



**EXPERIENCES OF CONSUMERS IN VULNERABLE CIRCUMSTANCES WITH DIFFERENT
LEGAL SERVICES PROVIDERS**

**Consumers with mental health problems and carers of consumers with mental
health problems**

**Qualitative Research Report
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Prepared for:

Legal Services Board

Prepared by:

Research Works Limited

Regency House

The Quadrant

219a Hatfield Road

St Albans, Herts

AL1 4TB

all@researchworks.co.uk

Tel: 01727 893 159

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1. Executive Summary

In November 2016, the LSB commissioned an independent research company, Research Works Limited, to conduct research to explore the experiences of consumers with dementia and consumers with mental health problems (and those caring for them) when accessing legal advice, as well as their experience of the advice itself.

This report details the research findings for people with mental health problems and those caring for them. (A separate report details the research findings for people with dementia and those caring for them). Both the executive summary and the report address each of the research objectives in turn (as quoted in each of the section headings).

1.1 What features of the legal services market are particularly relevant to those with mental health problems and those caring for people with mental health problems?

This research set out to explore *any* legal issues experienced by individuals with mental health problems and carers of those with mental health problems. A wide range of legal issues emerged, including legal issues specific to people with a formal mental health diagnosis e.g. issues about civil liberties and welfare and benefits.

The feature of the legal services market that was particularly relevant for this sample was free services, either from advice-based third sector organisations or free elements of service from regulated providers e.g. a ‘free first half hour’ with a solicitor. There were several reasons why this sample sought free advice: not feeling able to afford legal fees, seeking initial advice on ‘options’ rather than ‘action’, and poor perceived previous experience of solicitors.

Within this sample, most individuals with mental health problems sought legal advice independent of support from any friends or family members. The carers within our sample had accessed legal advice either to support family members with mental health problems or on behalf of family members with mental health problems who were unable to engage with legal services due to the severity of their symptoms.

1.2 What circumstances contribute to these individuals being vulnerable when purchasing legal services?

There were a broad range of risk factors (and often, overlapping risk factors) that contributed to individuals with mental health problems being vulnerable when seeking legal advice. They included: age, low income, low literacy, inexperience with seeking legal advice, experience of relationship break down, physical disabilities, health problems, lone parents, carers, loss of income, release from prison and living alone.

There were two broad groups within the sample:

- There were those who felt that their mental health problems created relatively low-level difficulties for them when engaging with legal services providers. Although this group reported a tendency to feeling overwhelmed by the necessity to seek legal advice and by legal processes, and felt that they needed more time to express themselves, overall this group felt that the adaptations required to support their use of legal services would be minimal. However, this group felt that they were unlikely to disclose their individual needs proactively.
- There were those (both carers and individuals) who felt that their mental health problems or the mental health problems of the person they were caring for created significant problems for them when engaging with legal services providers. This group were more likely to disclose their individual needs and felt that the level of support they would need would be significant, particularly in

terms of regular and consistent communication and a need for explanations to be repeated.

As a whole, the sample group expressed a degree of anxiety about using legal services. These anxieties were typically expressed as: apprehension about the total cost likely to be incurred, not being able to understand legal 'jargon' and technical legal language, and a sense of feeling intimidated by legal professionals.

1.3 To what extent are the legal needs of those in the study being met?

Many of those amongst the sample whose mental health problems created relatively low-level difficulties for them when accessing legal services reported feeling satisfied if they felt that they had been:

- heard and treated with empathy;
- given opportunities to enhance their understanding of the legal information they had been given e.g. given more time, offered written advice in plain English, provided with repeated explanations.

However, there was clearly a group of respondents (both carers of those with mental health problems and individuals with mental health problems) who felt that legal services were more difficult to access for individuals whose symptoms created relatively significant difficulties for them. As a result, there was a small group of carers and individuals who felt dissatisfied with their experience of accessing help from a legal services provider.

More generally, there was considerable concern about the cost of accessing legal advice, and considerable reliance on free services from advice-based third sector organisations and free aspects of regulated services (e.g. a 'free first half hour' offered by solicitors).

1.4 What approaches could improve accessibility, service experience and outcomes?

Despite the broad range of legal problems encountered by the sample and the diversity of individuals within the sample, respondents offered clear suggestions about what they felt would help them access legal services in future. This included:

- Feeling listened to and understood, which was felt to involve actively engaging with the individual, acknowledging the difficulty of their situation and responding sympathetically.
- Feeling that they had understood the advice given, due to the clarity of the verbal explanation and written follow up information, both of which should be 'jargon free'.
- Feeling comfortable to ask questions or ask for information to be repeated.
- And, if mental health problems have been disclosed, adapting the interaction to support individuals with symptoms.
- Continuity of personnel was also much valued.

