



LEGAL SERVICES
BOARD

Reshaping legal services

A Welsh discussion event

7 June 2021

The Legal Services Board hosted a virtual event for legal practitioners, academics and consumer advice groups in Wales, to explore the themes of its consumer-focused strategy for the sector, [Reshaping Legal Services](#), published earlier this year. Thank you to those who attended and shared their thoughts and experiences.

Below we set out some of the comments that were made by those who attended. These will help increase our understanding of the diverse issues facing the legal services sector, particularly in Wales, and feed into our ongoing work as we continue collaborating to tackle the challenges.

Access to justice

Points raised by participants included:

- While it is hard to establish reliable data sets, there are indications that some groups of people, particularly disabled consumers, are worse-off in Wales than in England when it comes to access to justice. There is a need to boost sample sizes of underrepresented groups in research in order to fully understand the challenges facing different groups of people in Wales, but there is a financial cost associated with this.
- Some felt the need for a coordinated, holistic approach to access to justice in Wales – down to changes in public transport schedules. Participants considered whether there could be a hub and ‘spoke model’ for delivering legal advice, similar to the CAB network. They also considered the need for a fully-funded public advice service to provide information and support on areas such as benefits and welfare that we often under-serve by law firms.
- The third sector has an important role in addressing access to justice in Wales, but there is a need for more sustainable funding of the sector. Currently, funding tends to be project-based, and it is focused on new rather than existing projects. There is also a need to map the third sector to understand the range of agencies that could help improve access to justice.
- Some participants saw a real need for more government funding for access to justice and legal aid.
- Collaboration between law firms, the third sector and government is important in helping address access to justice challenges.
- There was a view that while devolution can limit the extent to which the Welsh government can overcome the access to justice challenges in the sector, there is work underway to reform the tribunal system in Wales that could help address some access to justice challenges in the context of administrative law.
- There was a view that there are issues specific to Wales in terms of access to justice, including the ability of Welsh speakers to access services.
- Participants felt ‘Caravan courts’ could work in Wales as a way to save victims, witnesses and defendants from travelling significant distance to attend hearings. They have been shown to work in other jurisdictions.
- We must learn from the positive improvements that Covid-19 has made on access to justice, but we must not just assume that everything has been positive.

Technology in legal services

Points raised by participants included:

- Some expressed that we should be clear with definitions of particular terms when talking about technology in legal services. There is a need to separate the various issues at play, such as internet connectivity and digital exclusion, and how government initiatives may be limited in addressing such issues.
- A variety of online initiatives in Wales are helping deliver access to hard-to-reach groups, including the development of a visualisation app that helps consumers understand the different pathways open to them in resolving particular legal issues and a project on helping increase access to legal services for veterans.
- Some reflected that technology can blur the lines between support and advice. Many advisors are now being asked to offer digital support, while support staff are sometimes asked for advice
- There was a view that technology could be used to improve access to justice, however, online legal services and digital courts are unlikely to help some groups of people. Virtual court rooms rely on the quality of broadband connections and on everyone participating in a hearing having access to technology.
- Technology could help to improve connectivity between different referral services and create a directory that referral services can use to ensure that people gain access to services when they need them.
- Covid-19 has driven considerable changes in Wales, and there are examples of new, purely online services being created, including law clinics. However, there can be an assumption that everyone has access to a computer and reliable broadband.
- Some participants felt there is real interest in the potential of technology to transform legal services and that the small step-changes will add up to a wholesale system change.

Diversity and inclusion

Points raised by participants included:

- Participants reflected on the broad focus on gender and ethnicity in diversity discussions in legal services; however, there are specific diversity concerns in Wales, like the unique challenges experienced by Welsh speakers. Social mobility and socio-economic diversity are also particularly relevant to Wales.
- Urban centres in Wales likely reflected wider patterns in England and Wales. However, other parts of Wales probably had distinct issues. Some participants reflected that some areas had 'gone backwards' in terms of access to the profession, with the high cost of qualifying being a significant barrier to entry for many living in some Welsh regions.
- There are initiatives underway to improve cultural capital, and to expand networks that can help address some of the challenges identified.
- Geography was seen as particularly relevant in the context of diversity and inclusion, with some participants reflecting that Covid-19 had made geography less relevant. Others still saw risks of 'brain drain' from certain areas to London.
- Overall, there is a real need for the LSB to take an expansive view of diversity and inclusion and to consider issues facing Welsh language speakers and how social mobility can limit access to the profession.

Market transparency

Points raised by participants included:

- Many providers are unregulated, and there are examples of unregulated will providers who were more costly than regulated providers but were still chosen as the preferred provider by many people.
- There is strong support for transparency, but this needs to be applied across the board to all providers.
- Participants noted a need to recognise that the asymmetry between clients and legal providers means that consumers are often only placed to comment on service issues and not technical abilities or outcomes. There was also a sense that being less prescriptive is better as consumers are best placed to comment on what is relevant to them.
- Transparency of experience goes beyond clients and consumers and encompasses wider court users, such as the bar, the bench and litigants in person (LiP).
- The 'trusted advisor' relationship between consumer and provider can be different in Wales, and it is different again in rural Wales compared to the bigger cities.