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About HLPAs

3. HLPAs are an unincorporated organisation of solicitors, barristers, advice workers, environmental health officers, academics, and others who work in the field of housing law. Membership is open to all those who use housing law for the benefit of the homeless, tenants and other occupiers of housing. It has members throughout England and Wales.

4. HLPAs have existed for over 25 years. Its main function is the holding of regular meetings for members on topics suggested by the membership and led by practitioners particularly experienced in that area, almost invariably members themselves.

5. HLPAs are regularly consulted on proposed changes in housing law or on legal changes which may impact on housing law (whether by primary or subordinate legislation or statutory guidance). HLPAs's responses are available at www.hlpas.org.uk.

6. I myself have worked as a housing law specialist caseworker for over twenty years and I became co-chair of HLPAs on 18th March of this year. My fellow co-chair, Marina Sergides is a barrister specialising in housing law at Garden Court Chambers and we became co-chairs at the same time.

HLPAs and COVID-19

7. Right from the outset of our appointment Ms Sergides and I have been working on developments in relation to the COVID-19 public health crisis that are of important concern to our members.

8. We noted that on 18th March 2020 there was a government press release entitled: "Complete ban on evictions and additional protection for renters".¹

9. On the same day - 18th March 2020 – HLPAs issued a statement through its website calling for the Ministry of Justice and HM Court Service to (a) place a moratorium on all *existing* possession claims and housing possession court duty schemes and (b) make payments of average fixed amounts to suppliers during this time. This was in response to

¹ <https://www.gov.uk/government/news/complete-ban-on-evictions-and-additional-protection-for-renters>

the government announcement that *new* evictions and possession proceedings were to be halted during the crisis.²

10. On 25th March 2020 the Coronavirus Act 2020 came into force. The provisions of particular relevance to HLPAs members are at section 81 and schedule 29 of the act.

11. On 27th March 2020 Practice Direction 51Z: Stay of Possession Proceedings, Coronavirus became effective by way of the ‘117th Practice Direction Update to the Civil Procedure Rules – Coronavirus Pandemic related’. The Practice Direction was later amended on 18th April 2020 by way of an amending Practice Direction and the 120th Practice Direction Update to the Civil Procedure Rules – Coronavirus Pandemic related.

12. On 30th March 2020 I had a telephone meeting in my capacity of co-chair of HLPAs and practitioner with Mark Nicholas of the Private Rented Sector Division of the Ministry of Housing, Communities and Local Government. The meeting was to discuss the government proposal at that time to extend the pre-action protocol for housing possession claims to private landlords and Mr Nicholas was seeking expert views from the sector.

Proposed intervention in the present appeal and the parties’ positions

On 22nd April 2020 HLPAs became aware of the present appeal and after careful consideration decided that it would be appropriate to make an application for permission to intervene. As the only major representative body for lawyers representing tenants and other occupiers, HLPAs believes that it would be able to provide valuable assistance to the Court in understanding the effects of the COVID-19 pandemic on these parties ability to comply with case management directions.

13. On 23rd April 2020 solicitors instructed by HLPAs wrote to the solicitors for the Appellants and the Direct Access barrister for the Respondents informing them of our

² <http://www.hlpa.org.uk/cms/2020/03/hlpa-statement-on-covid-19-crisis-and-housing-possession-court-duty-schemes/>

intention to apply for permission to intervene and with a summary of the basis for that intervention (SM1 pp 8-13), asking them to confirm their agreement:

- a) that permission should be granted for the intervention;
- b) that HLPAs should be permitted to intervene in its own name without an order under CPR r.19.6, or alternatively that I be named as intervener; and
- c) that any intervention be on a no-costs basis (i.e. that, regardless of the outcome, HLPAs would not seek costs against any of the parties and the parties would not seek costs against HLPAs).

14. Both parties responded on 24th April 2020 (SM1 pp14-15). Both confirmed their agreement that any intervention should be on a no-costs basis and the Respondents confirmed their agreement to the other two matters.

15. The Appellants, however, indicated that they would oppose HLPAs's application for permission to intervene on the basis that:

- a) the Appellant's case does not affect the position of tenants and borrowers in "standard" possession proceedings, "except where the directions have been agreed or the Court decides that it is appropriate to lift the stay"; and
- b) the Lord Chancellor would be making an application to be joined to the proceedings, such that the Appellants anticipated that any submissions HLPAs might usefully make will be made by the Lord Chancellor.

16. In relation to these points:

- a) The outcome of the appeal clearly has very significant implications for "standard" possession claims (however that might be defined) and for a large number of clients of HLPAs members: If the Appellants succeed in persuading the Court that PD 51Z is ultra vires (Ground 1) then it will cease to apply to all possession claims; similarly if the court has the power to lift the stay where it decides that it is "appropriate" (notwithstanding the absence of agreement between the parties) (Ground 3), then it would presumably have such a power in all cases.
- b) We have not been provided with any information about the Lord Chancellor's proposed intervention. However, the assistance that he can provide the Court is

clearly be very different to that which can be provided by HLPAs, not least given the extensive evidence that has been collected from HLPAs members as set out below.

HLPAs call for evidence and summary of responses

17. On 22nd April 2020 HLPAs put out an urgent call for evidence to its members through its website, by email and social media. We were assisted by other organisations such as Law Centres Network and others in publicising the request. A copy of the request can be found at SM1 pp 6-7.

18. We received 44 responses which span the geographical region of England and which include a representative mix of private firms, law centres and other charitable organisations. The national housing charity Shelter contributed responses from seven of its solicitors from around the country. A schedule setting out the responses can be found at SM1 pp 16-111.

19. The main themes of the responses can be summarised as follows:

- a) The vast majority of HLPAs members' possession work is funded by legal aid. This means that their clients will fall within the poorest section of society (having a disposable income of no more than £733 per month³, as compared with the UK median household disposable income of £29,600 per annum or £2,466.66 per month⁴).
- b) A significant proportion of members' clients are also vulnerable as a result of physical and/or mental health problems, as a result of which they find it difficult properly to understand information and provide their solicitors with documents and instructions even face-to-face.
- c) A significant proportion of members' clients do not have the technology to assist with properly providing instructions remotely (because e.g. they do not have computers or smartphones, or because they have restricted data allowances), lack the aptitude to use the technology and/or are unable to give instructions remotely

³<https://www.gov.uk/guidance/civil-legal-aid-means-testing#eligibility-limits>

⁴<https://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/incomeandwealth/bulletins/householddisposableincomeandinequality/financialyearending2019>

for other reasons (e.g. childcare obligations or lack of private space to discuss confidential matters).

- d) Many members are themselves small organisations, with limited IT facilities to support staff working from home and limited resources to be able to invest in such facilities.
- e) Half of those members who responded said that they had also furloughed staff, in anticipation of a reduction in work because of the lockdown and presumably at least in part because of PD 51Z.
- f) Members indicated that it is all but impossible to obtain the expert evidence that is necessary in many possession proceedings (primarily in relation to disrepair and mental and other health problems).
- g) Although the majority of members did not indicate any additional difficulties in dealing with the Legal Aid Agency during lockdown (beyond those that already existed) in relation to ongoing cases, a significant number expressed concerns about obtaining means evidence from new clients so as to ensure that they would ultimately be paid for their work.

20. As a consequence of the above, HLPAs members consider the blanket stay under PD 51Z as being protective of their clients and preventing them from being at a significant disadvantage in housing possession litigation as a result of the current circumstances.

21. The responses to the individual questions can be summarised as follows:

- a) Q1 – *What percentage of your work is housing law which would be affected by PD51Z?*

On average the caseload of the respondents to this question affected by PD51Z is roughly 53%, with the range of responses being between 5% and 95%

- b) Q2 – *What percentage of that is legally aided, charity funded or pro bono?*

On average of the caseload reported in Q1 affected by PD51Z roughly 93% is legally aided, with the range of responses being between 12% and 100%. The vast majority of the evidence relates to legally aided work on behalf of tenants.

- c) Q3 – *What percentage and number of your housing team are furloughed currently?*

36 respondents answered this question and of those 18 (50%) reported that they had furloughed staff who would be working on relevant cases, with the estimated proportion of total capacity furloughed ranging from 5% to 70%.

- d) Q4 (i) – *What working arrangements do you have for: Seeing clients face-to-face*

All but five respondents reported that they were not seeing and/or could not see clients face-to-face. It can be inferred from the answers of the five that did not answer in that way, that their capacity to see clients face-to-face was drastically reduced and in some cases was theoretical rather than happening in practice.

- e) Q4 (ii) - *What working arrangements do you have for: Seeing clients digitally (Zoom, Skype etc)*

31 out of 39 responses to this question (79%) indicated that they were not able to use video conferencing technology to interact with clients or they had serious concerns about their client base's ability to access and/or use this technology due to client vulnerability, lack of access to and/or ability to use relevant technology. Specific problems included clients' lack of access to a computer or smartphone, lack of access to a sufficiently reliable internet connection, restricted internet data usage and lack of privacy at home. While our call for information did not ask the question, it follows that our members' clients would also struggle to exercise their right to participate in directions hearings by remote technology.

Some responses also indicated that members' staff themselves would have difficulty seeing clients digitally, due to their lack of appropriate IT facilities.

- f) Q4 (iii) & (iv) – *What working arrangements do you have for:*

(iii) Sending and receiving documents to and from clients and other parties;

(iv) Getting signatures on documents.

23 of 40 responses (57%) reported serious operational difficulties with sending and obtaining documents and/or obtaining relevant signatures from clients. In relation to sending and receiving physical documents, the problems reported include the absence of administrative and other staff from members' offices, clients and staff lacking printers and scanners at home, clients' inability to deliver documents in person, clients' reluctance to send hard copy documents by post and/or lack of funds to do so, and postal delays. In relation to electronic sending and receipt, problems reported were similar to those under Q4 (ii), above.

g) Q5 – *What percentage of your clients (if any) are able:*

(i) safely to travel to receive advice face to face if you are presently able to provide this service;

(ii) adequately to respond to you using the alternative arrangements you have in place (such as Zoom, email, Skype?)

31 out of 36 responses (86%) reported serious difficulties with having clients adequately interact with them in relation to work to comply with directions. The vast majority are not offering face-to-face appointments and, in relation to alternative arrangements, the reasons given are very similar to those in Q4 (ii) above.

h) Q6 – *While understanding that clients' skills and abilities vary, please provide details of any experience or observations as to your client group's ability or otherwise, in the current circumstances, to:*

(i) receive advice as to their obligations in law and the civil procedure rules (including but not limited to disclosure obligations and the implications of a statement of truth);

(ii) collate and get to you documents such as those required for disclosure under CPR 31;

(iii) provide adequate instructions (including on documents disclosed by other parties) in order to finalise witness statement evidence under CPR 32;

All but two of the responses reported significant difficulties in being able to communicate to clients the advice needed to ensure they understood their duties in relation to disclosure and statements of truth and in obtaining adequate instructions for a witness statement. Reasons cited were a range of vulnerabilities of the client bases, people having caring obligations in the current lock down situation which meant their attention span on long phone calls is limited, and the general difficulty in managing these issues without the benefit of face-to-face contact.

- i) Q7 (i) - *Please provide details of any experience and/or observations in relation to the practicalities, in the current circumstances, of:*

(i) dealing with the Legal Aid Agency;

The majority of members did not indicate any additional difficulties in dealing with the Legal Aid Agency during lockdown (beyond those that already existed) in relation to ongoing cases.

However, the majority expressed concerns about obtaining means evidence from new clients so as to ensure that they would ultimately be paid for their work. Respondent 10's answer in particular (SM1 pp 86-87) demonstrates that even if emergency legal aid can be obtained, substantive legal aid which would be required to comply with directions remains deeply problematic.

The amendment to PD 51Z clarified that possession proceedings may be issued but would be immediately stayed. In those circumstances, it is unlikely that a solicitor would make an application for legal aid as there would be no work to be undertaken until the end of the stay.

However, in a scenario where possession proceedings could be issued and accompanied, or followed shortly after, by an application to lift the stay, an application for legal aid would become necessary. This would include, as a bare minimum, clients providing the past three months' statements for every bank

account held by themselves and their partner (see the Civil Representation Financial Assessment Forms Checklist⁵). Further required evidence might include wage slips, recent profit and loss accounts, evidence of another person's means if they might benefit from the proceedings, and much else besides depending on the client's income and capital situation. The Lord Chancellor's 'Guide to determining financial eligibility for certificated work' runs to 128 pages.

j) Q7 (ii) - *Please provide details of any experience and/or observations in relation to the practicalities, in the current circumstances, of:*

(ii) instructing expert witnesses.

Virtually all responses reported that it is not possible to obtain adequate expert evidence due to experts simply not working at the moment (mainly surveyors) or the inability of experts to do necessary face-to-face work with clients (mainly medical experts). Many responses again refer to the vulnerabilities of their client group and the need for expert evidence of those vulnerabilities in order to properly advance their case.

k) Q8 – *Please provide any other comments on your/your organisation's and your clients' ability to manage case management directions in possession actions of all kinds in the current situation.*

Many respondents wanted to give examples of how case management directions are dealt with between them and their clients in normal times as a way to show how, even with the technology that is theoretically available, that is not possible at the moment. See in particular the answers to Q8 from respondents numbered 2, 3, 5, 7, 10, 13, 25, 31, 32, and 35.

Other comments

22. For the reasons set out above, many of our members and/or their clients would find it excessively difficult, if not impossible in many instances, to comply with directions during the lockdown period.

⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/345989/Financial_assessment_forms_checklist.pdf

23. These difficulties must be viewed in the context of the already overstretched capacity of the sector, as a result of successive cuts to legal aid, as set out in the Law Society's Parliamentary Briefing, 'Housing legal aid deserts' (April 2019) (SM1 pp 1-5). The keys finding of the Law Society's research were that:

- a) More than half of all local authority areas in England and Wales - covering more than a third (37%) of the population - live in local authorities which do not have a single housing legal aid provider; and
- b) Over three quarters of all local authority areas in England and Wales – covering 59% of the population live in local authorities which have 1 or no housing legal aid providers.

24. Further, it is not only tenants who are likely to face difficulty in complying with directions in the current circumstances. I can report from my own caseload that local authority housing and legal departments, who constitute a significant proportion of claimants in housing possession claims are struggling to deal with day-to-day administration. For example, the Office Manager of one local authority wrote to me on 17th April 2020 in the following terms:

Dear Mr Mullings,

I apologise for not having got the documents and information to you. As you are aware, we are in the midst of an emergency situation and have only a handful of staff based in the office (where the printers are), prioritising homeless approaches as per Government guidance (and promises made on TV...).

I will endeavour to get the file produced at the start of next week, and will liaise with the officers able to work from home regarding any other information you have requested (as I'm only responsible for getting the housing file printed off).

Furthermore the capacity of local authorities and the Department of Work and Pensions ("DWP") to conduct day-to-day work is highly significant in housing possession litigation because they administer housing benefit (in the case of local authorities) or housing element of Universal Credit (DWP). Requests for documents from local authorities and the DWP concerning housing benefit or housing element, for the purposes of disclosure and statements, is very common in housing possession cases. In respect of Universal Credit on 14 and 15 April 2020 a statement by the senior civil servant responsible for Universal Credit, Neil Couling CBE that Universal Credit claims have increased by 1.4 million from when the COVID-19 crisis began was widely reported. The Financial Times reported 'Even if DWP managed to pay the 270,000

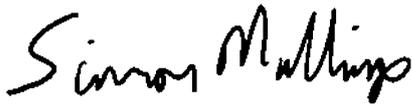
claims made in the first week of the lockdown on time, Mr Couling acknowledged that there was a “mountain to climb” as staff sought to determine payments for the 540,000 claims made at the peak. “I’m increasingly confident . . . we are going to get those done,” he said.⁶

25. Similarly, the capacity of county courts has also been greatly reduced. The following table summarises HMCTS figures⁷ which show that, as of 23rd April 2020, 15% of county courts and housing centres are closed altogether (“closed”), half are staffed but closed to the public (“staffed”) and just one are open to the public.

County Courts and Housing Centres as at 23 April 2020				
Region	Total number	open	staffed	closed
London	14	3	6	5
Midlands	22	7	12	3
North East	24	6	15	3
North West	15	8	6	1
South East	29	10	15	4
South West	23	10	10	3
Wales	16	4	9	3

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed 

Dated 27 April 2020

⁶ Financial Times 15.04.2020, Universal credit claims running at up to 3 times normal rate - <https://www.ft.com/content/e1fcc6cd-ef44-4788-807d-ca534f61c1c1>

⁷ <https://www.gov.uk/guidance/courts-and-tribunals-tracker-list-during-coronavirus-outbreak>

ON APPEAL FROM THE COUNTY COURT AT CENTRAL LONDON
(His Honour Judge Parfitt sitting on 15 April 2020
in Claim Nos. F00HF362 & F00HF363)

B E T W E E N:

MR MEHMET ARKIN (AS FIXED CHARGE RECEIVER)

GARY MARSHALL (ACTING BY MR MEHMET ARKIN AS FIXED CHARGE
RECEIVER)

Appellants

- and -

(1) MR GARY RONALD MARSHALL
(2) BRETT MARSHALL
(3) KIM BEVERLEY MARSHALL

Respondents

EXHIBIT "SM1"

This is the Exhibit referred to in the Witness Statement of Simon Mullings and marked "SM1".

Nº	Document	Dated	Page Nº
1.	Law Society Parliamentary Briefing - Housing legal aid deserts	April 2019	1-5
2.	Email call for evidence to HLPAs members	22.04.2020	6-7
3.	Letter to solicitors for A	23.04.2020	8-10
4.	Letter to Direct Access Barrister for R	23.04.2020	11-13
5.	Letter from Direct Access Barrister for R	24.04.2020	14
6.	Letter from solicitors for A	24.04.2020	15
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13.	Schedule of responses Q1	27.04.2020	90-105
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Parliamentary Briefing

Housing legal aid deserts

The Law Society of England and Wales is the independent professional body that works globally to support and represent 180,000 solicitors, promoting the highest professional standards and the rule of law.

- **The Law Society has published a [new heatmap](#) showing that over half of all local authorities are a legal aid desert with no housing legal aid provision.**
- **Over a third (37%) of the population of England and Wales live in a local authority with no housing legal aid providers.**
- **Advice on housing is vital for swathes of vulnerable people, including those facing eviction, the homeless and those renting a property in serious disrepair.**
- **The Government must act to ensure access to justice for all.**

1. Introduction

Provision of legal aid advice for housing is disappearing in large areas of England and Wales, creating legal aid deserts.

In 2016 the Law Society developed an interactive heatmap using data from the Legal Aid Agency, which showed that almost a third of legal aid procurement areas in England and Wales had one or no local legal aid housing advice providers. Since that time the situation has got worse.

In April 2019 the Law Society published a new map, highlighting that over half of all local authorities in England and Wales have no provision for housing legal aid services.

This map is based on local authority boundaries, whereas the 2016 map was based on legal aid procurement areas.

2. Key findings

Our analysis of legal aid providers in England and Wales, combined with Office of National Statistics population data, has revealed startling figures for coverage of housing legal aid advice. Our key findings are:

- Over a third (37%) of the population live in local authorities which do not have a single housing legal aid provider;

- 59% of the population live in local authorities which have 1 or no housing legal aid providers;
- More than half of all local authority areas in England and Wales - covering nearly 22 million people - do not have a single housing legal aid provider;
- Over three quarters of all local authority areas in England and Wales - covering 35 million people - have just 1 or no housing legal aid providers.

Table 1: Local authority housing legal aid provision by population

Local authorities	No.	% of authorities	Population	% of population
with 0 housing providers	184	53	21,981,551	37
with 1 housing provider	81	23	13,049,768	22
with 2 housing providers	29	8	5,769,133	10
with 3 housing providers	17	5	4,925,892	8
with >3 housing providers	37	11	13,018,251	22
Total authorities	348	100	58,744,595	100

Table 1 shows the number of people and local authorities who live in areas with no housing legal aid providers.

