UK COLLABORATIVE CENTRE FOR HOUSING EVIDENCE

Innovation in Housing Advice in the UK Private Rented Sector

Dr Jennifer Harris

University of Bristol

29 March 2021

Economic and Social Research Council

Arts and Humanities Research Council

JRF JOSEPH ROWNTREE FOUNDATION

housingevidence.ac.uk

About the author

Dr Jennifer Harris is a Senior Research Associate for the UK Collaborative Centre for Housing Evidence (CaCHE), and is based in the School for Policy Studies, University of Bristol.

Acknowledgements

Contents

Executive Summary

The advice landscape has changed significantly over the past ten years; changes which have been amplified by the COVID-19 pandemic. Those living in the private rented sector face significant barriers to accessing advice. This report provides some practical examples of innovation in the provision of housing advice for tenants. The findings are based on case studies and interviews with advice providers and their clients, and on insights from existing legal needs research.

The shift to digital services

Whilst the shift to remote advice services has accelerated in recent months, it is a not a new phenomenon. Lessons from earlier developments suggests that the most effective approach moving forward will be a meaningful multi-channel offer which considers the following:

- **The availability of in-person support:** Human interactions and support are integral to supporting vulnerable individuals access advice through remote channels. Technology is a supplement and not a replacement for in-person assistance.

- **Spatially informed services:** There are important place-related factors that contribute to the effectiveness of advice services (e.g., knowledge of services operating in a local area). This has implications for the development of national remote services.

- **Making channel choice a genuine choice:** Mandatory requirements suggest that non-compliance with online systems is a behavioural issue rather than associated with digital exclusion. Digital provision should be improved so people choose to use these services.

- **Scrutinising underlying assumptions:** The development of different channels of advice provision must be evidence based, rather than driven by assumptions on if and how people will use the technology.

Addressing the access to advice problem

Existing evidence suggests that to tackle the access to advice problem, proactive targeted service delivery, greater collaboration and service integration, early intervention and prevention and a personalised approach is needed. The following five case studies help clarify how these themes are applied practically and conceptually in the context of the private rented sector:

- **Online advice chatbot (England):** demonstrates the importance of adopting a user-focused and personalised approach in the development of remote advisory services.

- **Tenancy sustainment service (Scotland):** illustrates how early intervention approaches can be suitably tailored for households experiencing complex problems or multiple disadvantages.

- T**enancy relation service (England)**: shows there is potential to overcome resource constraints at the local level by developing novel forms of shared services.

- **Peer-led housing advice scheme (Northern Ireland):** illustrates how barriers to advice can be addressed by means of culturally sensitive services suitable for people of different cultural or language backgrounds.

- **Targeted national advice strategy (Wales):** demonstrates how spatially informed and locally focused policy responses can be designed to respond more effectively to differences in geography, problem type, problem urgency and client capability.

Improving access to advice for renters

The findings suggest the following key factors need to be taken into consideration
to improve access to advice in the private rented sector:

- **Temporal factors:** Early intervention and a well-functioning system of information provision and self-help options is essential. This must be relative to the needs and capabilities of the client. Self-help services are less appropriate for those experiencing more complex issues.

- **Relational factors:** Addressing problems in the private rented sector requires a high degree of collaboration between advice and non-advice services. For some target groups, the main advice source will be community organisations.

- **Practical and technological factors:** There to significant scope to develop and enhance technological interfaces for the delivery of first stage advice for those capable. Online systems that can perform triage, as well as interactive and customisable tools are key areas for future innovation.

- **Symbolic factors:** Advice services have an important role to play in demanding change in policy and practice in the sector and can help disrupt the status quo distribution of power in the private rented sector (for instance, by sending a message to criminal landlords).

Recommendations for policy

UK and devolved governments should improve the advice and informational
ecosystem available to tenants in the private rented sector:

- Any commitment to early interventions must be accompanied by sufficient resource investment, including adequate investments in publicly funded face-to-face support.

- For those households facing the most severe disadvantages and complex problems, resource allocations should allow for the provision of longer-term advice and support.

- Many advice organisations will not have the resources or infrastructure to build the needed connections with

different organisations. UK and devolved governments should consider how they can ensure that the necessary collaborations can occur.

- There is a need for further research addressing those who are unable to use online advice services. This is particularly important in light of certain people possibly being excluded under COVID-19.

Recommendations for practice

- As advice services become increasingly digitised, practitioners should seek to realistically assess the level of legal and digital capability required to access these services.

- Clear routes from one channel to another alongside processes – such as via an online referral system - must be made available.

- Any preventative action should identify key intervention points that may lead to rent arrears and other problems that can increase the risk of homelessness.

- Partnership arrangements should be spatially informed and developed at a local level.

Recommendations for policy and practice

- Policy makers and practitioners should consider how technology can be used to present housing information in more user-friendly formats. This type of development would require greater focus and support for preventative interventions (as already recommended by the Low Commission)[1].

- Policy makers, practitioners and researchers should consider how the information, expertise and regulatory capacity of the wider voluntary sector can enhanced to support access to advice and ultimately improve standards in the sector.

[1] Low Commission, Getting it Right

1.Introduction

A significant number of people living and working in the UK private rented sector find themselves in need of advice and support to resolve housing problems. The leading provider of housing advice in Wales consulted as part of this research reported that 31% of their advice work addresses private rented sector issues. In 2016/2017 Citizens Advice in England advised on 16,000 repair and maintenance issues[2]. These civil law issues can escalate into situations of crisis that leave households vulnerable to destitution and homelessness.

Reductions in public sector funding and changes in civil legal aid budgets have significantly altered the advice landscape. Across the UK, the austerity agenda and resultant cuts have severely affected the advice sector and the 'informational ecosystem' available to the public[3]. Across all of the UK the range of assistance provided, eligibility criteria and fees for legally aided services have been restricted. As a result, voluntary advice organisations have had to face a decrease in funding alongside an increase in demand for support. The economic downturn between 2008 and 2013, the overhaul of the welfare state, a heightened focus on competitive tendering and contractual funding and the digitisation of advice and welfare benefit services, have put increasing pressure on organisations to innovate and adapt to a fast-changing policy climate[4].

The COVID-19 pandemic has exacerbated problems in accessing advice and put further pressure on an already fragile sector. The need for advice is likely to continue to grow as the crisis lengthens and its impact intensifies. Advice providers have been challenged to adjust their practices and use technology in a creative way to provide advice and support remotely.

As discussed in our 2020 Alternative Approaches to Resolving Housing Disputes report, an improved landscape of dispute and problem resolution will be key in raising standards within the UK private rented sector[5]. As in any consumer market, renters must be able to assert their legal rights, be aware of their entitlements, and have options for a speedy resolution when problems occur. In addition, in a rental sector that functioned better, problems and disputes would be less likely to occur in the first place. Unlike in other countries, UK nations do not have multi-tiered dispute resolution systems for people living and working in the sector[6]. Courts and tribunals are often the only available option for resolving disagreements, and at that stage disputes have often escalated and crises deepened. Improved access to advice and information and opportunities for early resolution are essential in order to improve the dispute resolution system.

[2] Citizens Advice (2017) It's Broke, lets fix it (Accessed: 16/1/21).

[3] For example, the primary source of funding for Advicenow disappeared with the closure of the Legal Service Commission and other organisations providing information have also closed as a result. For further information see written evidence provided by Law for Life (Accessed: 11/2/21).

[4] M. Wilde (2020) 'Eviction, Gatekeeping and Militant Care: Moral Economies of Housing in Austerity London', Ethnos.

[5] J. Harris (2020) Alternative approaches to resolving housing disputes (Accessed: 22/12/20).

This research study

The primary objective of this study was broad: to identity and explore examples of innovation in the provision of advice for housing problems in the UK private rented sector.

In the research we wanted to emphasise the voices and views of clients, managers and advisors, and therefore adopted a qualitative interview methodology. The study engaged with a sample of six projects and used staff and client interviews to investigate the types of innovation taking place, the groups of people being supported, the role of technology within these processes, people's experiences in accessing advice, and the knowledge gained.

Participating organisations were sampled from across England (x2 services), Scotland (x2 services), Northern Ireland (x1 service) and Wales (x1 service). All participating services were voluntary organisations delivering advice to private rented sector tenants (and occasionally landlords), with some of them managing a vast number of projects that provide bespoke services for various parts of the sector. A total of 32 interviews were carried out across these projects. The majority of interviews took place with operational or managerial staff (27), but five interviews were carried out with clients.

The aim was to capture approaches that seemed to have particularly distinctive characteristics. Services that reflected insights from the literature on advice services' attempts to innovate and adapt to recent political and economic changes were sampled. These activities include the development of new technological interfaces for advice delivery; uniting in partnership and working together strategically; new hybrid and plural arrangements between third sector and Government institutions; and the emergence of new organisations seeking to fill the gaps in service provision[7]. Certain organisations may not classify themselves specifically or solely as 'advice agencies,' and will provide advisory services alongside other support services and/or campaigning activities. For example, there are a limited number of consumer ADR services operating in the private rented sector that provide advice as part of multi-stage dispute resolution processes[8]. This includes the adjudication services provided by the three statutory tenancy deposit schemes[9]. Whilst six organisations clearly do not suffice to provide insight into every type of innovation occurring within the sector, we believe our purposeful sampling approach provides a relatively good overview of the types of changes taking place.

In addition to incorporating material from the interviews throughout the Chapters, we have included five key case studies[10]: stories describing specific advice provision that highlight promising examples of how services attempt to counteract the effects of budget cuts and austerity measures by extending - rather than restricting - the boundaries in which tenants can access justice. In the final Chapter we used these case studies as the basis for a reflection of key issues that need to be considered in order to improve the advice landscape in the UK private rented sector. Although the discussion in this report represents the stories and experiences of a selected and relatively small sample of people living and working in the sector, it is built on well-established literature on best practice in meeting legal needs and improving access to advice.

[6] For international examples see Harris, Alternative approaches.

[7] I. Koch and D. James (2020) 'The State of the Welfare State: Advice, Governance and Care in Settings of Austerity', Ethnos; A. Forbess and D. James (2017) 'Innovation and Patchwork Partnerships: Advice Services in Austere Times', Oñati Socio-legal Series, 7(7).

[8] For an overview of these services see: Harris, Alternative approaches.

[9] In England and Wales: MyDeposits, the Tenancy Deposit Scheme and the Deposit Protection Service. In Scotland: Letting Protection Service Scotland; Safe Deposits Scotland; and Mydeposits Scotland.

[10] One participating service has not been included as a case study. However, insights gained from the interviews are incorporated throughout this report.

What is innovation?

The shift from grant funding to contract and commissioning arrangements, along with the increasing pressure to reduce costs, has led many advice organisations to explore various innovations in order to secure funding[11]. Changes to advice processes and procedures can also be driven by changes in demand for advice. For example, increases in the number of people who prefer to access advice remotely can lead to new technological developments. The aim of extending the scope and reach of advice may lead organisations to develop new services, projects, ideas or partnership arrangements. Innovation might also mean a revised interpretation or understanding on the best way of addressing a problem that leaves a particular tool unaltered but changes the objective and mindset which underpin its development. Innovation may also mean taking a service, product or approach that is established elsewhere and adapting and applying it to advice provision in the private rented sector.

[11] Forbess and James, Innovation and Patchwork Partnerships.

2. Accessing advice in the UK private rented sector

The main topics that people seek advice on include housing, welfare benefits, debt and employment. Accurate and timely advice plays a key role in helping landlords and tenants access their rights and entitlements and resolve tenancy-related problems. The serious repercussions of the ongoing COVID-19 pandemic, such as the increase in rent arrears, suggest that advice is likely to play an increasingly important role in the prevention and alleviation of homelessness.

In recent years the provision of civil legal advice has experienced significant adverse pressure and the UK faces major problems with access to advice. Building on findings from the interviews and existing legal needs research, this Chapter explores the inequalities and barriers in accessing advice in the private rented sector. The Chapter also explores the challenges of providing advice during the COVID-19 pandemic. The Chapter concludes with a summary of insights from the literature on effective measures to address legal needs and increase access to advice.

What is advice?

Advisors can be understood as occupying an in-between position: they are located between legal rules/institutions and tenants' everyday experiences of trying to resolve their housing problems or issues[12]. They engage in two-fold 'acts of translation' where complex life circumstances are framed in appropriate legal terminology and where complex laws, regulations and legal processes are explained in everyday language that clients can understand[13]. Many of our participants told us that, contrary to popular opinion, advice does not mean being told what to do. Rather than dictating a particular course of action, advisors will help people become aware of the options that are available to them.

The extent to which advice is "legal" will increase depending on the judicial level to which the dispute is referred and the professional qualifications of the advisor[14]. Corresponding closely to the familiar image of Citizens Advice, the first tier will involve generalists (who may be volunteers), who attend to the clients' problems at the first port of call. More complicated legal problems are referred to second tier advisors who will usually specialise in housing law. The third tier of advice involves court representation. Although assistance from an advisor in housing possession cases often leads to more favourable outcomes, defendants rarely receive legal advice prior to the court hearings[15]. This is largely due to the 'lack of accessible and high-quality advice' following the changes made to legal aid (see below)[16]. The number of people who can access specialised advice has decreased, while arrears, evictions and possession proceedings have increased[17].

---

[12] A. Forbess and D. James (2014) 'Acts of assistance: navigating the interstices of the British state with the help of non-profit legal advisers', Social Analysis: The International Journal of Social and Cultural Practice, 58 (3).

