenience of remote advice, the desire for choice and the importance of establishing trust.

Convenience of remote advice

Remote advice was convenient for some interviewees in some scenarios, particularly in instances where interviewees already had an established relationship with their legal representative.

Two interviewees suggested that remote advice enabled them to **speak to their legal representative more often and for longer** compared to their experiences of in-person advice. It was clear from these conversations the impact that the legal aid crisis and saturated provider capacity was having on clients' experiences of legal advice.

"[W]hen it comes to the solicitor's offices and stuff, they pile up lots of people and never want to discuss my case. My case will take an hour or two, but I'm only given like 10 minutes.... You don't get out very satisfied.... If you can give people time to explain themselves it would be easier to trust each other and believe what I'm saying, but if I'm only given 10 minutes, I'm not going to finish the story and then you'll send me out, so I'm leaving with half of my story and that doesn't make sense to anyone if I have to do that..."

[Interviewee #4]

Other interviewees highlighted the convenience of remote advice for a short consultation or when they lived a significant distance from their legal representative's office and there was a **time and money cost to receiving in-person advice**. One interviewee said that their legal representative offered to pay for their travel expenses to come into their office – an expense that would otherwise be prohibitive – but this was not an experience shared by all interviewees. For example, one interviewee highlighted that, as someone seeking asylum, they were not able to work and the cost of getting to the office was not worth it for only a short conversation with their legal representative. Another preferred in-person advice, but when they lived far away from their legal representative on balance, they thought that video calls worked well enough. They considered that this was because they already trusted their legal representative



and had a good relationship with them.

Despite the improved convenience of receiving advice remotely, several interviewees noted that at times practical barriers limited this advantage. **Technical difficulties** were common, both in terms of connections dropping out and in terms of people experiencing **digital poverty** and not having the necessary technical skills, resources and confidence to engage fully remotely.¹⁹ A lack of phone credit was raised by one interviewee as an issue that disrupted remote advice, bringing the conversation to an abrupt halt. One interviewee was supported by her family to log into video calls with her legal representative, but found it difficult to manage the technical interaction without them.

“[I]t was so difficult at the beginning. Now because I’m doing some online classes it has become easier. But at the time when I look back, that was really difficult, especially as again, I feel lucky that I had someone to support me and because I would not manage on my own.”

[Interviewee #2]

The **quality of the phone or video call** was vitally important in realising the benefits of remote advice in terms of its improved convenience. One interviewee noted that this was especially important when an interpreter was needed.

“[S]ometimes they [interpreter] simply did not understand. There was some technical issue or they simply did not hear or did not understand what we were saying, so there was a big gap of this kind of a three way call with the interpreter.”

[Interviewee #2]

Desire for choice

Interviewees noted that remote advice was suitable for some types of conversations and some people, but that it was crucial that they had a choice both between remote and in-person advice and in the arrangements surrounding meetings, such as timings.

¹⁹ The Digital Poverty Alliance defines digital poverty as the ‘inability to interact with the online world fully, when, where, and how an individual needs to.’ Digital Poverty Alliance (2022) UK Digital Poverty Evidence Review 2022, <https://digitalpovertyalliance.org/uk-digital-poverty-evidence-review-2022/introduction-myths-and-shifts/>

Their definition is helpful here as it is purposefully broad in order to encompass how digital exclusion intersects with other inequalities. Crucially, it also captures the ways in which engaging digitally can vary for people depending on their available resources that day and the specific circumstances of the digital interaction.



Many interviewees made **distinctions between the kinds of interactions that were suitable for remote exchanges and those that needed to be done in-person**. Several interviews felt that remote advice was only suitable for emergencies and stressed the importance of remote advice being a choice, rather than something imposed on them.

“It’s very straightforward for me to answer that face-to-face is irreplaceable. Online could work in emergency and urgent situations, which is good if there is the option.”

[Interviewee #2]

One interviewee argued that it was important for people to have a choice of how they spoke to their legal representative because they knew what kinds of conversations they needed to have in-person.