Image 1: Legal aid deserts by local authority, February 2019

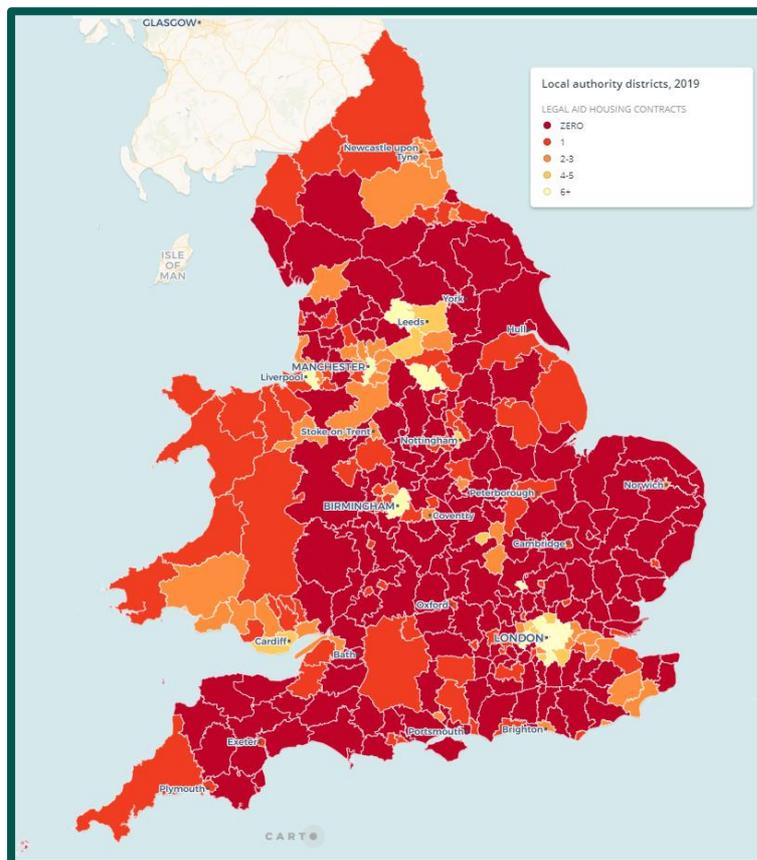


Image 1 shows the latest heatmap produced by the Law Society showing the number of housing legal aid providers by local authority.

[An interactive version of the heatmap can be found here.](#)

This enables you to see the exact number of housing legal aid providers in each local authority area.

Table 2: Number of housing legal aid providers by region

Region	Number of housing providers	Population	Population with 0 providers	As %	Population with 1 provider or less	As %
East Midlands	24	4,771,666	2,328,644	49	3,784,347	79
East of England	17	6,168,432	4,728,301	77	5,643,027	91
London	238	8,825,001	195,680	2	377,943	4
North East	21	2,644,727	3,019	0	910,443	34
North West	55	7,258,627	2,083,250	29	3,583,940	49
South East	32	9,080,825	5,852,545	64	7,408,518	82
South West	14	5,559,316	2,503,078	45	5,100,064	92
Wales	35	3,125,165	93,590	3	1,531,514	49
West Midlands	24	5,860,706	2,166,520	37	3,826,763	65
Yorkshire and The Humber	27	5,450,130	1,936,924	36	2,774,760	51
England and Wales Total	487	58,744,595	21,891,551	37	34,941,319	59

Table 2 shows the number of people by region living in local authorities which have no housing legal aid provider, or 1 or less housing legal aid providers.

3. The impact

Over a third (37%) of the population of England and Wales, nearly 22 million people, live in local authorities which do not have a single housing legal aid provider.

- Advice on housing is vital for people who are facing eviction and homelessness, and those renting a property in serious disrepair.
- Families on low incomes often cannot afford to travel to see the one provider that may be located many miles away from where they live. This means they are unable to seek essential legal advice, even in the most extreme cases, such as homelessness.

A further 22% of the population, covering over 13 million people, live in a local authority with only one housing legal provider.

Whole local authorities and even regions with just one housing legal aid provider can result in a number of problems. For example:

- People requiring legal aid advice for housing issues often need advice. One firm in a large area may not have capacity to provide advice to those who need it, leaving people stuck on a waiting list and denying their access to justice.
- Conflicts of interest can arise because one law firm cannot represent both a tenant and their landlord. A conflict can also arise if the firm has been acting for the landlord on another issue, such as a family matter. This would mean the firm would not be able to act for the tenant, leaving them unable to access justice.

4. The context

Legal aid services are often provided by small businesses which need to be economically viable to survive. Law firms are awarded contracts to provide publicly funded legal advice through the Legal Aid Agency. There are growing challenges to these firms, who provide vital legal aid services to some of society's most vulnerable people. These include:

- **Cuts in fees** – Fees paid for legal aid have not been increased in line with inflation since 1998-9: a real terms decrease of 41%. In addition, the Ministry of Justice cut the fees to legal aid providers by 10% in 2011. This was implemented without a study of the sustainability of the market at those reduced fee levels.
- **Cuts in scope** – Housing is a broad category of law covering many issues. Legal aid cuts introduced in 2013 reduced the areas of housing work that could be undertaken by legal aid. Following these cuts, only homelessness, severe disrepair, or possession proceedings remain in the scope of housing legal aid.
- **Year on year reduction in case numbers** – Following these cuts to legal aid fees and the scope of legal aid coverage, the volume of housing cases eligible for legal aid has reduced significantly. While this was anticipated following cuts to legal aid made under LASPO in 2013, the fall in expenditure on legal aid has continued year on year. The most recent set of statistics show a 22% decrease in expenditure on housing legal aid in the final quarter of 2018 compared to the previous year.¹
- **Bureaucratic hurdles** – The complexity of the legal aid contract and the bureaucracy involved in running the contract means practitioners spend time undertaking unpaid and unnecessary administrative tasks that are an additional burden on the financial sustainability of this work.
- **Loss of expertise and repeated tender exercises** – As legal aid deserts grow so does loss of expertise. A key problem for providers who want to bid for contracts is

¹ 'Legal Aid Statistics quarterly', Ministry of Justice and the Legal Aid Agency, 28 March 2019
[\[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/789886/legal-aid-statistics-bulletin-oct-dec-2018.pdf\]](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/789886/legal-aid-statistics-bulletin-oct-dec-2018.pdf)

recruitment. They cannot get the staff to undertake this work and supervise the contracts. Similarly, the Government have run repeated tender exercises for housing legal aid providers and yet advice deserts continue to grow. A main tender exercise for housing contracts concluded in September 2018. However, since this exercise the Government have run four further tender exercises in housing and are still struggling to get coverage.

5. Our recommendations

Declining provision is symptomatic of a broken system. The Law Society recommends that the Government:

- Take urgent action to address legal aid deserts and ensure access to justice for all;
- Increase civil legal aid fees in line with inflation in order to make the civil legal aid system more sustainable;
- Work to simplify legal aid contracts and remove bureaucratic hurdles;
- Commit to commissioning a second provider in legal aid areas which only have one; and
- Commission an independent review into the sustainability of the civil legal aid system.

6. What you can do

- Write to the Lord Chancellor, the Rt Hon David Gauke MP, to highlight the detrimental impact the shortage of housing legal aid providers is having on your constituency and call on the Government to support our recommendations.
- Table Parliamentary Questions to bring the issue to the Minister's attention. Please get in touch if you would like more information to assist you with this.
- Share our campaign on social media to highlight the growing shortages of housing legal aid provision in your area.

For further information please contact:

Joe Ferreira (Public Affairs Adviser)

E: joe.ferreira@lawsociety.org.uk

T: 0208 049 3903

From: Chandra Rao <Chandra_Rao@shelter.org.uk>
Sent: 22 April 2020 19:06
To: Chandra Rao
Subject: URGENT CALL FOR INFORMATION

This message originated from outside your organization



Dear HLPAs Member,

We are writing to you with an urgent call for information on a vital legal issue pertaining to Practice Direction 51Z.

Next Thursday, 30th April, the Court of Appeal is set to hear an appeal in the case of *Arkin v Marshall*, considering: (i) whether the 3-month stay of possession proceedings in PD 51Z is unlawful, (ii) whether the stay applies to the requirement to comply with case management directions in all cases and (iii) whether the stay should be lifted in individual cases.

HLPA intends to apply to intervene. The basis of the intervention would be that we can provide evidence of the borrower/tenant legal advice sector and the ability in a range of cases to comply with directions in the current circumstances.

This is therefore a call for evidence to submit to the Court of Appeal.

Time is of the essence and we need your responses by close of business Friday 24th April 2020.

Please indicate whether you are happy for your evidence to be attributed and/or your response to be exhibited to any witness statement.

Questions

1. What percentage of your work is housing law which would be affected by PD51Z?
2. What percentage of that is legally aided, charity funded or pro bono?
3. What percentage and number of your housing team are furloughed currently?
4. What working arrangements do you have for:
 - (i) Seeing clients face-to-face
 - (ii) Seeing clients digitally (Zoom, Skype etc)
 - (iii) Sending and receiving documents to and from clients and other parties
 - (iv) Getting signatures on documents
5. What percentage of your clients (if any) are able:
 - (i) safely to travel to receive advice face to face if you are presently able to provide this service.
 - (ii) adequately to respond to you using the alternative arrangements you have in place (such as Zoom, email, Skype?).If any of your clients are unable to do so then why is this?
6. While understanding that clients' skills and abilities vary, please provide details of any experience or observations as to your client group's ability or otherwise, in the current circumstances, to:
 - (i) receive advice as to their obligations in law and the civil procedure rules (including but not limited to disclosure obligations and the implications of a statement of truth);
 - (ii) collate and get to you documents such as those required for disclosure under CPR 31;

(iii) provide adequate instructions (including on documents disclosed by other parties) in order to finalise witness statement evidence under CPR 32;

including any comments on your experience with any particular subsets of your clients and/or any particular difficulties you may have experienced.

7. Please provide details of any experience and/or observations in relation to the practicalities, in the current circumstances, of:

- (i) dealing with the Legal Aid Agency;
- (ii) instructing expert witnesses to .

8. Please provide any other comments on your/your organisation's and your clients' ability to manage case management directions in possession actions of all kinds in the current situation.

HPLA Executive Committee

Housing Law Practitioners' Association

c/- Shelter Legal Services

2nd Floor

Resource For London

356 Holloway Road

London

N7 6PA

Tuesdays/Wednesdays 9.30-5pm

e: Chandra_rao@shelter.org.uk

S: 0344 515 1759

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Our Reference 179/JHA/HLP1/1

Step No 9283920

Please Ask For James Harrison (DDI: 020 8475 7453)

Your Reference

Date 23 April 2020

Lauren McQue,
Collyer Bristow LLP

Edwards Duthie Shamash

Solicitors

269-275 Cranbrook Road
Ilford, Essex, IG1 4TG
Tel: 020 8514 9000
Fax: 020 8554 6100
DX : 200850 ILFORD 4
email: allinfo@edwardsduthieshamash.co.uk
www.edwardsduthieshamash.co.uk

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By email only to:

lauren.mcque@collyerbristow.com

Dear Sir/Madam

Mr Mehmet Arkin (as fixed charge receiver) v Gary Ronald; Gary Marshall (acting by Mr Mehmet Arkin as fixed charge receiver) v Brett Marshall and Kim Marshall; B2/2020/0620 & 0621

We are writing in respect of the forthcoming appeal on 30 April 2020 in the above matters.

We are instructed by Mr Simon Mullings, Co-Chair of the Housing Lawyers Practitioners' Association ("HLP A"), which is considering applying for permission to intervene in the appeal by way of written submissions and/or brief oral submissions.

We write to inform you of the nature of HLP A's proposed intervention, to invite you to confirm that you do not object to it and to seek your clients' agreement that any intervention should proceed on a no-costs basis (i.e. that, regardless of the outcome of the appeal, no costs order should be made either for or against HLP A).

About HLP A

HLP A is an organisation comprised of solicitors, barristers, advice workers, environmental health officers, academics, and others who work or have an interest in housing law. Membership of HLP A is open to all those who use housing law for the benefit of the homeless, tenants and other occupiers. It has members throughout England and Wales.

HLP A has been in existence for over 25 years and is constantly engaging with its members through seminars and regular meetings (on topics suggested by the membership). It is led by prominent and experienced practitioners in all areas of housing law.

HLP A is regularly consulted on proposed changes to housing law or other legal changes which may impact on it (whether by primary or secondary legislation, or

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The firm has membership of the Solicitors Regulatory Authority, Family Law, Children and Mental Health Review Tribunal Panels, the Serious Fraud Panel and Resolution.
Offices at Hackney, Ilford, Romford, Stratford, Walthamstow, Wanstead and Waterloo.
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Contracted with the Legal Aid Agency

Partners: Shaun Murphy LL.B. (Senior Partner), Gerald Shamash, Hilary Green B.A., Robert Dynowski, Bradley Wright, Rakesh Bhasin, James Harrison LL.M., Anna Orpwood LL.B., Rajinder Garvey B.A., Gavin Blackman B.A., Anna O Connell, Andrew Dowie, Kavita Rana LL.B., Simon May LL.B.(Hons), Shabaz Ahmed LL.B.(Hons), Rachel Browne, Anna Ponting.
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guidance (whether statutory or non-statutory). HLPAs responses are available at www.hlpa.org.uk.

Basis and scope of proposed intervention

Clearly the decision of the Court in the present appeal will potentially have significant implications for the work of HLPAs members.

Similarly, HLPAs is in a position to be able to provide the Court with a broader picture of the position of housing lawyers representing clients in possession proceedings during the current lockdown, who would be required to comply with any case management directions. That picture will be relevant to the Courts consideration of any issues as to the justification for the stay generally, and to the considerations that will be relevant in relation to the exercise of any power to lift the stay in individual cases. To this end, after learning of the appeal yesterday, HLPAs sent out a survey to its members and has already begun to receive responses. Unfortunately and given the short time scale we cannot give you a summary of the responses at this stage but we anticipate adducing evidence to the effect that many practitioners will already have reduced staff through furlough arrangements so and that clients and witnesses, who cannot be expected to travel to give instructions in person, are less likely to be able to use suitable electronic means of conferencing or sending or accessing documents and so will be placed at a disadvantage in taking steps such as completing disclosure or in drafting witness statements.

Save to the extent set out above, HLPAs intervention would neither seek to re-tread the ground already covered by the parties submissions in the appeal nor to expand the scope of the issues in the appeal.

Further, for the avoidance of doubt, HLPAs intervention would take no position on (a) whether or not the judge should have exercised any power that may exist to lift the stay on the facts of the particular case and (b) any limits on the parties ability to consent to case management directions under the new paragraph 2A to PD 51Z.

Procedural matters

Although HLPAs is an unincorporated association, we do not consider that this presents any bar to the Court hearing HLPAs as an intervener (see, by analogy, the ability of unincorporated associations to act as claimants in judicial review proceedings¹). In the alternative, however, we would propose that the Court grant permission to Mr Mullings personally.

We are sorry that, due to the urgent timescales, it has not been possible to provide you with a draft application to intervene at this stage (not least because HLPAs is still gathering responses from its members). However, we hope that the above provides a sufficient indication of the proposed intervention.

¹ See *Aireborough Neighbourhood Development Forum v Leeds City Council* [2020] EWHC 45 (Admin)

Subject to your responses, we would aim to file and serve any application on Monday morning, with the application document doubling as HLPAs skeleton argument/written submissions.

Costs

We would suggest that the usual position is that the court should not make an award of costs for or against a person intervening to assist the court in the way proposed by HLPAs². In any event, in light of the limited nature and scope of the proposed intervention set out above, the intervention would not add significantly to the costs.

Accordingly, we would invite you to agree that any intervention – whether in the name of HLPAs or of Mr Mullings - should proceed on a no-cost basis.

Next steps

We would be grateful if you could respond by 4pm on Friday 24 April 2020, indicating whether your clients are willing to agree:

- (a) not to oppose the application for permission to intervene;
- (b) that any such application can be in the name of HLPAs without the need for any officer to apply personally or as a representative, alternatively that you agree to Mr Mullings (the co-chair) being named as intervener; and
- (c) that any intervention should proceed on a no-costs basis.

Yours faithfully

Edwards Duthie Shamash

jha@edwardsduthieshamash.co.uk

² See Zuckerman on Civil Procedure: Principles of Practice (3rd edition, 2013): “A distinction needs to be drawn between bringing or defending legal proceedings as a party to the proceedings, on the one hand, and on the other hand intervening in proceedings in order to make representations. Public bodies, professional organisations and other voluntary organisations may, on occasion, intervene in public law proceedings or in private law proceedings in order to make representations on matters of general public importance. Such interventions are made in order to ensure that the court is informed of the full implications of the issues before it. An organisation making representations of this kind is not a party to the proceedings but rather acts in the role of an *amicus curiae* role. A body appearing in this capacity can neither apply for costs nor can it be made liable to the costs of another, even if its submissions favoured one side more than the other.”

Our Reference 179/JHA/HLP1/1

Step No 9283920

Please Ask For James Harrison (DDI: 020 8475 7453)

Your Reference

Date 23 April 2020

Mr Gary Ronald Marshall, Mr Brett Marshall
and Mr Kim Marshall

Mr Julian Gun Cuninghame
6-7 Gough Square

By email only to: jgc@goughsq.co.uk

Edwards Duthie Shamash

Solicitors

269-275 Cranbrook Road
Ilford, Essex, IG1 4TG
Tel: 020 8514 9000
Fax: 020 8554 6100
DX : 200850 ILFORD 4
email: allinfo@edwardsduthieshamash.co.uk
www.edwardsduthieshamash.co.uk

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Dear Sirs

**Mr Mehmet Arkin (as fixed charge receiver) v Gary Ronald; Gary Marshall
(acting by Mr Mehmet Arkin as fixed charge receiver) v Brett Marshall and Kim
Marshall; B2/2020/0620 & 0621**

We are writing in respect of the forthcoming appeal on 30 April 2020 in the above matters.

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We write to inform you of the nature of HLP A's proposed intervention, to invite you to confirm that you do not object to it and to seek your clients' agreement that any intervention should proceed on a no-costs basis (i.e. that, regardless of the outcome of the appeal, no costs order should be made either for or against HLP A).

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guidance (whether statutory or non-statutory). HLPAs responses are available at www.hlpa.org.uk.

Basis and scope of proposed intervention

Clearly the decision of the Court in the present appeal will potentially have significant implications for the work of HLPAs members.

Similarly, HLPAs is in a position to be able to provide the Court with a broader picture of the position of housing lawyers representing clients in possession proceedings during the current lockdown, who would be required to comply with any case management directions. That picture will be relevant to the Courts consideration of any issues as to the justification for the stay generally, and to the considerations that will be relevant in relation to the exercise of any power to lift the stay in individual cases. To this end, after learning of the appeal yesterday, HLPAs sent out a survey to its members and has already begun to receive responses. Unfortunately and given the short time scale we cannot give you a summary of the responses at this stage but we anticipate adducing evidence to the effect that many practitioners will already have reduced staff through furlough arrangements so and that clients and witnesses, who cannot be expected to travel to give instructions in person, are less likely to be able to use suitable electronic means of conferencing or sending or accessing documents and so will be placed at a disadvantage in taking steps such as completing disclosure or in drafting witness statements.

Save to the extent set out above, HLPAs intervention would neither seek to re-tread the ground already covered by the parties submissions in the appeal nor to expand the scope of the issues in the appeal.

Further, for the avoidance of doubt, HLPAs intervention would take no position on (a) whether or not the judge should have exercised any power that may exist to lift the stay on the facts of the particular case and (b) any limits on the parties ability to consent to case management directions under the new paragraph 2A to PD 51Z.

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We are sorry that, due to the urgent timescales, it has not been possible to provide you with a draft application to intervene at this stage (not least because HLPAs is still gathering responses from its members). However, we hope that the above provides a sufficient indication of the proposed intervention.

¹ See *Aireborough Neighbourhood Development Forum v Leeds City Council* [2020] EWHC 45 (Admin)

Subject to your responses, we would aim to file and serve any application on Monday morning, with the application document doubling as HLPAs skeleton argument/written submissions.

Costs

We would suggest that the usual position is that the court should not make an award of costs for or against a person intervening to assist the court in the way proposed by HLPAs². In any event, in light of the limited nature and scope of the proposed intervention set out above, the intervention would not add significantly to the costs.

Accordingly, we would invite you to agree that any intervention – whether in the name of HLPAs or of Mr Mullings - should proceed on a no-cost basis.

Next steps

We would be grateful if you could respond by 4pm on Friday 24 April 2020, indicating whether your clients are willing to agree:

- (a) not to oppose the application for permission to intervene;
- (b) that any such application can be in the name of HLPAs without the need for any officer to apply personally or as a representative, alternatively that you agree to Mr Mullings (the co-chair) being named as intervener; and
- (c) that any intervention should proceed on a no-costs basis.

Yours faithfully

Edwards Duthie Shamash

jha@edwardsduthieshamash.co.uk

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From: Julian.Gun.Cuninghame <jgc@goughsq.co.uk>
Sent: 24 April 2020 13:41
To: James Harrison
Subject:

This message originated from outside your organization

Dear James,

The Respondents confirm that

- a. they will not to oppose the application by your client for permission to intervene; (b) that any such application can be in the name of HLPAs without the need for any officer to apply personally or as a representative, alternatively Mr Mullings (the co-chair) can be named as intervener; and (c) that any intervention should proceed on a no-costs basis.