[13] M. McDermont (2013) 'Acts of Translation: UK Advice Agencies and the creation of matters-of-public-concern', Critical Social Policy, 33(2): 218-242.

[14] Forbess and James, Acts of assistance

[15] Bright, S. and Whitehouse, L. (2014) Information, Advice and Representation in Housing Possession Cases, (Accessed: 11/1/21)

[16] Bright and Whitehouse, Information, Advice

[17] The Low Commission (2015) Getting it right in social welfare law: The Low Commission's follow-up report, (Accessed: 22/12/20)

Practical assistance forms an essential part of advice provision; this for instance includes facilitating access to information; help in communications with the other party to settle disputes; and support in interpreting and filling out documentation. Our interviewees also emphasised the importance of the emotional and relational aspects of advice work, such as building trust, reassuring, providing emotional support, showing empathy and compassion, and helping clients gain confidence or a sense of perspective. Research has shown these factors are integral in advisor/client relationships[18]. Questions have been raised about the extent to which these interpersonal factors can be replicated when providing advice remotely[19].

Some advice providers seek to campaign to modify local or central governmental policies in light of the problems identified in their advice work[20]. Services will feed back information on people's immediate needs when issues are changing rapidly as they have been under COVID-19. For example, by raising awareness of how the pandemic affects renters, advice organisations have played a key role in successfully campaigning for the suspension of evictions during this time.

The access to advice problem

As part of the Coalition Government's deficit reduction programme, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) aimed to reduce the Ministry of Justice's Legal Aid spending by £350m, thereby significantly restricting the scope, eligibility, criteria, and fees for legally aided services in England and Wales. Housing formed a key area that was removed from the scope of legal aid and 'people now cannot get legal advice on a range of landlord and tenant issues, such as tenancy deposit schemes, rent increases, joint tenancies, relationship breakdown … [i]t is that preventative element that has now gone[21].'

LASPO had a devastating effect on the advice sector, which relied heavily on legal aid funding for advice on various social welfare law topics including housing. Analysis has shown that the residual part of the civil legal aid system is even less than that envisioned when the Act was passed[22]. Other recent reports suggest that in the past decade there's been a loss of around 50 per cent of not-for-profit legal advice providers[23]. This withdrawal of State funding has led to widespread concerns about the emergence of "advice deserts" in areas where services were already scarce, and the negative impact on people's ability to access justice.

Legal aid provision differs in Scotland and Northern Ireland and the reductions in the scope of legal aid have not been as severe as under LASPO. The Welsh Government allotted additional funding into the sector after LASPO, and one participant reported that some level of specialist support has been retained in most areas. However, another participant in Wales said that following restrictions to legal aid, many private practice firms have shut and there are insufficient practitioners with specialist skills available. In Scotland, advice providers face challenges relating to short-term project-based funding, significant competition for government grants, managing varying reporting requirements of funders, and navigating restrictions where for instance funding will only be available for one area of advice[24]. These factors have negatively affected collaborative working and innovative planning and threaten sector stability.

[18] M. Smith, A. Buck, J. Sidaway and L. Scanlan (2013) 'Bridging the empirical gap: New insights into the experience of multiple legal problems and advice seeking', Journal of Empirical Legal Studies, 10.

[19] M. Burton (2018) 'Justice on the line? A comparison of telephone and face-to-face advice in social welfare legal aid', Journal of Social Welfare and Family Law, 40(2):195-215.

[20] J. Dean, R. Goodlad and J. Rosengard (2000) 'Citizenship in the New Welfare Market: The Purposes of Housing Advice Services', Journal of Social Policy, 29(2):229-245.

[21] Justice Committee (2015) Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (HC 311). London: HMSO (Accessed: 11/1/21).

[22] The Low Commission, Getting it right

[23] R. Green (2020) Access denied: Britain's broken justice system (Accessed: 11/1/21).

[24] B. Stevenson (2018) Review of publicly funded advice services in Scotland (Accessed: 23/12/20)

Across the UK, demand for advice far outstrips supply. Due to capacity constraints services often struggle to respond to all requests for assistance:

Last year, numerically, we bypassed the number of people assisted but we missed our target of missed calls. We were meeting our target in terms of assisting people but we missed a lot of people … a lot of people phoned us. We didn't have the resources. (Practitioner, Northern Ireland)

One important consequence of the reductions in capacity in the advice sector is that fewer issues can be resolved by early intervention. This can in turn lead to an escalation or accumulation of problems that are increasingly intractable and more difficult to resolve as time goes on:

So oftentimes it can happen that they maybe don't come to us until the point where they're facing eviction from their home. By that stage, it's a much more complicated case because obviously their arrears have accumulated. They're very vulnerable and you're also against a sort of time limit. Instead of it being a simple matter of maximising income and coming to an arrangement with the landlord, what you're actually trying to do is maybe make an application for a stay of enforcement to prevent the eviction, which is obviously much more complex. (Practitioner, Northern Ireland)

Another consequence of the sector's reduction in capacity, is that advisors may not receive sufficient funding or have sufficient time to address the client's underlying or inter-related needs[25]. Research has shown civil legal problems to be additive, where one problem will often lead to or co-occur with another[26]. Our participants emphasised that those facing problems with their private rented tenancy will often also have issues with employment, debt, social security and relationships. These types of problems can be a key trigger for housing issues, and misunderstandings or poor advice may cause problems to escalate.

A key aspect of effective advice provision is getting past the initially presented problem and 'under the skin' of the issue. Where services are not adequately funded or lack the capacity to address the underlying or other inter-related issues, an individual may repeatedly hit a crisis point because fundamental problems remain unaddressed.

Reflecting earlier research on the difficulties of 'advising in austerity'[27,] the private rented sector tenants that were interviewed described convoluted and difficult advice journeys. They reported that specific advice for the private rented sector is not always available, difficult to find, and inadequately advertised. Some of them had to approach numerous sources for information and in the process encountered a number of barriers that impacted the speed and ease with which they were able to access targeted advice:

It's very difficult. It's very difficult, because the information is not there. The support is not there. It's not obvious. I only knew about [participating service] because the council referred me to them. And I have a feeling that you can't access them except if you're referred … if the council hadn't referred me, I would have kept going back and forth, back and forth. (PRS Tenant, England)

It was hard getting the right advice, even though I'm sure somebody could have helped more, but I don't know how … There wasn't any direct place to go to as a private renter … You would get the suggestion "Ring up Shelter," but they're not really the right people for that because I wanted something to be done to the property, but no, there's something lacking in that area. (PRS tenant, England)

[25] P. Pleasence, N. Balmer, A. Buck, A. O'Grady and H. Genn (2004) 'Multiple justiciable problems: common clusters and their social and demographic indicators', Journal of Empirical Legal Studies, 1(2).

[26] Forbess and James, Acts of assistance

[27] S. Kirwan (2017) Advising in Austerity. Reflections on challenging times for advice providers, Bristol: Policy Press.

The barriers tenants faced included low levels of legal capability (see below), inaccurate or out-of-date online information, language and literacy barriers, long waiting periods for appointments, and unhelpful bureaucratic processes (for instance, at the local authority). Whilst this study covered only a relatively small number of advice seekers, these barriers have been documented in wider research[28]. Recent research on the availability of support for private rented sector tenants at risk of homelessness, points to the lack of a clear pathway for resolving disputes relating to rent arrears and an unwillingness among tenants to engage with formal mechanisms[29]. The difficulties in accessing services contributes to heightened feelings of stress and anxiety and may make it unlikely that sustainable solutions are found.

Participants in England and in Northern Ireland reported that the advice given to private tenants must be couched in the possibility that no-fault evictions could be issued. This could occur if the tenant raises concerns that the landlord has failed to comply with a legal obligation and requests some type of remedial action. There was indication that in some cases, the risk of groundless eviction limited the advice they felt able to provide:

> *You also have to take into consideration the fact that you don't want to make it worse for people, because you understand that there is a family of a single mum and 3 kids and if she is going to go today demanding for her tenancy agreement. He can say, "Okay, you have to leave from here". (Practitioner, Northern Ireland)*

Legal capability

In addition to the structural barriers described above, many people lack the legal capability to address their housing problems[31]. Legal capability can be defined as the extent to which an individual possesses 'knowledge, skills and attitudes to deal effectively with a law related problem'[32]. Being aware of rights and entitlements is a necessary precursor to being able to judge whether or not these rights have been violated and whether a resolution should be sought by, for example, seeking advice. A wider body of research has demonstrated an association between the 'framing' or conceptualisation of a problem, and people's advice-seeking strategies[33]. Genn's seminal study showed that many people with legal problems will fail to recognise that a claim in law exists in the first place[34]. One tenant organisation in London has highlighted a key challenge as follows: 'How do you educate people to first understand that illegal eviction, harassment, poor treatment, disrepair are legal issues, not simply 'bad luck'?'[35] People who fail to recognise the legal dimension of their problem are unlikely to seek a resolution.

The identification of a problem as possibly having a legal solution is a first step, and an awareness of advice services being available to provide support is the next. Academic research has shown that services can be hard to find or unfamiliar for some advice seekers. For example, in the Civil and Social Justice Panel Surveys, respondents reported varying levels of awareness of advice providers[36]. The participating organisations in this service also highlighted varying levels of legal capability among those accessing their services. A lack of knowledge about the existence of services and/or the assistance they may be able to offer was thought to be prevalent among some private rented sector tenants.

[28] Kirwan, Advising in austerity; Forbess and James, Acts of Assistance The Low Commission, Getting it right; Legal Services Commission (LSC) (2004) Improving access to advice in the community legal service: report on evaluation research on alternative methods of delivery. London: Legal Services Commission; Shelter (2007) The advice gap: A study of barriers to housing advice for people from black and minority ethnic communities (Accessed: 11/1/21).

[29] M. McAuley (2020) Preventing Homelessness and Sustaining Tenancies in the Private Rented Sector: Scoping Project (Accessed: 15/1/21).

[3] J. Harris (2020) 'The digitization of advice and welfare benefit services: Re-imagining the homeless user', Housing Studies, 35(1).

[31] P. Pleasence, N.J. Balmer and C. Denvir (2015) How People Understand and Interact with the Law (Accessed: 9/1/20).

[32] S. Collard, C. Deeming, L. Wintersteiger, M. Jones and J. Seargeant (2011) Public legal education evaluation framework. Bristol: University of Bristol Personal Finance Research Centre (Accessed: 11/1/21).

[33] P. Pleasence, N. Balmer, and S. Reimers (2011) 'What really drives advice seeking behaviour? Looking beyond the subject of legal disputes', Oñati Socio-Legal Series, 1(6).

[34] H. Genn (1999) Paths to Justice: What people do and think about going to law. Oxford: Hart Publishing.

[35] https://www.landlordlawblog.co.uk/2019/03/12/legal-problems-renters/

[36] University College London, Faculty of Laws (2015) English and Welsh Civil and Social Justice Panel Survey: Waves 1-2, 2010-2012. [data collection]. UK Data Service. SN: 7643

When people demonstrate ability and willingness to seek a resolution of their problems, they will not however automatically achieve a timely result. In order to meet growing levels of demand with increasingly constrained resources, services are under increasing pressure to prioritise clients by levels of relative vulnerability[37]. Resource rationing has become an everyday experience in the provision of legal advice[38]. Advisors may find themselves caught between the ethic of wanting to help and the financial survival of their service. Unless services adapt in a suitable manner - such by developing effective self-help options – it is likely that those who seem to be able to help themselves may also suffer a poor advice experience[39].

COVID-19 challenges

The COVID-19 pandemic has put further stress on a sector already facing significant changes and multiple challenges. The disruption resulting from the pandemic and Court closures initially led to a reduction in the demand for advisory services[40]. However, at the time of data collection (September 2020), participating services already reported increased demand and predicted that the rapid growth in unemployment, debt, rent arrears, and the number of households claiming benefits[41] would lead to a surge in requests for assistance. The likely rise in evictions and possession proceedings once the eviction bans are lifted was highlighted as another key area of concern.

Participating services also reported having to navigate the following situations and challenges during the COVID-19 crisis:

• Ensuring that communities where English is a second language are kept informed of the rapid changes to the law.

• Dealing with an increased number of illegal evictions.

• Urgent need to secure financial support for families facing poverty and destitution.

• Maintaining engagement with vulnerable households and those that have "disappeared".

• Disrupted access points into services as partner organisations struggle to operate remotely or to re-open services.

• Exacerbated challenges in securing housing options for clients as local authority teams are under pressure to accommodate existing rough sleepers because of public health risks.

• Managing increased workloads and setting boundaries when working from home.

• Increased demand for negotiations with landlords on behalf of tenants with rent arrears and supporting tenants in accessing rent relief.

• Managing increased demands from a "new cohort" of advice seekers who for the first time experience civil legal problems and now need to access advice services. This group is thought to be more IT literate and therefore more able to access support available online.

---

[37] Kirwan, Advising in austerity.

[38] S. Tailby, A. Pollert, S. Warren, A. Danford and N. Wilton (2011) 'Under-funded and overwhelmed: the voluntary sector as worker representation in Britain's individualised industrial relations system', Industrial relations journal, 42(3)

[39] Kirwan, Advising in austerity

[40] AdviceUK (2020) Guidance and Resources for Advice Services and Organisations COVID-19 (Accessed: 9/1/20).