The ingredients for successful interactions were even more critical for those who felt that their symptoms created relatively significant difficulties for them when accessing legal advice, as well as those accessing legal advice in stressful environments (e.g. police centres, detention centres). These groups also felt that they needed the reassurance of regular and consistent communication from legal services providers, as well as repeated explanations.

More broadly, respondents across this sample were clear about what they felt would help them access legal services in future. This included: offering a 'jargon-free' service and being transparent about costs.

2. Background and Research Objectives

2.1 Background

The Legal Services Board (LSB)¹ was set up to reform and modernise the legal services market in England and Wales in the interests of consumers, enhancing quality, ensuring value for money and improving access to justice across England and Wales. The LSB aims to achieve this by pursuing its regulatory objectives and providing regulatory oversight of the ten approved frontline regulators², each of which have direct responsibility for the day-to-day regulation of the different types of lawyers.

The frontline regulators have various requirements in place, which mean that practitioners should be able to recognise and respond appropriately to vulnerability. In commissioning this work, the LSB's aim is to deliver research that is of practical benefit in informing frontline regulators' work, as well as help others to improve delivery of legal services to vulnerable consumers. It builds on previous research commissioned by the LSB and others with different groups of vulnerable consumers.

In November 2016, the LSB commissioned an independent research company, Research Works Limited, to conduct research to explore the experiences of consumers with dementia and consumers with mental health problems (and those caring for them) when accessing legal advice, as well as their experience of the advice itself. This report details the research findings for people with mental health problems and carers. (A separate report discusses the findings for people with dementia and carers).

¹ <http://www.legalservicesboard.org.uk/>

² http://www.legalservicesboard.org.uk/can_we_help/approved_regulators/index.htm

About mental health problems

One in four people is likely to experience a mental health problem during their lifetime, with 75% of people receiving no help from the NHS. These are unlikely to be 'static' conditions, and may be overcome with treatment. People in marginalised groups are at greater risk of experiencing mental health problems, for example, those who are homeless, BAME, lesbian, gay, bisexual and transgender, disabled or have had contact with the criminal justice system³.

Appreciating the range and incidence of common and more serious conditions⁴⁵⁶ these individuals may seek legal advice on a range of issues, including on but not limited to those problems. From the perspective of accessing and using legal advice the affected person may need adjustments to be made by a legal advisor to help them express their wishes clearly or to understand advice.

The LSB has some data on individuals who have self-identified as having a mental health problem⁷. However, there is limited qualitative research on the experiences of those with mental health issues in relation to their use of legal services. The NHS has published an aspiration that people with mental health problems should be able to say⁸:

- *I have help to support [which might be peer, community or mental health services] me access benefits, housing and other services I might need*
- *Services and professionals listen to me and do not make assumptions about me, they respond flexibly and change the way they work as my needs change.*

³ <https://www.england.nhs.uk/wp-content/uploads/2016/02/Mental-Health-Taskforce-FYFV-final.pdf>

⁴ <http://www.mind.org.uk/information-support/types-of-mental-health-problems/statistics-and-facts-about-mental-health/how-common-are-mental-health-problems/>

⁵

http://www.nhsconfed.org/~media/Confederation/Files/Publications/Documents/MHN%20key%20facts%20and%20trends%20factsheet_Fs1356_3_WEB.pdf

⁶ <https://www.mentalhealth.org.uk/sites/default/files/fundamental-facts-15.pdf>

⁷ See Annex A: <https://research.legalservicesboard.org.uk/wp-content/media/Vulnerable-consumers-research-2016-FINAL.pdf>

⁸ <https://www.england.nhs.uk/wp-content/uploads/2014/08/no-assumps-mh.pdf>

2.2 Research Objectives

The overarching objective of this research was to improve the LSB's understanding of how consumers with mental health problems (and those caring for them) experience legal services, as well as the impact of these vulnerabilities on obtaining legal advice.

More specifically, the research sought to answer the following research questions:

1. What, if any, features of the legal services market were particularly relevant to these vulnerable circumstances?
2. What circumstances contributed to these individuals being vulnerable when purchasing legal services?
3. Did these circumstances result in adverse outcomes when using lawyers, and if so how?
4. To what extent were the legal needs of those in the study being met?
5. Taking account of relevant existing/ongoing work and initiatives, what approaches could improve accessibility, service experience and outcomes?

The intention was to expand the available knowledge base for different types of vulnerability.

3. Research Methodology and Sample

Below is a summary of the research method and sample. A more detailed description of the sample and recruitment process is included in Appendix A.

3.1 Methodology

The chosen methodology for this research was qualitative. It was conducted via a series of thirty individual and paired depth interviews. The qualitative methodology

allowed for in-depth discussion of individuals' personal circumstances, experiences and attitudes.

The sample comprised 21 people with mental health problems (depth interviews) and 9 carers of people with mental health problems (depth interviews). The rationale for including carers within our sample was that they have a unique role and perspective on accessing legal services on behalf of individuals with mental health problems.