Best wishes

Julian



Julian Gun Cuninghame

Barrister

Gough Square Chambers

p: 020 7353 0924

f: 020 7353 2221

a: 6-7 Gough Square
London EC4A 3DE

w: <https://goughsq.co.uk/barrister/julian-gun-cuninghame/>

e: jgc@goughsq.co.uk

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From: James Harrison <jha@edwardsduthieshamash.co.uk>

Sent: 23 April 2020 16:51

To: Julian.Gun.Cuninghame <jgc@goughsq.co.uk>

Subject: Urgent: Mr Mehmet Arkin (as fixed charge receiver) v Gary Ronald; Gary Marshall (acting by Mr Mehmet Arkin as fixed charge receiver) v Brett Marshall and Kim Marshall; B2/2020/0620 & 0621

Importance: High

We should be most grateful for a response to the attached letter by 4pm tomorrow, 24 April 2020

Edwards Duthie Shamash
Solicitors

James Harrison | Partner | Housing & Litigation

DDI 020 8475 7453 | ☎ 020 8514 9000 | F 0208 555 3830

✉ jha@edwardsduthieshamash.co.uk | 🌐 www.edwardsduthieshamash.co.uk

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Edwards Duthie Shamash Solicitors

By email only: jha@edwardsduthieshamash.co.uk

Collyer Bristow LLP
4 Bedford Row
London WC1R 4TF

Tel +44 20 7242 7363
DX 163 London Chancery Lane
collyerbristow.com

Direct Tel +44 20 7468 7247
lauren.mcque@collyerbristow.com

Date
24 April 2020

Our reference
LMQ/JWR/AVE/29486/79

Your reference
179/JHA/HLP1/1

Dear Sirs/Madams

Re: Arkin (as fixed charge receiver) v Marshall AND Marshall (acting by Mehmet Arkin as fixed charge receiver) v Marshall & Anor.

Court of Appeal Reference: B2/2020/0620 & 0621

Thank you for your letter dated 23 April 2020, which was received by email at 17:49 yesterday.

Our clients accept the costs position set out in your letter; namely that any application to intervene in this case is on the basis that your client will not seek costs against our clients. If this is agreed, our clients will give a similar assurance in respect of their own costs.

However, our clients will object to any application HLPAs or Mr Mullings might make for permission to intervene.

Before making any application to intervene, we would strongly suggest that you read the Appellant's Skeleton and Supplemental Skeleton arguments, copies of which are attached. You will clearly see that the Appellant is not arguing that PD51Z does not apply to standard housing or standard mortgage possession proceedings concerning owner/occupiers.

Furthermore, we understand the Lord Chancellor will be making an application to be joined to these proceedings. Given the Government's public announcements on protecting the position of housing tenants, we anticipate that any submissions you may usefully make will be made on behalf of the Lord Chancellor.

We trust our client's position will give your client and HLPAs comfort that our client's position is not, and never has been, that ordinary housing or mortgage possession claims should proceed, except where the directions have been agreed or the Court decides it is appropriate to lift the stay. We look forward to receiving confirmation from you that you will not be making an application to intervene in this matter.

Yours faithfully



Collyer Bristow LLP

Q1. What percentage of your work is housing law which would be affected by PD51Z?				
No.	Response	Ind/Org	Type	Region
1.	Housing contributes around 50% of the Law Centres total income and possession proceedings is around 75% of the housing income.	Org	LC	East Midlands
2.	I would say around 40% of my housing work relates to possession cases and these would be affected by PD51Z	Ind	PP	London
3.	About 5% in terms of numbers of cases	Org	PP	London
4.	Our housing team consists of 3 full time solicitors, 2 part time solicitors, and two trainees. We also deliver the Duty Advice Scheme at Clerkenwell and Shoreditch County Court for the Lambeth list which has been temporarily suspended because of PD51Z. We would estimate that the percentage of total housing work affected by PD51Z would be in the region of 50-60%.	Org	LC	London
5.	Approximately 90% of the litigation that we are involved with relates to possession proceedings.	Org	CH	South East
6.	All our housing work is funded by legal aid. 80% of our work is possession work with possibly 20% homelessness and disrepair. All possession work would be directly affected by PD51Z given that we are unable to work on existing possession cases. The County Court duty scheme (Wandsworth/Croydon/Kingston) has also stopped due to block possession lists being suspended.	Ind	LC	London
7.	Approximately 85% of our work involves possession claims and warrants and is thus affected by PD51Z.	Org	PP	South West
8.	48% best estimate certificated cases.	Org	LC	London
9.	50%-75% of my work	Ind	LC	South West
10.	Almost all of our housing work is affected – we would estimate 85% - 90%	Org	LC	West Midlands
11.	I would say around 5% of my current case load relates to possession cases	Ind	PP	London
12.	Approximately 75%.	Org	PP	South East
13.	30% (the rest is homelessness and asylum support work)	Org	LC	North West
14.	-----	Ind	PP	London
15.	Our housing team consists of 2 full time solicitors, 1 full-time legal adviser, 1 trainee 2 para-legals and 2 homeless prevention workers. We also deliver the Duty Advice Scheme at Chesterfield County Court which covers the local authorities, North east Derbyshire District Council, Chesterfield Borough Council, Bolsover District Council, Amber Valley Borough council and Derbyshire Dales Council. Their lists have been temporarily suspended because of PD51Z. We would estimate that the percentage of total housing work affected by PD51Z would be in the region of 75%.	Org	LC	East Midlands
16.	Approximately 65%	Org	PP	East

17.	Out of a current live caseload of 26 case 7 are affected by PD51Z. The rest are either injunctions, committals, homelessness, illegal evictions or applications to set aside	Org	CH	South East
18.	Difficult to quantify. Probably about 50% in terms of number of cases. More by number of cases and by percentage of income if HPCDS work included	Org	PP	London
19.	Approximately 90% of our housing work is affected by PD51Z.	Org	LC	London
20.	around 40-50% (the rest being homelessness and injunction proceedings)	Org	PP	West
21.	About 30% of my housing work relates to possession	Ind	PP	London
22.	-----	Org	LC	South East
23.	Approximately 50 %	Org	PP	London
24.	-----	Ind	PP	London
25.	Approximately 50% to 70% of work. However, this is more likely to be legal aid, certificated work consisting of contentious matters.	Ind	PP	East
26.	45%	Org	LC	North West
27.	Roughly 70%	Org	CH	London
28.	I would say around 60% of my work is impacted by PD51Z	Ind	PP	London
29.	43.5% - To give an indication of the size of the sample, we have 384 live possession files with legal aid certificates.	Org	PP	West Midlands
30.	Prior to the update to the practice direction on 20 April 2020, approximately 70%. In light of the update, around 20%.	Org	CH	London
31.	We have 8 lawyers and paralegals, of whom 5 are in housing. We participate in the Duty Solicitor scheme. A large amount of the housing work is possession claims, and a further large amount homelessness law which relates at some stage to possession claims. Perhaps 50% of our work is therefore affected.	Org	LC	London
32.	45 %	Org	CH	London
33.	About 50%	Ind	PP	London
34.	Approximately 80-90% of our housing work is affected by PD51Z.	Org	LC	London
35.	As a firm, we provide legal advice in a wide range of areas of law. I estimate that the percentage of the firm's income that is affected by PD51Z is approximately 9.8%.	Org	PP	London
36.	Approximately 50% of our housing work is affected by PD51Z	Org	LC	East
37.	Our caseload is 95% housing for the department. Last year we ran a caseload of almost 900 cases. Overall around 35% cases are affected by the above PD.	Org	PP	London
38.	50%	Ind	PP	London
39.	Approximately 75% of our housing team's work is affected by PD51Z; the current work not directly affected is almost entirely relating to homelessness applications under Part 7 Housing Act 1996. We deliver the Duty Advice Scheme at	Org	LL	West Midlands

	the County Court at Coventry which has been temporarily suspended because of PD51Z.			
40.	50% of my work, less than 5% of my firm's work	Ind	PP	London
41.	Roughly 20% of our work is Housing Law which would be affected by PD51Z.	Org	PP	London
42.	As an estimate, about 15-20% of the firm's work	Org	PP	London
43.	Approximately 70% of our housing work is affected by PD51Z.	Org	LC	London
44.	Shelter - Approximately 45-50%. Our main areas of work are possession proceedings, homelessness and housing conditions.	Org	CH	National

Q2. What percentage of that is legally aided, charity funded or pro bono?				
No.	Response	Ind/Org	Type	Region
1.	We run the duty scheme at Nottingham so income for possession cases comes from there and legal aid certificated work	Org	LC	East Midlands
2.	Almost all of the possession work I do is legally aided	Ind	PP	London
3.	66%.	Org	PP	London
4.	Virtually all of the work affected by PD51Z is legally aided, including controlled work, certificated work and the duty advice scheme.	Org	LC	London
5.	100% is legally aided.	Org	CH	South East
6.	90% legal aid work with 10% ancillary pro bono work on benefit appeals/discretionary housing payments /benefit claims	Ind	LC	London
7.	99% of our work is legally aided, with 1% limited privately funded advice.	Org	PP	South West
8.	These are all legally aided cases	Org	LC	London
9.	Approximately 95% of that work is legally aided.	Ind	LC	South West
10.	All funded by legal aid – we have no other funding for this work	Org	LC	West Midlands
11.	All of the possession work I do is legally aided	Ind	PP	London
12.	Approximately 25%.	Org	PP	South East
13.	100%	Org	LC	North West
14.	-----	Ind	PP	London
15.	Virtually all of the work affected by PD51Z is legally aided. We also have a local authority funded scheme for non-eligible clients.	Org	LC	East Midlands
16.	All legally aided	Org	PP	East
17.	All legally aided	Org	CH	South East
18.	All tenant work funded by Legal Aid	Org	PP	London
19.	100% of our housing work affected by PD51Z is legally aided.	Org	LC	London
20.	90% (legally aided)	Org	PP	West
21.	About 90% is legally aided	Ind	PP	London
22.	-----	Org	LC	South East
23.	100% is LA	Org	PP	London
24.	-----	Ind	PP	London
25.	Approximately 90% of the cases described above are legally aided.	Ind	PP	East
26.	100%. Our in scope eligible work is legally aided and the rest is charity funded.	Org	LC	North West
27.	100%	Org	CH	London
28.	About 95% of that is legal aid	Ind	PP	London
29.	100% legally aided	Org	PP	West Midlands
30.	All of the work is carried out on a pro bono basis.	Org	CH	London
31.	100%	Org	LC	London

32.	100 % legal aid	Org	CH	London
33.	All legal aid	Ind	PP	London
34.	100% of our housing work affected by PD51Z is legally aided. Although within that some caseworkers do some pro bono benefit work.	Org	LC	London
35.	I estimate that of that 9.8% approximately 75% of it is funded by legal aid. We do not undertake any significant pro bono or charity-funded work in this area.	Org	PP	London
36.	100%	Org	LC	East
37.	Of those affected 100% would be legally aided.	Org	PP	London
38.	100% Legal Aid	Ind	PP	London
39.	All our housing work affected by PD51Z is legally aided	Org	LL	West Midlands
40.	90%	Ind	PP	London
41.	95% of our housing work is legally aided.	Org	PP	London
42.	That work is primarily legally aided - 80% or more	Org	PP	London
43.	100% of our housing work affected by PD51Z is legally aided.	Org	LC	London
44.	Shelter – All of it.	Org	CH	National

Q3. What percentage and number of your housing team are furloughed currently?				
No.	Response	Ind/Org	Type	Region
1.	We have furloughed 1 solicitor and one adviser. We have also furloughed all typing and admin (3 people) as we could not get typing work to them.	Org	LC	East Midlands
2.	None of my housing team are currently furloughed. Other departments in my firm have had to furlough people.	Ind	PP	London
3.	1 member, 5%	Org	PP	London
4.	None	Org	LC	London
5.	At present none, but this may change in the coming weeks.	Org	CH	South East
6.	Zero	Ind	LC	London
7.	We are exclusively a housing legal aid practice. One of our three fee earners is furloughed. As Director, I cannot be furloughed. We have retained a further fee earner, who is capable of carrying out all of the practice's work, including fee earning, admin, billing and accessing the office to handle our post (which I am unable to do, as I live an hour and a half away and have two young children who are currently not at nursery or school). Moreover, we made the determination to retain a second fee earner, in the event that I become ill.	Org	PP	South West
8.	We have not furloughed at the moment in the housing team due to grant funding for telephone advice work.	Org	LC	London
9.	We are a team of 2 full time members and one part time member (18 hours a week). Both one full time member and the part time member is furloughed.	Ind	LC	South West
10.	We have a team of 3 housing workers – two solicitors and one housing advice worker. The housing advice worker is currently furloughed.	Org	LC	West Midlands
11.	None of my housing team are currently furloughed. Other departments in my firm have had to furlough people.	Ind	PP	London
12.	None currently.	Org	PP	South East
13.	0, presently. We have only been able to avoid furloughing staff because we have additional grant funding and are not solely reliant on Legal Aid.	Org	LC	North West
14.	-----	Ind	PP	London
15.	None	Org	LC	East Midlands
16.	3 people out of 7 – 45%	Org	PP	East
17.	5 members of staff have been furloughed including one housing solicitor - represents 25%	Org	CH	South East
18.	2 out of 6 (although one less than full time) so overall about 29%	Org	PP	London
19.	A third of our housing team are currently furloughed. This is 1 solicitor.	Org	LC	London
20.	70% - we are a team of 5 and 3 are furloughed but since one of the remaining staff members also works for another organisation 70% is a more accurate percentage).	Org	PP	West

21.	None of the housing team are currently furloughed. Reception and some post room staff have been furloughed which support our team	Ind	PP	London
22.	-----	Org	LC	South East
23.	None	Org	PP	London
24.	-----	Ind	PP	London
25.	No comment	Ind	PP	East
26.	None.	Org	LC	North West
27.	100% of those employees undertaking solely Duty Advice Scheme work are furloughed. 0% of our 4 managers/caseworkers are furloughed although those of us working are doing so at temporarily reduced salaries.	Org	CH	London
28.	In our housing team (Social Welfare and Community Care) we have 6 furloughed staff members	Ind	PP	London
29.	1 = 5.5%	Org	PP	West Midlands
30.	NA. Our organisation is run by volunteers.	Org	CH	London
31.	None	Org	LC	London
32.	2 out of 7 – 29 %	Org	CH	London
33.	None	Ind	PP	London
34.	We have 9 caseworkers 2 have been furloughed.	Org	LC	London
35.	It is difficult to give a precise answer to this question, as our Social Welfare Department covers not only housing but also community care, Court of Protection and public law matters. There has not been any significant change to the amount of work for those undertaking community care, Court of Protection, and public law matters. However, we have seen a downturn in housing work, particularly in relation to possession proceedings. We have furloughed three solicitors, and delayed the start date of a new solicitor who was due to join us at the beginning of April. One of our solicitors has reduced her hours. We have also furloughed three paralegals (one of whom was part time). In full-time-equivalent terms, we have reduced solicitors from 7.2 to 3 and paralegals from 2.6 to 1 in respect of housing law. Together, this is a reduction from 9.8 to 4. As a percentage, we have therefore furloughed approximately 40% of our housing team.	Org	PP	London
36.	None.	Org	LC	East
37.	Currently 14%.	Org	PP	London
38.	0%	Ind	PP	London
39.	No team members are currently furloughed.	Org	LL	West Midlands
40.	None	Ind	PP	London
41.	1 member of our housing team is currently furloughed.	Org	PP	London
42.	25% (one solicitor, out of four in the housing and public law team)	Org	PP	London
43.	Our housing team consists of two solicitors, and neither is currently furloughed.			London

44.	Shelter – Currently, it is just under 20% - 21 people out of 115. But other people have been deployed temporarily to spend part of the week giving advice on the Shelter national Helpline during the period of the lockdown.	Org	CH	National
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Q5. What percentage of your clients (if any) are able:				
(i) safely to travel to receive advice face to face if you are presently able to provide this service. (ii) adequately to respond to you using the alternative arrangements you have in place (such as Zoom, email, Skype?). If any of your clients are unable to do so then why is this?				
No.	Response	Ind/Org	Type	Region
1.	-----	Org	LC	East Midlands
2.	(i) We are not providing this service. It is difficult to see how it can be safe for people to travel to receive face to face advice, assuming they have to use public transport. (ii) Only a small percentage of my clients are able to use Zoom or Skype. Perhaps 10%. Many do not have phones with video capability and do not own a laptop/computer. With these clients most instructions are being taken via telephone calls or via email.	Ind	PP	London
3.	(i) I do not know but I would guess about 5% - the clients who live within walking distance of the office. However we are not really offering this service. (ii) 10% Either they do not have smartphones, or they do not have the technological ability or confidence to use new technology.	Org	PP	London
4.	Very few of our clients own a car and most use public transport or walk to our offices. There is a clear public risk in them doing so and for this reason we have suspended face to face advice. In addition by the nature of our work we have a higher proportion of disabled clients who are adversely affected by the C19 restrictions. Caseworkers have access to Zoom. None are using skype. In general a limited number of clients will respond by e-mail but none by Zoom or Skype. The reasons for this are set out above. They do not have the technological resources to do so. In addition, the proportion of our clients who have literacy problems, mental health difficulties or do not speak English as a first language is higher than in the general population.	Org	LC	London
5.	(i) A small percentage as many have caring responsibilities and so cannot travel as they cannot leave small children; many cannot travel for health reasons in the current climate and many have difficulties accessing public transport owing to reduced services. Even once the 'lock down' has finished social distancing will continue for some time and for our clients who have high level of health problems coming out for advice will put them at risk. (ii) A small percentage. Please see above – email is often an option but Skype and Zoom have limited assistance for the reasons stated above.	Org	CH	South East

6.	<p>40% of clients are able to travel to the law centre but 60% of clients cannot.</p> <p>The majority of our clients (60%) have serious mental health difficulties</p> <p>We would like to use a platform such as Microsoft Teams/Skype to communicate and share information with our clients however this is not always possible.</p> <p>Almost all clients do not have the facilities to print and scan documents. Most do not have laptops and use their smartphones. Quite a few are behind on their mobile phone bills with limited mobile data.</p> <p>The ability to scan large amounts of documents before a first interview or to comply with disclosure or to prepare witness statement is not practicable using a mobile phone.</p> <p>Most are on low incomes which is inevitable as they are in receipt of legal aid.</p> <p>Clients with mental health conditions are likely to find the use of technology an additional barrier to obtaining advice due to their difficulties with memory/concentration and mood linked to depression/anxiety.</p>	Ind	LC	London
7.	<p>(i) While we are not offering face to face service now, my feeling is that around 10% of my current clients have conditions that require shielding (severe COPD and certain cancer treatments). A further 80% fall into the seriously vulnerable category (are undergoing cancer treatment, are pregnant, have other serious respiratory, cardio and immune conditions).</p> <p>(ii) I believe that, while around 95% of my clients have some access to a phone, only around 70% of my clients are able to provide timely instructions by phone; around 70% are able to use email; and around 15% would be able to use Skype or Zoom. Limitations to phone access include street homelessness and lack of battery; lack of good signal due to rural location; mental health issues that limit their ability to respond in a timely manner by phone; and lack of money to purchase phone credit. Limitations to email access include lack of knowledge about email; lack of good signal on their phone to get and respond to emails; lack of battery power or credit on their phones; lack of computer or smartphone access, which is obviously increased due to closure of libraries, etc. Most of our clients would seriously struggle with using Skype or Zoom due to lack of knowledge and lack of sufficient phone or internet signal.</p>	Org	PP	South West
8.	<p>(i) safely to travel to receive advice face to face if you are presently able to provide this service. We do not know as we are not open face to face</p> <p>(ii) adequately to respond to you using the alternative arrangements you have in place (such as Zoom, email, Skype?). unsure we have been using the phone .</p>	Org	LC	London

9.	<p>(i) Most clients unless they lived nearby would be unable to travel safely.</p> <p>(ii) It is difficult to be precise given the current suspension of possession proceedings but it would be difficult for most clients who will be in the lower economic bracket, and vulnerable.</p>	Ind	LC	South West
10.	<p>(i) As already stated we are not expecting clients to travel for any reasons connected with their cases, nor are we expecting staff to see clients face-to-face. This is for the protection of both clients and staff. Some staff members have underlying health problems or share households with people who have such problems. Around 50% of our clients have some form of disability and many are lone parents or carers who should not be expected to put themselves at risk</p> <p>(ii) Probably 50% or so could correspond on a basic level using email on a mobile phone. We would expect a very low percentage to be able to engage with Zoom or Skype.</p> <p>A large percentage of our cases involve possession claims against tenants on the basis of rent arrears or issues connected with vulnerabilities. In either case clients will not have resources, financial or otherwise to access the IT required</p>	Org	LC	West Midlands
11.	<p>(i) We are not providing this service. It is difficult to see how it can be safe for people to travel to receive face to face advice, assuming they have to use public transport.</p> <p>(ii) None of my possession clients are able to use Zoom or Skype. They do not have access to laptops/computers and do not have good access to internet. Plus my clients are already vulnerable and the current pandemic is increasing anxiety and depression issues. One of my clients has advised that she only wants to communicate by email at the moment as everything else is too much for her right now. Another client who I have been advised by the LA has a possession issue has not responded to attempts to contact him for a month.</p>	Ind	PP	London
12.	<p>(i) safely to travel to receive advice face to face if you are presently able to provide this service. – Not applicable</p> <p>(ii) adequately to respond to you using the alternative arrangements you have in place (such as Zoom, email, Skype?). – Email – Approximately 95%. Zoom Approximately 10%.</p> <p>If any of your clients are unable to do so then why is this? – Clients who do not use email / computer / smartphone</p>	Org	PP	South East
13.	<p>(i) safely to travel to receive advice face to face if you are presently able to provide this service.</p> <p>N/A we are unable to provide face to face services.</p> <p>(ii) adequately to respond to you using the alternative arrangements you have in place (such as Zoom, email, Skype?).</p>	Org	LC	North West