[41] There has been a huge increase in people claiming Universal Credit. In Northern Ireland this increased by 80% in 8 weeks from the 1st March. https://www.housingrights.org.uk/news/coronavirus-increase-universal-credit

Additional funding has been made available in the form of COVID-19 resilience funds, with £5.4 million being designated to support the legal advice sector, to be distributed among not-for-profit organisations and Law Centres across England and Wales. The Welsh Government has also made provisions for a temporary telephone advice service for tenants living in the private rented sector. However, without significant and sustained further investment in all parts of the sector it is unlikely that demand will be met, with many people being left struggling. The impact of COVID-19 on the public finances may also leave services that rely on statutory funding vulnerable if, once the crisis phase is past, the Government reverts to the position that the books need to be balanced.

Tackling the access to advice problem | insights from the literature

Legal needs and effective models and approaches to address them will undoubtably vary over time, place and according to the type of problems that are being addressed. However, a recent synthesis of over ten years of research on legal needs highlights four key overarching themes that policy makers and practitioners should take into account in deciding how best to deliver advice for vulnerable or disadvantaged groups[42].

Targeted service delivery

The literature is generally clear that services that only deliver advice to those who actively look for it will miss many people who lack legal capability. There is growing acknowledgement of the need for services to be proactive in seeking out those who require support. Robust targeting of support for specific 'hard-to-reach' groups within the community (such as migrant communities) has been highlighted as an area that needs improvement. Strategies to improve access to advice include improving and simplifying access points into services, using non-legal service partners to provide early notification of emerging problems, and the use of outreach programmes to target disadvantaged members of the community.

Joined-up working

The accumulation of civil legal issues, as well as the detrimental impact on advice seekers of having to cycle through numerous referrals, has led to increased emphasis in the literature on the importance of joining up services. Greater collaboration and integrated service provision are crucial in meeting the complex and multidimensional needs of those seeking support. The voluntary sector is however characterised by a diversity rather a synergy of interests, and variations in size and levels of professionalisation and entrepreneurialism can pose challenges to operating these partnerships effectively in practice[43]. There is a broad spectrum of joint-working arrangements that can be adopted: informal or formal arrangements, intermittent or continuous, within the advice sector or across different voluntary services. Services may meet around a particular vision or goal, or passive referrals may take place between different organisations.

[42] P. Pleasence (2014) Reshaping legal services: building on the evidence base, Law and Justice Foundation (Accessed: 11/1/21)

[43] Forbess and James, Innovation and Patchwork.

Early intervention and prevention

The importance of early intervention and preventative measures has been emphasised within the literature. The focus is generally on providing information, raising awareness and promoting independent resolution of problems. These types of approaches may help people to realise that their problem has a legal dimension and reach out for support earlier on where necessary. Evaluation research has shown that the provision of early advice is a 'critical success factor' in the design of effective approaches to prevent homelessness[44]. Evaluations of different forms of early advice and assistance show lower rates of eviction and reductions of arrears among those who receive it[45]. It is however important to recognise that vulnerable households may not seek support in a timely manner and the prevention of problems before they escalate may prove to be extremely challenging[46]. Self-help services may be less appropriate for more vulnerable households and those experiencing more complex problems or issues.

Tailored to the needs and capabilities of users

There is significant diversity in the personal circumstances, legal capabilities, resources, skills and preferences of people seeking advice to address housing problems. These multifarious characteristics and experiences will underpin people's advice-seeking strategies, their ability to engage with different channels of provision, and the likelihood that they will achieve a satisfactory resolution. This underlines the importance of a personalised and a user-focused approach that reflects the capabilities and needs of different groups of advice seekers.

The above themes can be difficult to put into practice. Academics have emphasised the importance of exploring the application of these principles and the value of documenting good practice from specific contexts[47]. Chapter 4 presents a number of case studies to help clarify how these themes are applied both practically and conceptually in the context of the private rented sector.

[44] MHCLG (2018) Evaluation of the homelessness prevention trailblazers (Accessed: 15/2/21).

[45] MHCLG, Evaluation of the homelessness

[46] S. Forell (2015) Is early intervention timely?, Justice Issues paper 20 (Accessed: 11/1/21).

[47] Pleasence, Reshaping legal services

3. Innovating in channel choice

The introduction of social distancing has inevitably changed the mechanisms of advice delivery. Prior to COVID-19, much of the advice sector offered in-person or telephone-based advice from office premises. They have now been facing the challenge of adjusting their practices and using technology to provide remote advice.

Whilst the digitisation of advice may have accelerated in recent months it is not a new phenomenon. There are principles and lessons from the past 10 years that can be transferred to our thinking around the future landscape of advice provision. This chapter explores some of the challenges, developments, and opportunities associated with digitalised advice and makes the case for the provision of a meaningful multi-channel offer.

The shift to digital advice provision

Many non-profit organisations, e.g., Shelter and Citizens Advice, offer alternate forms of advice provision such as telephone advice, email, web-chat and online information, and have done so for some time. In 2014, Smith and Patterson reported on the tremendous worldwide increase in the use of technology for the provision of advice and other legal services[48]. The shift to digital advice is partly demand-driven. A study of over 10,500 adults in England and Wales conducted in 2010 found a significant increase in Internet use to obtain information for problems with a legal dimension[49].

In recent years, policy reforms have also prioritised remote advice. LASPO 2012 implemented the Community Legal Advice Telephone Helpline as a mandatory single telephone gateway to access legal aid for certain areas of law in England and Wales. This development was particularly significant and controversial because it introduced for the first time in the UK an element of compulsion into the provision of telephone-based advice[50].

Across the other nations of the UK there is evidence of an increased focus on remote advice provision. In Scotland, the Government has suggested to shift signposting, referrals, and advice provision from in-person and telephone to online services. The Scottish Government has also proposed to introduce a telephone triage system with national coverage (while retaining face-to-face provision for those with difficulties in accessing digital technology)[51]. In Northern Ireland, the Departments strategy for generalist advice provision promotes a greater use of self-service digital channels[52].

Funding allocations to the voluntary sector have also favoured digital provision. For example, the 2019 Legal Support Action Plan includes a £5 million investment to develop 'new ways in which legal support and advice can be delivered remotely through digital means'[53]. Whilst this funding was meant to ease somewhat the impact of the legal aid cuts on face-to-face advisory services, it has also served to further prioritise the provision of remote - rather than in-person - advice. UK and devolved governments have recognised these need to retain face-to-face services in certain circumstances. However, there is a lack of transparency and clear definition of the qualifying criteria for these alternative services.

[48] R. Smith and A. Paterson (2014) Face to Face Legal Services and Their Alternatives: Global Lessons from the Digital Revolution.

[49] N. Balmer, A. Buck, A. Patel, C. Denvir and P. Pleasence (2010) Knowledge, capability and the experience of rights problems, Legal Services Research Centre (Accessed: 11/1/21).

[50] M. Burton (2018) 'Justice on the line? A comparison of telephone and face-to-face advice in social welfare legal aid', Journal of Social Welfare and Family Law, 40(2).

[51] Scottish Government (2020) Legal aid reform in Scotland: Consultation (Accessed: 23/12/20).

[52] The Department for Social Development (2015) Advising, Supporting, Empowering. A strategy for the delivery of generalist advice services in Northern Ireland (Accessed: 14/1/21).

[53] In 2019, the UK Government published a review of the effect of LAPSO that acknowledged the restrictions in access to justice caused by the measures.

The introduction of the mandatory telephone gateway and the reductions in funding for face-to-face advice are underpinned by the belief that digital and self-help services offer a viable alternative to face-to-face provision[54]. Remote advice is regarded as quicker, easier, cheaper, and more convenient than scheduled face-to-face appointments and is argued to be of equal quality and equally effective in meeting people's needs, as well as generally preferred by advice seekers[55].

Evaluation findings suggest that remote provision can provide quick and easy access to advice for people in certain circumstances, such as those living in rural areas, those under time constraints, those with caring responsibilities, or those without access to public transport[56]. Some advice services have reported increased efficiency under the COVID-19 pandemic, with more people assisted than in face-to-face settings[57]. If the shift to remote provision is genuinely more cost-effective, with equal or even better outcomes within a faster and more convenient way of accessing help, the increased focus on remote provision would be hard to dispute. However, evidence suggests these assumptions do not apply in every circumstance.

The digitisation of advice has been criticised for failing to consider the wide range of factors affecting people's use of technology, for example, skills, support, purpose, autonomy, and equipment[58]. The Government's arguments in respect of the greater efficiency and effectiveness of telephone advice – as made to justify the reduction in legal aid expenditure and the introduction of the mandatory telephone gateway - were based on mere raw aggregated data from the Legal Service Commission, without control having been applied for influential variables (for example of the experience of homelessness or advice topic)[59].

The key message that can be drawn from the academic literature is that the use, impact, and nature of remote advice provision is not the same in every case but rather varies according to socio-demographic and case-specific factors[60]. For example, evidence suggests that homelessness, or the threat of homelessness, will require more advisory time than any other topic[61]. Particularly for vulnerable individuals and complex problems, face-to-face advice is associated with better client engagement and communication, and therefore higher quality advice. A failure to consider the contextual factors which impact people's use of remote advice raise serious concerns in regard to future accessibility and quality of advice for people facing digital exclusion.

Digital exclusion and COVID-19

Participants in our study expressed concern that under COVID-19, those struggling with digital access or digital literacy may be excluded from advice and information opportunities that increasingly can only be accessed online. People with low levels of legal capability are the least likely to be able to use digital services effectively, leaving them at an even greater disadvantage[62]:

> I would imagine that there is probably quite a lot of people that now will be closed off from accessing advice because they're maybe not capable of going online and doing the research or doing Skype calls or even phone calls. (Practitioner, Wales)

[54] C. Denvir, N. Balmer and P. Pleasence (2011) 'Recreation or Resource? Exploring how young people in the UK use the internet as an advice portal for problems with a legal dimension', Interacting With Computers, 23(1); Ministry of Justice (2010) Legal Aid Reform: Provision of Telephone Advice: Impact Assessment,

[55] These were the arguments made to justify the introduction of the Mandatory Telephone Gateway and reductions in funding for face assistance. For example, see Ministry of Justice (2011) Reform of Legal Aid in England and Wales: Equality Impact Assessment.

[56] J. Pearson and L. Davis (2002) The hotline outcomes assessment study final report - phase III: full scale telephone survey. Denver: Centre for Policy Research.

[57] AdviceUK, Guidance and Resources

[58] Denvir et al, Recreation or resource.

[59] Balmer et al, Just a phone call away.

[60] C. Denvir, N. Balmer and P. Pleasence (2014) 'Portal or pot hole? Exploring how older people use the 'information superhighway' for advice relating to problems with a legal dimension', Ageing and Society, 34(4); Burton, Justice on the line; Balmer et al, Just a phone call away.

[61] Balmer et al, Just a phone call away.

[62] G. McKeever, M. Simpson, C. Fitzpatrick (2018) Destitution and paths to justice (Accessed: 11/1/21).

The concept of digital exclusion is complex, ill-defined, and widely debated within academic literature. Existing research does demonstrate that people can face exclusion within one or more of the following areas: access to reliable equipment and Internet connection, skills, attitudes (about the importance and relevance of digital technologies), and in relation to certain activities[63]. Groups of people who are commonly thought to be digitally excluded include people living with disabilities, people 65 years and older, those living in rural areas, low income households and people with experiences of homelessness. As of 2019, 7.5% of adults had never used the internet and 11.9 million people do not have the essential digital skills for day-to-day life[64]. The lack of non-digital methods for providing advice during the COVID-19 crisis risks further marginalising many of these individuals.

A multi-channel approach

The provision of a meaningful multi-channel offer, as advocated by the legal charity JUSTICE[65], is key to providing remote advisory services effectively and addressing issues of digital exclusion. Throughout our research we have identified four key considerations that should be considered when designing and delivering digital services as part of an effective multi-channel approach.

The availability of in-person support

Some participating services were considering how face-to-face advice can be adapted to the new context, for example, by drawing on existing partnerships or developing new collaborations in order to deliver pop-up advice services via video conferencing. Some services were offering regular digital drop-in video chat services on their website:

> We thought because of lockdown and all the restrictions, if we engage with partners who still have footfall in their venues for a variety of reasons with clients who are maybe hard to reach we could have this video solution. (Practitioner, England)

> The feedback from clients was that they felt quite comfortable in that environment, meeting the advisors by video, having family members there to support them and being able to access documentation if they needed to for the call. Another office worked quite closely with support workers who were actually able to enter clients' homes wearing personal protective equipment. (Practitioner, England)

Other organisations secured funds to provide vulnerable families with laptops or iPads and provided in-person, socially distanced assistance to help them learn to use the new technologies. Assessing how the interrelationship between digital and other forms of exclusion impacts on a person's ability to engage with remote communications is key to adapting support to meet the needs and abilities of different households:

> Digital interaction is not available for every family, so we went out and looked at individual family circumstances and made sure that it wasn't actually a barrier … so in an open air environment we would have a chat, "How do you feel about using this? Have you used one before?" We would probably do a lot of that initial transitioning to make sure that the families did have support. (Practitioner, Scotland)

[63] E. Helsper (2012) 'A Corresponding Fields Model for the Links Between Social and Digital Exclusion'. Communication Theory, 22(4).

[64] Philip Alston, 'Report of the Special Rapporteur on extreme poverty and human rights' (11 October 2019), para 77;

[65] JUSTICE (2018) Working Party report, Preventing Digital Exclusion from Online Justice

These activities suggest that there are vulnerable individuals who could access advice through remote channels if encouraged and supported. In all these examples, however, human interactions and support formed an integral part of the process. The literature on the provision of remote advice emphasises the importance of providing practical, technical and emotional client-focused assistance[66]. This challenges the assumption that digital communications offer a straightforward alternative for face-to-face assistance.