All interviews were conducted in respondents' homes, and were of around one hour duration. In-home interviews provided a research setting which supported respondents' individual needs, and gave interviewees the time and space to engage with the topic in a familiar setting.

3.2 A note on methodology and ethics

Qualitative samples are purposive and quota-driven in nature; they are designed to achieve specific outcomes. They therefore have no quantitative accuracy in terms of identifying proportions of populations holding stated views.

For these methodological reasons, it is not appropriate to present qualitative findings in terms of the numbers of respondents expressing certain views. We therefore describe the findings in qualitative terms, referring to groups within our sample (e.g. respondents who had tried and failed to use legal services) and giving a broad sense of the weight of views e.g. 'most' or 'a small group'.

The cases described in this report have not been independently verified, therefore this report describes respondents' experiences from their personal point-of-view.

Ethical considerations were identified and addressed in the design of both the recruitment and interview approach, with the support of relevant industry guidelines and best practice⁹.

The key principles on which our research design was based were:

- i) Taking reasonable precautions to ensure that participants were not harmed or adversely affected by the research activity
- ii) Informed consent
- iii) Voluntary participation
- iv) Participant anonymity
- v) Meeting individuals' needs

⁹ https://www.mrs.org.uk/standards/code_of_conduct,
<http://www.mrs.org.uk/pdf/MRS%20Researching%20Vulnerable%20Participants%20best%20practice%20note.pdf>

4. Main Findings

The report addresses each of the research objectives (described in section 2.2) in turn, as quoted in each of the section headings.

4.1 Which factors make a consumer vulnerable?

The Legal Services Consumer Panel (LSCP) has produced a guide¹⁰ for legal services regulators setting out the individual risk factors for vulnerable people when accessing and using legal services, and describing permanent, fluctuating and short-term vulnerabilities. The LSCP's guide is based on a relevant British Standard (BS18477).

The diversity of respondents from this sample group means that, between them, they capture most of the criteria described as individual risk factors in the LSCP report. From the list of individual risk factors set out on page 12 of that report, the factors most relevant to this sample group include:

- Age (either younger or older)
- Inexperience
- Relationship breakdown
- Physical disabilities
- Lone parent
- Loss of income
- Living alone
- Low income
- Low literacy
- Mental health issues
- Health problems
- Being a carer
- Release from prison

As a result of this diversity, the difficulties encountered by this sample group form a very broad range of problems. Despite this, the criteria that made legal encounters

¹⁰ *Recognising and Responding to Consumer Vulnerability: a Guide for Legal Services Regulators*. Legal Services Consumer Panel, October 2014

more comfortable and successful were (as detailed in section 4.4.3) relatively homogeneous and consistent. This suggests that potential service improvements for legal services providers in dealing with consumers with mental health problems are practical and achievable.

4.2 Barriers to accessing and successfully negotiating legal services

As a whole, the sample expressed anxiety about using legal services. These anxieties were typically expressed as apprehension about:

- The total cost likely to be incurred;
- Not being able to understand jargon and technical legal language;
- And a pervading sense of feeling intimidated by legal professionals.

The extent to which respondents felt that their mental health problems created a barrier to accessing and successfully negotiating legal services varied. Within this sample, there were two distinct groups:

- a) Those who felt that their mental health problems created relatively low-level difficulties for them when engaging with legal services providers;**
- b) and those who felt that their mental health problems created relatively significant problems for them when engaging with legal services providers.**

4.2.1 Those who felt that their mental health problems created relatively low-level difficulties for them when engaging with legal services providers.

The group who felt that their mental health problems created relatively low-level difficulties for them when engaging with legal services providers reported a tendency to feeling overwhelmed, both by the necessity to seek legal advice and by legal processes themselves. This group also reported needing more time to express

themselves. In some cases, a combination of low levels of literacy and low self-esteem meant that some respondents felt they needed more time and space to communicate their concerns.

Overall, this group felt that the adaptations required to meet their needs were relatively achievable. For example, one respondent felt that her difficulty using the telephone was a relatively minor difficulty which should have been easily addressed. Despite explaining this to an advice-based third sector organisation advisor, she was handed the phone so that she could talk to a solicitor to explain her circumstances and arrange an appointment. The encounter was not a success and left her feeling that she was not getting anywhere, and that she was not being listened to or understood:

'I know it sounds weird to say you can't do stuff on the phone, but it's true for me. When this lady handed me the phone and told me to talk to the solicitor I thought - has she listened to anything I was saying?' (Individual with mental health problems)

4.2.2 Those who felt that their mental health problems created relatively significant problems for them when engaging with legal services providers.