	<p>It is difficult to put a percentage on this, however I would say that it is only 10% of clients where I am confident that I can safely take instructions by phone or e-mail rather than face to face</p> <p>If any of your clients are unable to do so then why is this? Difficulties in communicating when not face to face. I cannot reliably tell whether I am being understood or whether I am understanding my client correctly without all the additional information that comes from being able to see a client's facial expressions and body language. Clients are often distracted over the phone (with caring responsibilities or household activity). In e-mail there is a tendency to give a brief answer rather than the more complex reality. A large proportion of my clients have English as a second language. Many have substance misuse, mental health or learning difficulties or difficulties reading and writing. This makes communicating by phone or e-mail all the more difficult. We do not have access or funding for telephone interpreting services and I would generally only use e-mail or phone for very brief communications for example to arrange a face to face meeting with an interpreter, a support worker, family member or friend if necessary.</p>			
14.	-----	Ind	PP	London
15.	<p>We cover a very wide area which includes many former coal mining villages. Some clients have an hour's drive to attend our offices and even longer on public transport and having to change buses. The bus company is running a limited service and there is no train or tram in our area.</p> <p>There is a clear public risk in them using public transport doing so and for this reason we have suspended face to face advice. In addition by the nature of our work we have a higher proportion of disabled clients who are adversely affected by the C19 restrictions.</p> <p>Caseworkers have access to Zoom. None are using skype. In general a limited number of clients will respond by e-mail but none by Zoom or Skype. The reasons for this are set out above. They do not have the technological resources to do so.</p> <p>In addition, the proportion of our clients who have literacy problems, mental health difficulties or do not speak English as a first language is higher than in the general population.</p>	Org	LC	East Midlands
16.	<p>(i) We are not providing face to face advice. However, if we were, we do not believe that many clients would be able to travel. Public transport in our area is restricted to key workers only.</p> <p>(ii) Less than 10%.</p> <p>The majority of our clients do not have access to the internet or they have insufficient data to have appointments on their phones. A number of clients do not have mobile phones.</p>	Org	PP	East

17.	(i) we do not see client's alone and given that we have no reception and are only ever in the office by ourselves, this is not possible at present (ii) 65% - many clients don't have access to email or have other difficulties communicating English is second language, no email/computer/smart phone, mental health issues mean difficulty managing affairs, difficulties reading/understanding	Org	CH	South East
18.	-----	Org	PP	London
19.	(i) In light of current government guidance we would not ask our clients to travel to receive face-to-face advice or expect our staff to provide face-to-face advice. A high percentage of our clients have protected characteristics and caring responsibilities. (ii) We are unable to provide a percentage. We believe that the majority of our clients are not able to. Our clients are vulnerable, some are not IT literate, some will not have enough data and will not be able to afford to purchase data due to being in receipt of benefits or having low income. If a client with children has a laptop or tablet, it is likely that their children will need it for school work.	Org	LC	London
20.	(i) safely to travel to receive advice face to face if you are presently able to provide this service. N/A (ii) adequately to respond to you using the alternative arrangements you have in place (such as Zoom, email, Skype?). about 75 % are able to use email – see above re other arrangements, I think only about 25% would be able to do this due to lack of credit/access to WIFI	Org	PP	West
21.	(i) We are not providing this service. (ii) I have not attempted a zoom or skype chat – only telephone conferences with clients. In light of the difficulties I have had trying to get documents emailed to me I have not wanted to unnecessary complicate things. Face to face has obvious advantages where there is a language barrier however I have not felt that much would be achieved through a zoom chat over a mobile phone due the quality of the picture and the inability to point to documents. I appreciate that there is a screen share option but again due to the size of the client’s screen this is unlikely to be helpful. I would say less than a third of my clients have a computer/tablet and about 5% have a printer.	Ind	PP	London
22.	-----	Org	LC	South East
23.	(i) none at present – we had one of our solicitors travel to where a new client was sleeping rough in their car and (complying with social distancing and keeping the required distance apart) collected documents (ii) so far pretty much all our clients have been able to respond using alternative arrangements but with a lot of support and work put in, particularly by our paralegals, in	Org	PP	London

	<p>talking procedures though over the phone and explaining the steps they need to take.</p> <p>Those who have struggled are usually our client's with serious mental health/capacity issues or less technologically experienced such as elderly client's</p>			
24.	-----	Ind	PP	London
25.	<p>Our Head Office in Harrow remains open however, ALL of our other offices nationwide are now closed until further notice.</p> <p>As long as our clients have a telephone number, we are able to contact them using the Cisco Jabber application. Where we act for clients who speak little or no English, we have arranged for an interpreter to be available over the telephone and the interview has taken place by way of a conference call.</p> <p>Almost all of our client have access to a telephone. We are however conscious that many individuals who are homeless or are without accommodation, often do not have money to pay for credit on their telephone. It is these individuals who will be most affected by the closing of face to face services such as, the duty scheme and pro bono clinics.</p>	Ind	PP	East
26.	<p>(i) We are unable to offer advice face to face. In any case we live in a county with a number of rural areas with poor transport links and transport services have been reduced further. Also, many of our clients have underlying health issues and cannot travel.</p> <p>(ii) Clients are responding using e-mail. Some find this easier than by telephone if they have no credit on their telephone using free wi-fi. We telephone clients to take instructions.</p>	Org	LC	North West
27.	<p>(i) NIL</p> <p>(ii) Most of them do not have sufficient IT facilities or the IT know-how to use facilities other than telephone or email; I have not yet tried to use Zoom because matters are on hold due to Covid-19 and this is in all my ongoing possession cases best for them because it keeps them accommodated. What is galling is our inability to reach street homeless clients.</p>	Org	CH	London
28.	-----	Ind	PP	London
29.	<p>(i) N/A – our offices are closed and we are all working at home.</p> <p>(ii) Very few of our clients are able to use internet and e-mail. We do not use Zoom or Skype, as many of our clients do not have an internet connection as they cannot afford one. All of our work is being done by telephone. This is extremely difficult. Clients get bored after having been on the phone for a length of time, and/or their concentration wanes. It is very difficult to “read” a client without face-to-face contact.</p>	Org	PP	West Midlands

	Many of our clients have mental health difficulties. It is extremely difficult, if not impossible, to take adequate instructions over the telephone, to clients who have, even moderate, mental health problems.			
30.	(i) We have generally not been providing face to face advice otherwise than at Court. (ii) Approximately 40%.	Org	CH	London
31.	(i) As we can't safely provide it, none (ii) Our client's disproportionately suffer complex health problems, literacy problems, including digital literacy and English not a first language. In many cases simply not satisfactory trying to take complex instructions on documents such as Court statements over the phone or by email.	Org	LC	London
32.	(i) N/A (ii) About 60 % have email accounts and can correspond in this way. About 20 % have the facility to return signed documents electronically. Some do not have either a smart phone or computer and cannot travel to use public IT facilities which are in any event closed. About 40% do not have an email account. Some have smart phones but do not understand how to use them for anything other than calls/texts and are unable to receive assistance family members/friends because they are high risk and self-isolating. Few clients have access to a printer. Some clients do not have wifi and do not have sufficient data or memory to do anything substantive with their smartphones. One particular client does not even have a letterbox, let alone a smart phone.	Org	CH	London
33.	(i) Not applicable (ii) All of them have been able to, I predominately use emails and telephone calls on a regular basis. So there is no real change in this respect.	Ind	PP	London
34.	(i) We are not on the whole seeing clients face to face. Many of our clients have to use public transport to access our offices. The majority of our caseworkers are working from home and attending the office (as necessary) to check on post etc at times. (ii) For reasons set out above we consider that the majority of our client would not be able to respond either because they do not have access to a computer/smartphone , or because of their disability.	Org	LC	London
35.	(i) We do not have this specific information to hand. However, especially given the nature of our work, clients would face many difficulties in travelling to receive face-to-face advice. For example, clients may need to self-isolate if	Org	PP	London

	<p>they or other household members are unwell or have symptoms; clients may be in one of the vulnerable groups that need to self-isolate or be shielded; and clients may well have children home from school and no one to care for them if they were to attend our offices. We are also concerned that our staff should make no unnecessary journeys.</p> <p>(ii) Every effort is being made to communicate appropriately with clients. However, hurdles in doing this (especially in relation to any complex documents or instructions) revolve around lack of access to technology; language difficulties; mental health issues; literacy and education difficulties.</p>			
36.	<p>(i) None (ii) A majority cannot. Costs of having a computer or smartphone, cost of data packages all make it unlikely that clients are happy to use video conferencing software. As we are located in a highly rural area and mobile signal availability and high band width broadband varies greatly this present issues to clients and caseworkers alike.</p>	Org	LC	East
37.	<p>(i) We are not available to provide this service. (ii) We are only just beginning to use Zoom to have ‘face to face’ interaction with clients. We would estimate that about 60% of our clients would be able to use this. Lack of internet connection/devices; Lack of knowledge of software or computer literacy; and Inadequate English language skills</p>	Org	PP	London
38.	<p>(i) Low % as vulnerable /with children etc clients are vulnerable, and majority of them already have mental health issues in the current circumstance they are fearful to go out and it would be unreasonable for them to come to the office and have a meeting as they would feel unsafe. Most clients if not all, would have to take public transport as they do not have anyone in their household that drives, most clients are single parents or elderly. Further it would be unsafe for single parents, as they will need to bring their children with them and are not able to leave their children with a carer or friend etc due to the social distancing guidelines. Found it difficult due to net issues or tech issues, prefer phone</p>	Ind	PP	London
39.	<p>(i) In light of current government guidance we are not requiring our clients to travel to receive face-to-face advice or expect our staff to provide face-to-face advice. A high percentage of our clients have protected characteristics and/or caring responsibilities, and very few are in robust health.</p>	Org	LL	West Midlands

	<p>(ii) We are unable to provide a percentage. We believe that the majority of our clients are not able to.</p> <p>Our clients are vulnerable. Many are not IT literate. Those who are, are unlikely to have enough data and will not be able to afford to purchase data due to being in receipt of benefits or having low income. For ordinary phone calls it is very common to find clients are unable to call us because they are out of credit, and clients often change phone numbers regularly because they have been disconnected by previous providers due to non-payment.</p>			
40.	<p>(i) None</p> <p>(ii) About 80% can use alternative arrangements to some degree but it is not the same as being able to take face to face instructions and go through documents which they have in their possession.</p> <p>As an adequate means of providing instructions to an adequate level I would estimate this is true of a minority – maybe 15%</p> <p>They are not able to use electronic communication because of a combination of financial difficulties, inability to communicate in English and lack of familiarity with technology.</p>	Ind	PP	London
41.	<p>(i) This question is difficult to answer but I would imagine that even if a large number of clients travel to face-to-face appointments the ability to do so safely is going to be extremely limited given the risk of infection.</p> <p>(ii) I estimate that somewhere between 50-75% of our clients have access to Zoom and Skype via smartphones. The remainder would not have access either because they do not have smartphones or may not have internet access.</p>	Org	PP	London
42.	<p>(i) safely to travel to receive advice face to face if you are presently able to provide this service. We do not provide this currently in view of government advice. In any event, almost all our clients rely on public transport and a large number are vulnerable due to underlying health conditions or age, and could not safely travel</p> <p>(ii) adequately to respond to you using the alternative arrangements you have in place (such as Zoom, email, Skype?). Most clients (say 75-80%) are able at least to some degree to use email and phone/other methods.</p> <p>If any of your clients are unable to do so then why is this?</p> <p>Some of our clients are illiterate or do not speak English as a first language. Some (particularly those who are illiterate) do not have email and some cannot use it effectively because they cannot write or cannot write in English. Many of our clients have significant mental health problems and with some clients (say 20 to 30%) remote communication cannot effectively substitute for meeting face to face because of language barriers, illiteracy or the client's vulnerability.</p>	Org	PP	London

43.	<p>(i) safely to travel to receive advice face to face if you are presently able to provide this service.</p> <p>As a preliminary matter, we would suggest it is not right to say that anyone can safely travel, particularly using public transport (which is relied upon by the vast majority of our clients). It appears increasingly likely that there may be an unknown genetic component which puts some people at a high risk of mortality from covid-19. Clients may also have underlying medical conditions of which they are unaware, or may have high-risk household members. It would therefore not be right to assume that any particular client is at a low risk.</p> <p>In light of the above and current government guidance we would not ask our clients to travel to receive face-to-face advice or expect our staff to provide face-to-face advice. A high percentage of our clients have protected characteristics, caring responsibilities, and/or pre-existing medical conditions that put them at a high risk, beyond the inherent risk discussed above.</p> <p>(ii) adequately to respond to you using the alternative arrangements you have in place (such as Zoom, email, Skype?).</p> <p>We are unable to provide a percentage. We believe that the majority of our clients are not able to. We would estimate that roughly 50% of our clients do not use email, let alone more advanced technologies such as Zoom or Skype.</p> <p>If any of your clients are unable to do so then why is this? Our clients are vulnerable, many are not IT literate, some will not have enough data and will not be able to afford to purchase data due to being in receipt of benefits or having low income. It is common for our clients to share one computer/tablet with their whole family, and children will often need to use this for school work. As our clients are financially eligible for legal aid, they are by definition unable to afford any costs associated with using these technologies (eg buying a second computer, paying for software, etc).</p>	Org	LC	London
44.	<p>Shelter</p> <p><i>(i) safely to travel to receive advice face to face if you are presently able to provide this service.</i></p> <p>Shelter offices are closed for the period of the lockdown. Notices on the entrance doors give contact telephone numbers for use by existing clients and people with housing or homelessness problems.</p> <p>Solicitor, Manchester:</p> <p>99% of my clients would have to use either public transport or take a taxi if we were able to offer face to face advice. I have only 1 client from my caseload who has a motor vehicle. The remainder have to rely on public transport or</p>	Org	CH	National

taxis. Of the 99% who have to use public transport I would estimate 50% of them have difficulty in leaving the house alone and rely on a carer/friend or family member for support – as it is often not someone in their immediate family they would not be able to travel safely and comply with the 2m social distancing rules especially if travelling by taxi. These clients tend not to use public transport due to their mental or physical health conditions.

Solicitor, Newcastle:

We are unable to provide this service, but given that most public transport in the North East is running on a skeleton basis, it would have been difficult for them to travel to us in any event.

Solicitor, Norwich:

We're not able to provide face to face advice. 10% of the clients in the first days of lockdown were able to travel to receive the advice, and immediately moved to phone. Since the lockdown has bedded in, none are seen face to face.

Solicitor, Bournemouth:

Our office is currently closed and we are not generally providing face to face advice. If there was an emergency and no other option but to see people face to face, then we would need to make arrangements. We could try to find staff who are willing and able to come in to the office to provide H&S cover, which will be trickier now that staff are furloughed and re-purposed. I am the only solicitor in the office and cannot see anyone face to face as I am a high-risk group, which leaves 1 other paralegal who could potentially do it. The alternative would be to meet someone in a public place where we can distance and try and maintain confidentiality. Both options are far from ideal, but it is do-able.

People could only come to the office if they lived close or had their own transport. We cover the county of 1024 square miles, many of which are in rural areas. There is no / very limited public transport to some areas at the best of times but now it is even more restrictive. There are still some buses and trains running, but they take a long time, are expensive and mostly need connections, which may not now be possible. This is on top of whether clients are vulnerable so public transport may not be appropriate. Taxis are not an option due to cost.

Technically we could drive to meet a client in a public place near their home. We do sometimes have to do this anyway but have a network of agencies that we work with where we can meet clients. This is obviously no longer possible.

All in all, we cannot generally see client face to face. So far this has worked but that is largely only because possession cases aren't being issued or heard in court. If cases were still being heard, it would be a nightmare and impossible to

represent people. I think many more people would be evicted and homeless.

There is the added issue of taking papers from the client – the virus can live on paper or card for 24 hours. How do we take papers from them / give papers to them without each of us risking infection?

(ii) *adequately to respond to you using the alternative arrangements you have in place (such as Zoom, email, Skype?).*

If any of your clients are unable to do so then why is this?

Solicitor, Manchester:

I would estimate that 50% of my clients do not have an email address. I have suggested to some of my clients to try and ask a friend or family member to assist with this, but some clients are simply not capable of communicating by email. Some of my clients are embarrassed about their poor spelling and find writing words very difficult and prefer to communicate by spoken word to express their concerns. They do not have the confidence to jot things down as it does not come naturally to them. The majority (say 75%) of my clients have never heard of zoom or skype and feel totally out of their depth in dealing with those applications.

I have a client who has an injunction application hearing on Monday and the Judge wants to deal with it remotely. The Judge wants to deal with the hearing by video Skype. She has managed to download Skype to her phone because one of her children helped her. It wasn't easy. The Judge is to email her the link to join the hearing remotely. She is very nervous about doing so. Without the help from her teenage son she would have struggled to sort out Skype. I am still not sure if she will be able to click on the link from her email yet. I have managed to do a Skype video call with her but by sending the link in a text message. I am just hoping it will work by email. Some of my clients will have a simple mobile phone that would not allow such applications as zoom and skype due to the type of phone. I know my own personal mobile is very old and I cannot have these applications on it.

Solicitor, Newcastle:

Older clients are not tech savvy enough to be able to provide information or respond to requests for information. For clients of any age, their financial circumstances also mean that they may not have a mobile phone/computer that is capable of using all tech options.

Solicitor, London:

I'd say that 90% of clients have email as well as phone capability and many clients will enlist help of friends and family to help them communicate via email

Most clients have access to email, but none of mine, as far as I know, have access to other communication platforms like Skype, Zoom etc - and in a number of cases the clients would

find it extremely challenging, if not impossible, to acquire and use these sorts of platforms

Solicitor, Norwich:

20% of clients are able to respond via email. The remainder do not have zoom/skype, and telephone contact is being maintained. This is not sufficient to take detailed instructions as required for possession cases because clients can't show documents to us, and we cannot pick up on all the non-verbal cues that are necessary when interviewing clients on sensitive topics regarding health/victims of anti-social behaviour, domestic abuse, etc.

Solicitor, Birmingham:

Already we sometimes struggle with explaining to clients how to take a photo of documents to send to us. Then some struggle with using emails. Also, a high percentage of our clients are from ethnic minorities and as such English is not their first language.

Solicitor, Manchester:

Many clients do have access to email and phone, but the difficulty is the lack of access to a printer and scanner to print and scan back signed documents. There is technically provision for electronic signatures, but I have not yet had any clients who have been able to work out how to provide an electronic signature and so I have had to send out any document in the post for signature and the client has then had to send it back. This adds delay to the process, especially as due to lockdown people are only collecting post from the office twice a week. This means that we can potentially comply with directions, but additional time is needed for us to do so.

Ordinarily, a client would attend the office and would be able to sign the document at the same time. In the current lockdown, it is taking two days for a document to reach a client, two days for the document to be sent back to our office and further potential two days before the post is collected: thus adding an additional week to the length of time it is taking for us to comply with straightforward directions. Where disclosure is concerned, this is often tricky, as clients may have so many documents that it is very expensive to post the documents back to us. This means that we are having to send out stamped addressed envelopes to clients for them to return the documents, which potentially adds a further week as it is only when we receive the documents back that we can consider them, draft a list of documents and then send out the list of documents to the client for signature.

The above of course assumes that a client has a working phone and access to a charger, which is not always the case with some of our clients who rely on being able to access the office.

