

Evaluating Consumer Action's consumer legal advice service

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Overview

Consumer Action uses various strategies to improve the lives of Victorian consumers and advance fairness in the marketplace, including undertaking public interest litigation, publishing legal information, advice and training to community workers, and financial counselling. All these services are directed towards advancing systemic legal and industry change by a dedicated Policy and Campaigns team with the aim of obtaining just outcomes for all consumers, particularly for vulnerable and disadvantaged consumers.

This evaluation report provides an overview of a series of “Snapshot Evaluations” of Consumer Action’s consumer legal advice service. This service is dedicated to empowering consumers through minor advice and assistance, which allows consumers to self-advocate. Since it was established, Consumer Action’s consumer legal advice service has spoken to thousands of Victorians. Lawyers staff the service and provide information and advice on a wide array of consumer issues, including defective goods and refunds, unsolicited sales, banking and credit, debt collection, insurance, and unfair contracts.

This report also includes commentary about the ways in which Consumer Action reflects on its practice and constantly seeks to improve its services as it works towards its overall vision of ‘just outcomes, for and with consumers’.

The consumer legal advice service has two primary objectives:

- To help disadvantaged and vulnerable consumers who contact our service to get the best outcome possible taking into account their legal rights, resources, and avenues of redress;
- To identify systemic issues affecting consumers and to raise these in a way to best effect industry and regulatory change for the benefit of all consumers, especially disadvantaged and vulnerable consumers.

The 'snapshot' evaluations were undertaken by Dr Liz Curran of Australian National University between 2013 and 2015. The evaluations were designed to assess the extent to which Consumer Action is achieving the first abovementioned objective. By publishing this work we endeavour to share with the legal assistance sector our work and thinking on ensuring that our minor advice and assistance empowers our clients to get the best outcome possible.

Service offered

Consumer Action's consumer legal advice service is open to the general public, and a triage system is designed to best target resources to those in most need. The advice service is offered via a free call telephone line as well as via email.

This evaluation considers the effectiveness of the service for those that are able to self-advocate following the provision of information and advice. Self-advocacy is an option for many callers to the service, particularly for simple matters which involve a consumer negotiating with a trader or creditor or complaining to a forum designed for consumers to use themselves, such as a 'small claim' in VCAT or an industry Ombudsman scheme.

Assistance to undertake self-advocacy can empower many consumers to resolve their own problem. The service regularly refers callers who are able to self-advocate to self-help kits and provides template documents for consumers to use.

Self-advocacy also means that legal resources can be directed to those that are unable to advocate on their own, including those that experience disadvantage. Where it is identified that a consumer cannot self-advocate, the advice service operates as a 'hub and spoke' model with referrals to Consumer Action's legal practice, financial counsellors, other consumer advocates, or lawyers who will act pro bono.

Assessing outcomes achieved through self-advocacy is important. This is because the provision of information may not be enough—indeed, the provision of information to someone who cannot take action may increase the harm experienced.

Following an independent review of Consumer Action's consumer legal advice service in 2012, the advice line provides services as outlined in Figure 1. The service levels allow for minimal time to be spent with people that cannot be assisted by the service and maximal resources to be devoted to disadvantaged consumers to assist them to achieve meaningful outcomes. Resources can also be dedicated towards matters which may produce a public interest outcome.

Figure 1: Consumer Legal Advice Service model



The importance of assessing outcomes

Evaluation methodology

The focus of the 'snapshot' evaluations was to determine where the service enabled the client to obtain the best outcome possible taking into account their legal rights, resources, and avenues of redress.

The methodology involved Dr Curran calling back a small sample of clients whose files were closed during a 'snapshots' period (generally six monthly from November 2012 to May 2015). For each snapshot, between 20 and 40 clients were contacted. Clients were asked some simple questions to determine the following:

- Whether the client knew and remembered speaking with a Consumer Action lawyer and how easy it was to find the service;
- Whether the client understood the advice provided;
- Whether the client found the advice practical;
- Whether the client encountered any barriers in following the advice and, if so, what those barriers were; and
- Whether the client obtained a good/positive outcome compared to what might be a reasonable outcome based on the merit of the matter.