“[I]f it’s to take a statement, I’d rather always suggest to have it face by face-to-face. If it’s to do with planning how to proceed certain things, then we do it by phone....

[N]ormally if I feel I need to see her [legal representative] ... I explain the situation and... if I insist, ‘We need to meet up and I need to see you’, she’s always agreed and I go and see her face-to-face to explain.”

[Interviewee #9]

For one interviewee, remote interactions were “*fit for purpose*” for straightforward conversations involving primarily an exchange of information, such as the research interview itself, but worried that ‘things will get missed sometimes’ and so still preferred in-person advice (interviewee #5). Similarly, another interviewee felt that the research interview could be done remotely, but conversations sharing more intimate details of people’s lives which risked re-traumatisation could not be.

“And because here [in this interview] ... you are going to ask me general questions, a story about how I dealt with the company... it’s just about how I met them, how I communicate with them, how I feel. That is all. But it’s not about the case, because [talking about the] case maybe some people will go through the trauma again. They will not repair.”

[Interviewee #1]

Another interviewee highlighted the value of remote advice for people with **medical conditions** that made travelling to their legal representative’s office difficult.



“Going to meet a legal representative for the first time, I do believe and feel should do it in person, but for any reason medical wise, if we’re not well, we should do it over the phone because of the medical condition.”

[Interviewee #10]

They went on to say that ideally this remote advice would be given via video call rather than phone call because it was important to “*see the person that I am talking to*”.

Beyond having the choice between speaking to their legal representative remotely or in-person, many interviewees emphasised the importance of having **agency over the logistical arrangements** for meeting their legal representative, particularly if it was a remote exchange. Interviewees spoke of the need to arrange a specific time to meet with their legal representative remotely, to allow them to be in a comfortable, private space. For example, if they were speaking to their legal representative remotely, one interviewee preferred to arrange a time when they knew they could be at home with their children at school, as they knew they could speak freely and be undisturbed then.

Not all the interviewees had this level of agency over when they received remote advice; this limited their ability to engage in these important conversations. One interviewee expressed frustration at the way their legal representative expected them to be available at any time but would not respond to their calls to rearrange a meeting. Again, this example highlights the intersection between the legal aid crisis and the provision of remote advice.

“They [legal representative] would literally just call me up when I was busy or not busy. Like sometimes I’ve missed the call because I was in the shower or something. They never planned it, it was never like, ‘Oh, [interviewee #5], I’ll call you tomorrow at 1:00 PM, be there.’. It was never like that. It was just call me up whenever. And then I have to call them back if I missed the call. It’s because they’re not in the office or they’re busy or never answered, and I’ll leave a message and still not get a call back.”

[Interviewee #5]

The desire for choice in how people spoke to their legal representative was starkly articulated by the interviewees who drew attention to the fact that these were ultimately interactions between humans involving the sharing of often very personal information. **Emotion necessarily played a role in these interactions.**



“I think the real life in person conversation is more effective because we're talking about energy as well and expression of people. So, you can feel the room, you can feel the person. You can see the suffering, can see the anger.”

[Interviewee #4]

For advice delivery to be most effective, one interviewee felt that emotion and mood should be taken into account by giving people agency over the meeting format.

“It's depending on my mood. Sometimes telephone was easier, but sometimes I felt better when I was face-to-face with them.”

[Interviewee #6]

Whilst giving people a choice over the way they spoke to their legal representative was positive, two interviewees stressed that it was vital that this was an **informed decision** and that people understood why it might be an important one. Both interviewees said that all first meetings should be done in-person and following that, people should be given a choice about future meetings. They emphasised that this was particularly important for people with no experience of navigating the immigration and asylum system.

“[M]y recommendation would be that that initial talk with people to be face-to-face, so they would see how it is different when you actually see the person and ideally, they would have the option about how they want to carry on after that. ... I would say the first couple of visits, at least the first one, that they see how face-to-face kind of dialogue and conversation makes a difference, so they can make a choice and they don't necessarily assume that that all support should be online like as it is in the majority of cases, which is sad.”