Solicitor, Bournemouth:

<p>It is easier to say how many do have access and could use systems to make running cases effective using these systems. (I think I currently have only one client who could manage it.) This is for various reasons including:</p> <ul style="list-style-type: none"> • Many of my clients have health problems which mean they find it very hard to manage any sort of technological tasks. • Most clients do not have a PC or laptop. Many will have a mobile phone and some may have email, but what you can effectively do on a phone email is restricted. • Most clients do not have printers or scanners. This can impact on what they can receive and what they can download, view, etc. They can't print and sign documents. They couldn't read or prepare long documents, eg witness statements. • Even if clients have email accounts on their phones, they cannot always access them, as they may not have any credit or data. They may not be able to afford to top up. Clients have financial problems, and their phones (and if any is owned, computer equipment) can be in the pawn shop if they hit financial problems before the lockdown and they can't now get them out (I'm assuming pawn shops aren't allowed to open). • If someone is homeless and if they do have a phone, they rarely have credit on it or the ability to access emails, etc. If they do, it isn't reliable as they cannot charge that phone – day centres and other agencies where they can charge the phone are closed. • There is not mobile reception everywhere. I am very fortunate that Shelter moved to a Skype based phone system because if they hadn't, I could not work. There is no mobile coverage where I live and no 3G (or any G). I could use email, but not the phone. There are lots of places like this in rural areas. • People who work in offices and can use technology forget that there are many people who have never had to use tech or had the opportunity to use it. They just don't know how to. If things weren't set up by someone else pre-corona, it can't be set up now. • Zoom – I have concerns about using Zoom for confidential work, as there are security flaws and information is not necessarily safe. Zoom is easily hacked. <p>We are muddling through and we are doing work that we risk not being paid for, as we may never get the necessary evidence of means and forms back from clients.</p> <p>These are some of the cases I currently have where I am going to need to apply to adjourn pursuant to CPR51Z if the court doesn't do it automatically:</p> <ol style="list-style-type: none"> 1. Pre corona and ongoing: warrant case due to alleged ant-social behaviour. Client has severe mental health problems – our expert psychiatrist referred to him a being one 			
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of the most unwell people he had met for a long time. The claim had been adjourned last year until June as he was in psychiatric hospital for rehabilitation. During corona he has been discharged as he wasn't coping in rehab. He isn't coping being out of hospital either. Nobody thought to tell me or think about the impact of his case (which is likely eviction and homelessness). The hearing has not yet been adjourned. I have to prepare evidence before then and as the hearing has not been adjourned, I will need to comply with the direction to do so unless I can somehow persuade the LL to agree to stay (which is doubtful). The client does not open post due to his mental health issues. He has an email address but does not use it. He occasionally answers his phone, but it is rare. How am I going to prepare his witness evidence without being able to speak to him? He cannot travel to the office anyway as he lives some distance away and cannot use public transport due to his mental health. I have had to meet him in the park near his house to finalise evidence. This is not possible now. Even if I can draft a statement which we can finalise, how do I get it signed? He cannot use his email and phone to do this. He has access to PC or printer. I would need to drive to the office (15 miles, then print it, then drive 30 miles to where he lives, hope that a public area near where he lives is not full of people exercising, get him to read and sign the document, then drive 40+ miles back. This puts us both at risk, as we are having to leave our homes and touch pens / paper that the other has touched.

If the hearing goes ahead, he will not be able to attend as he cannot get to court, as the mental health team cannot drive him. His local court is closed. The court he would need to go to is two buses and a train away – it would take more than two hours each way. He cannot do this, not only because of the logistics, but his anxiety will not allow him to do.

The case would continue in his absence. I could not attend the hearing as I am in a high- risk group. I will be relying on finding a barrister who can attend, but this is a complex case for an exceptionally vulnerable young man. There is a limit to what I can do with this client, because his mental health problems make communication very difficult at the best of times, let alone now.

2. Pre-corona case and ongoing: Elderly woman who lacks capacity due to dementia. Possession claim from her social housing as it is alleged that she is unable to comply with some terms of the tenancy (reasonableness is very much disputed). This client can and does speak on the phone. She has no email or mobile phone. No computer and wouldn't be able to use one. All instructions have been taken to date by me going to see her at her home, as that is the only way it is possible. The claim was adjourned pre-corona for the landlord, social services and us to take various steps. There is

a review hearing in July (so may not be able to use 51Z – who knows). I have not been able to do what I need to do to assist her defence (that is, buy her a bird table and try and persuade her to use it so she isn't feeding the rats as much), because corona then happened and I can't go and see her.

3. Pre-corona case and ongoing, with a hearing on 1 June. Client is vulnerable due to a chronic breathing condition. I need to obtain evidence from them, which I can largely do over the phone. They do have email and can use it. They could use Skype if they had it, but they don't. I can email them documents, but they cannot leave the property to post anything to me as they are shielding. They have no scanner to scan things to me.

4. Post-corona injunction: Housing association threatening to apply for an injunction against a client living in Housing First accommodation. She is very vulnerable, with serious mental health problems, dependency issues, very chaotic and has been rough sleeping for years. She was recently accommodated in a housing association property and is struggling to adjust. She has a phone and will speak on it. She doesn't deal with post. She has no email. She has never used Skype or any sort of technology, and so could not set it up. I advised her under Legal Help three weeks ago, but I still haven't had the Legal Help form back (which was sent via a support worker she is working with). I don't know if I ever will and if I don't, we won't get paid. Normally a support worker would take it to them and stand there until it is signed, or if I posted it they would rummage and find it. They cannot do this.

So far I have avoided the injunction application being issued, but I think it will be at some point soon. If it is I don't know what we are going to do if there is a defence, as getting any form of legal aid, instructions or evidence will be impossible. She lives in the same area as client 1 and the nearest open court is some distance – she won't get to any hearings. There is no way I will get bank statements for the Legal Aid Agency, as normally a support worker would need to take her to the bank to get them and they cannot do this.

5. Post-corona possession: housing association (ironically, one which specialises in assisting disabled people) served a s21 notice and issued the claim. Client has serious mental health problems (bi-polar, schizophrenia) and is an amputee. She contacted us before corona but did not come to her appointment. She returned the defence form, but we haven't seen it so don't know what it said. On 20th March the case was listed for a hearing today (23rd April) and that was turned into a telephone hearing. I don't know why it was not adjourned pursuant to 51Z. The housing association did not want it adjourned. This client cannot manage a phone hearing. She has a mobile phone which sometimes works. She has no

	<p>email address and cannot set one up. She has no PC or computer equipment. I advised her over the phone earlier this week. Her adult son lives with her, but he has learning disabilities. He does have an email address and so we agreed that I would send a completed Legal Help form to her and she would return it to me, confirming she would sign it. She did not do so and has not answered her phone. She said they couldn't get into her son's email account and both of their phones broke. I have posted forms out to her, but I am not convinced I will ever get them back.</p> <p>I decided to email the court anyway even though she hadn't returned the Legal Help and explain that I had no funding and couldn't help at the hearing, and I asked them to adjourn pursuant to 51Z. The court did adjourn the case, which is fortunate.</p> <p>There is a defence and I am going to try and sort out legal aid at some point. Given she has no email, no computer etc, we will have to do this by post. It will take an age and I will not get everything that I need.</p> <p>6. Just before lockdown I had arranged to see a new client who has been under mandatory section in hospital for a couple of years. Her housing association landlord had served a Notice to Quit, saying she had lost security of tenure. I had arranged to meet her the following week, which was the week of lockdown. I could not see her. She is unable to speak on the phone due to her mental health. I don't even know if a claim for possession was issued. I'm hoping not and that if it was, the claim is adjourned, I am trying to find out. I think it was just on the brink of being issued, so may not have happened yet. If it was, I'll need to apply to adjourn and/or to set aside any orders made. I have no idea how I will be able to do that as she has no access to bank statements, info and cannot speak to me.</p>			
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Q4. What working arrangements do you have for:				
(i) Seeing clients face-to-face (ii) Seeing clients digitally (Zoom, Skype etc) (iii) Sending and receiving documents to and from clients and other parties (iv) Getting signatures on documents				
No.	Response	Ind/Org	Type	Region
1.	(i) We currently have no face to face advice. All advisers have access to internet and email but not all have scanners – we have just been instructed on a possession claim involving ASB. The client has no internet and cant go out to access wifi as would normally do in any event they do not have a scanner so would have to photograph each page . The client cant go to post office to post it as is member of a vulnerable group. We tried to get a copy from the housing association but as they are working from home they have said that they cant email it as it is too big. At the moment the case is adjourned but we cant even get full instructions as don't have full details of the claim (ii) Most clients have email many clients do not have wifi and don't have sufficient data for zoom etc (iii) Clients rarely supply the correct documents, they are often mixed up with irrelevant documents. Most clients are so stressed by possession claims that even the clients who have the capability are too stressed to properly read and absorb information well enough to follow detailed instructions and sort through paperwork	Org	LC	East Midlands
2.	(i) Seeing clients face-to-face – we are not seeing clients face-to-face during the Covid-19 crisis for health reasons. (ii) Seeing clients digitally (Zoom, Skype etc) – we have zoom and skype subscriptions to enable us to meet with clients remotely where possible. (iii) Sending and receiving documents to and from clients and other parties. We are mainly using email. We have a skeleton staff in the office dealing with post and scanning so those working remotely can receive mail. This also means we can post documents out to clients where absolutely necessary (eg where legal aid forms require signature). (iv) Getting signatures on documents We are able to send documents to clients by post to be signed and returned to us. We have a skeleton staff in the office dealing with post and scanning so those working remotely can receive mail. We are also able to e-sign documents when working remotely.	Ind	PP	London
3.	(i) Seeing clients face-to-face This can be theoretically done by appointment in the office if absolutely necessary but in practice it has not been done and presents too large a risk. (ii) Seeing clients digitally (Zoom, Skype etc) We have Zoom and Skype, and some client meetings have been held in this way, but accessing this technology is too difficult for many clients.	Org	PP	London

	<p>(iii) Sending and receiving documents to and from clients and other parties We have one person in the office every other day from 10-3 to send documents. This is for a firm with over 100 fee earners so documents often do not get sent until many days after the request is made. The post has been redirected to someone's house but it is significantly delayed. Many clients cannot get out to go to the post-box because they are self-isolating. Some clients have poor literacy and so can sign in the right place if you read a document to them in the office (in normal times) but find being posted a document and having to sign in the right place and return an insurmountable challenge.</p> <p>(iv) Getting signatures on documents As above</p>			
4.	<p>Courier to collect / deliver client documents where possible Remote desktop cloud access to the staff network and case management system. Paper files have been transferred to the home of their caseworker. We have fully paper files. Staff working from home on own laptop devices or where required have been provided with a laptop. Staff are using own internet connections which are of varying reliability. Staff are using their own printer or have been provided with a printer. Some staff have own scanning facilities, other staff have no scanning facilities save smartphone scanning apps such as CamScanner – so not possible to scan large quantities of documents from home. We do not have a large document transfer system – documents are provided to opponents / clients by email where possible but this is limited by the maximum file size that can be sent. We use Adobe Pro We are dependent on client home IT facilities to scan, print, access emails, and whether they can access emails / documents on a laptop or on a mobile device. Caseworkers where possible make use of these facilities to send documents to the client, obtain signatures, and draft documents. The majority of clients use a smartphone, few have a laptop. Many have poor internet connections and a large proportion depend on mobile internet, particularly those in hostel accommodation The majority of our clients do not have adequate facilities and a tiny minority have a printer. None have a scanner save smartphone apps.</p>	Org	LC	London
5.	<p>(i) Seeing clients face-to-face We are currently working on ensuring that there is an appropriately sized office which would both allow protective social distancing to occur and yet instructions given in a safe and confidential environment. (ii) Seeing clients digitally (Zoom, Skype etc) There is capacity to see clients digitally by Skype, but for the majority of our clients this is not an option as they either do not have sufficient smart phone or tablet or PC</p>	Org	CH	South East

	<p>capabilities. There are also issues of inconsistent and variable access to wifi and internet coverage. The most effective forms of non-face to face interaction is still the phone and for those that have limited digital access, email.</p> <p>(iii) Sending and receiving documents to and from clients and other parties</p> <p>Most clients do not have access to scanning or printing facilities so this is proving problematic. The post is an alternative and is for those clients who can safely travel to deliver/collect documents.</p> <p>(iv) Getting signatures on documents</p> <p>Please see above.</p>			
6.	<p>Housing caseworkers are currently working from home although we have to periodically come in during the week to collect and send post/dx. We have closed our offices to members of the public save where absolutely necessary and even then only by appointment. Our pro bono evening surgeries are now phone based.</p> <p>We are seeking to minimise face to face contact with clients, colleagues, opponents and the court. We have switched to using email, phone and Microsoft teams where possible. We have noticed most clients are reluctant to attend our offices due to the lack of childcare and the health risks associated with public transport. Many have mental health conditions struggle to use Zoom/Skype/Microsoft teams rather than face to face meetings or telephone conversations. We are attempting to conduct client interviews by telephone and signing people up to legal aid over the phone using email signatures and sending funding forms by post. This is not ideal as it puts the organisation at risk of opening files with no proof of means and no signatures on the funding forms. If you do not have signed funding forms and proof of means you are unlikely to be paid for your work.</p>	Ind	LC	London
7.	<p>(i) We are not seeing clients face-to-face.</p> <p>(ii) We are not seeing clients digitally, although do have this capability, if required in limited circumstances. However, I believe that most of our clients would not have this capability, as they are quite vulnerable and also largely rural, so that even phone signals can be a struggle.</p> <p>(iii) We are able to email documents to most of our clients and other parties. In the limited times that the client or other party does not have access to email, they can screenshot documents and text them to us and vice versa or, where necessary, we can post or DX documents.</p> <p>(iv) We are seriously struggling with the issue of signatures. We can email documents to clients to request them to cut and paste the required electronic signature language in a reply. Otherwise, we can post documents, which is clearly a much slower process than usual, as we only have staff in the office two days a week. I have also seen that client's, who</p>	Org	PP	South West

	tend to struggle with post on a normal day, are having difficulties with replying by post. With obtaining signatures on Legal Aid contractual documents, I seriously fear that a lack of signatures will lead to issues with future payments.			
8.	(i) Seeing clients face-to-face – Not possible at the moment (ii) Seeing clients digitally (Zoom, Skype etc) – We are assessing on a case by case basis – we are advising on the phone at the moment (iii) Sending and receiving documents to and from clients and other parties – We are having to take photos and emails (iv) Getting signatures on documents – again not really possible	Org	LC	London
9.	We cannot see clients face to face. We principally speak on the phone. We can offer Zoom etc.. this can be challenging when the client is vulnerable, lack the necessary IT equipment or where English is the client's second language. The office is closed except for managing post on and out. The post is dealt with internally electronically. We use electronic signatures as far as possible.	Ind	LC	South West
10.	(i) Seeing clients face-to-face We are not seeing any clients face to face (ii) Seeing clients digitally (Zoom, Skype etc) We do have access to Skype and Zoom and could in theory make use of these to see clients digitally. However in practice few of this client group would have the resources to utilise this type of technology (iii) Sending and receiving documents to and from clients and other parties We maintain largely paper files as we do not have the funds or staff resources to scan large amounts of documents such as would be necessary in most housing cases. Following government directions, our staff are currently working from home. The two solicitors have access to basic scanning facilities but would need to go into our offices to scan bulky documents which we do not encourage. We have strict rota arrangements whereby only one member of staff is permitted to be in the office at any time and for as short a period as possible We are still using post and DX where necessary, and a member of staff goes to the office once or twice a week to check the post and DX. We are requesting that other parties send documents by email and are accepting service by email. The local county court sends out documents mainly by DX and only occasionally by email Some clients are able to email or text short documents to us using smart phones but many are not and this would not be practicable with bulky documents such as particulars of claim with lengthy exhibits, witness statements etc. We are not asking or expecting clients to go to the post office to send us documents currently, especially as some have	Org	LC	West Midlands

	<p>underlying health conditions and because of the geographical area we cover many clients would have to travel considerable distances using public transport to reach a post office. This would be a risk to their health and safety. Many clients would not be able to afford postage and packing for bulky items</p> <p>(iv) Getting signatures on documents This would be extremely difficult or completely impossible for the reasons set out above.</p>			
11.	<p>(i) Seeing clients face-to-face – we are not seeing clients face-to-face during the Covid-19 crisis for health reasons.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) – we have zoom and skype subscriptions to enable us to meet with clients remotely where possible.</p> <p>(iii) Sending and receiving documents to and from clients and other parties. We are mainly using email. We have a skeleton staff in the office dealing with post and scanning so those working remotely can receive mail. This also means we can post documents out to clients where absolutely necessary (eg where legal aid forms require signature).</p> <p>(iv) Getting signatures on documents We are able to send documents to clients by post to be signed and returned to us. We have a skeleton staff in the office dealing with post and scanning so those working remotely can receive mail. We are also able to e-sign documents when working remotely.</p>	Ind	PP	London
12.	<p>(i) Seeing clients face-to-face – None currently</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) - Zoom</p> <p>(iii) Sending and receiving documents to and from clients and other parties – Usual arrangements for Royal Mail post, email, or delivery through our office letterbox (door locked to public).</p> <p>(iv) Getting signatures on documents – Only via physical signature</p>	Org	PP	South East
13.	<p>(i) Seeing clients face-to-face None</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) Limited – although we have facilities to set up digital meetings the vast majority of or clients cannot use these facilities mostly as a result of not having access to the technology required.</p> <p>(iii) Sending and receiving documents to and from clients and other parties We are doing this by e-mail. This is generally ok for communications with solicitors and the courts (though problems and delays are caused by reduced staffing and the disruption caused to all organisation as a result of COVID-19. It is proving very difficult for many clients, particularly the most vulnerable and those with highest support needs.</p> <p>(iv) Getting signatures on documents</p>	Org	LC	North West

	This is proving very difficult – only a small minority have been able to sign forms remotely.			
14.	-----	Ind	PP	London
15.	<p>Member of the housing team to collect / deliver client documents where possible All post re-directed to an admin workers home. Remote desktop access to the staff network and case management system. The system is very temperamental, we are in a semi-rural area so internet coverage can be unreliable. Paper files have been transferred to the home of their caseworker. We have fully paper files. Staff working from home on own laptop devices or where required have been provided with a laptop. Staff using own printer. Few staff have own scanning facilities We do not have a large document transfer system – documents are provided to opponents / clients by email where possible but this is limited by the maximum file size that can be sent. We use Adobe Pro Very few of our clients have any access to be able to email documents or scan any documents. The majority of clients use a smartphone, few have a laptop. Many have poor internet connections and a large proportion depend on mobile internet, particularly those in hostel accommodation.</p>	Org	LC	East Midlands
16.	<p>(i) Seeing clients face-to-face We are not seeing clients face to face. (ii) Seeing clients digitally (Zoom, Skype etc) We can see clients digitally however; we rarely do this. (iii) Sending and receiving documents to and from clients and other parties We still have access to post, DX, Fax, Email and can hand deliver any urgent documents. However, post seems to be extremely delayed at the moment. Our Clients have been either emailing documents back to us or returning them in the post. This has not been very successful as it takes a number of days to receive anything and quite often when received forms have not been completed properly or documents are missing. (iv) Getting signatures on documents See above – this has not been very successful.</p>	Org	PP	East
17.	<p>(i) Seeing clients face-to-face - none at present - we are all working from home and take it in turns to visit office if/when needed. Office is in a shared building currently with no reception (ii) Seeing clients digitally (Zoom, Skype etc) - none at present (iii) Sending and receiving documents to and from clients and other parties - email/post (iv) Getting signatures on documents - digital signatures</p>	Org	CH	South East

18.	<p>(i) Seeing clients face-to-face Could do this if necessary subject to complying with Govt re hand-washing and social-distancing. However capacity certainly reduced as vast majority of staff are working from home.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) We have technology to do this. However we're obviously dependent on clients also having the technology</p> <p>(iv) Getting signatures on documents As above</p>	Org	PP	London
19.	<p>(i) Seeing clients face-to-face At present we are not seeing clients face-to-face.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) As a Law Centre we have a Zoom account and Microsoft Teams. Many members of our client group will not have access to this technology, and if they do, we envisage clients having problems with not having enough data to use the technology on their devices. Given many of our clients are in rent arrears, we do not want them to have to incur extra costs in order to defend their case, when they should be prioritising making payments towards their rent and arrears.</p> <p>(iii) Sending and receiving documents to and from clients and other parties Our housing department is not paperless. In line with government guidance, our staff are currently working from home with limited access to a printer or scanner. Most staff can therefore only send documents electronically by going into the office to scan them and we are not commuting into the office at present. We are still using post where necessary, and a member of staff goes to the office once a week to check the post. We are requesting that other parties send documents by email and are accepting service by email. We can ask clients to take photos of documents with their mobiles and email them to us if they are able to. If not, we ask that they read them out to us over the telephone. We are not asking or expecting clients to go to the post office to send us documents currently, especially as some have underlying health conditions. To do so would be a risk to their health and safety. Clients may also not be able to afford postage.</p> <p>(iv) Getting signatures on documents We are likely to have difficulty getting clients to sign documents and return them for the reasons stated above. Few will have scanners and should not be asked to attend the post office.</p>	Org	LC	London
20.	<p>(i) Seeing clients face-to-face – none (office is closed)</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) – we could arrange this if the client wanted but so far clients have been happy with telephone appointments (many would not have sufficient credit/access to Wifi for a zoom or skype call)</p>	Org	PP	West

	(iii) Sending and receiving documents to and from clients and other parties – fee earners are sending docs out themselves by post where cannot be done by email (iv) Getting signatures on documents we are sending docs to clients with SAEs and asking clients to sign and return			
21.	(i) Seeing clients face-to-face – we are not seeing clients face-to-face during the Covid-19 crisis (ii) Seeing clients digitally (Zoom, Skype etc) – we have zoom and skype subscriptions (iii) Sending and receiving documents to and from clients and other parties. We are mainly using email. We have a skeleton staff in the office dealing with post and scanning so those working remotely can receive mail. This also means we can post documents out to clients where absolutely necessary (eg where legal aid forms require signature). I have a few local clients who have dropped off documents at the office. (iv) Getting signatures on documents We are able to send documents to clients by post to be signed and returned to us. We have a skeleton staff in the office dealing with post and scanning so those working remotely can receive mail. We are also able to e-sign documents when working remotely. Very few clients have printers and although a large number do have smart phones signing electronically has proved a challenge	Ind	PP	London
22.	-----	Org	LC	South East
23.	(i) Seeing clients face-to-face - none (ii) Seeing clients digitally (Zoom, Skype etc)- we do not have Zoom on the office system. Skype is only on some of the office laptops. We access our systems via a remote gateway and skype is not on any of the housing team profiles. Most are using their personal skype/zoom if there is a need to see client face to face. (iii) Sending and receiving documents to and from clients and other parties – we have set up a post email to send docs too and admin/staff are on a rota for being at one of the offices to print this off and post on a daily basis. They also deal with any incoming post/dx which is then scanned onto our systems and placed in an electronic mail box on our system. (iv) Getting signatures on documents – some of our clients have been able to add electronic signatures to documents that have been emailed to them. Others are sending us photos or scans of the hard copies of docs which they have signed, an attaching this to an email (or for those who have printers, that they have printed from emails we have sent them with the docs attached).	Org	PP	London
24.	-----	Ind	PP	London
25.	(i) Seeing clients face-to-face:	Ind	PP	East