An example of someone who felt that her symptoms created relatively significant difficulties for her when engaging with legal services providers was a respondent who described herself as having been diagnosed with a personality disorder. This respondent is also a young, single mother with a large family living on extremely low income. This respondent described the effect her mental health problems had on her:

'It's day-to-day life I can't deal with. Some people have mental thoughts and want to harm themselves. I don't have that, but I do when I get really mad, I think I could really hurt them.' (Individual with mental health problems)

She also explained how her mental health problems had affected the way in which she was dealing with the immigration issues her husband was facing:

'The Home Office called me crazy, because I kept calling them all the time and getting angry, so they put a ban on me so I wasn't able to contact them. Sometimes I can say I'm me, but some days I'm not Sometimes I don't know what to do My mental health gets the better of me ...' (Individual with mental health problems)

The group who felt that their mental health problems created relatively significant difficulties for them when engaging with legal services providers felt that they had additional needs:

- **An increased need for regular and consistent communication.** This group of respondents typically felt anxious, both about understanding what was happening, and about being left 'in the lurch' to fend for themselves in a difficult situation.
- **A need for explanations to be repeated.** This group of respondents reported feeling that their difficulties were a barrier to understanding which, coupled with apprehension about legal encounters, led them to seek reassurance in repetition: *'I often asked the same question ten times over. He [the solicitor] was very patient with me.'* (Individual with mental health problems)

Some amongst this group also wanted to point out that there might be occasions when they felt that they would not be able to keep their emotions in check:

'I burst into tears and let it all out. I felt bad about it, but she [the solicitor] was very understanding.' (Individual with mental health problems)

4.3 What, if any, features of the legal services market are particularly relevant to this sample group?

The feature of the legal services market that was particularly relevant for this sample was free services, either from third sector organisations or free elements of service from regulated providers e.g. a ‘free first half hour’ with a solicitor. The reasons for seeking free advice included:

- **Not feeling able to afford legal fees:**

‘I really don’t have a problem seeing a solicitor it’s just the prospect of the huge expense.’ (Individual with mental health problems)

When legal action was perceived to be needed (e.g. making a will, pursuing a case through court), respondents turned to solicitors. However, cost was clearly a barrier for some:

‘My aunt paid for a solicitor to go over the divorce papers. I’m saving up for the rest.’ (Individual with mental health problems)

‘If I had a lot of money I would’ve gone to court about my ex partner. My mum said to use some money ... but I said no, I’m not wasting it on him ... that’s for a little holiday or something ... It’s just so expensive.’ (Individual with mental health problems)

- **Seeking initial advice on options before deciding on next steps.** This included those in the process of separating from their partners seeking advice about how to separate their finances, without going to court. In another example,

two students sought advice about getting their deposit back from their landlord:

'They said basically like there's so many things you can do. You can formally complain to the person who is withholding the payment, or there are forms you can fill out to issue a formal complaint.' (Individual with mental health problems)

- **Poor previous experience of solicitors:**

'I walked in off the street [to a free advice-based third sector organisation]. I had been thinking about it for a while, thinking shall I pay money and get paid advice? But that was coloured by my experience of buying my house, when I could for love nor money get hold of anyone at the solicitors.' (Individual with mental health problems)

4.4 Approaches or techniques that consumers find useful in accessing legal services

Within this sample, individuals with mental health problems sought legal advice independent of support from friends and family. Carers of those with mental health problems were either accessing legal advice:

- To support family members with mental health problems (e.g. younger or older family members):

'At the time, she [respondent's granddaughter] couldn't cope with any of the telephone conversations or the paperwork.' (Carer)

- or on behalf of family members with mental health problems (i.e. those who were unable to engage with legal services due to the severity of their symptoms):

'Initially I paid for a solicitor who my brother did meet with, but he [the solicitor] couldn't help resolve the issue so my brother became more paranoid and then refused to go to any further meetings, or answer the phone or the door.' (Carer)

4.4.1 Finding a solicitor

Respondents who had previous, positive, experience of legal advice typically went back to the provider they had previously used:

'It started off when we used them for our house conveyancing when we moved here and because they have various departments for various different issues ... Rather than going somewhere else it was easier.' (Individual with mental health problems)

Other respondents, those who had negative past experiences of accessing legal advice, or those with no prior experience of legal issues, used one of three main approaches to finding a provider:

- **They sought word-of-mouth recommendation from friends or family;**

'Friends had a similar experience with another developer and pointed us towards this particular solicitor to deal with this particular issue.' (Individual with mental health problems)

- **Or they approached an advice-based third sector organisation who recommended a solicitor;**

'They [the advice-based third sector organisation] suggested a firm of solicitors where you get the first hour of advice free.' (Individual with mental health problems)

'Various mental health charities pointed me in the right direction.' (Carer)

- **Or they went online and Google searched solicitors in their locality:**

'I Googled lawyers and took a well-known firm. I also spoke to The Law Society and they gave me names of local services. It's hard to find info about who is the most appropriate to use. I spoke to 3 or 4 and went with the one that seemed the best from the phone conversation.' (Carer)