[Interviewee #2]

Another interviewee suggested that people without experience of the immigration and asylum system would not necessarily know what types of conversations needed to be done in-person and the importance of explaining themselves as best as possible or of speaking to their legal representative from a quiet, private place.

“[F]or newcomers, my suggestion will be instead of telephone calls, it's better to be face-to-face. ...From where I came from, people don't explain themselves very well. But when it's face-to-face, it will be easier to understand them and see their reaction to the person.”



"[W]hen I had a phone call, I always say to my solicitor 'I'm outside right now, I'll be in a quiet, private place, can you call me at so and so' and I say this, but for newcomers, they don't. When they receive a call, they just pick it up and that is the reason why I say for newcomers, it's better to have face-to-face rather than telephone call."

[Interviewee #9]

As well as being able to make an informed decision, interviewees highlighted that it needed to be a **meaningful choice** and that if a provider offered remote advice, they needed to have the capacity to be responsive remotely. In the absence of the rapport building qualities of in-person interactions, remote advice relies to an even greater degree on provider capacity to keep their client informed and reassured. Where remote advice worked less well for interviewees was when a provider was overstretched and unresponsive to remote communications, leading some interviewees to travel significant distances to go in-person to their legal representative's offices to feel heard and get a response.

"[B]ecause it was really far from my hotel, he said we can speak online like by e-mail or phone. But no, it was not working. So, every time I really wanted to see them, I had to go there.... It was more than an hour to get there."

[Interviewee #7]

"Phone calls are annoying I'll tell you right now.... The person who says they'll call you back is ...the reception or something. That's not my solicitor. I think that's why she's been told, 'Oh he's gonna call you back.' But they never did call. Sometimes I get really angry. I was like, listen, stop playing games with me because every week, every time you say this. I'm coming to the office right now. 'Hold on hold on hold on, let me see.' So, they pass the person and you start talking."

[Interviewee #4]

Importance of establishing trust

Almost all the interviewees we spoke to were keen to highlight the value that their legal representatives had in their lives beyond the legal advice they offered. Interviewees spoke at length about the valuable emotional support and reassurance their legal representatives offered and how this improved not only their experience of receiving legal advice, but their quality of life in a very difficult period. Establishing trust through



receiving this support was vital in allowing interviewees to feel comfortable enough to share their stories fully. Building this trust was perceived as easier in-person, but once trust had been established it made any future remote interactions easier.

Many interviewees discussed the **difficulties with sharing traumatic or emotionally heavy stories** with legal representatives and the need to feel heard as an important part of the process of legal advice.

“[When you] arrive absolutely lost like I was and thinking like your life is destroyed. And then you meet someone in this case, like a solicitor, who can talk to you as a human and communicate, support and explain more about your rights. It’s so much different from when you deal with people online, so that [was why] the face-to-face meeting for me was crucial. ...She [legal representative] offered me tea or coffee and we had a chat and I was not scared to talk about my experience and we had a really good time and we could do the work, but as well I was feeling again like a human in that environment.”

[Interviewee #2]

Other interviewees emphasised that meeting their legal representative in-person reassured them that someone was taking their case seriously and understood the importance of the case to them.

“[W]hen I do face-to-face, especially when I was new, I used to be so happy when I go and see them. I feel they care about my kids. I feel somebody is doing the work. So the feeling you have is extremely different.”

[Interviewee #9]

“[Y]ou need to meet and to know the person to have trust and security in the professional.”

[Interviewee #10]

The brevity and immediacy of phone conversations did not always lend itself well to sharing difficult or traumatic details about people’s personal lives. One interviewee felt that remote advice was too brief and did not give them the time and space to share everything they needed to.



“I don't think that I necessarily said things that I should have said. And it's just because a phone conversation is more brief. It's more to the point. Whereas in person you can actually sit and talk and think.”