	<p>Only our head office in Harrow remains open, all other offices have been closed for the safety of staff, clients and third parties.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc): We have the facility to conduct meetings/conferences via Zoom and Skype. All employees also have the Cisco Jabber application downloaded on their telephone or laptops to enable telephone meetings to take place. As long as the person we are hoping to contact has a telephone, we are able to contact them using the application.</p> <p>(iii) Sending and receiving documents to and from clients and other parties: Most of our clients have email access. The firm operates a paperless policy and therefore we are equipped to send and receive documents electronically. We have a centralised posting system. When post is received it is scanned and emailed to fee earners.</p> <p>(iv) Getting signatures on documents: Most of our clients have been able to sign documents electronically, where they have been unable to do so hardcopies of the documents are sent to them by post for them to sign and return to us. A record is kept of the reasons for them being unable to sign documents electronically for example, no access to internet or smartphone or computer. The LAA have published a contingency policy to deal with those who cannot sign documents or provide documents.</p>			
26.	<p>(i) Seeing clients face-to-face It is not possible to see clients face to face.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) We have access to Zoom technology. But it would be difficult to explain how to use this to some of our client group and others may not have the same equipment. We have a chaotic client group with mental health and addiction issues while others are on a low income and cannot afford the equipment. Also there is difficulty accessing IT as the large volume of users can lead to connection problems and some of our clients live in rural areas where they have no signal.</p> <p>(iii) Sending and receiving documents to and from clients and other parties Some clients are able to scan and e-mail documents while others post documents which takes longer.</p> <p>(iv) Getting signatures on documents We are posting documents for signature with pre-paid envelopes for their return and we have trialled electronic signatures but clients are choosing to return postal documents instead.</p>	Org	LC	North West
27.	<p>(i) Seeing clients face-to-face: Nil: we are not offering face-to-face services due to the Pandemic.</p>	Org	CH	London

	<p>(ii) Seeing clients digitally (Zoom, Skype etc): This could be arranged but we have yet to use zoom save for internal meetings.</p> <p>(iii) Sending and receiving documents to and from clients and other parties: we have the ordinary post and email.</p> <p>(iv) Getting signatures on documents: we are relying on post and email as we have no e-sign facilities for clients.</p>			
28.	<p>We are not offering facilities at the moment for face to face meetings with clients</p> <p>We are able to “see” clients digitally but in practice very few of our clients are able to access to facilitate this. Some clients do not have email</p> <p>We have a skeleton staff attending our offices once a day to open and send post and DX. Clients are able to send signed documents in by post but many are self isolating and unable to do this. Most do not have facilities to sign digitally.</p>	Ind	PP	London
29.	<p>(i) Seeing clients face to face - none our office is closed to the public</p> <p>(ii) Seeing clients digitally (Zoom, Skype, etc) – none</p> <p>(iii) Sending and receiving documents to and from clients and other parties – outgoing correspondence is being emailed wherever possible. Where it is necessary to send items by post, they are being sent via e-mail to one of the partners who has an office printer installed at home. Post and enclosures are then printed off and put into envelopes and posted by said partner. Incoming post is collected daily from the office and taken to the home of different partner, who has an office scanner installed at home. All incoming post and DX is scanned at his home and then attached to our electronic files by an Admin worker who is somewhere else (in his home).</p> <p>(iv) Getting signatures on documents – where time allows, documents which require a client signature are sent to them with a pre-paid return envelope for signature and return. They are then scanned into the file as detailed above. Where the client has email facilities and time is short, then the document is e-mailed to them and, if they are technically savvy enough, they type their signature onto the document and return it to us. For clients who do not have e-mail facilities and where time is short, then for statements of case, the document is read out to them over the telephone, the statement of truth and its significance is explained to them, and then the fee earner will type the fee earner’s signature on the document. Where witness statements need client’s signatures, if it is not possible to obtain them in time for them to be filed/served, we are sending them unsigned or, in one case, the fee earner exhibited the client’s witness statement to a witness statement from her confirming that it had been read to the client over the telephone, who had</p>	Org	PP	West Midlands

	confirmed that it was true and that the statement of truth had been explained to the client, etc.			
30.	<p>(i) Seeing clients face-to-face Our office space is particularly cramped. Prior to the suspension of possession proceedings, we were meeting clients face to face at court. This is now not possible where courts are closed and possession hearings are by telephone.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) This is sometimes possible. However our clients tend to be poor. Often clients have not been able to install these apps on their phones (for example because the phone is an older model or lacks sufficient space). Clients are also often on phone plans with limited data allowances which can be used up with Skype / Zoom etc.</p> <p>(iii) Sending and receiving documents to and from clients and other parties. Receiving documents Our office operates from a community building. This is normally open during working hours which enables us to receive post. Since the Corona outbreak the building has been closed. This is out of our control. As a result, metal shutters cover the doors to the building during normal working hours which means that we are not receiving post. Our current email system is office rather than cloud based. This means that we have not been able to service our emails effectively. Our office is generally closed due to the lock down. However a volunteer who lives close to the office has been attending once a week to check emails etc. We have since set up a Gail account and email forwarding but emails are sometimes caught by our security protocols which requires the intervention of an administrator in the physical office. In short, our ability to receive documents by email from clients has been seriously disrupted. While many clients have access to a phone, most do not have access to a scanner. Clients have sometimes sent us documents which they have photographed on their phone. However, more often than not the photographs of the documents are incomplete. Pages are missing, or parts of documents are out of focus or chopped off. Sending documents Sending documents has generally been less of a problem than receiving documents. However not all volunteers have a scanner at home which has created some difficulties.</p> <p>(iv) Getting signatures on documents This has been possible where we have met clients at Court. However, the move to telephone hearings has limited this option. Most of our clients do not have printers to print and sign documents and almost all Internet cafes and printing shops are now closed. This has meant that we have had to post documents for some clients to sign which has caused</p>	Org	CH	London

	<p>significant delay. Not all volunteers working from home have a home printer which has limited option. Our office printer has currently run out of ink and we are awaiting a delivery which has been delayed. If we are unable to source new ink for the current printer within a week we may be forced to purchase a new printer.</p>			
31.	<p>(i) Seeing clients face-to-face None</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) A large proportion of our clients don't have modern enough communications equipment or are not digitally literate enough to use this. Moreover many that could might not have privacy to use these platforms.</p> <p>(iii) Sending and receiving documents to and from clients and other parties Where possible we are sending by email but staff who are working from home (the majority) don't have scanners. A skeleton staff remains on site (1 person a day by rota amongst staff who live locally and can bike in) so post is received and sent, but it is not safe for clients to post letters. Post Offices in Hackney crowded and an infection risk.</p> <p>(iv) Getting signatures on documents See (iii). Very difficult. Some organisations are accepting emails from clients but some are not. In some cases clients are able to sign electronically complying with Law Society and LAA guidance, but most cannot because don't have technology.</p>	Org	LC	London
32.	<p>(i) Seeing clients face-to-face None – our office has been closed to the public since Friday 20th March.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) None – we have not had the time or resources to identify a means by which we could have video calls with clients in a secure way and in any event consider it unlikely that many of our clients would be able to communicate in this way (see more below).</p> <p>(iii) Sending and receiving documents to and from clients and other parties We have one or two members of our Access to Services Team attending the office on a daily basis to collect the post and DX and then scan /email to the Housing Team, all of whom are working remotely. They can also print and send out letters / documents to clients and other parties.</p> <p>(iv) Getting signatures on documents Members of the Housing Team are able to sign documents digitally. To obtain a signature from a client, we have to post the document out to the client with an envelope for them to sign and return, unless the client has the facility to sign digitally or remotely (which is unlikely – see below).</p>	Org	CH	London
33.	<p>(i) Seeing clients face-to-face none –office on lockdown</p>	Ind	PP	London

	<p>(ii) Seeing clients digitally (Zoom, Skype etc) we are using Zoom when we can. However a lot of clients don't have zoom or don't know how to use it.</p> <p>(iii) Sending and receiving documents to and from clients and other parties a lot of it is by email or whatsapp to the office mobile. I do not have a mobile for work, so I wait for this to be sent over to me.</p> <p>We have a skeleton staff that can post things as and when necessary.</p> <p>I have had a new client, that is unable to send items through, as her phone had been disconnected. She gave me her friends number and they have had to speak to me about her case. The client is not sure what grounds on which she being taken to court but knows that it is an injunction.</p> <p>(iv) Getting signatures on documents I have had to get electronic signatures. IT have provided a guide on how to sign things electronically. If the matter is not urgent, I can arrange for the document to be posted.</p>			
34.	<p>(i) Seeing clients face-to-face At present we are not on the whole seeing clients face-to-face.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) A significant number of our clients either lack capacity or have mental health issues or are otherwise vulnerable in some other way (by age, learning difficulties) and are not able to use or access to technology and may require face to face contact (particularly where they have underlying health/mobility issues). Therefore Zoom and Skype cannot be used.</p> <p>Some clients who are able to use and access technology (basic) and may be able to receive and send documents by email or ask their children/friends to send them, which is not always appropriate or desirable.</p> <p>Zoom and Skype is not appropriate for with clients who do not have the computers or smart phones.</p> <p>(iii) Sending and receiving documents to and from clients and other parties Many of our clients do not have access to the internet or a computer/smart phones. Clients are not able to print and scan documents, so we are sending out forms with an SAE to be signed and returned and we are sending SAEs to clients to send us documents. This only works for clients who are able to leave their home to exercise or walk to the shops. With other professional parties we are sending documents electronically.</p> <p>(iv) Getting signatures on documents See above</p>	Org	LC	London
35.	<p>i. Seeing clients face to face; Our two offices (in Whitechapel and Clapham Junction) have minimum staff only on site. Face-to-face appointments</p>	Org	PP	London

	<p>are positively discouraged although can be arranged by appointment. So far, no housing clients have had an appointment.</p> <p>ii. Seeing clients digitally (Zoom, Skype, etc); Our housing team is not seeing clients digitally. We are using phone and email.</p> <p>iii. Sending and receiving documents to and from clients and other parties; All documents are sent and received by email if possible. However, one of the reasons for maintaining a skeleton staff in the offices is in order that any incoming post and DX can be scanned and distributed, and any documents brought in by clients can also be scanned and distributed.</p> <p>iv. Getting signatures on documents? We have a variety of options for obtaining signatures on documents, largely depending upon the technology available to our clients and the other parties. If possible, signatures are obtained electronically. Documents can also be sent and received by post and DX. If absolutely necessary and there is no other alternative, then clients can sign documents in our offices.</p>			
36.	<p>(i) Seeing clients face-to-face At present we are not seeing clients face-to-face.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) Whilst we have Zoom and MS Teams a majority of our clients do not have access to this software.</p> <p>(iii) Sending and receiving documents to and from clients and other parties We are still using post and a member of staff is going into the office once a week to check the post which is not ideal where time sensitive documents are required. We have been scanning and emailing documents using smart phone applications and asking clients where possible to send photos of documents by text message, but the quality and results vary greatly.</p> <p>(iv) Getting signatures on documents We are having problems getting client signatures on documents when we have been able to print documents. Some clients are happy to use local post boxes but we do not think it advisable to ask clients to attend post offices.</p>	Org	LC	East
37.	<p>(i) Seeing clients face-to-face - None</p> <p>(ii) Seeing clients digitally – We are now using Zoom</p> <p>(iii) Sending and receiving documents to and from clients and other parties – We are sending documents electronically where possible, though we still have small number of essential staff who can print and post documents where necessary.</p> <p>(iv) Getting signatures on documents – See point 7 (i). We are using electronic declarations.</p>	Org	PP	London
38.	<p>(i) Seeing clients face-to-face</p>	Ind	PP	London

	<p>Phone and email have been able to conduct meetings with clients over the phone, without any issues under legal help and have been able to scan the legal help for them to sign and send back without any issues.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) Mostly over phone for ease Example been able to conduct my legal aid meetings via Skype, one of my clients spoke limited English so I had a three-way Skype call with her sister who translated all the questions and my advice throughout the meeting</p> <p>(iii) Sending and receiving documents to and from clients and other parties Email based or reception scans incoming docs In order to send emails securely, local authorities have been able to send documents through Egress, or password protected emails. One of the issues commonly faced is providing bank statements as a lot of clients struggle with online banking due to their vulnerability, but they have been able to seek assistance by calling their banks to enable to help them set up online banking or request the bank statement by post.</p> <p>(iv) Getting signatures on documents In regards to the signatures, the clients have been able to sign the documents in a digital format and send this back to me. Clients have been able to download apps, such a tiny scanner, pdf viewer on their phones to edit documents (sign and date). Where signatures have not been able to be obtained, email confirmation has been provided to confirm details.</p>			
39.	<p>(i) Seeing clients face-to-face At present we are not seeing clients face-to-face. Both our offices (Coventry Law Centre and Birmingham Community Law Centre) are closed to clients and our entire team is working from home.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) As a Law Centre we have Zoom and Microsoft Teams, and Skype for Business has been recently installed but not yet used widely. These technologies are far from perfect and IT issues can cause difficulties in internal team meetings, let alone remote meetings with clients. More significantly, many of our clients are not technologically literate. Some cannot read and write which means that even basic technology is inaccessible for them. Many do not have smartphones or computer access at home. Those that do have phones able to use these technologies are likely to have limited credit/data and we cannot fairly expect clients on low incomes (almost all our clients receive Universal Credit or other income-based benefits, and most are in rent arrears) to</p>	Org	LL	West Midlands

	<p>incur costs in order to engage with us, when they should be prioritising making payments towards their rent and arrears.</p> <p>(iii) Sending and receiving documents to and from clients and other parties</p> <p>The team is currently working from home with limited access to a printer or scanner. We are not commuting into the office at present. Documents are being sent electronically where possible but there are practical and logistical problems, particularly with collating larger documents. We are still using post where necessary, and a member of staff goes to the office once or twice a week to check the post and to print and send correspondence sent to the office for printing. There have, however, been additional delays in the post which have meant that sometimes documents sent out have not been received in the time that might be expected.</p> <p>We can ask clients to take photos of documents with their mobiles and email them to us if they are able to. If this is not possible we ask them to read out the contents of documents but this is not always effective, particularly when clients have problems with literacy or limited English (these issues are very common within our client base).</p> <p>We are not asking clients to post us documents currently, especially as some have underlying health conditions and arguably they might be being caused to leave their homes without reasonable excuse, or incur a risk to their health and safety. Clients may also not be able to afford postage. They will also be prejudiced if they are unable to afford to make copies of documents and find themselves posting documents which are then lost in the post.</p> <p>(iv) Getting signatures on documents</p> <p>We have difficulty getting clients to sign documents and return them for the reasons stated above. Few, if any, will have scanners and should not be asked to post documents.</p>			
40.	<p>(i) We have no working arrangements for seeing clients face-to-face. All three of our offices are closed and staff are working from home. A couple of reception staff are furloughed.</p> <p>(ii) We use Whatsapp and Skype for client meetings but we are not currently using Zoom for confidential meetings.</p> <p>(iii) We have licenced subscriptions to Adobe Acrobat and can use electronic signatures where necessary. This has meant we can use electronic filing and service for communication with other parties. For clients who are technically literate we ask for documents to be printed out and signed and returned either by scan if possible or in hard copy if not.</p> <p>(iv) Skeleton support/ paralegal staff personally attending all three of our offices two days a week, printing up documents and posting them out with SAEs for return where clients</p>	Ind	PP	London

	need to be sent and/or return hard copy documents. There is obviously a lengthy turnaround time where documents have to be sent out and received in hard copy.			
41.	<p>(i) We do not currently have any arrangements for seeing clients face-to-face.</p> <p>ii) We are able to see clients remotely via Zoom or Skype if they themselves have access to these facilities. However this will be difficult with clients who lack the necessary computer equipment or skills to use it.</p> <p>iii) We can send documents to clients and other parties by email.</p> <p>iv) We are able to arrange for digital signing of documents.</p>	Org	PP	London
42.	<p>(i) Seeing clients face-to-face No face to face meetings taking place presently due to government guidance</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) We offer Zoom, Skype, WhatsApp video, FaceTime</p> <p>(iii) Sending and receiving documents to and from clients and other parties. We have good facilities to send and receive documents electronically (by email or other methods) but are dependent on clients and third parties being able to receive and send them. We have arrangements to send and receive documents by post and DX but due to the current circumstances redirection is necessary and receipt of both post and DX is being delayed.</p> <p>(iv) Getting signatures on documents. We have facilities for solicitors to sign documents electronically. Clients and other parties are often not able to sign electronically, and so clients signing statements, disclosure statements etc is a particular problem.</p>	Org	PP	London
43.	<p>(i) Seeing clients face-to-face At present we are not seeing clients face-to-face.</p> <p>(ii) Seeing clients digitally (Zoom, Skype etc) As a Law Centre we have a Zoom account and our solicitors have Skype accounts. Most of our clients will not have access to this technology, and if they do, we envisage clients having problems with not having enough data to use the technology on their devices. Additionally, many of our clients have difficulty using basic technologies such as email, and it is beyond any doubt that they would not be able to use Zoom or similar software to (a) give instructions and receive advice, or (b) participate in hearings.</p> <p>(iii) Sending and receiving documents to and from clients and other parties Our housing department is not paperless. In line with government guidance, our staff are currently working from home with no access to a printer or scanner. Our staff can therefore only send documents electronically. Apart from our Director who attends the office occasionally to collect post, our staff are not attending the office and so cannot scan documents.</p>	Org	LC	London

	<p>To exchange documents by post, our staff would need to provide their clients with their home addresses. With the greatest respect to our clients, this is not something our staff would be willing to do.</p> <p>We can ask clients to take photos of documents with their mobiles and email them to us if they are able to. If not, we ask that they read them out to us over the telephone. We are not asking or expecting clients to go to the post office to send us documents currently, especially as some have underlying health conditions. To do so would be a risk to their health and safety. Clients may also not be able to afford postage.</p> <p>(iv) Getting signatures on documents We are unable to have clients sign documents and return them for the reasons stated above. Few will have scanners and should not be asked to attend the post office.</p>			
44.	<p>Shelter –</p> <p>(i) We are not seeing clients face-to-face at present. (ii) We communicate with clients by Skype. (iii) Mainly via email. If email not available, then by post. (iv) We mainly depend on the post for signed documents, as so many of our clients don't have access to computers or smartphones and/or find electronic methods unworkable.</p>	Org	CH	National

Q6. While understanding that clients’ skills and abilities vary, please provide details of any experience or observations as to your client group’s ability or otherwise, in the current circumstances, to:

- (i) receive advice as to their obligations in law and the civil procedure rules (including but not limited to disclosure obligations and the implications of a statement of truth);
 - (ii) collate and get to you documents such as those required for disclosure under CPR 31;
 - (iii) provide adequate instructions (including on documents disclosed by other parties) in order to finalise witness statement evidence under CPR 32;
- including any comments on your experience with any particular subsets of your clients and/or any particular difficulties you may have experienced.