4.4.2 Initial contact

Within this sample, the most commonly experienced mental health problems were anxiety and depression. This group of respondents did not disclose their symptoms to legal services providers, nor were they prompted to do so. Respondents explained that they did not want to disclose their symptoms and did not feel it was particularly necessary:

'She [the solicitor] didn't know I was having issues. I didn't tell her and I wouldn't have expected her to pick it up. I wasn't going in there like a crazy woman.' (Individual with mental health problems)

Some amongst this group felt that they would not want to disclose their symptoms in case it led to adverse consequences:

'I don't want them to know in case it changes the advice they give me or how they see me. If it was a criminal lawyer then yes, they would need to know, but a family lawyer doesn't need to know.' (Individual with mental health problems)

There was a small group who volunteered the information that they or the person who they were caring for had mental health problems. Of this group, most did so because they felt that their symptoms were likely to have a significant effect on the extent to which they were going to be able to engage with the legal services provider.

Amongst this group, the effect of disclosing mental health problems was mixed. One respondent was extremely pleased with the result of his disclosure:

'The solicitor did not treat me as if I was different in any way, which is exactly what I wanted.' (Individual with mental health problems)

One carer had experience of some legal professionals being better able to deal with her son's symptoms than others; another felt that her solicitor had tried to deal with her brother's symptoms as well as he could.

However, as described in section 4.2, two respondents felt that their symptoms had not been acknowledged in any way:

'No matter how many times I explained to him [that the respondent cannot use the phone], he still gave me a list of phone numbers. It was chucked in the bin, because I got angry, that again I was not being understood.' (Individual with mental health problems)

'I think if someone has mental health, people should try and deal with things differently and with more compassion.' (Individual with mental health problems)

4.4.3 The main meeting

Advice-based, third party providers

The group who used advice-based third sector organisations had a mixed experience. Some felt extremely positive about their experience, largely based on the extent to which they felt that they had felt 'heard' and the extent to which they felt they had understood the advice they had been given:

One respondent went to see an advice-based third-sector organisation. She had low expectations, because the service was free:

'I think it was because you don't tend to get anything for nothing and I think that because legal fees are so expensive as well, it just seems like it was too good to be true – to get something for nothing.'

Her experience was extremely positive:

'This really nice lady same and saw me and took me in to a room. She wasn't rushed, it was just a natural conversation. She had a pen and paper, but I could tell she was listening. She wasn't a run-of-the-mill 'oh yeah, whatever' sort of thing. She was really helpful.'

'The lady I was dealing with, she was just really down-to-earth, looked you in the eye...yes that is important because it feels like she was engaging with me. It felt like she was on my team from the beginning. She had my back and was there to give me as much help as she could. That was another assumption that I had. I thought that maybe they would just palm me off with a load of leaflets and that that would be it, which wouldn't be helpful, but no, it was the opposite of that.' (Individual with mental health problems)

When others felt dissatisfied, this tended to be because either they did not feel that they had been heard, or they felt that the information was not presented to them in a way they could understand:

'It was very difficult really because they don't take you into an individual room, so you have other people waiting to ask questions while you are trying to discuss your problem ...She was jumping ahead of us all the time, so we weren't getting satisfactory answers, but it did help a little bit.' (Individual with mental health problems)

One respondent recalls needing to call legal services providers twice in order to understand the information she was being offered:

'I actually called up twice. The first time I called up I didn't find the person on the end of the telephone as helpful as the second time I called up. The person I spoke to the second time seemed to be more helpful and emailed me some information so I was able to process it a bit better. I was then able to deal with the situation.' (Individual with mental health problems)

The second time she called, she was supported by her mum:

'The second time they sent me some information by email and I was able to go through it all with my mother who helped me. I found that when I called the second time around with my mum with me, they were a little bit more willing to give out the information. When more of an adult person got involved, they seemed to take it a bit more seriously.'

'The person I saw was a man. He was extremely helpful but did not listen at all to the fact that I didn't want to go down the domestic violence route. All the advice he gave was based on that and getting legal aid. He gave me all the info there was about legal aid ... and getting in touch with a women's refuge. I told him he wasn't listening to me.' (Individual with mental health problems)

There were examples of respondents not receiving good news about their legal issues, but still perceiving the service to have dealt with them positively:

One respondent went to an advice-based third sector organisation for advice – and found out that she wasn't entitled to any money separating from her partner:

'Everybody said that when I left I would be entitled to this and entitled to that. "You're his common-law-wife because you have lived together so long". But apparently, I was entitled to nothing. I just sat there crying.'

However, she still describes seeking advice as a positive experience:

'Even though she wasn't able to do anything for me, the lady I saw was really lovely. She explained all the reasons why I wasn't entitled to anything.'