Particularly for people who are vulnerable or digitally excluded, technology must be a supplement and not a replacement for in-person assistance. There are, however, on-going issues relating to the capacity of the advice sector to provide the people with support needed to adapt to the channel shift. Many services will struggle to provide the resource-intensive personalised ICT support which is required. Services also face the challenge of rapidly increasing the digital skills of staff, many of whom may be volunteers.

Spatially informed services

There are certain place-related factors that contribute to the development of effective advice provision that are lost in the development of national remote services (such as the mandatory telephone gateway or national online webchat services)[67]. As explored in our case studies (Chapter 4) relationships shared with local organisations and knowledge of services operating in different geographical boundaries is key to providing effective signposting and referral processes. A lack of knowledge of the local service culture and availability can affect advisor's ability to connect clients with services that are not provided by their organisation:

> I think a lot of other [advice organisations] have just gone from doing drop ins to just doing web chat, because it's easier than setting up a phone system … I think it's good, because then obviously clients aren't waiting as long. But there are clients in those local areas, that would benefit from advice from people in that area. So, if a client's using a national service, they're not always going to go through to those people so then the advice that they can give is limited, it's not specific to policies in that area. (Practitioner, England)

Delivering advice through a national network of remote services may be more efficient but it has important implications for people's ability to tap into local advice provision. One possibility is to operate a national service alongside a co-ordinated local network which features strong relationships between legal and non-legal services (as in Wales – see case study 5).

Making channel choice a genuine choice

Numerous commentators have expressed concern about how the shift to compulsory job searches and applications as part of the introduction of Universal Credit has disadvantaged those groups of benefit claimants who might be disproportionally affected by digital exclusion[68]. Whilst a system of exemptions operate in principle - in practice - vulnerable individuals such as people with experiences of homelessness, face significant barriers in attempting to access these services online[69].

Coercive techniques, such as mandatory requirements and the threat of sanctions, enforces the notion that non-compliance with online systems is a behavioural, rather than a structural issue. Specific environmental barriers

---

[66] Australian Pro Bono Centre, Pro bono legal services via video conferencing: Opportunities and Challenges (2nd-3rd July 2015).

[67] M. Burton (2020) 'Lost in space? the role of place in the delivery of social welfare law advice over the telephone and face-to-face', Journal of Social Welfare and Family Law, 42(3).

[68] Easton, C. (2014) 'Welfare that Works? The Universal Credit information technology system and disabled people', Web European Journal of Current Legal Issues, 20(3); A. Tarr and D. Finn (2012) Implementing Universal Credit: Will the reforms improve the service for users? (Accessed: 1/2/21)

[69] Harris, The digitisation of advice.

however constrain the use of digital technologies for advice, information, and benefit purposes such as the complexity of the Universal Jobmatch website, limited facilities at Jobcentre Plus Offices, lack of in-person assistance, and incomplete or insufficient online advice and information. Issues related to digital exclusion as discussed above pose additional barriers. With evidence suggesting that the shift to digital advice is partly demand driven, improving online provision should help to ensure that those who are able to do so will choose the digital offer:

> For me, the one positive out of the situation [COVID-19], is it will hopefully make channel choice a big thing for offices and non-profits, that actually we can't just keep offering the same solution for everybody because it doesn't work for everybody. We have to have that channel choice, it should be a genuine choice and not forced really. (Practitioner, England)

Scrutinising underlying assumptions

Decisions regarding the digitisation of advice services is often underpinned by certain assumptions about the nature, use, or impact of digital technologies[70]. For example, one participant hoped to create more interactive interfaces and tailored content for their website. However, this was constrained because the organisation was reported to regard online users as less vulnerable and therefore less of a priority for funding allocations than those accessing the service via other channels. However, user feedback data supplied by this organisation suggests that some vulnerable users prefer to access advice digitally:

> A lot of the user feedback that I have, people indicate that the reason that they're online is that they just have a preference for doing things online. That cohort could be people who are very competent and capable of doing stuff, but there's a smaller cohort of users who indicate that the reason that they're online is because they have anxiety issues. (Practitioner)

Another example relates to popular assumptions of young people as 'digital natives'; individuals who from an early age have been immersed in digital technology and are therefore proficient and interested in technology[71]. On the basis of such considerations, the government has developed a range of young-person specific online advice portals, such as 'Talk to Frank'. Large scale survey data has however shown that it is young people who experience the greatest difficulty in finding useful and correct legal information online[72].

These examples illustrate the importance of avoiding straightforward assumptions on people's use of different channels. To simply design and promote technological interfaces will not automatically lead to benefits such as increased efficiency. The impacts and successes of new technological systems are affected by various interconnected and complex social and contextual factors, e.g., inequalities in access, skills, user circumstances, trust, privacy concerns, and user preferences. The role of social factors in influencing the use and impact of technologies has been empirically substantiated by a wide range of academic studies, demonstrating that different people use and interpret technology in different ways[73]. It is also important to note that digital technology is not homogenous and variations in the types of devices or systems available will also impact people's ability to access advice remotely. As we have argued before a user-focused approach needs be adopted[74]. This approach would consider how issues of access, literacy, engagement, and people's lived experiences affect the use and impact of these systems.

---

[70] Harris, The digitisation of advice.

[71] S.J. Bennett, K.A. Maton, and L.K. Kervin (2008) 'The 'digital natives' debate: a critical review of the evidence', British Journal of Educational Technology, 39(5).

[72] Balmer et al, Knowledge, Capability

[73] Denvir et al, Recreation or resource; M. Sourbati (2008) 'On Older People, Internet Access and Electronic Service Delivery: A Study of Sheltered Homes', in (eds) E. Loos, E. Mante-Meijer, and L. Haddon, The Social Dynamics of Information and Communication Technology, Surrey: Ashgate. pp. 95-106.

[74] Harris, Alternative Approaches

Future developments

Digital advice provision can help to extend the reach and impact of advice services, by supplementing, but not replacing face-to-face provision. It has been argued that the UK is on the 'cusp of a revolution in the digital provision of information where we move from traditional linear provision as exemplified by the Citizens Advice website to the interactive possibilities first exemplified by the Rechtwijzer (in the Netherlands) and now to found in websites like MyLawBC.com (US)[75]. Looking at these examples of remote advice provision in other countries it becomes clear just how far the UK has to go in developing its digital offer.

A key area for future innovation could be the development of a diagnostic system that performs triage by, for instance, signposting clients on the basis of their responses to questions. This system could involve webpages with dynamic content which are tailored in the light of information provided by individual users, or an advice chatbot which may or may not be automated. One of the key challenges here is that people who seek advice for legal housing problems may not be aware of the particular details of their situation relevant to diagnosing the problem and the options for resolution. The first step in the development of any digital advice tool must be to identify and assess the target audience and their needs, abilities and preferences. This information can be obtained by means of user testing and research to explore relative levels of legal and digital capability in the target group.

Another area of possible innovation is the development of interactive and customisable digital tools that allow advice seekers to locate information specific to their situation. This type of tool stands in contrast to generalised static online articles on legal housing problems, where the user must read complete documents or webpages relevant to their particular query rather than finding concise answers. Generalised support provision and/or static webpages may be beneficial, but published evidence and the views of advice seekers in this study suggest that users prefer to receive personalised information[76]. One example of an online interactive informational tool is the Civil Resolution Tribunal in British Columbia which, alongside giving generic advice, uses question-and-answer guided pathways to provide information in a tailored format[77]. Another example is the Debt Advice Whatsapp service operated by Citizens Advice Manchester which aims to improve engagement, particularly with younger people, and to make client-adviser exchange of information more seamless and efficient. Users need specific tools to help them understand the large amount of information that they are confronted with and search engines that make it easy to quickly locate what they need[78].

[75] R. Smith (2017) Digital delivery of legal services to people on low incomes (Accessed: 1/2/21).

[76] M. Hagan (2016) 'The User Experience of the Internet as a Legal Help Service: Defining Standards for the Next Generation of User-Friendly Online Legal Services', Virginia Journal of Law and Technology, 20(394).

[77] A case study of this example is in our report Alternative approaches to resolving housing disputes.

[78] Hagen, The user experience

4. Case studies of advice provision

This Chapter discusses five case studies on the provision of advice in the UK private rented sector. It outlines the aims and principles of each service and the access to advice problem that it seeks to address. It also looks at the institutional context, operation and outcomes achieved. Key learning relevant to the wider sector is drawn out at the end of each case study.

Case Study 1 | Advice Bot | England

This organisation developed an online advice chatbot that aims to facilitate access to legal information and operate as an internal resource by automating processes and diminishing the administrative burden on advisors. It provides an example of how technology can be used as part of a multi-channel strategy and illustrates the importance of adopting a user-focused approach in the development of remote advisory services.

Problem and aims

In-person advice tends to be highly resource demanding and requires a high level of personalised interaction involving skilled advisors. Like much of the advice sector, this organisation has struggled to meet increasing levels of demand with decreasing funding allocations. Automating certain processes and incorporating greater self-service for those capable of using these services can potentially release scarce resources for those who need them most:

> *Especially with COVID can we filter out those clients so that they're not having to ring up for advice and blocking the way for those people that need it? Because we saw an increase in clients with what we call simple queries … the concern was, were those clients who really relied on face-to-face either unable to get through on the phone because of increased demand or unwilling to get through on the phone. (Practitioner)*

The product principally aims to maximise the capacity of advisors by providing a self-help digital portal for individuals seeking advice.

> *That idea was more and more people want to use digital as a way of accessing advice … what we thought is wouldn't it be great if we could strip out maybe 10-15% of those using some kind of chatbot to deal with those frequently asked questions so it frees up advisor time. (Practitioner)*

Institutional context

This organisation already used technology for providing advice including Facebook Messenger chat, telephone advice, self-service computers with human support in community hubs, and video chat services. They provide multiple information and action options to increase opportunities for resolution and maximise access points into the service:

> *I've been lucky that the chief officer, pretty early on, bought into the idea that technology wasn't a siloed element of the service and IT wasn't just a function. Actually, going forward a decade ago, this would be the foundation for the business that we needed to build on. IT needed to be at the decision-making table in terms of how the service moves because everything is so dependent now on technology. (Practitioner)*

IT is incorporated as a part of a two or three step advisory process, where information or other light-touch assistance delivered remotely precedes other more specialised forms of assistance (pre-COVID this specialist assistance would have been provided in-person where necessary). The idea is that the user can get as much done as they can via one channel before being passed smoothly on to the next channel if they have not been able to resolve their problem.

Service operation

Chatbots can facilitate interaction with an app in two different ways. They can use a simple structured approach, for example, by using binary questions and answers such as 'cancel', 'accept', 'yes/no' to attempt to diagnose the nature of a user's problem and appropriate ways to respond to it. Alternatively, chatbots can be designed to process free text by associating certain keywords with predefined replies, which then allows engagement with the app using everyday language or text. This has the advantage of more closely replicating the relational aspects of advice, for example, building rapport[79].   Research suggests that 'human-likeness' is a key factor affecting trust in customer service chatbots[80]:

> I just think the conversation flow by providing rich text responses rather than buttons, you can get across more empathy than you can do when it's just buttons and pressing options. (Practitioner)

Early versions of the advice chatbot tried to embed legal issues within a free text conversational interface using a question-answering system that would provide certain information in response to user requests; in this case by directing users to relevant parts of the website. If the chatbot would fail to resolve the issue, the user would be passed to a human advisor. Because those seeking advice could be in the midst of a crisis situation and overwhelmed by feelings of urgency and emotional distress, easy and intuitive flows between the different channels are important:

> Any time the chatbot didn't understand it, it would just say, "Sorry. The best thing to do now is hand you over to a human." That was the default because from the very get go … it isn't like booking a holiday online. It's people with sometimes extremely serious issues or particularly vulnerable people so I didn't want any horrendous chatbot nightmares. I was very clear that I wanted to make sure they could always get to a human. (Practitioner)

Designing a chatbot that is not restricted to binary questions and answers and can engage with free-flowing text has however proven to be extremely challenging[81]. These models can struggle to deal with long questions, may not always understand what the client wants to ask, and may return unreliable or convoluted answers. Whilst this organisation had hoped to develop a natural language processing app, after numerous iterations the team had to scale back their expectations. Feedback suggests that the success of the app is impacted by the relative legal capability of the general population and a client's' ability to identify and communicate their problem:

> That was our aspiration, that we would try and replicate the human experience as much as possible. But like I say, because advice is not like booking a room in a hotel or something, it could be anything. Sometimes the client doesn't really know what their issue is. You would get a wall of text which I would struggle to understand so the chatbot had no chance. It was then we rethought it and to make sure it's a nice experience for the client and not some kind of chat bot loop of hell where it says, "I don't understand that," we'd lean back into the button pressing. (Practitioner)

Following these challenges, the advice chatbot was redesigned to allow the user to answer questions that corresponded to simple binary classifications, such as on the tenure where the individual was currently residing. These binary questions mirror those commonly asked by an advisor at the start of an advice session so that if/when the user is passed on the advisor, a certain amount of information will already be available. Although the binary "button pressing" chatbot has the benefit of a clearer conversational journey for the user, it limits interactions to a very restricted framework and does little to mirror the human experience.