No.	Response	Ind/Org	Type	Region
1.	-----	Org	LC	East Midlands
2.	<p>(i) It is possible to provide advice on this in writing to most clients by email. Most but not all of my clients have access to email. A few do not, which makes advice more challenging as it will involve sending letters out by post that have to be followed up by phone to ensure the client has understood. It is possible to provide advice but the environment is more challenging.</p> <p>(ii) This is harder as clients cannot simply come into the office and provide documents to copy. Clients are sending photos of documents where they have camera phones. However, this is not practical if there are large volumes of documents. Clients may be unwilling to post in large amounts of original documents to their solicitor in case they get lost in the post.</p> <p>(iii) It is more challenging to obtain instructions on disclosure for the purposes of preparing a witness statement. It takes longer and it is not possible to “read” the client in the same way as face to face where you are asking questions about the evidence in a case with a view to preparing a witness statement in the client’s own words. Preparation of witness statements remotely over the phone is far more challenging than face to face and in my view the quality of the witness statement will suffer as a result of this.</p> <p>including any comments on your experience with any particular subsets of your clients and/or any particular difficulties you may have experienced. Where clients lack email it is particularly challenging to advance their case. Previously this could be overcome by more regular face to face meetings.</p>	Ind	PP	London
3.	<p>(i) Many clients are looking after children at home who would usually be in school. Often they are in small unsuitable accommodation and the children are bored. Trying to have a long meeting about complex legal matters with multiple bored children in a tiny space is extremely</p>	Org	PP	London

	<p>challenging. If you also have to work out how to use new technology to do this it becomes very hard.</p> <p>(ii) One of my clients, who is vulnerable and self-isolating, was told by her GP practice that she had to come in person to the surgery to sign a form before they would release her records to me. This is a practice that many GPs adopt which in normal times is fine. Now I have to battle with the GP to get her records (which they should be providing without her visiting in person). This client cannot go to the post office or to the bank. She doesn't have family members to do this for her. She is eligible for legal aid but cannot get it as she cannot get bank statements, or get those statements to me if she were to receive them in the post. It is simply impossible for her to either collate documents or get those documents to me. This task would be a challenge for her at the best of times but now she cannot leave the house at all it is impossible.</p> <p>(iii) I usually draft a witness statement from an interview with a client, meet face to face and make amendments then and there for them to sign. It is relatively quick. If you have a computer literate client you can email the statement to them and make amendments over the phone, which is also easy. Currently I have to draft a statement, post it to the client, wait over a week for them to receive it, telephone them, make amendments, post again, wait another week and there still may be things wrong so the process has to be repeated. It is close to impossible.</p>			
4.	<p>A very important consideration is the ability for us to take instructions and approval from clients for long and often complex pleadings or witness statements digitally, other than perhaps by reading these out, line by line, over the phone – and this may be problematic for clients living in small or shared spaces, or with young children present with them in the room (who may become distressed by the subject matter, including a clearly implied eviction risk, and particularly where clients may be disclosing highly sensitive information relating to health and mental health conditions, or experience of domestic violence, as well as financial difficulties).</p> <p>Clearly we would normally rely significantly on face to face interaction when gauging whether a client really understands and approves the contents. This is particularly so given that our client base are far less likely to have higher educational backgrounds, may not have English as a first language, or may have literacy difficulties, or may have disabilities including concentration or mental health hurdles, anxiety, and other stressors impacting on their ability to understand advice, and all of which may affect their ability to approve or understand the contents of documents, the nature of proceedings, funding arrangements, or costs risks, where face to face advice is not available.</p>	Org	LC	London

	<p>Several clients with underlying mental health conditions have been mentally affected by the situation and this has impacted on their engagement with their cases. Face to face mental health services are not taking place and clients are without their usual friends and family support networks. For example one client with anxiety, depression and OCD was not contactable for several days about an urgent matter in his homeless case as he was not checking his mobile and was experiencing a period of very low mood. Many clients are highly unresponsive and fail to respond to caseworkers in a timely manner. This included a client who had agreed to provide documents in his case or an application for specific disclosure was threatened, and failed to respond for two weeks to his caseworker to requests for the documents and then to discuss them so they could be disclosed.</p> <p>The courts have very long wait times when you telephone and are not responsive to email. In one case set for trial in July 2020 the court in error failed to issue a witness summons that a key witness requires to obtain time off from work. We have not been able to hear back from the court by email and the call queue is usually around 80 places when we ring and we are unable to issue the summons in consequence.</p> <p>Because of our client's limited technological resources, clients are generally not able to supply us documents in a digital form. See further comments above.</p> <p>As much of this has to be done on the phone (for the reasons set out above), we are encountering great practical difficulties in agreeing complex pleadings and witness statements over the phone and then getting signatures.</p>			
5.	<p>Each of the above has been made difficult by either clients not being able to attend interviews or responding in time. The client group that BHT work with tend to be the most vulnerable and chaotic within society. We have high numbers of clients with severe mental health issues, drug and alcohol addictions and other disabilities/health conditions that make it extremely difficult for them to engage fully with our service when society is not 'locked down' let alone now. For example, clients find it very difficult to understand the legal concept of disclosure, it is difficult to explain and doing this by phone means all visual indications of comprehension are lost make this even more difficult for them and us.</p>	Org	CH	South East
6.	<p>With the current coronavirus lockdown it is more difficult to take instructions from clients to complete witness statements, obtain documents in support of witness statement and get clients to bring in documents to complete disclosure. Most clients are unwilling to travel due to the coronavirus and the risk from taking public transport. They are often unable to arrange childcare.</p>	Ind	LC	London

	<p>The inability to take clients through litigation documents/expert reports in person would make it more difficult to produce witness statements. For example it is very difficult to refer a client to a document electronically on their phone if they are using their phone to speak to you and they do not have a laptop.</p> <p>Additionally if a client is at home with kids and you have to spend 4 to 5 hours producing a witness statement by telephone this is not ideal. A distracted client is less likely to give clear and consistent instructions. The interview is likely to be interrupted by the client's children and the client will be less likely to discuss sensitive issues such as their mental health or domestic violence in front of their children.</p> <p>For vulnerable clients with mental health difficulties the use of technology is likely to be an additional bar to comply with court directions. Client who suffer from a disability (eg poor concentration/memory/mood caused by PTSD/depression) are likely to find using video links and scanning documents electronically an significant practicable barrier to complying with court directions.</p>			
7.	<p>(i) I have a few clients who require face-to-face meetings to process the complexities of these obligations. If I had a new client, I may struggle to make an assessment of their capacity if relying only on phone or email instructions.</p> <p>(ii) Around 60% of our clients would struggle with collating and posting documents to us due to lack of money to post, lack of access due to coronavirus (and their need to self-isolate) and lack of capability of knowing what to provide (which would likely lead to the need for numerous requests and back and forth.</p> <p>(iii) Most of our clients would seriously benefit from a face-to-face taking of witness statements, with only around 70% capable of providing adequate instructions by phone. Of course, there would then be the issue of obtaining signatures, which would be incredibly difficult due to the decrease in our capacity to post things and our clients' capability of managing their post, signing and returning the correct documents. I believe that it would be impossible to obtain a completed witness statement in around 15% of our matters, and around 50% would not be possible to complete within strict time limitations, which would lead to the need for applications to the court and possible vacating of hearing and trial dates.</p> <p>With some of our clients, we can simply phone them and review the allegations, taking their instructions, then drafting a witness statement to email to them for review and electronic signature. I believe that we could do this process for around 30-40% of our clients. With some of the older clients in particular, who struggle more with technology, I could take phone instructions but then would have some</p>	Org	PP	South West

	difficulty getting a draft to them for review, amendment and signature. There would be a lot of back and forth in the post, with the obvious increased current delays. With some clients who are street homeless (I have one living in the woods who usually has no phone battery) and others living in remote areas (for example, I have a potential client who lives in a caravan on a farm and has no address and lacks good phone signal), compliance with directions at this time would be impossible.			
8.	(i) We usually avoid doing any of this on the phone and get the client into the office so as to ensure understanding (ii) We often ask clients to bring any documents at all and we have to physically go through to decide what falls to be disclosed. (iii) We always ask clients to come into assist with statements , often more than 1 appointment.	Org	LC	London
9.	Examples of actual situations where:- The client or their witnesses can't travel to the office in order to finalise and sign witness statements (but may be able to sign electronically). The client is unable to travel to the office and deliver documents. It is difficult to take instructions on the phone regarding specific documents and the client doesn't have the IT for a video meeting. I can't visit my very vulnerable client with fluctuating capacity in prison and she is unable to make a phone call or receive support to make a phone call.	Ind	LC	South West
10.	(i) It is difficult to explain these matters to many of our clients even face to face and clients struggle to understand and retain the information. Trying to do so during a phone conversation where there may be problems with signal, clients being distracted by children etc is virtually impossible in most cases. (ii) Again this can be extremely challenging even when giving face to face advice and is virtually impossible in the current circumstances. Although a small number of clients are well organised and might manage to get some disclosure documents to us, the majority will in normal times simply bring in a carrier bag through of papers which need to be sorted and considered. This cannot be done remotely (iii) One of our solicitors comments as follows: "I have a deadline of 20th May to exchange witness statements in a case which has a trial listed for July. It is going to be impossible to take instructions from the client to finalise his witness statement as his flat is in the basement so his phone signal on his very basic phone is very poor which makes telephone conversations almost impossible. He does not have a laptop or the internet. His phone does not have internet either. There is a lengthy psychiatrist report and	Org	LC	West Midlands

	surveyors report which I will need to go through with the client as well, which is going to be impossible to do without seeing him face to face, which we cannot do at this time. The client also has severe anxiety and depression. “			
11.	<p>(i) It is possible to provide advice on this in writing to most clients by email. All of my clients do have good access to email. It is possible to provide advice but the environment is more challenging.</p> <p>(ii) This is much harder as clients cannot simply come into the office and provide documents to copy. Clients are sending photos of documents where they have camera phones. However, this is not practical if there are large volumes of documents. Clients can also not print/copy/scan documents as there is no access to computers/printers in libraries or internet cafes. Clients usually cannot afford tracked delivery services either for sending large amounts of documents/important documents.</p> <p>(iii) I have not had to prepare a witness statement during the pandemic yet but as noted above, I have clients who are already depressed and anxious or dealing with other mental health issues. It is much harder to take detailed instructions over the phone where you cannot “read” or reassure the client based on non-verbal cues.</p>	Ind	PP	London
12.	<p>(i) This is largely unchanged from the pre-PD51Z position.</p> <p>(ii) Again, this is largely unchanged. The process is perhaps slightly slower, due to the inability to meet face to face.</p> <p>(iii) Again, this is largely unchanged. Discussion by telephone is being used in most cases in place of face to face meetings.</p>	Org	PP	South East
13.	<p>After lockdown and prior to the stay we had a large number of new possession cases, the majority referred by the local authority’s homelessness department who had shut down their offices, were overwhelmed in the efforts to house rough sleepers and residents of communal night shelters which were having to close as they could not comply with social distancing guidance.</p> <p>In the main these new referrals were for s21 accelerated possession claims where defences were required urgently, possession proceedings where first hearings were still being listed in the duty list or warrants for eviction.</p> <p>Taking instructions over the phone, asking clients to take photos of their documents and e-mail them to me or else walk long distances to put documents in a post box so I could collect was tortuous.</p> <p>Clients are not generally familiar with the documents that I need to talk about. They do not know which paper within their bundle is the s21 Notice, which is the Particulars of Claim etc. Without me being able to show an example of a How to Rent Booklet, an Energy Performance Certificate, a Gas Safety certificate etc they do not know and cannot make</p>	Org	LC	North West

	<p>a reliable guess as to whether they have received these documents. This made it extremely difficult to identify and prepare Defences. Although I did my best to explain the Statement of Truth before I obtained authority to sign it on their behalf I generally always go through a document face to face when a Statement of Truth is required and signing a Statement on my client's behalf when I am aware of the difficulties in communicating remotely makes me very anxious.</p> <p>Warrant cases were also extremely difficult to deal with. In one case, where a family were due to be evicted the following day the client was suffering from COVID-19 symptoms and simply was too ill to talk. She was coughing and breathless and consumed with fear for her own safety and her family members who also had symptoms of the virus. Despite explaining this to the court when making the urgent application to suspend, I was advised that I should attend court the following morning with my client for an oral hearing.</p> <p>As a result of my serious concerns I contacted the DCJ for our area who responded very sympathetically, but advised that without national guidance I would need to make urgent applications in each case for an adjournment and request that my applications be dealt with on the papers. The problem with this approach is that it still depends on a client being able to access legal advice, the solicitor's ability to be able to take of reliable instructions and evidence and the ability to obtain funding or sign a fee remission form.</p>			
14.	-----	Ind	PP	London
15.	<p>We have cases where we would normally go out and find the clients if they are difficult to contact we have 2 separate clients sleeping in cars that we struggle to contact who are in rural areas. We will wait for them to contact us which is impossible if there are urgent deadlines.</p> <p>The courts have very long wait times when you telephone. We have had to issue a number of injunctions since the lockdown began and the work required to issue these from home is labour intensive and difficult with limited resources. Because of our client's limited technological resources, clients are generally not able to supply us documents in a digital form. See further comments above.</p> <p>As much of this has to be done on the phone (for the reasons set out above), we are encountering great practical difficulties in agreeing complex pleadings and witness statements over the phone and then getting signatures. We are finding that we are unable to have regular contact with our clients especially the ones with mental health issues as these are clearly stressful times where managing from day to day is hard enough.</p>	Org	LC	East Midlands

16.	<p>(i) We are still able to provide advice in writing and by telephone. The lack of face to face advice has not really impacted our client's ability to receive advice.</p> <p>(ii) It is very difficult with current travel restrictions for clients to be able to provide documents or consider documents provided. We have had issues with post not arriving for many days, clients are not able to travel and public transport has been reserved in our area for key workers only. Clients are not sure whether documents they have are relevant and therefore they need face to face advice for this.</p> <p>(iii) Same as above</p>	Org	PP	East
17.	<p>(i) I think it is difficult to take instructions and give advice virtually or over the phone without seeing the client in order to get a picture of what's happened and check for understanding. Its very difficult to take instructions re allegations when client is not with you to go through the pleadings or evidence. It feels very disjointed. Whilst you can confirm in writing to most clients you cant be sure they understand unless there is face to face contact and with many clients not having the technology you rely a lot more on telephone communication which is difficult if client is vulnerable or cant speak English very well.</p> <p>(ii) This is extremely difficult. Whilst I can write to people and ask them to provide evidence inc medical evidence this is subject to delay due to the pressure on services. Clients can't attend their surgery/support services for evidence and client's in isolation have difficulty obtaining, collating and sending me evidence i.e. receipts for damages or evidence held by other agencies. I also have a client who I am waiting on police disclosure. She has been advised to go the police station which she cannot do due to being in self isolation.</p> <p>(iii) This is very difficult. Housing files disclosed by LAs or social landlords are large and we need to be able to go through with clients in order to take instructions which is impossible in the current climate. Clients generally do not have the IT that we have. This needs to be done face to face. I have tried to do a couple of witness statements virtually. Whilst we can take instructions over the phone or ask the client to go through a draft and amend, this only works for clients who have the technology to do this and who find it easy to communicate verbally over the phone which some people can't do. The benefit of face-to-face advice is that you can cross reference opponent's witness evidence and disclosure and take instructions which is simply impossible over the phone/by email including any comments on your experience with any particular subsets of your clients and/or any particular difficulties you may have experienced.</p>	Org	CH	South East

	All of my clients are vulnerable - either due to physical and/or mental health issues - which presents challenges with regards our ability to conduct their cases - this crisis has served to compound this.			
18.	<p>Professional clients may have access to bulk-scanning facilities through their work place etc. Other clients may rely on using smartphones where clearly ability to scan a large number of document is much reduced. Other clients may not have access to smartphones at all. Usually we would deal with disclosure for defendants in possession proceedings by the client bringing us un-sorted bundles of documents which we then sort and scan.</p> <p>Entirely dependent on client. Again, with professional clients it is not unusual to deal with witness evidence in this way. However with a vulnerable client it could be very challenging to be entirely reliant on phone and/or email communication. For example, I have one client who is very difficult to understand over the phone, even more so when he is distressed. It is much, much easier to obtain instructions from him in person.</p>	Org	PP	London
19.	<p>(i) Many of our clients access our services through face-to-face mechanisms. It is very hard to access housing lawyers in current circumstances. Clients are not in a position to understand civil procedure rules and their obligations in law without advice.</p> <p>(ii) It is unlikely our clients have access to a scanner. In order to comply with duty of disclosure clients would need to go to the post office to send us documents. We don't want them to do so in line with current government guidance. Clients often do not know what documents need disclosing and therefore bring an overwhelming amount of documents to a face-to-face appointment which solicitors will sift through. We are not currently in a position to do this.</p> <p>Many of our client group have mental health issues. The current pandemic is causing increased stress and anxiety and exacerbating clients' mental health problems. This makes it harder to engage clients and progress cases. For example, our client P is elderly and suffers from mental health problems. She is subject to possession proceedings. A psychiatric assessment was booked, however, it was not able to go ahead due to lockdown. P's mental health has deteriorated since measures were put in place to deal with the pandemic. P has disengaged and failed to respond to requests which she previously would have done. She no longer has regular contact and support from her friend and daughters who assist her with her case. Prior to the pandemic, her friend or daughters would have gone around to her home to help her collate documents and give them to us. However, they are unable to provide that support at present.</p>	Org	LC	London

	<p>(iii) It is difficult to take instructions from clients when both parties aren't able to look at a document together, for the reasons stated above. This needs to be done face-to-face. It is also hard to take instructions from clients whose caring responsibilities have increased. Clients often have no private space in their home from which they can give instructions confidentially.</p> <p>Clients with caring responsibilities are sharing the household technology with their children who need it for school. Clients often receive informal forms of support from friends or neighbours, and currently can't access this support due to rules on social distancing. We are noticing a deterioration in clients' mental health which makes it harder for them to engage with the proceedings. Elderly clients are less likely to be IT literate.</p>			
20.	-----	Org	PP	West
21.	<p>(i) It is possible to provide advice on this in writing to most clients by email or post</p> <p>(ii) I have only had to do this twice remotely. It can be extremely time consuming as client's send individual emails with photographs of documents with varying degrees of quality. There are scanning apps which are much more effective however only one of my clients has managed to use this successfully.</p> <p>(iii) I have only had to do one witness statement. The client has no phone or email. He is has substance abuse issues. The referrer arranged to pass the client his phone whilst standing on the door step. It was too difficult to obtain the level of detail I needed to support the application and in the end I used a statement from his support worker. This was not without difficulties as he did not have access to the client's full file as he was working remotely.</p>	Ind	PP	London
22.	-----	Org	LC	South East
23.	<p>(i) -----</p> <p>(ii) we are still having client's send documents to us by post and for those who have a better understanding of technology they are sending us attachments to emails or photos of documents attached to an email. This is not always ideal as phots are often unclear and have to be retaken a number of ties and documents sent by post can take many days to reach us. And with this we are only talking of a handful of documents. I had one client who has a copy of his medical records but he has not been able to get those sent yet due to the volume of documents. It should also be noted that we have not as yet had to deal with client's who are shielding and who may not be in a position to get out to drop off something in a post box.</p> <p>(iii) This I think will depend on the client. I was able to finalise a statement with a client by preparing a draft, then speaking with them over the phone to complete blanks,</p>	Org	PP	London

	<p>emailing this to them. They then added comments with track changes, I then amended and sent back- this was repeated 4/5 times before the statement was finalised and final draft approved by client. Also with this client I had to label pdf copies of the exhibits and send to client so they were aware of each document being exhibited – this was rather onerous given there were around 30/35 docs to be exhibited. A client who has any form of learning difficulty or does not have Microsoft office etc would struggle with this. Pre lockdown we would have the client in and go through this with them on a computer in an interview room and make amends with the client during the interview and try to have the statement approved and finalised in one or more office appointments depending on the length of statement and complexity of the case.</p>			
24.	-----	Ind	PP	London
25.	<p>(i) For most cases we have been able to email documents to our clients and arrange a telephone meeting to explain the content of the document to them. However, we are mindful that we have only had to do this for a handful of cases. For most cases the effect of PD51Z has been to effectively stay any directions. In cases where instructions provided or the issues are complicated, we would usually organise a conference with our client before finalising the relevant court document; we have chosen to delay the deadline to file such documents. For such cases it seems to us face to face meetings are likely to be unavoidable. Opponents are currently cooperating with extending direction deadlines.</p> <p>(ii) It is likely that our clients will have difficulty in sending documents over to us. Many of our clients have been taking photographs of documents and emailing them to us, the quality of such photographs is often poor. We have software which adequately allows us to easily collate documents. We also have Dropbox account which allows us to send large documents to client/third parties. However, for large bundles or bundles of documents which consist mostly of documents sent to us as photographs, obtaining clear, legible copies of documents may provide to be problematic.</p> <p>(iii) Statements have been taken over the telephone and emailed to clients for their approval. Some clients have been using “Paint” on their computers to sign documents and hard copies sent in the post if they have difficulties.</p> <p>A solicitor who had to prepare a witness statement for an urgent injunction matter(which was not affected by PD51Z) for a vulnerable client with mental health conditions facing imminent eviction and was being prevented from leaving a caravan site in order to shop for essential items, the solicitor had little choice but to obtain instructions by means of various telephone calls. The partner of the client was able to assist her with accessing a draft copy of the witness</p>	Ind	PP	East

	statement sent to her electronically and was able to print it for her to enable to sign it. In such situations despite it being challenging it would be against our client's best interest for matters to be delayed.			
26.	(i) Clients are provided with verbal advice which is confirmed by post. However, it is more difficult to convey obligations in law where English is not the client's first language. (ii) Many of our clients do not have access to IT and would struggle to access copying facilities in a lockdown. It takes longer for clients to post documents. (iii) We have found it more difficult to obtain instructions to prepare witness statements, by telephone as opposed to showing evidence face to face.	Org	LC	North West
27.	(i) we are emailing and posting letters and this is working as usual; (ii) this is impossible as they cannot get the documents to us without coming to the office to drop them in or using the post, which is in my view putting clients at risk - most of my casework clients have at least one impairment; (iii) this is impossible as they cannot get the documents to us without putting themselves at risk and none of my clients have IT facilities like scanners to send disclosure documents to us electronically;	Org	CH	London
28.	Many clients are vulnerable for a variety of health reasons and do not have the IT skills to navigate this situation.	Ind	PP	London
29.	(i) It can be very difficult to have any confidence that clients have understood advice that has been given over the telephone. Building rapport is very difficult. Many fee earners have the impression that although saying that they understand, clients may not be fully understanding what has been explained to them. Some are hard of hearing and some struggle with English. That would also be a problem in a face to face interview but doing it on the phone makes it even harder. Also, we do not know who else is in the room influencing the client. More of a problem for eg family cases but this is something that we do encounter from time to time with face to face interviews in the office, where we say somebody has to stay in the waiting room while we speak to the client – could eg apply to a nuisance possession case or even just rent arrears where there is possible financial exploitation by somebody else in the house Also when contacting clients they are often multi-tasking and looking after children and cannot confirm that they fully understand the advice being given even though they want to stay on and continue with the call Some clients (current clients) do not appreciate that their matter is still ongoing, making it even more difficult to engage and obtain coherent instructions from them due to the lockdown and its effects -office no longer being	Org	PP	West Midlands