Importantly, clients were contacted months after their file was closed to ensure that we were accurately assessing whether an appropriate outcome was achieved with their dispute or problem.

Dr Curran, being a qualified lawyer, was also able to provide further legal advice or guidance in the evaluation calls should that be required by the client.

Effort was made to seek feedback from those who might be vulnerable or disadvantaged. This was done through focusing on callers who had lower income levels, or where the initial advice indicated some form of vulnerability or disadvantage.

Being 'snapshot' evaluations, the sample size was generally limited and thus findings should be considered in that context.

Results and actions

The 2013 evaluation resulted in qualitative findings. The evaluation found that most clients were very happy with the service they received.

Quotes: "Very helpful"; "Reassuring, gave me peace of mind"; "Wouldn't have known what to do without this help".

It also revealed, however, that the more articulate and resourceful the client, the more likely they are to have achieved an outcome. For clients with some form of disability, poor education, low literacy or low income, the evaluation revealed that

they were sometimes confused by the advice, felt overwhelmed, did not collate or obtain the documents that would have helped them progress their matter, or were rebuffed by traders.

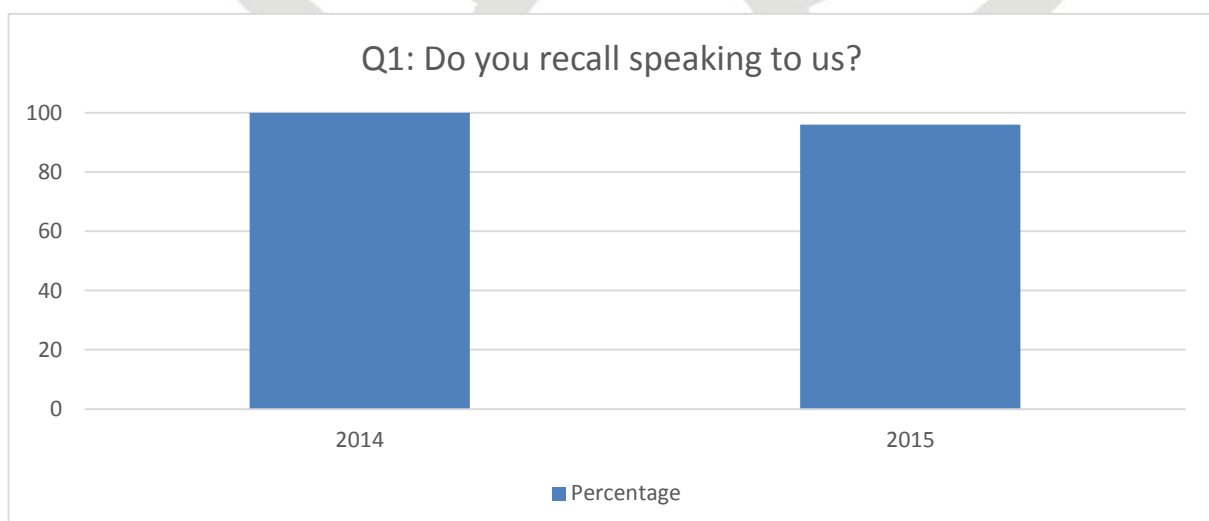
Case study: One man with limited literacy received advice about returning a product. After receiving advice on his rights which he thought was 'easy to follow', the man went back to the seller but was rebuffed. On apologising for the product not doing what the seller had promised, the seller told the man he had no rights and had to keep the product. The man accepted that the seller must be right. In the evaluation call, the man indicated 'he probably needed more help as I didn't know what else to say to the seller'.