'I suppose because I was able to talk about things without fear of recrimination and people telling me I was stupid for staying, I felt a lot better having talked to her because I felt she really listened and understood what I had been going through. I suppose she did make me feel I had done the right thing in leaving.' (Individual with mental health problems)

Solicitors

Most respondents found the main meeting with a solicitor useful and satisfying. Their expectations – of being listened to and understood, and of receiving clear, helpful advice – were fulfilled and, despite some reservations about cost, most felt that they

had received an appropriate service. For a number of respondents, this was the first of a series of meetings, so it was important for them that they felt they were being listened to, and dealt with competently, from the outset:

'He was amazing, he was so understanding. He was sympathetic and realised it was a very hard time for me.' (Individual with mental health problems)

'It was good. You want to be made to feel important. And I did.' (Individual with mental health problems)

For some respondents, the main meeting was not held in the (comparatively) reassuring confines of the solicitor's office; examples included police stations and immigration detention centres. For these respondents, it was very important that the solicitor was understanding and made them feel comfortable; they were already in a stressful situation and needed help and reassurance:

'The first visit was in a police station. After that he gave us his card. He was very empathic with [my son] and got him out that night. He talked slowly and concisely to [my son] and made a point of making sure he understood what was being said. We both felt we could ask questions. He was inclusive and made sure that he didn't talk to me without including [my son] and vice versa. He never spoke jargon and communicated clearly. I think he was a specialist in kids with problems.' (Carer)

However, some felt that they had struggled to understand what they were being told or that their solicitor had failed to engage with their legal issue:

'It was quite a stressful time and I didn't want to forget anything she said. It tends to go in one ear and out the other when I'm stressed.' (Individual with mental health problems)

'I read the stuff but I didn't understand it, so I signed to get it over and done with. I asked my sister to read it but she didn't understand it either. She has a law degree and she said it was probably ok.' (Individual with mental health problems)

'I seem to remember I was trying to explain a little bit and it didn't really feel like he had the time. He just wanted to get down to business. He lacked empathy. Considering he said he had elderly parents himself and he had done it [lasting power of attorney] for them.' (Individual with mental health problems)

4.4.4 What makes a successful meeting?

For respondents in this group, the main ingredients for a successful meeting with a solicitor or advice-based third party adviser were:

- **Feeling listened to and understood, which was felt to involve actively engaging with the individual, acknowledging the difficulty of their situation and responding sympathetically.**
- **Feeling that they had understood the advice given, due to the clarity of the verbal explanation and written follow up information, both of which need to be 'jargon free'.** There were examples where respondents felt that this had been achieved very successfully: *'Anything we didn't understand fully she would reiterate and word it differently to make it easier to understand.'* (Individual with mental health problems)
- **Feeling comfortable to ask questions or ask for information to be repeated:** *'They made me feel at ease. I never felt like I shouldn't be asking them something. It's made me feel more confident and at ease knowing they are dealing with things on our behalf.'* (Carer)

- **And, if disclosed, adapting the interaction to support individuals with their symptoms:** *'She understood that I was anxious and went out of her way to make me feel at ease.'* (Individual with mental health problems)
- **Continuity was also valued by respondents in this group. Those who used a solicitor they were already familiar with, or kept the same solicitor throughout a legal process, expressed high levels of satisfaction.** Where respondents experienced a change (or several changes) of solicitor, levels of satisfaction were much lower: *'After a few months, this second solicitor left and a new one came. All in all, I had about four different solicitors dealing with my case. It was a case of starting all over again each time.'* (Carer)

4.5 Adverse outcomes: tried and failed

Many of those amongst the sample who felt that their mental health problems created relatively low-level difficulties for them when accessing legal services reported feeling satisfied if they felt that they had been: heard and treated with empathy, as well as given opportunities to enhance their understanding of the legal information they had been given (e.g. given more time, offered advice in simplified language, received written information in plain English, provided with repeated explanations).

However, a minority had tried and failed to access a legal provider, and another group felt dissatisfied with their experience.

4.5.1 Tried and failed

Within this sample there were two examples of individuals with mental health problems who were also carers of individuals with dementia. These two female respondents had been put off dealing with legal services after poor initial experiences.