[79] M. Qiu, Li, F.L.; Wang, S.; Gao, X.; Chen, Y.; Zhao, W.; Chen, H.; Huang, J.; Chu, W. AliMe (2017) 'Chat: A Sequence to Sequence and Rerank Based Chatbot Engine', In Proceedings of the 55th Annual Meeting of the Association for Computational Linguistics, 2.

[80] A. Folstad, C. Nordheim and C. Bjorkli (2017) 'What Makes Users Trust a Chatbot for Customer Service? An Exploratory Interview Study', Internet Science, 11193.

[81] M. Queudot, E. Charton, M. Meurs (2020) 'Improving Access to Justice with Legal Chatbots', Stats, 3

The chatbot was successful in achieving a relatively low drop-out rate. Being transparent with users was highlighted as key in achieving this outcome:

> *The vast majority of clients went through the entire process because we were upfront with the client. We said, "This is the chat bot." We didn't try and pretend it was a human. We didn't give it a name or anything. We said, "This is a chat bot." (Practitioner)*

The feedback from users gathered by the organisation indicates certain advantages relating to digital access. Rather than using a webchat solution where the user depends on a human being logged on to deal with the issue, chatbots (as well as Messenger and WhatsApp) allow users to message 24 hours a day in the knowledge that their message will be picked up at some point. The chatbot can then move from an asynchronous model to a synchronous model; if the advisor replies at 9:00 a.m. and the client is available, then a live chat can then potentially take place with the advisor.

Approximately 10 per cent of queries that came through to the advice chatbot were resolved via the chatbot whilst 90% had to be passed on to a human advisor. For those issues that are successfully addressed the time-saving capacity of the product is one of its key benefits. The chatbot is generally most suited for dealing with straightforward problems and the team hopes it could potentially address a sizable proportion of housing-related queries:

> *We think for housing there probably would be quite a range of client groups whose issues are probably not super complex or, if they are, they might be from a cohort who are probably more capable to deal with self-help information. We think there is probably a really good use case for housing where we could get up to 15 plus percent and those clients. (Practitioner)*

Key learning

This organisation appeared initially to assume that the advice chatbot could potentially be used by all advice seekers. The team later acknowledged that the product was only appropriate for a certain type of user and needed to be tailored accordingly:

> *I think if we're successful with funding with [another] kind of iteration, it would be a lot more realistic in terms of what we can achieve with the chat bot, so knowing which groups it can work for and doing a lot more for that group rather than it trying to work for everybody which is, I think, where we went initially. (Practitioner)*

This learning gained by this service further illustrates the importance that digital advice services are designed and developed from the point of view of users. This approach avoids assuming in advance that any particular channel, technology or pathway will be used in a certain way or by a certain target group[82]. The development of remote services should rest on assessment and empirical evidence of what people want and their everyday experiences in seeking advice, for example, through user testing or consultation with organisations supporting people. This would include considering how the diverse circumstances, abilities, and needs of different groups of advice-seekers affect their ability and willingness to use the services.

---

82 C. Hodges (2019) Delivering dispute resolution: a holistic review of models in England and Wales. Oxford: Hart.

Case Study 2: PRS Sustainment Service | Scotland

This scheme assists families who occupy private rented accommodation in a Scottish urban area to sustain their tenancy and avoid homelessness. The service is an example of a strategic approach to identify and reach families with multiple disadvantages and complex needs before problems escalate.

Problem and aims

A steering group consisting of the DWP, Council advice services, housing benefit services, as well as some voluntary services was formed to explore solutions to the significant number of families living in temporary accommodation in this council area. The group identified a high incidence of rent arrears and tenancy non-sustainment among these families, with many facing multiple disadvantages and challenges such as ill health, debts, social security issues, domestic violence, and poverty:

> I think the rent arrears were the source of them being evicted but they weren't the main concern for the family. The tip of the iceberg for them was these rent arrears. There were health inequalities, there were social inequalities. There were issues with benefits. We had issues with literacy. There were issues with being able to access services because of their race, because of their ability to read. There were lots and lots of different things. (Practitioner)

Whilst many of these families were known to services, the absence of an easily accessible and coherent support system meant that the pathway to advice was fragmented and convoluted. The families were generally in contact with numerous statutory and non-statutory services – Jobcentres, schools, food banks, social workers, GPs, the Council, children's charities – but there was little evidence of adequate communication or cooperation between the different organisations. As is often the case when people are at risk of destitution, the fragmentation in support provision meant that the accumulation of problems was unlikely to be addressed[83].

The service subsequently developed aimed to intervene before a crisis occurs, respond more holistically to problems, and ultimately prevent homelessness.

Institutional context

Access to statutory and non-statutory services is generally determined on the basis of certain eligibility criteria and engagement requirements. These requirements may lead to households being excluded. Individuals with complex support needs or chaotic lives may find it difficult to adhere to service expectations such as keeping scheduled appointments, being ready to immediately discuss problems or issues, or proactively seeking support[84]. Households with complex needs and those facing destitution may also face certain personal barriers, such as unwillingness to access services because of previous negative experiences of the system[85].

---

[83] McKeever et al, Destitution and paths to justice

[84] Caring in Bristol (2016) Report exploring unmet need through the eyes of Young Adults and Professionals in Bristol.

[85] McKeever et al, Destitution and paths to justice

The case study service is embedded in a larger organisation that is experienced in building relationships and supporting those with severe and multiple disadvantages. Staff operate with the understanding that both system barriers and personal barriers can result in major access problems for families with multiple and complex needs. The service has therefore adopted a flexible and relationship-focused approach:

> And we have obviously got the experience of engaging these families, where other services might give up if they don't get a response from letters. We can be a little bit more… I don't know what the word would be, but like persistent, but in a more approachable way, if you know what I mean? (Practitioner)

Service operation

The service works with two full-time staff members and one final year social work student. The model is based on enhanced collaboration between different services, establishing formalised referral arrangements, and providing intensive preventative support via a dedicated link-worker.

The effectiveness of the service appears to depend to a large degree upon the cooperation and relationships that exist between a range of partners. Building the required partnerships was relatively resource-intensive, and in its first month of operation the service dedicated itself exclusively to this task by attending team meetings at other organisations, delivering talks about the service, developing and distributing leaflets, and establishing referral arrangements.

Partners include (but are not limited to): health visitors, social workers, housing associations, the Council's housing options team, advice providers, local GPs, the DWP, local landlord organisations, and the Council's tenancy deposit guarantee scheme. The organisation also has close partnerships with childcare providers in the city, allowing early involvement before cases become a safeguarding or child protection concern. Generating a greater awareness of the needs and circumstances of these families, as well as possible ways of addressing these, was integral in early relationship-building activities:

> Once we had a network of people that we were speaking to, we created a network and then we were able to send them our case studies. I think the case studies were really helpful because they showed not just the landlord, but a group of people that we were working with, what can actually be done if everybody works together because that was mainly the focus of [the service]. (Practitioner)

The service seeks to act in a preventative manner by identifying and responding to certain intervention points that may put families at risk of homelessness. Changes in personal circumstances will often lead to changes in benefit entitlement, and the service identified a move to a new property as a key trigger point for rent arrears. The service therefore coordinates any benefit changes necessary prior to a move, allowing families to be up-to-date with payments and to avoid arrears at the outset of the tenancy. The service also coordinates support and financial assistance from other sources (e.g., securing discounted gym memberships and facilitating access to other grants). Targeted referrals and signposting can also help reduce barriers stemming from expectations that households are able identify and articulate their own needs.

The service also supports landlords by offering mediation (where appropriate) and connecting them to support by, for example, helping them access the SCARF fund (which provides landlords with funding to upgrade their windows and heating systems). The majority of referrals now come from local private landlords:

> So, from a landlord's point of view, I think there is a gain for them. So then, we are seeing a lot more of the landlords referring at an earlier stage, as well, so things don't escalate, and there are less eviction notices. (Practitioner)

During the COVID-19 pandemic the service has continued to work remotely within the community but maintaining engagement and communication has been challenging. By delivering essential supplies to affected families the service has sought to retain some sort of face-to-face communication which is believed to be key to building relationships with the families.

Reflecting evidence on best practice in tenancy sustainment, the service has adopted a client-focused, relationship-based, and flexible approach in supporting families. The flexible nature of the support allows a family to build trust with the support worker within their own communities or homes, where they are likely to feel the most comfortable. Clients participating in the interviews reported that these home visits were vital in establishing trust and rapport with the service. Receiving support via a single service and/or support worker appears to also help create a sense of continuity and stability for families who may struggle to find it elsewhere:

> That was really our bread and butter to be honest. Being in their home, building that relationship, building that trust, our relationship was the most important thing that we ever done to be honest. Supporting them to go to appointments and things like that. If the relationship wasn't there it didn't work. It wouldn't work. (Practitioner)

When engaging with families that face multiple disadvantages the 'style' of advice and support is important. If the more complex types of issues are to be effectively addressed, support must also be given in everyday issues such as a lack of a basic income or confidence to attend appointments/make phone calls. Providing food parcels, activity packs for children, and help in understanding and responding to benefit communications are some examples of the type of support this service provides to address these issues. These activities are also of great help in delivering a relationship-based approach.

This case study illustrates that with the right support, the private rented sector can be a secure and sustainable option for those in housing need. Between April 2019–March 2020 the service supported 59 families, and a total of 150 children benefitted from the support. Over £40,000 in rent arrears were reimbursed to local landlords via a number of different mechanisms, e.g., payment plans, benefit applications, and discretionary housing payments. The local Council also reported a sharp reduction in the number of homelessness applications since the service has been in operation.

Key learning

Episodic or short-term advice is common throughout the UK. In the case of households in the private rented sector that face severe or multiple disadvantages, short-term advice may however not be appropriate and is unlikely to be effective. These people often have manifold and severe needs so that when they finally access services, they may be facing very complex, interconnected problems and the risk of severe destitution. Low levels of legal capability, a fragmented advice landscape, and other systemic barriers, make it extremely likely that unaddressed problems snowball into homelessness and other serious civil legal issues.

This case study is an intensive support model that works with families with high and complex needs[86]. The findings suggest that it could be cost effective for local authorities because it works with families that are at high risk of homelessness. The costs of providing temporary accommodation are very high, indicating real potential for cost offsets (although further evaluation research is needed to demonstrate the sum of savings made). It must not be assumed that this model is appropriate for providing advice to private rented sector tenants more broadly. This more

---

[86] Learning can be drawn from the Housing First approach which is a long-term intensive support service model for people with repeat experiences of homelessness which is not designed to provide a low-cost solution but to prevent homelessness in a cost-effective way – for more information see hfe.homeless.org.uk.

intensive support must be provided as part of a comprehensive advice eco-system which provides a full range of services to meet the needs of different households.

Some popular housing interventions for people experiencing multiple disadvantages provide intensive floating support, where teams act like navigators, supporting beneficiaries to access and engage with existing mainstream services[87]. However, participants in Scotland reported that most private rented sector tenants do not have access to a co-ordinated and comprehensive local support ecosystem. With all the challenges that the voluntary sector is facing, it is impossible for one single organisation to deal with the multitude of legal and non-legal issues faced by families experiencing severe disadvantage.

This case study suggests that advice and support can be effective when embedded in a support relationship provided by a dedicated service that has the time and capacity to establish trust, build engagement, show persistence, and provide intensive support over longer periods of time[88]. By co-ordinating existing support services, the multi-stranded support needed to achieve housing sustainment among the most disadvantaged households living in the sector can be provided.

Case Study 3 | Tenancy relation service | England

This organisation provides tenancy services in a number of London boroughs for tenants at risk of harassment and illegal eviction by criminal landlords. This case study offers an example of how changes in the advice landscape have led to new hybrid or plural arrangements between local government and the voluntary sector.

Problem and aims

Since 2010 central government grants to local authorities have been significantly reduced. The scale, intensity, and prolonged duration of the budget cuts have had a significant impact on council enforcement activities in the private rented sector. In some cases, enforcement teams have been cut back to a mere handful of officers, with most tenancy relations officer posts having disappeared altogether. Many local authorities lack the skills and knowledge required to assess cases of possible illegal eviction whilst dealing with complex and ever-changing legislation:

> *Without a tenancy relations officer, anybody who has been illegally evicted just ends up in temporary accommodation under the Homelessness Unit, which is just a mad, false economy, but it's still what happens in some of the areas. There are still lots and lots of boroughs in London as well that don't have any sort of tenancy relations service. (Practitioner)*

Consequently, tenants may be left unprotected and become victims of harassment, fraud, theft and coercion. The worst type of criminal activities are reported to occur in London in the so-called 'shadow private rented sector' where criminal landlords and letting agents target vulnerable tenants in order to maximise rental profits[89]. Over-stretched and under-resourced councils can struggle to deal with this more criminal end of the market.

This service aims to prevent homelessness by intervening in illegal evictions and helping tenants negotiate better conditions for their home. They also assist private tenants in leaving the properties of criminal landlords on the resident's own terms and, if possible, with compensation. The service also aims to influence policy and practice.

---

[87] Most notably by the Housing First approach – see Housing First England (2018) Understanding the implication of Housing First in England (Accessed: 15/1/21).

[88] McKeever et al, Destitution and paths to justice.

[89] R. Spencer, B. Reeve-Lewis, J. Rugg and E. Barata (2020) Journeys in the shadow private rented sector (Accessed: 18/12/20).