[Interviewee #5]

Another interviewee suggested that the immediacy of remote advice was an issue as it did not give them enough time to prepare emotionally for the interaction. They suggested that taking a phone call from their legal representative and being immediately expected to share traumatic or difficult stories was not always realistic. Not only did it take time to build a relationship with a legal representative, within a conversation it also took time to build up to sharing these stories, particularly if they were not immediately in the mood or headspace to do so. However, when advice interactions were conducted in-person, they felt safer to share things that were difficult to discuss but that they knew were important to share.

“I was feeling like things are in hand, things will go smoothly, when I was face-to-face, I was feeling safe. ... Talking about what I went through was difficult. Sometimes I didn't feel like to, but there was no other way. No other choice. I didn't have a choice. So, I had to.”

[Interviewee #6]

One interviewee valued the anonymity of having a remote interpreter because it enabled them to share details about their life, including a history of domestic violence, without the worry of being able to be identified by the interpreter or to be pitied by them.

“You don't know me, I don't know you. And when you see me by accident in the street, you don't know me. But if it's becoming in-person, it's more sensitive. ... Yes, I prefer the interpreter [on the phone] because some people feel embarrassed to share some private information on themselves or what they face. And some people they don't want people to give them that look, ‘Oh no, you feel that way, you have that situation’ and you see the face expression. ... You are here now, you can stand up for yourself and support yourself, but I don't want to see people looking at me like that way.”

[Interviewee #1]

They were happy to share these details in-person with a legal representative but found this harder when an interpreter was present in-person, possibly because an interpreter was more likely to be from their community. These benefits of anonymity could be



realised with either remote or in-person advice, but with the interpreter present via remote means.

The difficulties interviewees had in sharing their stories with legal representatives were exacerbated by the **isolation** many felt from being in the asylum system and the lack of emotional support in their everyday lives. Many did not have family or friends to support them and were in vulnerable mental states when they were navigating the asylum system.

“I want to stress that for people who are seeking asylum and were in the mental state that I was, face-to-face is crucial.”

[Interviewee #2]

Many interviewees found the emotional support offered by their legal representative played an important role in a difficult and isolated time in their life. One interviewee in particular valued the way that their legal representative checked in on them at regular intervals through the long process it took for them to claim asylum, even when there were no updates on their case. Their legal representative became the key player in their otherwise limited support network.

“Your solicitor becomes your family because you have no one here who’s family. You’re in a foreign country, so this person representing you is your only link of a family here.... Some of us do not have friends, some of us don’t have the right to work, some don’t have good mental health, and sometimes your only lifeline is your solicitor, in that person who’s fighting for your case and you’re trusting them with your life.... So having that solicitor check in on you... it goes a long way in settling your mind during this time.”

[Interviewee #3]

Several interviewees were concerned that without the emotional support and reassurance from good quality in-person advice, there was a risk that remote advice could have a **negative impact both on people’s mental health and on their case.**

“It’s [remote advice] affecting people’s cases. I think when it comes online because people don’t share or they don’t feel safe to share because they might think if someone is listening. It also has a very negative impact on [the] mental health of people. ...Seeing people is so different rather than seeing someone remote.”

[Interviewee #2]



“I’m speaking from my experience, sometimes we don’t really feel safe... over phone calls because we don’t know who’s listening. There’s this anxiety that we still have and it really helps when you’re talking to somebody face-to-face, you know that person that I’m talking to.”

[Interviewee #7]

Some interviewees found that in-person advice enabled them to ‘get a lot more done’ (interviewee #5) and that, with their legal representative, they ‘do a lot together’ compared to remote advice (interviewee #7). One interviewee suggested that this was partly because the **legal representative could pick up on body language better** when they were face-to-face with their client. This was important for both the wellbeing of the client and for the quality of the interaction.

“I think having it done in person was a lot better than the phone conversations because you can read someone better and understand certain cues that would tell you what direction to take the conversation in or get more understanding because I mean if you ask me now [Interviewee #5], are you fine?’ I could say yes, but really and truly I could be bawling my eyes out and you wouldn’t know because you can’t see.”

[Interviewee #5]

This interviewee went on to emphasise that being able to read body language enabled their legal representative to better direct their questions and therefore was more able to establish the important details of their case.