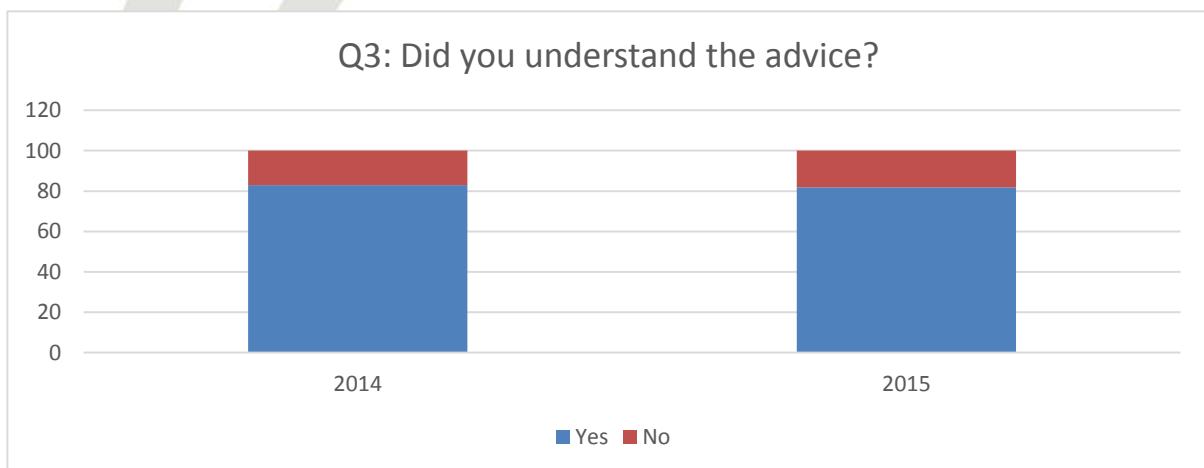
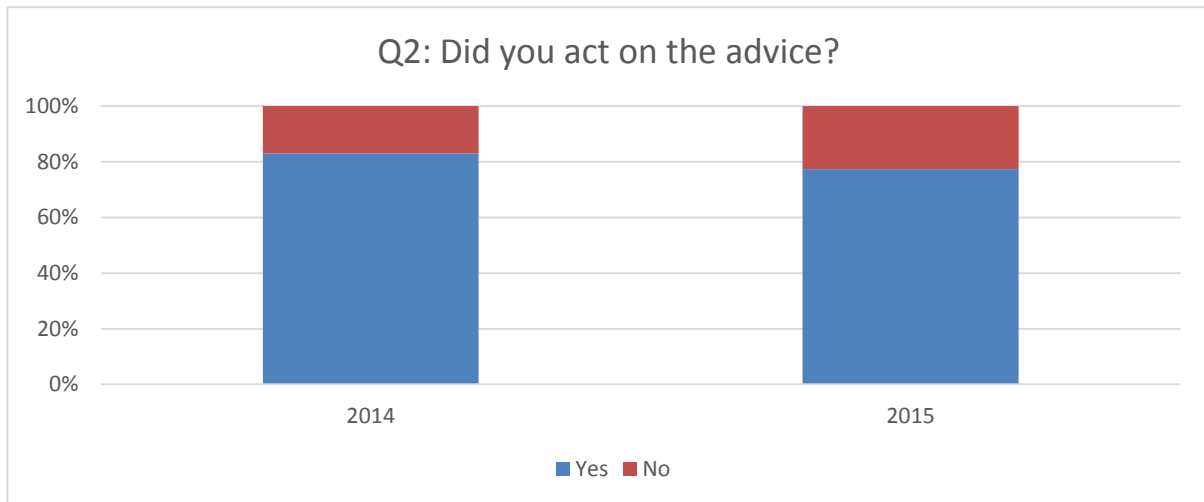
Additional support for vulnerable and disadvantaged consumers

Consumer Action's triage model is based on research which found that 'the disadvantaged with low literacy and poor communication may not understand phone advice or be able to act on it and that it may need to be supplemented with additional measures'.¹ Other research has similarly found that the more vulnerable experience barriers to acting on the advice they receive which may prevent them from taking steps to obtain a favourable outcome in the dispute.²

Reflecting on the evaluation and research, Consumer Action adopts additional measures to identify and support vulnerable and disadvantaged callers. This includes flagging more disadvantaged callers (or callers that may experience a barrier to taking action) for a follow-up call at a future time. The purpose of a flagged follow up is to check whether the consumer has understood and acted upon the advice and assistance given.