- In one case, a female carer felt overwhelmed by the response from the solicitor's firm she had approached. Firstly, she felt that the receptionist 'bombed' her with information and was focussed on getting her personal details (which she did not feel ready to provide): *'I don't think I was coping very well with information myself at that stage, let alone my mum, the state she was in ... It was just I felt she bombarded me.'* Her first contact with the solicitor did not reassure her. She felt that he focussed on physical impairments (e.g. would her parents be able to get up the stairs) rather than the impairments associated with dementia. Finally, she felt that the cost was off-putting: £1,500 to complete two applications for lasting power of attorney.
- In another case, a female carer experiencing symptoms of anxiety and depression wanted to complain about the treatment her mother had received at a care home. She was recommended a firm of solicitors by someone at the care home where her mother was being cared for. She was told to 'log' her complaint, which she did; but when she contacted them she claims she was told that their database had been wiped and so she needed to re-log the complaint. After several attempts, she gave up, feeling demoralised: *'In the end I gave up trying to push it through and walked away.'* *'It put me off from doing anything about anything until she died.'*

These examples suggest that an unsuccessful attempt to access legal advice can result in those with overlapping vulnerabilities (e.g. individuals with mental health problems caring for individuals with dementia) not pursuing the legal issue, rather than seeking help from another legal services provider. Clearly, carers expect legal services providers to recognise the needs of people with dementia, as well as their own needs i.e. their wish for support to pursue and complete their legal issue which may be affecting their own emotional well-being.

Within our sample of individuals with mental health problems there was one respondent who very much felt that she had 'tried and failed' to access legal services. She had been unable to find a legal services provider willing to take on her case, regarding an issue when being treated under compulsion through the Mental Health Act. This respondent felt that there was a gap in the legal services provider market for those in similar circumstances who felt they had legal cases they would like to pursue.

4.5.2 Dissatisfied with the experience

There were also four respondents who were frustrated with their perceived lack of progress despite, to the best of their knowledge, using the appropriate legal channels. This group included carers trying to resolve legal issues on behalf of family members with mental health problems, but finding it difficult to find legal help:

- In one case, a carer is striving to prevent her brother (who has mental health problems and is refusing to engage with any legal adviser) being evicted from their late father's house. Although she has sought the advice of charities, advice-based third sector organisations and numerous solicitors, she has yet to find a way forward.
- In another case, a carer is dissatisfied with the advisor whom she has been told is the appropriate person to deal with the case and is not aware of any alternative options.
- In another case, a carer was frustrated with the response of an advice-based third sector organisation who she consulted about resolving her granddaughter's employment issue.

'Could they not have phoned her employer on her behalf? ... I would have liked someone to have stepped in and taken over some of the responsibility with the phone calls.' (Carer)

- A respondent with multiple overlapping vulnerabilities is extremely frustrated at the lack of progress in an immigration case involving her husband. In this case, the individual feels that her husband's solicitor is not sufficiently responsive to her needs, particularly in terms of keeping her up-to-date:

'I would like him to ring me every single day. I would like to ring him at twelve o'clock at night and he answers the phone. They should prioritise their work load and put themselves in the family's situation. Have more compassion.' (Individual with mental health problems)

Although dissatisfied, each of these respondents prioritised making progress with their legal issue, rather than complaining about the legal advice they had received. Carers appeared to be the most likely to make a complaint, although none had yet made specific complaints about a legal services provider:

'I could make a complaint, but this woman is still working with my mum. But if I don't make a complaint she'll go on doing things wrong.' (Carer)

'I haven't thought about making a complaint about her; I have so much on my plate and I don't have the energy. I might do ... she shouldn't be allowed to deal with people with mental health issues.' (Carer)

4.6 To what extent are the legal needs of the study being met?

To help us address this question, we have used the Legal Services Consumer Panel's consumer principles framework, which also forms part of its guidance document on consumer vulnerability¹¹. The purpose of the framework is to provide a simple tool for regulators to help them think about the consumer interest in a structured way. It is based on a set of seven core principles that are commonly used by consumer organisations for working out how particular issues or policies are likely to affect consumers. Below we use this framework to analyse how our sample had accessed and used legal services.

- Can consumers access services in a timely, affordable and accessible manner?
- Do they receive the right advice?
- Is there a choice of suppliers?
- Do consumers have the right information to make choices?
- Are some consumers unfairly discriminated against?
- Can the access redress if something goes wrong?
- Do vulnerable consumers have a voice in shaping how legal services are delivered?

4.6.1 *Can consumers access services in a timely, affordable and accessible manner?*

Most respondents felt that legal services were available to them within a reasonable amount of time; the only exceptions were those who felt that they needed to wait too long to access free advice from advice-based third sector organisations.

Amongst this sample of individuals with mental health problems and carers of individuals with mental health problems there was considerable concern about the

¹¹ *Recognising and Responding to Consumer Vulnerability: a Guide for Legal Services Regulators*. Legal Services Consumer Panel, October 2014

cost of accessing legal advice, and considerable reliance on free services (from advice-based third party organisations) and free aspects of services (e.g. a 'free first half hour' offered by solicitors).

The extent to which individuals with mental health problems and carers of people with mental health problems felt able to access services varied. Many of those who felt that their mental health problems created relatively low-level difficulties for them when accessing legal services felt that they had been able to access services. However, there was clearly a group of respondents (both carers of those with mental health problems and individuals with mental health problems) who felt that legal services were more difficult to access for individuals whose symptoms created relatively significant difficulties for them.