“It’s about trust and building that rapport with whoever’s representing you because if somebody’s representing me and they just call me over the phone and I never meet them, it’s not the same. And maybe if I was sat in person with them, I would say something that they would pick up on and ask me to elaborate [on], rather than just take whatever questions they ask me over the phone.”

[Interviewee #5]

Beyond the role of their legal representative, the practicalities of remote advice also impacted interviewees’ ability to feel safe in their conversations with their legal representatives and trust that they could share everything they needed to. In particular, people needed a **quiet, private space** to speak to their legal representative from, but not all interviewees had access to this.




“[W]e were overcrowded as well because I was living with the family and children and did not have my own room ... I had lots of support, but on the other hand, it was not totally possible to have that private space where you have the proper chat.”

[Interviewee #2]

Another interviewee felt more comfortable with receiving advice remotely since they had been given private accommodation.

“[W]hen I lived in a hotel and I had to share my room with another person, that was bit difficult when my solicitor called me on Zoom, then I felt a bit uneasy about the other person staying in the room. But now it's OK because I was provided with a separate accommodation. Now I'm on the phone [with] only me in my room. So now it's much better. ... I would prefer face-to-face. But that's only ideally.”

[Interviewee #8]



Conclusion: what do we know and what do we need to know?

The existing evidence base and the empirical evidence detailed in this report goes some way towards addressing the series of priority research questions proposed by Natalie Byrom in March 2024 to address the evidence gap relating to ‘technology-assisted advice provision’.²⁰ The current state of what we know and what we need to know is outlined below, alongside priority recommendations to further develop this evidence base.

1. What is the impact on services of delivering advice remotely?

What we know

The existing evidence base is clear that delivering advice remotely **can have significant benefits for services and can be a method of increasing provider capacity through producing efficiencies**.²¹ It can allow services to extend their reach over a wider geographic area and can be a method of gathering information or triaging, in order to increase the effectiveness of in-person advice appointments.²² It may also improve client engagement and allow for greater provider flexibility.²³ At the same time, providers may find it difficult to advise on complex cases remotely and, if they do not have digital document sharing options, may be limited in what they can offer without sight of key documents from clients.²⁴ The importance of asking clients what form of advice delivery is most appropriate for them also risks creating additional ‘complexity

20 Byrom, N. (2024) Where has my justice gone? Current issues in access to justice in England and Wales. Nuffield Foundation. <https://www.nuffieldfoundation.org/wp-content/uploads/2024/Where-has-my-justice-gone.pdf>

21 Hutton, C. & Harris, J. (2020) Methods of increasing the capacity of immigration advice provision. Paul Hamlyn Foundation, <https://www.phf.org.uk/publications/methods-of-increasing-the-capacity-of-immigration-advice-provision/>; Mant, J., Newman, D. & O’Shea, D. (2023) Blended Advice and Access to Justice. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147571/blended-advice-access-justice.pdf

22 Hutton, C. & Harris, J. (2020) Methods of increasing the capacity of immigration advice provision. Paul Hamlyn Foundation, <https://www.phf.org.uk/publications/methods-of-increasing-the-capacity-of-immigration-advice-provision/>

23 Mant, J., Newman, D. & O’Shea, D. (2023) Blended Advice and Access to Justice. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147571/blended-advice-access-justice.pdf

24 Hutton, C. & Harris, J. (2020) Methods of increasing the capacity of immigration advice provision. Paul Hamlyn Foundation, <https://www.phf.org.uk/publications/methods-of-increasing-the-capacity-of-immigration-advice-provision/>



and further organisational and logistical challenges for advice organisations' as they need to maintain multiple channels of advice delivery.²⁵

What we need to know

It would be beneficial to know what the **impact of delivering advice remotely is on a broader range of services**, including high-street firms and smaller providers, across a range of geographical areas and within the current context of the legal aid crisis. In particular, this should include the experiences of providers in both urban and rural areas,²⁶ and in areas that are both legal aid deserts and those that are comparatively well served. We also do not know the impact on services who work with communities more likely to face barriers in accessing remote advice delivery, such as people with a history of being trafficked, or the impact of services providing immigration and asylum advice in the complex and uncertain context created by recent legislation, such as the Illegal Migration Act 2023.²⁷

Further and updated research should be conducted regarding the **impact of delivering advice remotely on a broader range of services**. This research should build on, in particular, Ceri Hutton's 2020 and 2022 reports,²⁸ and should involve a broad range of provider types and geographical areas, in order to reflect the range of current provider experiences in the context of the legal aid crisis.