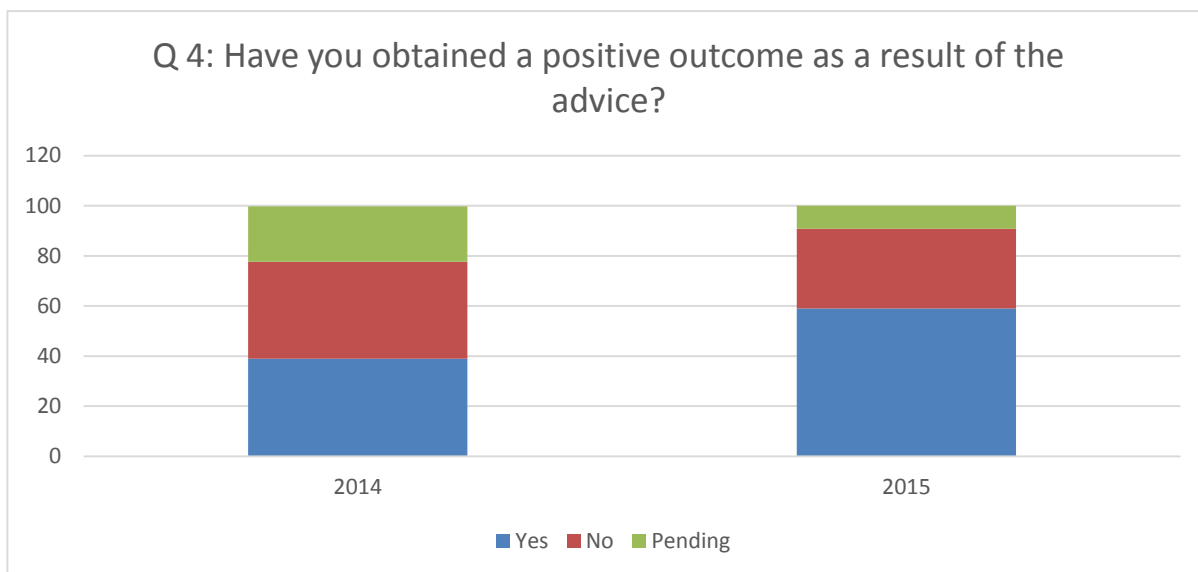
The 2014 and 2015 evaluations resulted in quantitative as well as qualitative results. The quantitative results are as follows:





2014 qualitative responses: “Yes, very worried and I got to know what to do and the right way to go about it”

2015 qualitative responses: “Yes and the fact sheets”; “Lawyer was very gentle, concerned about my position”; “Yes, absolutely. I was so stressed and overwhelmed. I could not have put it that way (to the other side) without your help”.



2014 qualitative responses:

- *Negative: "car was repossessed – just got a letter but was confused"; "couldn't make the complaint to the credit ombudsman on my own".*
- *Positive: "bank gave me the money when I asked"; "amazing result: got a new card thanks to you guys"; "got a discount by challenging them"*

2015 qualitative responses:

- *Negative: "the need to get an independent report was too expensive and too much hassle"; "the way the tribunal member dealt with it did not seem to know the consumer laws, they took the view that I had signed the contract and was so bound despite the consumer laws"*
- *Positive: "Got my money back"; "Card had the credit put back on it"; "I was frightened but I pursued my rights because of your advice"*

The most recent snapshot evaluation was overwhelmingly positive, with 94 per cent of respondents being positive in their overall feedback to the questions. It also found that vulnerable and disadvantaged groups provided positive feedback and reported support being provided. A smaller group of those surveyed (13 per cent) found that although they thought the advice was good, understandable and easy to follow, they did not act on the advice due to illness or being overwhelmed with other issues. Staff continue to reflect on why callers don't take action, and develop strategies to support them to do so.