Institutional context

The voluntary legal advice sector has its own agenda, which can conflict with that of local authority housing teams; this is particularly in regard to homelessness duties and the regulation of access to housing. This structural tension does not exist to the same extent in the case study service, which focuses exclusively on private rented sector housing enforcement. Their ability to work in partnership with councils is additionally facilitated by the senior staff team's extensive experience in working with local authority housing enforcement:

> *It's very rare that local authorities will partner up with a third-sector organisation in the way they do with us. I think, principally, that's because we know loads of people who have been around for such a long time and they know that, basically, what we're providing is a local authority service, but just in a different way. (Practitioner)*

Service operation

The service has contracts to provide Tenancy Relations Officer (TRO) services for seven London councils, which pay on a per referral basis. Through preventative actions and advice, the service aims to make the chaotic world of private rented sector regulation intelligible for Council staff, police officers[90], and tenants. Reimbursement on the basis of a referral fee offers significant economies of scale for partner councils, which then also benefit from the team's extensive knowledge, skills and abilities. A similar resource investment may not even cover one full-time TRO:

> *Another element of TROs, it has to be acknowledged, is it's a reactive service and if you've got a TRO with no illegal evictions or harassment coming through, then they are kicking their heels a little bit … it makes sense if you've got a service to buy in by the hour per referral. (Practitioner).*

Cases are usually identified via license inspections, street surveys, tenant complaints and – in cases where a tenant might be re-instated - housing options services. Prior to COVID-19, staff would occasionally accompany enforcement teams on property inspections, providing tenants with immediate access to tenancy advice:

> *I think the issue on actual visits is that sometimes tenants can be very scared by the officers especially if they don't speak English[91], because they're not always quite sure what's going on. I think our presence, because after the officers have done the proper inspection we will then sit with them, explain their rights, tell them how we can help them. I think it does make them more likely to cooperate. (Practitioner)*

Managing the number of homeless households within a borough may conflict with enforcement decisions. Our 2020 Improving Compliance with Private Rented Sector Legislation study showed that in cases where the risk of illegal eviction or the threat of homelessness exists, council enforcement officers may be dissuaded from formal enforcement[92]. If councils are comfortable with the availability of support and advice for tenants, they may apply legislation more robustly:

> *Often, you will find that where local authorities do enforcement action, that can lead to homelessness for the tenants. The beauty of a service like [this] is we are that safety net. So that local authorities can feel confident in doing enforcement action because they know that should the landlord. respond by unlawful revenge eviction that we will prevent or deal with that. (Practitioner)*

This service is unique in the breadth of assistance provided. Whilst other voluntary services offer tenancy rights advice, relatively few have the capacity to provide legal assistance or end-to-end support. The TRO's activities range from generalist advice, emergency negotiations for legal evictions, injunctions for illegal eviction, deposit protection claims,

---

[90]Service has begun to deliver training with local police forces.

[91] The service makes regular use of interpreters.

[92] Harris et al, Improving compliance

rent repayment orders (RRO), and Section 21 and Section 8 possessions. The service engages in a significant number of out-of-court negotiations in order to secure compensation. Whilst tenants may not always be able to stay in their home, a payment may help facilitate a move to another property. The service's strategy and approach are tailored to the needs and preferences of each local authority.

A heightened awareness of housing rights, greater confidence, feelings of empowerment, support in securing a new tenancy, as well as income maximisation (by means of advice on benefit entitlement and through securing cash settlements) were described by clients as some of the key outcomes achieved. Clients also reported improved mental health and wellbeing. The immediacy and regularity of support which was closely tailored to their needs and circumstances appeared to be particularly valued:

> I think I'm a little bit more confident. Confident with the estate agent … when telling them about my rights. I feel like I have a little bit more concrete legal knowledge to go back to them on because they can't pull the wool over my eyes. I'm not stupid. I'm not going to say, "Oh, leaving? Why? How come? Please explain. What does it say?". (Client)

> It got to the point when I was depressed, and I was very lost, and so frustrated. I didn't know what to do. But the advice, the personal advice; it gave me hope … it made me feel like I had something to fight for … they were always available. So every time I phoned them [staff member] tells me that they have no right, and this is what I should do when that happens. They just gave me advice straight away. It helps to calm me down. (Client)

For some people, a sense of legal entitlement and an increased awareness of their legal rights went hand in hand with feelings of powerlessness and cynicism in regard to the court system and their housing options. These conflicting emotions were usually based on the realisation that they faced problems that the service would be unable to deal with. Power inequalities between the tenants and the landlord or letting agent (e.g., in terms of financial resources) meant that their preferred outcome – which usually meant staying in their house – would not always work out:

> I would have taken it further if I could have … I don't think I would have got legal aid, as I was working, so money would have been a big issue … I suppose I wanted more done, but they are limited in what they can do. I have had always that thought: "If I'd have had a law firm to have gone to court? Would I be here? Would I be there still, in my home?". (Client)

Key learning

This service provides an innovative example of advice providers repositioning themselves with the State in a way that delivers opportunities as well as challenges[93]. The drivers of innovation include changes in the private rented sector which now accommodates a higher number of vulnerable tenants, reductions in local authority funding resulting in gaps in provision and enforcement, and legislative developments contributing to an increasingly complex regulatory landscape. These changes have led to a new form of collaboration and advocacy for tenants. This case study arguably signals a major shift in advice provision, where a voluntary organisation directly engages with a state institution to support precariously positioned groups by means of a formal joint venture[94].

---

[93] Forbess and James, Innovation and Patchwork.

[94] For a summary of options for engaging with government funded services see pg. v in Pleasence and Forell, Reshaping legal assistance.

Interviews with staff members suggest that these partnerships generally work in harmony and that the interactions with council teams are mostly positive. However, a slight sense of dissension can at times be detected; this was particularly when a council is seen to play a role in creating housing precariousness or makes decisions that could detrimentally affect the tenants:

The homelessness units will refer cases to us as well … there is always a difference … They're looking to keeping homelessness figures down but we deal with protecting tenants and rogue landlords. You get somebody who has been evicted and the tenant might be terrified of the landlord, who is too scared to go back in … so it can create a bit of tension. (Practitioner)

Increasing levels of homelessness and a severely limited housing stock can sometimes threaten the sense of cooperation that is the very basis of successful TRO work in this context. Also, since the service is not embedded in the local authorities, high turnovers in council teams may lead to a lack of awareness of the service's nature and operations. Regular information exchanges, presenting pragmatic solutions for difficult cases, and an awareness of the internal workings of councils were highlighted as key in addressing these challenges:

Because we come from a local authority, we understand the politics of it. I think that helps us and they know that we understand that politics. So we know how to put someone's nose out of joint without damaging the relationship too far, but also if we get too much pushback, we know how to get people to respond (Practitioner)

This novel hybrid of local government/voluntary sector collaboration has further advantages. The service is connected to the symbolic authority of the council, and staff will sometimes align themselves more closely with a council to increase their clout with landlords. At other times they may maintain a healthy distance if this, for example, helps reassure a client. Participants also believed that the service enhances the credibility of existing enforcement activities and may lead to improved compliance in the sector:

Maybe this is not measurable but I do think having [the service] in a borough changes the landscape of that borough a little bit. Where tenants know that they are going to be referred to a service or where we are campaigning and local authorities will publicise the results of our cases when we've won [can] force criminals to think a little bit more carefully about what they're doing. (Practitioner)

Case study 4 | Peer-led housing advice scheme | Northern Ireland

This project provides peer and volunteer-led housing advice for BAME communities in Northern Ireland. It illustrates how barriers to justice can be addressed by providing services that are culturally sensitive and appropriate for people of different cultural or language backgrounds.

Problem and aims

Local organisations in Northern Ireland identified the need for housing advice among certain migrant communities, e.g., communities from Lithuania, Somalia and Syria. Reflecting findings from existing research, these migrant communities were found to be at a disproportional risk of housing-related legal problems. New migrants to the UK are more likely to be housed in the private rented sector than other tenures and often experience poor and exploitative housing conditions[95]. Migrants also face many barriers to accessing advice because of language difficulties, a mistrust of local services, and lower levels of legal knowledge and legal capability[96]. These barriers have been exacerbated by budget cuts and, in some cases, by a complete discontinuation of migrant and refugee-specific advice and integration services, including those funded by the central Government[97].

The main objective of this peer-led advice scheme is to prevent and/or alleviate homelessness by helping households either to stay in their current accommodation or to move to more suitable housing.

Institutional context

This service is provided by an organisation that offers a wide array of projects specifically tailored for people who may not traditionally access services or have difficulties doing so because of geographical or other barriers[98]. The service also provides information and advice for other housing professionals through membership services, training, forums, and workshops. The wider voluntary sector – including non-advisory organisations – is seen as a conduit for enhancing people's legal capabilities by informing them of their rights and entitlements, and by facilitating earlier identification of housing problems:

> I very much come from that kind of model of working within [our organisation]. It was very much about supporting agencies to support others, rather than directly dealing with clients. So, I've always, kind of, had a view that it is as important to empower the agencies who give you the clients as it is to empower the clients themselves. (Practitioner)

Service operation

The project, which is now in its third year of operation, recruits peer volunteer advisors from the local community. In the first year, thirteen people from several language groups received four months of housing advice and interpreter training, followed by an eight-week placement in a community advice organisation. The courses were fully funded (including childcare and travel expenses), and many trainees have moved onto employment in the advice sector. Interview feedback suggests that these incentives were a key factor in the project's success:

> They [the peer advisors] were just realising that this is a really good change in their lives, to change their career, to change their past and many people actually did. (Practitioner)

---

[95] J. Perry (2012) UK migrants and the private rented sector. A policy and practice report from the Housing and Migration Network (Accessed: 17/12/20)

[96] Pleasence and Balmer, How people understand

[97] Perry, UK migrants

[98] Services includes a prison service, young person service, tenant debt advice service and a mediation service.

The trained peer advisors provide advice by means of 'housing clinics,' which prior to COVID-19 would take place in-person in community centres, libraries and other locations outside the main office. Where necessary, an onward referral to more specialised advice provided by the parent organisation is made available. Research clearly demonstrates that access to migrant groups can be enhanced by providing outreach services in locations that are already familiar to the target group or that they already use for some other purpose[99]:

> *They, kind of, infiltrate, you know, the communities with the people who can do that housing advice. (Practitioner)*

> *I find that they also tend to trust more, maybe, a person from a similar background to them, they believe more that what you're saying is true … they think, maybe, that other people who are not coming from their background or from the same country, maybe they don't really understand, they don't really know what they're feeling or what exactly they need. I think that's not just a language barrier. (Practitioner)*

In order to set up systems for appropriate referrals and to empower non-advice-giving organisations to respond to basic informational needs, the service partnered with local voluntary organisations that were already regularly involved with the target client groups. Staff are offered tailored training courses on the specific needs of certain migrant communities:

> *If they are the first point of contact they need to be asking relevant questions. If they're going to make a referral to you, they need to understand why they're making their referral so that they have already got the information you need to get started. (Practitioner)*

In order to meet the need for legal advice during the COVID-19 pandemic, this service, like most other advice providers, had to put a greater emphasis on online and telephone services. The independent advice services that support BAME communities have been hit particularly hard by the repeated lockdowns[100]. The closure of community-based organisations such as faith groups or local playgroups also put a stop to important support and signposting services. The peer led in-person advice sessions at community venues stopped with immediate effect at the time of the first lockdown.

The service met the challenge of providing advice during this time of social distancing by exploring the various communication channels, support networks and community infrastructures that were still open to people and tailoring support accordingly. People who were willing and able to engage with remote services were supported via the digital channel that best suited their preferences and capabilities (such as WhatsApp):

> *The Syrian community here, when you're here and you get settled here, you go and you spend a week in a settlement programme, and part of that is they set you up with an email address and a WhatsApp address. (Practitioner)*

Where members of the community were identified as vulnerable and/or digitally excluded, establishing a connection with key respected individuals who were known in the community became crucial. These key individuals can refer members of the community to the service, communicate community needs, and address access barriers by, for instance, making socially distanced visits. A literature review of outreach advice services suggests that simply locating a service in a partner organisation or community venue may not by itself encourage engagement[101]. Actively seeking and gaining the trust of key respected people can be a key element in gaining the trust of local communities. Our participants reported that within these communities, advice is often accessed via word-of-mouth referrals. Whilst

---

[99] S. Forell and A. Gray, A 2009, Outreach legal services to people with complex needs: what works? Justice issues, no. 12, Law and Justice Foundation of NSW, Sydney (Accessed: 9/1/20); Long, A & Beveridge, A 2004, Delivering poverty law services: lessons from BC and abroad, Social Planning and Research Council, Vancouver.

[100] AdviceUK (2020) Guidance and Resources for Advice Services and Organisations COVID-19 (Accessed: 9/1/20).

[101] Forell and Gray, Outreach legal services

building relationships with these "problem notifiers" could initially be resource-intensive, these efforts paid off by promoting engagement in otherwise hard to reach communities:

He gained this kind of recognition. So, what I realised early on was that I needed to prove myself to him, and if I was able to prove myself to him, then I could win favour with the rest of the community. So, his daughter, he brought his daughter with a housing problem, and I have never worked so hard on a case like that …

… I don't speak their language and what vested interest do I have to help them, you know, whereas [Name] is one of them. If he says it's going to happen, then they believe him, and also, not only that, but he is one of six people who set up the [Name] Association who works tirelessly volunteering without being paid. So the community believe in him. (Practitioner)

Key learning

This case study's strategy of delegating first-stage advice provision and the establishment of two-way flows of information with the wider voluntary landscape, suggests that a greater diversity of actors may help improve standards in the private rented sector.