25 Mant, J., Newman, D. & O'Shea, D. (2023) Blended Advice and Access to Justice. p. 58 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147571/blended-advice-access-justice.pdf

26 Mant, J., Newman, D. & O'Shea, D. (2023) Blended Advice and Access to Justice. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147571/blended-advice-access-justice.pdf

27 The Public Accounts Committee similarly suggests that the Ministry of Justice 'does not understand the impact of remote advice on vulnerable groups'. Public Accounts Committee (2024) Value for Money from Legal Aid. p.5 <https://committees.parliament.uk/publications/44957/documents/223163/default/>

28 Hutton, C. & Harris, J. (2020) Methods of increasing the capacity of immigration advice provision. Paul Hamlyn Foundation, <https://www.phf.org.uk/publications/methods-of-increasing-the-capacity-of-immigration-advice-provision/>; Hutton, C. (2022) How the remote delivery of immigration advice evolved during Covid. Paul Hamlyn Foundation, <https://justice-together.org.uk/wp-content/uploads/2022/06/How-the-remote-delivery-of-immigration-advice-evolved-during-Covid-FINAL2.pdf>



2. What is the impact of remote advice provision on clients' experience, behaviour and outcomes? How does this vary across different demographic groups?

What we know

The impact of remote advice provision on clients' experiences is varied and based on a range of factors. For our interviewees, remote advice was more convenient for some people, but created practical barriers of technical capabilities and confidence for others. In addition, not everyone we spoke to had access to a quiet, private space and this influenced the extent to which they were able to engage with advice when it was delivered remotely.

The type of conversation itself and its suitability for a remote format also influenced clients' experiences of remote advice. Emotional support and reassurance were crucial for building trust and in facilitating an atmosphere that enabled people to share important but difficult details about their story. Interviewees found that this was often easier to do when advice was delivered in-person and consequently conversations that required significant trust between the client and their advisor were more effective in-person. This mirrors findings in research on remote court hearings, with remote formats narrowing the exchange, curtailing the sensory engagement and limiting the non-verbal and atmospheric exchanges that occur around the edges of information exchange.²⁹ These varied experiences are likely to influence client behaviour in terms of their level of disclosure.

Remote advice was therefore **suitable for some but not all conversations and some but not all people**, but giving clients a meaningful and informed choice about the mode of advice delivery was vital for clients to be able to weigh up whether remote or in-person advice was appropriate in their specific circumstances. This choice needed to be both meaningful, in the sense that the provider had the capacity to be able to meaningfully offer in-person advice as well as remote advice, and informed, in the sense that the client understood why the mode of advice delivery might be important, especially if they were unfamiliar with the asylum system. If they chose to receive advice remotely, it was then crucial that clients were able to express a preference for how and when the advice appointment was arranged. For example, one interviewee preferred to have remote advice conversations when their children were at school and they knew they could speak freely.

29 Hynes, J. (2024) Loitering with (research) intent: Remote ethnographies in the immigration tribunal. *Area*, 56. Available from: <https://doi.org/10.1111/area.12896>



What we need to know

Whilst we have some evidence of the impact of remote advice provision on clients' experiences, we have **no evidence on its impact on clients' outcomes**. We also have some evidence on the ways that these experiences are likely to influence client behaviour, but **no evidence of actual impact on client behaviour** beyond what people are able or willing to share in interviews. Observational data may be able to shed light on client behaviour in practice; research with an element of observation was recommended by Jessica Mant, Daniel Newman, and Danielle O'Shea's research.³⁰ We also need further evidence to be able to assess how these impacts on client experiences, behaviours and outcomes vary across **different demographic groups**.