Future considerations

Consumer Action will continue to evaluate and refine its service in response to client feedback. Efforts will be directed to:

- Ensuring the service has reach among target groups of vulnerable and disadvantaged consumers;
- Quality of service provision as well as client feedback;

- Obtaining positive outcomes that accord with legal rights;
- Contributing to systemic change, through client experiences informing law reform, the work of regulators and the conduct of business.

Other ways Consumer Action’s legal services meet the needs of the vulnerable and disadvantaged

Monitoring and evaluation framework

Consumer Action adopts a monitoring and evaluation framework of which the “snapshot evaluations” form part. Other parts of the framework include call monitoring and file reviews undertaken by the coordinator of the consumer legal advice service, and review of call data such as wait times and abandonment rates. Consumer Action has recently installed call recording software to better enable self-assessment and reflection by lawyers and financial counsellors.

Holistic services—integrated services with financial counsellors

Research has found that the most disadvantaged often do not see a lawyer about legal problems, but do approach other trusted advisers. Research has also found that the coordination of legal and related support services provided to clients with complex needs reduces the impact that legal problems have on these clients’ lives.³

Consumer Action delivers holistic services by being co-located with financial counsellors, as well as providing services and training to off-site financial counsellors and other non-legal support workers. Financial counsellors are qualified professionals who provide information, support and advocacy to people in financial difficulty.

Referrals between financial counsellors and lawyers enable each professional to focus on their area of expertise. Co-location also facilitates a situation where financial counsellors and lawyers can work as a team to provide a holistic solution to the client’s problems.

Consumer Action also supports community workers through offering a dedicated community worker advice service. This service provides secondary consultations that enable workers to assist their clients to identify legal problems, navigate the legal system and find appropriate dispute resolution and referral pathways. This extends the reach of legal services well beyond the lawyer. Plans to evaluate our telephone worker advice service in the 2015/2016 financial year are underway.

A strategic approach—systemic advocacy

Consumer Action has a strategic approach to problem solving which identifies and responds where systemic change is required so as to prevent the revolving door of problems or to fix legislative and administrative failings. Consumer Action has for many years worked with governments, regulators and corporations, including in an advisory capacity, to bring about positive law reform and improved responsiveness to the needs of the most vulnerable.

Strategic approaches commonly involve coordinated campaigns involving trend identification, research and further investigation, policy work, community education, advocacy, media, direct action and lobbying. Consumer Action has strong relationships with industry peak bodies, regulators and key government departments which seek our feedback and input. Consumer Action has contributed to system-wide outcomes for consumers by using a strategic approach, including unsolicited sales (the Do Not Knock sticker), fringe credit including payday lending, unsolicited credit card offers, and energy hardship.

For more information about this work please contact Tom Willcox or Jillian Williams, Co-Directors Legal Practice on (03) 9670 5088 or dlp@consumeraction.org.au

Appendix: Indicators of a highly effective and quality service

The following are indicators of a highly effective and quality service, as used by Consumer Action:

- Accessible
- Appropriately targeted service
- Efficient use of resources
- Accurate identification of the client's practical and legal problem
- Practical, thorough and accurate legal advice and assistance
- Responsive to client barriers, needs and resources
- Communication in a manner which the client can understand and act on and which is respectful
- Appropriate legal and non-legal referrals
- Systemic issue identified and acted upon

1 Legal Australia-wide Survey on Legal Needs in Australia, p 215

2 Shearer, Elizabeth, "To study telephone legal advice services for low income and disadvantaged people" (2003) <http://www.churchilltrust.com.au/site_media/fellows/Shearer_Elizabeth_2003.pdf>

3 Curran, Liz, "Breaking down barriers", July 2015, 89(7), *Law Institute Journal*, p 34.