In our 2020 Improving compliance with private rented sector legislation report, we discussed how decentred regulation could be an alternative way of regulating standards and management practices in the sector. Decentred or SMART regulation draws on the willingness and capability of non-State regulatory actors to participate in the process of regulation[102]. Voluntary organisations as well as the private sector can potentially exert considerable pressure on the behaviour of individuals and organisations such as by media campaigns, engagement requirements, or political campaigning. These organisations can act as a conduit for disseminating information and good practice as well as a means of encouraging landlords and tenants to engage with regulatory structures. Findings from our 2020 report however suggest that the potential of involving a range of different partners to enhance regulatory strategies and approaches has yet to be realised in the private rented sector context.

This case study provides a unique example of how regulation and standards in the sector could be improved through strategic co-ordination and partnerships with a greater diversity of actors. Council enforcement activity will usually rely on a tenants' engaging with formal regulatory structures or procedures. Across the UK, the reluctance of tenants to complain, pursue a complaint or give evidence, significantly impacts local authorities' ability to regulate the sector effectively[103].

Socio-legal research has shown people often resort to non-official sources of advice[104], and migrants are more likely to look for advice from their own communities than from traditional advice organisations[105]. Community services already provide informal advice on how to find accommodation, challenge poor conditions, and exercise tenancy rights. Additionally, they may already be influencing and encouraging tenants to contact and accept the help offered by advice agencies or local authorities. These third-party organisations can therefore have a significant influence on people's understanding of the law and their legal rights, and the way they respond to a housing crisis or issue. By enhancing the legal capability of tenants – their knowledge, skills and attitudes in relation to their housing problem - these local organisations are participating in the process of regulation.

In order to provide targeted and tailored advisory services, services must have a clear understanding of the client group that they are trying to reach. Voluntary and community groups in an area will have important information about local housing needs and about effective mechanisms for reaching those who would benefit from advice. Engagement with these services would therefore be useful in assessing the needs and priorities of migrants in the sector. Advice strategies seeking to apply a user-focused approach would benefit from applying these insights.

[102] P. Grabosky (2013) 'Beyond Responsive Regulation: The expanding role of non-state actors in the regulatory process', Regulation & Governance, 7.

[103] J. Harris, D. Cowan and A. Marsh (2020) Improving compliance and enforcement in the private rented sector (Accessed: 11/1/21).

[104] Genn, Paths to Justice

[105] Perry, UK migrants

Case Study 5 | Targeted national advice strategy | Wales

A network of remote and regional advice services has been established throughout Wales through a single management and strategy framework. This case study illustrates how greater service and sector integration on a national and local level can create a solid platform to reach those most in need of support.

Problem and aims

As noted in Chapter 2, across the UK, advice seekers face numerous barriers when accessing advice. Advice journeys are often protracted and complicated with problems escalating as primary needs remain unaddressed.

This initiative aims to simplify the advice journey, extend reach, prioritise prevention, engage those who would not usually access advice, and provide wide-ranging support. By means of improved signposting and referrals, the service aims to deliver advice prior to people reaching a crisis point.

Institutional context

This initiative was developed in the context of the national advice strategy, Better Advice, Better Lives[106], and the Information and Advice Acton Plan for Wales 2016, which 'commits the Welsh Government to ensuring there is a co-ordinated, cost effective, and sustainable provision of quality assured social welfare information and advice services throughout Wales'[107]. The four funding streams already in place were combined and a total grant of £8 million (2019-2021)[108] [109]   would be distributed by a national organisation to…

> …achieve the bare bones of a network across Wales in social welfare advice, which is generalist advice, very community based and focused, making sure that it is reaching more marginalised people or it is accessible for more marginalised people. (Practitioner)

The Well-being of Future Generations (Wales) Act 2015 is centred around the notion of justice, well-being and the goal of creating 'a more equal Wales'[110]. In policymaking, this initiative emphasises sustainable and long-term outcomes, treating people holistically and avoiding short-term fixes. Since people's needs are often multifaceted, the Welsh Government acknowledged the need for people to be connected to additional support services:

> The principles, everyone has signed up to for quite a long time, but it is new in putting it into practice and funding it in a more joined-up way than they previously did, which hopefully will result in more joined-up services as a consequence. (Practitioner)

Service operation

The advice provision is divided over six regions, with each region working in partnership to deliver services that respond to local priorities:

> Each region, when we submitted the application form to Welsh Government, had to specify which priority groups [they] would work with. That was based on a needs analysis within the region where we identified where there might be gaps in services. For example, one area might be focusing on older people and families within poverty

---

[106] The strategy delivered an outreach advice service in health settings initially piloted in seven local authority areas in 2001-2002 and then extended to all of Wales the following year. The focus was originally on welfare benefit take up advice.

[107] Welsh Government (2019) Written Statement: Advice Services https://gov.wales/written-statement-advice-services (Accessed: 9/1/21).

[108] Welsh Government (2019) Single Advice Fund Guidance Notes (Accessed: 15/2/21).

[109] Some advice services in Wales receive the majority of their funding through this fund whilst others receive funding from a number of different streams (e.g. Help to Claim, Ministry of Justice).

[110] J. Rhys (2019) 'Governing the future and the search for spatial justice', International Journey of Geography, 197(1).

and another area might be focusing on people who are experiencing domestic abuse and BAME communities. (Practitioner).

One thing that we've taken from it and really embraced is the need to create a service that meets the needs of those groups. That it's not just a one size fits all service. It's about working in different ways to engage with those groups. (Practitioner)

Since the types of assistance that people require and the options for resolution may not be exclusively legal, the initiative focuses on establishing an interface between legal and non-legal services. In each region, generalist and specialist advice services partner with a range of third sector services, thereby allowing people's legal and practical support needs to be met. Regional networks are responsible for developing local strategies, with financial incentives to engage available for certain partners. The objective of extending regional capacity and improving coordination and referral processes has helped motivate services to unite in partnership. Fortnightly newsletters and regional networking events have promoted awareness of the different services.

Most of the interviewees felt the initiative to be a continuation of already established joint-working but with an increased focus on formalised referrals and cooperation within the regional networks. The aggregation of funding allocations has helped formalise pre-existing referral processes and partnerships:

We've always had, sort of, informal relationships with various different organisations and at some point interacted with them … but on a really informal and ad hoc basis. Whereas now we're getting more involved in their team meetings, they're joining us for team meetings. They're really getting a good understanding of the service that we can provide their service users and equally we are getting a good understanding of how we can tailor that service to meet their needs. (Practitioner)

A national telephone advisory service functions alongside the regional networks and specialist support and parties can be referred in either direction. Regional networks are encouraged to adopt a multi-channel approach that, on the basis of user-research, is made relevant and appropriate for people in those communities:

Our argument was all about, "It just needs to be something that is accessible for people in different communities because, let's face it, people will want to use different channels at different times." Yes? We didn't want to get too caught up on just one channel. (Practitioner)

The adoption of Refernet - an online system for making and recording referrals that can be accessed by all partners - is a key area of innovation implemented by this initiative. Making referrals is a process that would usually involve the transfer of information between several individuals and services through e-mails, phone calls or service visits. This can lead to convoluted processes of referrals, delays, and the duplication of work. Knock on effects for clients include difficult advice journeys, a risk of falling between the gaps of different services, and ultimately more entrenched problems as opportunities to intervene earlier are missed.

Digitising the referral process helps to formalise and standardise the information flow between services. There is one central place to locate clients and services are able to track exactly where the clients are in the system. According to our interview participants, this represents a 'distinctly different way of doing things' and an improved advice journey for clients:

We talked to people years ago and they would say, "We've got this service available." They'd say, "Our people won't go there because you have to wait in a waiting room for two hours before you're seen or they've tried to get through on the phone, etc., and they can't." It's those people that fall between the gaps. But I think having Refernet now … that's a better journey for the client because they're not being passed from pillar to post. They're being passed to somebody who is confident that they can resolve that issue. I think it's a much better client journey for the person. (Practitioner)

Interim internal evaluation findings suggest an increase in the number of clients accessing services at an early stage and fewer clients accessing the service at a later stage (such as when experiencing a crisis). Interviews with local partners pre-COVID-19 suggest that delivering in-person services out of community venues such as family centres, health centres, hospitals, as well as via home visits was key to achieving these outcomes. Particularly in areas of high deprivation, these methods were helpful in accessing the broad range of target groups that had been identified and in setting up referral pathways.

After the start of the COVID-19 pandemic, the pre-existing relationships and referral processes established in the developmental phase of the network proved to be particularly helpful. To raise awareness of the network and encourage referrals from priority groups, greater engagement was pursued with local authority departments, third sector agencies, police and fire services, BAME support networks and health boards. As frontline staff continue to have in-person contact with people they are able to identify vulnerable people in need of support and make referrals into the network.

Key learning

People not only have different personal needs that are likely to vary from one client group to another, but they also live within different geographical boundaries with a unique mix (or lack) of advisory and non-advisory services. Depending on local service availability and collaboration between organisations, geographical space can either create or reinforce inequalities in access to advice. The new funding and partnership arrangements in Wales aims to allow service delivery to respond more effectively to differences in geography, problem type, problem urgency and client capability.

This case study illustrates that geographical space should be a point of focus when considering how to facilitate more effective approaches in meeting people's legal needs[111]. The most appropriate scale to achieve spatial-related justice is likely to vary between different nations and within certain contexts; it may be on a local authority level, or regional, or city-based. This initiative highlights how space and geography should form an integral part of our understanding of justice and demonstrates how spatially informed and locally focused policy responses can be designed to promote better access to advice.

This case study also illustrates an approach which focuses on the secondary impacts and wider outcomes of housing advice, e.g., improved mental health and wellbeing. During the development of this initiative, partner services campaigned for policy to not only focus on the way in which advice impacts the structural conditions of housing (e.g., by addressing disrepair), but also on how it influences people's wellbeing. They aimed to promote an understanding of advice as a beneficial intervention in and of itself:

> *For us, it is about shifting the narrative to get people to really understand just how somebody felt when they didn't have anybody to help, didn't know what they could do, were feeling anxious, uncertain, you know, all of those kind of things … I think the ways we did it most effectively was a form of amplifying the client voice really. It was bringing the decision-makers into the room with the tenants in the private rented sector who were feeling insecure. (Practitioner)*

These findings suggest that advice providers may have a role to play in diverting policy attention from a sole focus on the physical attributes of housing towards a consideration of the subjective and interpersonal factors that help make a house a home and allow people to thrive in the different aspects of their lives[112].

Advice providers in Wales routinely collect data on the number of advice sessions given for disrepair issues or insecurity of tenure. Our participants however reported that its actual impact on people is not routinely recorded. Partner services are now reconsidering how outcomes can be defined and measured to adequately capture the broader changes and benefits that people experience as a result of the advice received.

[111] Rhys, Governing the future

[112] This will be explored in our upcoming report "Health and wellbeing in the private rented sector: enhancing capabilities".

5. Improving access to advice for renters

This Chapter draws together findings and key policy recommendations derived from this study. The chapter is structured around four key dimensions that shape people's experiences in addressing their housing problems: temporal; relational; practical; and symbolic. It aims to provide policy makers, practitioners and researchers with a framework of pertinent issues that should be considered in order to improve access to advice for people living in the sector. The chapter concludes with a series of recommendations for policy and practice.

Temporal factors

The timeliness of advice and the importance of an 'early' intervention when problems occur appears to be making inroads into policy discussions rather belatedly. The UK Government has expressed its support for early intervention strategies[113], which some commentators believe marks a shift in the conversation around legal aid policy:

> Ministers are no longer talking about the necessity to cut but are emphasising points such as the need for early advice and – most tellingly – a commitment to making people 'aware of their entitlement to legal support'.[114]

In Scotland the proposed "channel-shift" from face-to face and telephone to online services is seen as an effective way of providing early legal advice[115]. In Northern Ireland, the Department's strategy for generalist advice provision aims to 'empower and enable people to help themselves' (but does not refer specifically to early intervention)[116].

With interventions and assistance for people in housing need being often only available at crisis points, the need for help before problems escalate has been repeatedly highlighted in research and practice. Findings from the case studies further illustrate that early intervention for legal housing issues in the private rented sector is key to helping families avoid the triggers of rent arrears, destitution, and homelessness. The comprehensive body of knowledge on this topic suggests that across much of the UK, policy developments in this area lags woefully behind existing evidence and best practice. In addition, concerns have been voiced that government recognition of the importance of early intervention has not been matched by adequate funding allocations[117].

The findings also suggest a need for greater nuance in the language of early intervention. Policy discussions on early intervention often focus on the provision of information or self-help resolution tools to help clients make informed choices at an early stage of their problem[118]. Developing tools for those willing and able to help themselves are rightly part and parcel of improving access to advice and dispute resolution systems. Outcome data from international multi-tiered resolution systems suggests that providing opportunities for early resolution by means of information provision and other light-touch assistance will reduce the number of issues that turn into disputes[119]. Also, now under COVID-19, anecdotal reports on the increased demand for support from people with higher levels of digital capabilities, further underlines the opportunity for a well-functioning system of information and self-help options.

However, for those with complex needs or circumstances, the timing of advice provision should not be simply looked at in terms of its availability early in the process of problems developing or in legal processes[120]. Some people's help-seeking behaviour is only driven by situations of crisis, such as when rent arrears have accrued over several months. The timeliness of assistance must be relative to the needs and capabilities of the client rather than in terms of what

---

[113] Ministry of Justice (2019) Legal Support Action Plan (Accessed: 11/1/21).