The Ministry of Justice should conduct or commission **research into the impact of remote advice provision on client outcomes**, both in terms of the success rate of their cases and the timeliness of the case progression.

3. What kinds of people benefit most from remote advice provision?

What we know

Interviewees who had **medical conditions which made travelling difficult or who felt telephone or video calls enabled them to speak more anonymously benefited most** from remote advice provision. In these circumstances, some interviewees felt that remote advice actively enhanced their experience of the advice interaction, rather than it being a 'better than nothing' option in the context of limited legal aid provision.

We can also explore the idea of who benefits most from advice provision through the interviewees' experiences of when it did *not* work for them. In particular, remote delivery was a barrier to advice provision in cases where interviewees had **not met their solicitor at all, when they were experiencing significant mental health issues, when they did not have a private, quiet space, or when it was not their choice**.

What we need to know

We need to know more about what benefiting from remote advice provision involves and unpick what we mean by 'benefit'.

30 Mant, J., Newman, D. & O'Shea, D. (2023) Blended Advice and Access to Justice. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147571/blended-advice-access-justice.pdf



Firstly, findings about **who benefits most from remote advice provision need to be connected with data on the impacts on client outcomes**. The findings in this report are based on self-reported preferences for remote or in-person advice delivery, however we do not know if this aligns with client outcomes. Client perception of remote advice is crucial, but another important part of the picture is whether remote advice is of benefit to clients' cases. Connecting these data sets would allow for a fuller evaluation of the cases, conversations and people who are able to benefit most from remote advice provision.

Secondly, we must develop our understanding of what **circumstances and demographic characteristics** make remote advice accessible and what circumstances and demographic characteristics make remote advice beneficial. Some people will be able to access remote advice in terms of their technical capabilities and access to a quiet, private space, but the complexity or emotional weight of their case may mean that it would not be *beneficial* to them to receive advice remotely. Others might find remote advice beneficial, due to a medical condition or their case being straightforward, but a lack of technical skills, resources and confidence may mean that it is not *accessible* to them.

The Ministry of Justice should conduct or commission research on the **accessibility of remote advice for different demographic groups** and establish who can/ cannot access it, and for whom it is/ is not beneficial.

4. How might we define quality standards for remote advice provision?

What we know

The evidence base presented here can help us to develop quality standards for remote advice provision. We suggest these could usefully be grouped into two themes relating to both sides of the remote interaction: the quality of the client's environment and the quality of legal advice provision. Recognising the existing time, financial and administrative pressures that advice providers are under, these quality standards will be most useful to providers and their clients if they are implemented as best practice guidance. Many providers will already be ensuring that these elements are in place before a remote advice interaction and there will undoubtedly be further best practice learning that could be shared across the sector.



Client's environment

- The client has the technical skills, resources and confidence to engage fully in a remote advice interaction.
- The client has a quiet, private space from which to phone or video call their legal representative. They confirm that they feel comfortable speaking freely from this space.
- If they require an interpreter, the technology the client has available facilitates an interpreter joining and being able to offer clear, effective interpretation.

Legal advice provision

- The provider has arranged specific times to speak with the client that are mutually convenient, wherever possible.
- The provider is able to offer clients a first meeting in-person, and thereafter, is able to give the client a choice of in-person or remote advice. As the research highlights, this needs to be a meaningful choice, and therefore providers need the capacity to be able to offer in-person and remote advice.
- The provider has protocols in place to offer support or signpost to external sources of support if a client becomes distressed during a remote call. They have capacity to check that the client accessed this support and is safe. The provider has trained its staff to identify common signs of distress or crisis, both within an advice setting and in their initial interactions with a client to assess whether they are suitable to receive advice remotely.