4.6.2 Do they receive the right advice?

Given that our data is based on respondents' perceptions, it is impossible to judge whether they received the 'right' advice. However, there was some diversity of views among respondents as to whether they had been given the right legal advice. Most felt that they had received competent and professional advice, even if they had decided not to act on it.

However, as described in 4.5.2, some individuals with mental health problems and carers of those with mental health problems felt less positive about the advice they had received, largely because the advice they had received had not helped them through their legal difficulties. For carers, a more joined up overview was required: if this legal provider cannot help me, then who can?

4.6.3 Is there a choice of suppliers?

Respondents felt that there was an adequate choice of suppliers and the sample included those with experience of advice from solicitors and advice-based third sector organisations. However, among this group there was evidence to suggest that few

were taking full advantage of the range of choices available, due to the limited search for providers (as described in section 4.4).

4.6.4 Do consumers have the right information to make choices?

Respondents from this group found information from a range of providers (e.g. third sector organisations as well as solicitors) as well as different channels e.g. online, word-of-mouth. However, as described in 4.5.2, some carers faced complex situations where they felt that they lacked overall guidance about what to do.

More generally, there were factors which prevented some respondents from accessing the advice available, for example: symptoms which made it difficult for some from engaging with legal information and advice, and situations in which respondents felt it was more difficult to understand the information and advice they were being given e.g. police stations.

Overall, respondents wanted to be sure that they had understood the legal advice they had been offered, which they felt would be achieved if: explanations were 'jargon free', if they felt comfortable to ask questions or for information to be repeated, and if they were provided with a report of their meeting written in plain English.

4.6.5 Are some vulnerable consumers unfairly discriminated against?

Only one respondent felt that she had been actively discriminated against (as described in section (4.4.1), on the basis that she could not find a legal provider willing to take on her case. However, several others felt that legal services providers lacked an understanding of their particular needs (which had been identified), which they felt put them at a disadvantage when accessing services (as described in section 4.2).

'They dealt with him very well and they did try to direct all the questions at him rather than me which was good. But ultimately, they weren't sure how to deal with him [brother with a diagnosis of schizophrenia] effectively or differently from their everyday client. Every time they asked a question he became confused, agitated and paranoid.' (Carer)

4.6.6 Can they access redress if something goes wrong?

A minority who were dissatisfied with the service they had considered making a complaint, but none reported actually doing so. In reality, dissatisfied customers prioritised resolving their legal issue. The barriers to complaining were worries about compromising any ongoing relationships and a lack of time and energy.

4.6.7 Do vulnerable consumers have a voice in shaping how legal services are delivered?

It was clear that most respondents who felt that their mental health problems created low-level difficulties for them when accessing legal advice felt that legal services providers had catered for their needs. Equally, others felt legal services providers could do more to help consumers whose symptoms created relatively significant difficulties for them when engaging with legal services providers, particularly when these difficulties have been disclosed.

5. Conclusions

There were a broad range of risk factors (and often, overlapping risk factors) that contributed to individuals with mental health problems being vulnerable when seeking legal advice. They included: age, low income, low literacy, inexperience with seeking legal advice, experience of relationship break down, physical disabilities, health problems, lone parents, carers, loss of income, release from prison and living alone.

There were two broad groups within the sample:

- There were those who felt that their mental health problems created relatively low-level difficulties for them when engaging with legal services providers. This group were less likely to disclose their mental health problems and were more likely to feel that their needs had been met.
- There were those who felt that their mental health problems created significant problems for them when engaging with legal services providers. This group were more likely to disclose their mental health problems and were less likely to feel that their needs had been met.

As a whole, the sample group expressed some level of anxiety about using legal services. These anxieties were typically expressed as apprehension about: the total cost likely to be incurred; not being able to understand jargon and technical legal language; and a pervading sense of feeling intimidated by legal professionals.

Respondents across this sample were clear about how they would like interactions to be planned and conducted. They offered clear suggestions for what they would find helpful in future. This included:

- Feeling listened to and understood, which was felt to involve actively engaging the individual, acknowledging the difficulty of their situation and responding sympathetically.
- Feeling that they had understood the advice given, due to the clarity of the verbal explanation and written follow up information, both of which should be 'jargon free'.
- Feeling comfortable to ask questions or ask for information to be repeated.
- And, if disclosed, adapting the interaction to support individuals with symptoms.
- Continuity of personnel was also much valued.

The ingredients for successful interactions were even more critical for those who felt that their symptoms created relatively significant difficulties for them when accessing legal advice, as well as those accessing legal advice in stressful environments (e.g. police centres, detention centres). These groups also felt that they needed the reassurance of regular and consistent communication from legal services providers.

More broadly, respondents across this sample were clear about what they would find helpful in future: offering a 'jargon-free' service and being transparent about costs.