[114] S. Hynes (2018) Editorial: A plan that has more warm words than action (Accessed: 14/1/21).

[115] Scottish Government (2020) Legal aid reform in Scotland: Consultation (Accessed: 23/12/20).

[116] The Department for Social Development (2015) Advising, Supporting, Empowering. A strategy for the delivery of generalist advice services in Northern Ireland (Accessed: 14/1/21).

[117] Hynes, Editorial

[118] Forell, Is early intervention timely

[119] Harris, Alternative approaches

may be 'an arbitrary point in the legal process'[121]. Self-help options - even with a certain amount of assistance – may be inappropriate for more vulnerable households and support beyond 'early intervention' must then be provided.

Our case studies demonstrate that early intervention approaches can be specifically tailored for households experiencing complex problems or multiple disadvantages. Findings from a large-scale study on the experience of destitution in the UK suggest there are identifiable intervention points when vulnerable families living in the private rented sector could be helped to resolve the problems that put them at risk of homelessness[122]. For example, rent arrears are closely linked to financial precarity and social security issues such as benefit delays, sanctions, or lack of awareness of entitlement. An application for welfare benefits, a transfer from another type of benefit to Universal Credit, relationship breakdown as well as a move to a new property, are all possible intervention points where advice and support could be made available. Addressing social security issues, maximising income, and identifying further intervention points are all clear pathways in avoiding rent arrears and should be part of any preventative action.

The duration of advice provision is another important temporal factor. Many advice services are only provided irregularly, infrequently, or for short periods of time, which can detrimentally affect the process of establishing trust. Building relationships and trust may ask for a significant investment of time and effort. As demonstrated by our case studies, for some households and communities these relationship-building activities are integral to a project's success. Episodic advice is not always appropriate and, particularly in the case of vulnerable households that face multiple disadvantages, longer-term support can be required.

On May 4th 2021, the Debt Respite Scheme (as known as Breathing Space) will come into effect in England. This scheme will offer people experiencing problem debt – and this includes housing debt - time to attempt to achieve a solution to their financial problems. As the protections pause most enforcement actions, landlords will be unable to serve or enforce eviction proceedings due to arrears during the moratorium. The introduction of a breathing space and statutory debt management plan for people who face financial difficulties has been welcomed by Citizens Advice[123]. By providing respite from creditor action, Breathing Space schemes give individuals the space to engage with appropriate advice. If it is effective, the scheme could incentivise people to access advice, and access it sooner.

Relational factors

The case studies highlight the importance of considering how private rented sector advice services fit within wider support networks. In order to resolve a client's legal housing problem, a range of other social problems may need to be addressed at the same time. For wider clusters of problems, legal interventions delivered in isolation are unlikely to resolve issues. Although legal advice services may aim to provide holistic responses, it is often beyond their capacity and remit to address all the problems that a household may be facing[124].

Collaboration between advice and non-advice services took place at some level in all case studies. These collaborations not only allow onward referrals and signposting, but also act as routes into the advice service, help increase awareness, and provide opportunities for people to access advice at an earlier stage. A high degree of collaboration and cooperation appears to be particularly important in reaching tenants who are vulnerable, lead complex lives, and are unlikely to access advice services. An adequate response to meeting legal needs in the private rented sector will therefore require a mix of services that is appropriate to the capabilities of individuals as well as the specific problems they are facing.

[120] Forell, Is early intervention timely

[121] Forell, Is early intervention timely

[122] McKeever, Desitution and paths to justice

[123] Citizen's Advice, Breathing Space: Response to the Treasury's call for evidence on a breathing space and statutory debt management plan (Accessed: 15/2/21).

[124] S. Forell, HM, McDonald, S. Ramsey and SA. Williams (2013) Review of Legal Aid NSW outreach legal services. Stage 2 report: evolving best practice in outreach – insights from experience, Law and Justice Foundation of NSW,.

The co-location advice with other voluntary and public services is widely promoted as a means of identifying and resolving underlying issues or clusters of legal problems. The UK government has committed to piloting the co-location of legal services. Foodbanks that operate as an advice hub are one example of a new model of co-location[125].

The case studies provide examples of other possible approaches for building the necessary partnerships. One approach is increased collaboration and the establishment of referral arrangements between advice services, public organisations and voluntary services on a broader base (rather than on the basis of contractual arrangements). This approach may improve communication, enhance referral or signposting pathways, and minimise access barriers into different services. Reflecting findings from the literature, our case studies suggest that this collaboration may be most effective when partners come together around a particular goal or vision[126]. Examples include the goal of reducing levels of homelessness from the private rented sector; to address the number of families in temporary accommodation; or to reach a target group that is identified as being in particular need of support.

Another model of partnership consists of a more formalised approach in which services collaborate to win funding bids. In Wales, the national advice strategy and the funding allocation arrangements are specifically designed to incentivise services to collaborate with others. Given that each geographical area will have its own mix of legal and non-legal services, collaborations may be best developed on a local level. However, new models of engagement and joint working can also be facilitated by central governments via, for example, new funding models or by embracing advancements in technology, whilst still prioritising a localised approach.

The adoption of a web-based referral system on a national and regional level is a key area of recent innovation within the sector[127]. This can facilitate multi-tier collaborations by ensuring smooth transfer of data whilst minimising the chance that people fall through the gaps of different services.

The case studies suggest that where services still exist, the advice and informational ecosystem for people living and working in the sector has become increasingly complex. Traditional advice organisations work in tandem with a range of other services and new organisations and unique partnerships between the voluntary and public sector have emerged to fill gaps in service provision. For certain target groups, community organisations may be the main agents delivering housing advice and information. These factors in turn raise questions regarding what support or oversight should be provided.

Our case studies, and the wider literature, suggests that engagement with local community organisations can play a key role in successful outreach programmes. In a project that seeks specifically to target BAME communities, the advice-giving organisation may, in some circumstances, be positioned as the secondary rather than primary focal point for advice provision. Collaboration with agencies already serving a target community and establishing information flows in both directions can provide efficiencies and increase effectiveness in the delivery of legal advice in the private rented sector.

The case studies illustrate the potential to overcome resource constraints at the local level by developing novel forms of shared services. Through providing funding to independent specialist agencies, local authorities are able to retain access to key skills for the local private rented sector when their own budgets in isolation would not have allowed them to.

[125] McKeever, Desitution and paths to justice

[126] Forbess and James, Innovation and patchwork partnerships

[127] Refernet is currently being used by Wales, Greater Manchester and West Lancashire. https://www.refernet.co.uk

Practical and technological factors

There are pressing questions about the capacity, effect, and quality of new tech-enabled advisory services developed for the public. With social distancing likely to remain in place for some time, developing services that are assistive, accessible and sensitive to issues of digital exclusion is all the more important. Reduced funding availability for face-to-face advice as associated with cuts in legal aid expenditure, further indicates a need for alternative ways of providing advice and information.

Researchers at University College London have studied the use of technology-based legal assistance tools by laypeople in Great Britain[128]. In spite of identifying a significant increase in use of the Internet for legal problems, "success" rates were found to be low. There is clear potential to improve technological interfaces for first stage advice and information in the UK. The enhanced use of technology by those who can do so would free resources for those requiring more intensive in-person support. However, it is vital that the development of such services proceeds on the basis of a clear understanding of way in which users can and will interact with such technologies.

The findings suggest there is potential to increase level of digitisation particularly for people with more generalist enquires. The development of interactive and personalised digital platforms and tools are key areas for future innovation.

It is however important to recognise that automation and self-help channels of advice provision will not entirely meet people's need for support. Remote channels of advice have been shown to save time and to render equal or better outcomes for certain people under certain circumstances[129]. We cannot assume that these channels of advice will be superior or adopted universally in all cases. When the provision of advice is limited to remote services for all cases, both the accessibility and effectiveness of advice may be compromised for certain groups of people. Technology appears to be most effective when designed as part of a multi-channel advice landscape where human interactions still play a key role[130].

The development of different channels and forms of advice provision must be evidence based, rather than driven by assumptions made in advance. A clear understanding of the communication channels that target groups are willing and able to use (e.g., WhatsApp, webchat, or via community members or existing support networks such as foodbanks) needs to directly inform the nature and channel(s) of support. Further research into the needs, preferences and experiences of those with a minimal knowledge of the English language and other support needs would be valuable. While practice experience is allowing us to build up over time an appreciation of the issues involved, additional more systematic research on the specific experience of private rented sector tenants and landlords could accelerate the process of developing effective digital tools.

Existing barriers to accessing advice suggest that policies need to proactively provide multiple forms of assistance for those most likely to need advice and least likely to have access. An effective multi-channel approach may be achieved by strengthening all channels of advice provision, rather than by primarily focusing on the development of remote channels[131]. The creation of more coordinated advice journeys between the different channels is essential to improve access to advice for those living in the private rented sector.

[128] University College London, English and Welsh Civil

[129] Balmer et al, Just a phone call away

[130] As also emphasised in our Alternative approaches report.

Symbolic factors

The provision of advice is an important part of the demand for change in the sector and can serve to disrupt patterns of power inequalities that exist in landlord-tenant relationships. Delivering advice can provide important symbolic power, even by simply sending an official letter to the offending party that makes them aware of their legal responsibilities and threatens further legal action if compliance is not forthcoming. Feedback from interviewees suggests that this simple action can have a significant impact, even when no further legal action is taken.

Our case studies suggest that advice and support organisations may help disrupt the status quo distribution of power in the private rented sector (for instance, by sending a message to criminal landlords) and may lead to the creation of new dynamics within communities. These organisations can operate somewhat as a symbolic presence in the struggle for better conditions and outcomes in the sector. An adequate network of advice provision that includes specialist support for tenants who are victims of criminal landlords may have symbolic power in signalling to the landlord and tenant community that local authorities are committed to tackling illegal behaviour and upholding a tenant's right to housing.

Through advice and advocacy work, advice services demand recognition of another view of the private rented sector: that some people live in hazardous housing, that some people face violence and harassment from their landlords, that the law provides inadequate protection, and that the police need to tackle illegal behaviour.

Bringing a larger number of non-advice-giving organisations into the existing advice and support ecosystem, can increase tenant capacity to define and name their problems as legal. A recognition and reinterpretation of housing experiences as something that can be legally addressed is fundamental in taking steps to access legal entitlements to housing. The findings suggest that community-based organisations may be playing a key role in increasing tenant capability to recognise and respond to the housing problems they experience.

[131] Scottish Government, Legal aid reform

Conclusion

The increasing pressure to develop digital services and the new challenges faced by the advice sector under COVID-19 have taken place against a background of a decade of austerity measures that have created significant gaps in support provision. The demand for advice has increased over the past ten years and will continue to increase as further impacts of COVID-19 take effect. Whilst the findings here suggest that development of remote services will go some way to help meet this need, certain population groups will always require some level of face-to-face support. Adequate investment in publicly funded in-person assistance is therefore required.

Given the wide diversity in people's capabilities, preferences, problem types and problem urgency, this report highlights the need for multiple channels in the delivery of private rented sector advice. An improved advice and informational ecosystem for tenants would provide various options to resolve problems with private sector tenancies. To increase service effectiveness, a hybrid of in-person support alongside digital channels such as telephone and video conferencing, may be the most effective approach moving forward, not just as a pandemic response.

The need for timely, connected, and tailored advisory services suggests that funding mechanisms and outcomes monitoring arrangements must be flexible enough to allow for services that are most appropriate for the needs of the target group. Provision must be able to adjust to variations in client capabilities, circumstances, and the availability of services within different geographical places. National approaches or guidance can be beneficial but must be flexible enough to allow a tailoring of approaches to local needs and priorities.

Significant changes are therefore needed to deliver the innovative improvements in the provision of advice to meet the needs of different clients and to maximise the potential of technology. Current funding models which tends to favour short-term or single-year funding cycles are not ideal to achieve this ambition. As highlighted throughout this report, some housing problems can be complex and difficult to solve. Services that are commissioned to provide long-term support for households require long-term funding to provide appropriate assistance and dedicate adequate time to setting up and establishing the necessary partnerships. A longer-term approach to commissioning services is key to supporting the sector to innovate to meet the housing needs of tenants.

Recommendations for policy

- UK and devolved governments should improve the advice and informational ecosystem available to tenants in the private rented sector:

- Any commitment to early interventions must be accompanied by sufficient resource investment, including adequate investments in publicly funded face-to-face support.

- For those households facing the most severe disadvantages and complex problems, resource allocations should allow for the provision of longer-term advice and support.

- Many advice organisations will not have the resources or infrastructure to build the needed connections with different organisations. UK and devolved governments should consider how they can ensure that the necessary collaborations can occur.

- There is a need for further research addressing those who are unable to use online advice services. This is particularly important in light of certain people possibly being excluded under COVID-19.

Recommendations for practice

- As advice services become increasingly digitised, practitioners should seek to realistically assess the level of legal and digital capability required to access these services.

- Clear routes from one channel to another alongside processes – such as via an online referral system - must be made available.

- Any preventative action should identify key intervention points that may lead to rent arrears and other problems that can increase the risk of homelessness.

- Partnership arrangements should be spatially informed and developed at a local level.

Recommendations for policy and practice

- Policy makers and practitioners should consider how technology can be used to present housing information in more user-friendly formats. This type of development would require greater focus and support for preventative interventions (as already recommended by the Low Commission)[132].

- Policy makers, practitioners and researchers should consider how the information, expertise and regulatory capacity of the wider voluntary sector can enhanced to support access to advice and ultimately improve standards in the sector.

---

[132] Low Commission, Getting it right