To be able to fully implement this best practice guidance, remote advice needs to be part of broader changes to bring the legal aid sector onto a sustainable footing. Without sector wide changes to fees, administrative burdens, and funding models,³¹ provider capacity will remain saturated and remote advice, whether delivered by the client's choice or as their only option, will not be effective. Throughout the interviews the intersection between legal aid crises of quality and capacity were stark – many of the challenges and barriers generated by remote advice were a result of the wider issues in the collapse of legal aid provider capacity and were often obstacles that cut across all modes of advice delivery. **Remote advice is not a safe harbour in an ocean of unmet**

31 Wilding, J. (2024) A menu of civil legal aid policy options for a new government. <https://justice-together.org.uk/wp-content/uploads/2024/02/Legal-Aid-Policy-Options.pdf>



need,³² but one intrinsically connected to the wider systemic issues facing the legal aid sector.

What we need to know

Whilst this evidence base can indicate areas to develop best practice for remote advice provision, we need to know what a broad range of stakeholders, including providers, clients, interpreters and the Legal Aid Agency think they should involve. These groups need to then **agree on shared best practice guidance** for remote advice. Crucially, the development of this guidance should consider what broader structures in the legal aid landscape need to be in place to facilitate best practice. For example, this is likely to include provider capacity and the sustainability of running a legal aid practice.

Before there are any future increases in the use of remote provider lists to connect clients in legal aid deserts with providers in other areas, the Ministry of Justice should **establish best practice guidance for remote advice**. This should be developed in consultation with a broad range of legal aid providers, clients and other people involved in remote advice interactions, including interpreters.

32 Rourke, D., Cripwell, E., Summers, J. & Hynes, J. (2023) Access to immigration legal aid in 2023: An ocean of unmet need.
<https://publiclawproject.org.uk/content/uploads/2023/09/Oceans-of-unmet-need-Sep-2023.pdf>



About us

About A & M Consultancy

A&M Consultancy is a venture of two consultants with lived experience of the UK immigration and asylum system. Based on their lived experience, they collaborate with organisations and individuals to make positive changes for migrants, refugees and people seeking asylum.

They specialise in campaigns and advocacy, and advise organisations (national and international) on lived experience leadership and meaningful involvement through research, co-production and co-delivery.

More information about A&M Consultancy is available at:

<https://www.amconsultancyuk.com/>

About Asylum Aid

Asylum Aid is a leading provider of high-quality legal representation to people with complex cases who are seeking asylum in the UK. For over 30 years, Asylum Aid has worked with survivors of trafficking and torture, stateless people, unaccompanied children, and other vulnerable people seeking safety to help them gain legal protection in the UK.

Based on their unique expertise developed through legal work, the charity advocates for wider systems change that improves the lives of all people within the asylum system. Since 2020, Asylum Aid is part of the Helen Bamber Foundation Group.

About Helen Bamber Foundation

The Helen Bamber Foundation (HBF) is a specialist UK charity which provides expert care and support for refugees and people seeking asylum who have experienced extreme human cruelty and human rights abuses, such as torture or human trafficking. HBF delivers a specialist Model of Integrated Care to Survivors which includes access to an individually tailored programme of psychological care and medical advisory services, legal, housing and welfare support, and skills activities within a community integration programme.

HBF also uses its expertise, research and learning to deliver meaningful change to law, policy and practice change and improve the asylum and trafficking systems to ensure that all Survivors can rebuild their lives.

More information about Helen Bamber Foundation is available at:



<https://www.helenbamber.org/>

About Public Law Project

Public Law Project is an independent legal charity. We are researchers, lawyers, trainers, and public law policy experts. Our aim is to make sure state decision making is fair and lawful and that anyone can hold the state to account.

For over 30 years we have represented and supported people marginalised through poverty, discrimination, or disadvantage when they have been affected by unlawful state decision-making.

Public Law Project's research and publications are available at:

<https://publiclawproject.org.uk/resources-search/>



Public
Law
Project

The Public Law Project (PLP) is an independent national legal charity. Our mission is to improve public decision making and facilitate access to justice. We work through a combination of research and policy work, training and conferences, and providing second-tier support and legal casework including public interest litigation.

www.publiclawproject.org.uk