	<p>open/court proceedings stayed/not thinking they are at risk due to suspension of evictions – it makes it very difficult to engage and obtain instructions</p> <p>(ii) It is very difficult to get clients to send us documents. We do send out pre-paid envelopes. Clients, especially new clients, are understandably reluctant to send us original bank statements. Sometimes we have to make several phone calls and invite them to call us back via our switchboard (also being operated remotely) in order to seek to persuade them that we are genuine and not scammers. Clients are unable to obtain copies of documents, because the places where they would normally get copies, eg the local Library, are closed.</p> <p>(iii) This is very difficult. To take instructions on documents you really need to go through them with the client. It is possible to send a set of copy documents through the post and try to work through them together, but then you have to make sure that you are both on the same page at the same time and, in practice, it is very difficult indeed to do.</p>			
30.	<p>(i) Problems receiving client documents means that we have been unable to provide comprehensive advice to clients. Where we have been able to receive digital copies of all documents we are able to provide advice over the phone. However, as set out at 4(ii) above, this is often not possible.</p> <p>(ii) As set out at 4(iii) above, we have had significant difficulties receiving documents.</p> <p>(iii) including any comments on your experience with any particular subsets of your clients and/or any particular difficulties you may have experienced.</p> <p>As set out at 4(iii) above, we have had significant difficulties receiving documents. Most of our clients do not have a printer and scanner at home and we are not currently able to receive post.</p>	Org	CH	London
31.	<p>(i) See 5(ii)</p> <p>(ii) Very difficult or impossible in many cases. If the documents in question are of any magnitude then the most common way that they are able to provide the documents, individual photographs page by page embedded in an email can quickly become overwhelming and the copies are often poor. Almost none will have own scanners.</p> <p>(iii) See 5 (ii) above. It is difficult enough to deal with these issues face to face with clients who may suffer from e.g mental health problems, literacy problems or need an interpreter. The large proportion of possession cases we see are linked to rent arrears where by definition the clients are struggling to manage their financial difficulties. They therefore usually cannot cope with the additional hurdles of dealing entirely by phone/emails/other electronic platforms</p>	Org	LC	London
32.	<p>(i) This advice can be provided by telephone. However, for more vulnerable clients, we would usually advise on these matters face-to-face because it is easier to be sure that your</p>	Org	CH	London

	<p>client understands. As noted above, we have not established a means to have video calls with clients and, in any event, it is generally the more vulnerable clients who would not have the equipment to facilitate this in any event. A significant proportion of our clients do not speak English as a first language and find it more difficult to communicate over the telephone rather than face to face. While telephone interpreters can be arranged, this is a much more cumbersome process.</p> <p>(ii) This will cause difficulties if the documents to be sent are substantive (as they often are at disclosure stage) and cannot be sent in a single envelope. Many clients will be unable to attend the Post Office to purchase the necessary packing and pay the required postage as they are at high risk and self-isolating, or are key workers and unable to find time to visit a Post Office during its opening hours. Even if clients can get documents to us, taking instructions on these documents so as to ascertain whether or not they must be disclosed will be challenging without the means to conduct face-to-face client meetings so that both solicitor and client can view the same document at the same time.</p> <p>(iii) As above – at present we have no way to enable both solicitor and client to look at a document at the same time. There is a high risk of miscommunication and potential misunderstandings between client and solicitor. including any comments on your experience with any particular subsets of your clients and/or any particular difficulties you may have experienced.</p> <p>All of the above difficulties will create significant delay and it is highly unlikely that it will be possible to adhere to court directions in the standard timetable.</p>			
33.	<p>(i) I have had to spend a lot more time over the phone explaining things, whereas a face to face meeting has been a more efficient form of providing advice to certain clients. Not seeing client face to face makes it hard to tell if they understand everything.</p> <p>(ii) I haven't had to do this during this time. However I normally get documents by email. Also we have a skeleton staff at work that can scan documents dropped off. I did get documents for a Welfare benefit matter, this was dropped off by a taxi driver. There were some papers missing in the scanned document though.</p> <p>(iii) -----</p>	Ind	PP	London
34.	<p>(i) In relation to our existing clients we cannot be certain some clients understand when explaining over the phone – we can verbally check their understanding by asking them to explain back but cannot see their facial expressions to gauge if they are confused or whether we think they actually understand and are not simply repeating back words.</p>	Org	LC	London

	<p>Some of our clients have English as a second language and it is difficult taking instructions from them over the phone. In relation to clients who lack capacity the OS is inundated with work at present so they are exceptionally slow at responding.</p> <p>Without seeing our clients' faces it is much more difficult to ensure they understand the gravity and sometimes urgency of their obligations.</p> <p>(ii) Disclosure tends to be the most challenging one to ensure clients understand the importance of as they tend to forget the continuing duty to disclose or think they may have other docs that are relevant but they think they "are not that important", especially if they have to go out of their way to send one or two documents they might not see it as being worth the effort.</p> <p>Some clients cannot leave the property to post documents, they cannot afford postage for large bundles we often ask clients to bring documents in so we can sort through them, if they are uncertain so they bring bags full but are unlikely to post large bundles to the office – especially if they have to go to the post office and they are unlikely to be able to afford the postage. It would be difficult for us to send SAEs as we will not know how big the bundle will be.</p> <p>(iii) It is difficult to take comprehensive instructions over the phone and we will not always be able to properly consider disclosure documents with our clients if we are taking witness statements over the phone.</p> <p>Also it is harder to sign any documents due to the time it takes to send and receive post (e.g. where amendments need to be made etc).</p>			
35.	<p>The comments at 5(ii) apply here. We have few clients who have access to the full range of technology that would be needed in order to provide us with documents for disclosure and detailed instructions (which in our view would require a desktop/laptop, broadband access and a scanner). Clients vary in the amount of technology they have and their proficiency in using it. Many rely on smart phones with limited data, which allows for single or simple documents to be forwarded to us but makes full disclosure of many documents extremely difficult. A sizeable proportion of our clients do not have a smart phone at all. For those in that position, they only way they could comply with disclosure would be to collect documents and bring them into our offices, which we could accommodate but brings with it the risk of our clients travelling to the offices.</p> <p>In short, all of the above is possible with many clients, but difficult and time consuming. For some clients, the obstacles would be insurmountable.</p>	Org	PP	London

36.	<p>(i) A majority of our clients receive their advice face to face and struggle to understand CPR and other obligations under the best of circumstances.</p> <p>(ii) None of the clients that we deal with have access to scanners at home and so are unable to provide documents. We only have access to a smart phone based app for scanning documents and the scanning and collating process for large bundles would be highly problematic.</p> <p>(iii) See 5ii above</p>	Org	LC	East
37.	<p>(i) There have been difficulties with some clients being unable to go through and sign disclosure declarations. Lack of IT knowledge has also prevented use of e-signature for clients without access to a PC or who have difficulties using the internet. e.g. Some of our clients with Mental Health issues have struggled to sign disclosure documents and it is hard to confirm that clients with difficulties understand the statement of truth if they are able to sign one.</p> <p>(ii) Lack of physical meetings hampers this, particularly for clients with no access to scanners, internet or email.</p> <p>(iii) As above.</p>	Org	PP	London
38.	<p>(i) Mostly by email phone calls and then re-advising by email to ensure even post signing they have understood. At times they havent and we have then got new docs or amendments</p> <p>(ii) Omissions have occurred</p> <p>(iii) Difficult</p>	Ind	PP	London
39.	<p>(i) Many of our clients access our services face-to-face, and given their vulnerability it is often necessary to remind clients several times of important pieces of advice such as that in relation to disclosure. Clients are not in a position to understand the Civil Procedure Rules, which is a relatively complex procedural code even for lawyers, and their obligations in law, without advice.</p> <p>(ii) It is unlikely that clients have access to a scanner. In order to comply with their duties of disclosure clients without access to a scanner would need to post us documents, leading to them undergoing unnecessary risk to their health. Clients often do not know what documents need disclosing and therefore often bring an overwhelming amount of documents to a face-to-face appointment which solicitors will sift through. We are not currently able to do this and therefore there is an increased risk that cases will be prejudiced by difficulties at the disclosure stage.</p> <p>(iii) The detailed and probing questioning to be done to take instructions on a witness statement dealing with disputed facts is likely to be more difficult to do remotely. It is also difficult to take instructions from clients when both parties</p>	Org	LL	West Midlands

	<p>are not able to look at a document together, for the reasons stated above.</p> <p>It is also hard to take instructions from clients whose caring responsibilities have increased. Clients often have no private space in their home from which they can give instructions confidentially. Clients may also be in shared accommodation where there is little or no privacy.</p> <p>Clients whose first language is not English are also likely to be even harder to engage as communication across a language barrier is easier in person. While telephone interpreters are available it is harder, and slower, to obtain clear and good quality instructions by telephone.</p> <p>Clients with mental health difficulties often receive support from family or neighbours and with this becoming limited there has been a noticeable deterioration in engagement. Where there are concerns about clients' levels of engagement our options to deal with this are more limited. A number of support services in the Coventry area are, understandably, no longer offering face to face services and therefore the opportunities to work with other agencies to engage clients are more limited.</p>			
40.	-----	Ind	PP	London
41.	<p>i) Our ability to advise clients is not severely affected by current circumstances. We are able to provide advice over the telephone to most clients and confirm this in writing</p> <p>ii) The ability to obtain documents from clients is very much restricted due to the difficulties in providing physical copies of the documents and the extremely small number of clients who are able to send digital versions of documents other than unwieldy photographs of documents taken on phones.</p> <p>iii) The ability to finalise Witness Statements is reduced due to the difficulties for clients to read their Statements and to sign them.</p>	Org	PP	London
42.	<p>(i) receive advice as to their obligations in law and the civil procedure rules (including but not limited to disclosure obligations and the implications of a statement of truth); see above. This varies but for a significant number remote communication is not effective.</p> <p>(ii) collate and get to you documents such as those required for disclosure under CPR 31; some clients can photograph single pages of documents or forward documents received electronically. For more vulnerable clients or large numbers of physical documents it is unrealistic to expect them to deal with disclosure remotely when they cannot bring the documents to a solicitor's office in person.</p> <p>(iii) provide adequate instructions (including on documents disclosed by other parties) in order to finalise witness statement evidence under CPR 32;</p>	Org	PP	London

	<p>including any comments on your experience with any particular subsets of your clients and/or any particular difficulties you may have experienced. See above answer to question 5(ii). For clients who are illiterate, or do not speak English as a first language, or who are otherwise vulnerable, in our experience it is often impossible to obtain adequate instructions remotely, especially if those involves going through documents provided by another party which the client needs to recall or comment on. Most clients are not able to sign documents electronically and may not be able to post documents to us (even if they can, post is generally impractical because of the additional time this takes at present while solicitors are remote working)</p>			
43.	<p>(i) receive advice as to their obligations in law and the civil procedure rules (including but not limited to disclosure obligations and the implications of a statement of truth); Many of our clients access our services face-to-face, ie walking in off the street. It is very hard to access housing lawyers in current circumstances. The law and CPR as they relate to possession proceedings is highly complex, and tenants will not be able to understand or navigate this without legal advice. We know from experience that trying to provide complex advice by telephone is less efficient than face-to-face, particularly for clients whose first language is not English.</p> <p>(ii) collate and get to you documents such as those required for disclosure under CPR 31; It is unlikely our clients have access to a scanner. In order to comply with duty of disclosure clients would need to go to the post office to send us documents. As the duty of disclosure is a continuing duty, this would mean attending the post office each time they found a document that needed to be (or may need to be) disclosed. Clients cannot be expected to determine on their own whether any particular document falls within the duty of disclosure. Commonly this is dealt with by clients bringing in large quantities of documents, from which we extract the ones that must be disclosed. This cannot be done in the present circumstances.</p> <p>(iii) provide adequate instructions (including on documents disclosed by other parties) in order to finalise witness statement evidence under CPR 32; It is difficult to take instructions from clients when both parties are unable to look at a document together. For example, if we are asking a client whether they have received a particular document, they are often unsure without actually seeing the document. Further, it is extremely time-consuming to carry out such work by telephone. This could entail reading out dozens of pages of documents, very lengthy witness statements, re-</p>	Org	LC	London

	<p>reading statements after amendments have been made, etc. We cannot be certain the extent to which the Legal Aid Agency will agree to remunerate such work, and if they did the expense to the public purse would be substantial. It is also hard to take instructions from clients whose caring responsibilities have increased. Clients often have no private space in their home from which they can give instructions confidentially.</p> <p>including any comments on your experience with any particular subsets of your clients and/or any particular difficulties you may have experienced.</p> <p>Clients who are not native English speakers generally prefer to interact face-to-face. It is easier to communicate that way as the parties are able to see facial expressions and hand gestures, point to documents to be read, etc.</p> <p>Many of our more vulnerable clients, particularly those with severe mental illness, attend meetings with support workers (eg Care Coordinators, Mental Health Nurses, Social Workers, etc). This is impossible during 1-to-1 telephone calls. For the reasons given above, it is often not possible to arrange conference calls, Zoom meetings etc with such clients.</p> <p>Elderly clients are unlikely to have access to or knowledge of how to use technologies such as Zoom, Skype, or email. Clients living in local authority temporary accommodation (many of whom would be affected by PD51Z) generally have very limited access to technology.</p> <p>Some clients are unable to afford mobile data, or do not have a phone at all, and so cannot communicate on a regular basis.</p>			
44.	<p>Shelter</p> <p><i>(i) receive advice as to their obligations in law and the civil procedure rules (including but not limited to disclosure obligations and the implications of a statement of truth);</i></p> <p>Solicitor, Bournemouth:</p> <p>As in the case examples above, many clients cannot read well or struggle to understand things. Many of our client group have difficulty understanding basic legal concepts, let alone quite complex things. It's not just about understanding a statement of truth, it is also about them fully understanding the document that they are signing the statement of truth on. I can envisage situations where witness evidence is signed otherwise than in a face-to-face setting and then the client saying at trial, that that bit wasn't right and they didn't understand it. I have lost count of the number of clients who are ready to sign whatever I give them to sign without reading it, and it is only because I tell them they have to read it in front of me that they do so.</p> <p>Many vulnerable clients will say they understand information or a document, and it is only because we can see</p>	Org	CH	National

their face when they are saying this, that we know they are just saying what they think we want to hear. We then have to find another way of explaining it. This is now lost. They say this for various reasons, including health problems and embarrassment.

Solicitor, Manchester:

I have not found that a client's understanding of law and the civil procedure rules is adversely impacted by the lockdown as we are able to provide an explanation over the phone.

Even when the client's first language is not English this has been possible by conferencing in an interpreter.

Solicitor, Manchester:

All my clients have understood the requirements for disclosure and the implications of a statement of truth when explained to them. The current situation has not created any barriers.

Solicitor, Newcastle:

Many clients will struggle with this. If you are not able to provide the information in writing and the clients are under pressure (due to the risk of eviction for instance), it is entirely possible that they may not understand, but state that they do in order to progress matters.

Solicitor, Birmingham:

I had to get a witness statement in. There was an unless order, and the date was 27 March. So I took my client's instructions over the phone. This is hard, because you cannot see the client's face, you cannot assess them. Also her reception kept cutting out and so I had to keep calling her back. Then, trying to explain to her about emailing me back to confirm the contents were true and accurate was hard, because even though I sent her the wording, she kept emailing me back saying "this is OK"

Also, we assume all clients have technology. They don't. I have a client, an elderly gentleman in sheltered accommodation, who does not currently have a phone, so I have no way of contacting him to speak with him. His support worker cannot visit him and so I'm just stuck. Another client has a phone, but every time he gets a text message he assumes it came from us and calls to speak to us, whether it was or not!

Solicitor, London:

I am satisfied that clients are still able to receive and understand advice about their legal obligations and the implications of signing statements of truth etc, having been able to communicate advice via a combination of phone and email.

(ii) collate and get to you documents such as those required for disclosure under CPR 31;

Solicitor, Bournemouth:

<p>Documents will not be disclosed, and cases will be affected. I always tell clients to just give me everything they have ever received from X. It is the only way to ensure that you stand a chance of getting anything that you need to. You cannot expect all clients to see the significance in a particular document. We are trained to think out of the box and see that a document could be a key piece of evidence for a reason that may not be glaringly obvious. Most clients will not identify the significance.</p> <p>How are clients going to get those documents to us? The post is expensive. and do we really want them to trust their original paperwork to the post, especially at this time.</p> <p>Solicitor, Manchester:</p> <p>My clients have been able to forward documents in the main. It is just taking longer than usual, as I have to send a stamped addressed envelope and then we are only collecting post twice a week, leading to delays. I have a few clients (approx. 25%) who are shielding due to underlying health problems and they would not be able to post documents to me if required, as they are isolating.</p> <p>Solicitor, Newcastle:</p> <p>This is proving extremely difficult. If you get a client that can photograph the documents and email them to you, often they do not photograph them all or send irrelevant items. Items sent in the post are subject to delays in the postal system and in actually reaching the advisor.</p> <p>Solicitor, London:</p> <p>This is rather more difficult. My clients do not routinely have access to scanners or phone scanning apps, and documents would have to be provided as jpeg photos or posted to our office and thereafter being collated and scanned into CRM on receipt.</p> <p>Solicitor, Manchester:</p> <p>I have managed to do this with one client who is very tech savvy and had access to a printer and scanner. This however is a minority in respect of most of our clients who do not have access to a printer/scanner. Where disclosure is concerned, this is often tricky, as clients may have so many documents that it is very expensive to post the documents back to us. This means that we are having to send out stamped addressed envelopes to clients for them to return the documents which potentially adds a further week as it is only when we receive the documents back that we can consider them, draft a list of documents and then send out the list of documents to the client for signature.</p> <p><i>(iii) provide adequate instructions (including on documents disclosed by other parties) in order to finalise witness statement evidence under CPR 32;</i></p>			
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including any comments on your experience with any particular subsets of your clients and/or any particular difficulties you may have experienced.

Solicitor, Bournemouth:

As in my case examples above, accurate and useful witness statements are not going to be possible in the majority of housing possession cases.

Solicitor, Manchester:

It is very difficult taking instructions on documents disclosed by the opponent. I have been sending the documents out in the post, but it is rather overwhelming for some clients. I have asked for any comments, but none of my clients have responded. I have found it too difficult to deal with the documents on screen and need a hard copy of the documents. Usually it would be a lengthy face to face interview with my client to go through the documents and take their instructions. I have been telephoning my clients and taking instructions on the documents but just dealing with a few documents at a time, as it is difficult on the phone and hard to concentrate. The client has to have the hard copy in front of them. Luckily there is the time to do this in stages due to the stay in proceedings.

Solicitor, Newcastle:

Clients with mental health problems will particularly struggle with this element. Most clients will do their best, but when they are sending multiple photographs, there are issues of limitation on file size. Emails can bounce back. Clients may not know we have not received an item or may get confused as to what they have sent.

I have an illegal eviction case at the moment where all of the court orders have gone to the address client was evicted from and it is proving very difficult to get copies from the court.

Solicitor, Manchester:

I have not tried to do this since lockdown, but I have been able to do this previously over the phone with some clients. The difficulty is of course ensuring that you are both looking at the same document, which is often tricky with many of our clients where there are numerous documents. Our clients generally do not have access to skype or zoom and so we are only able to talk by phone. It is far easier to do this in the office or alternatively by email where the client's first language is English. Where the client's first language is not English, this would no doubt take a very long time and be very difficult. It would also mean that you would have to send all of the documents to an interpreter in order that he/she had the same documents in front of him/her to consult at the same time. This could be done if the papers were paginated, but would take a much longer time than

ordinarily and would cost the Legal Aid Agency far more than they would normally be prepared to pay.

Solicitor, London:

This is difficult, and in many cases will involve printing and then posting of hard copy documents to clients, many of whom may not be able to access and work with large email files on smartphones.

Many of our clients have limited literacy, no or limited English. I would suggest that dealing with voluminous and complex documents, and understanding the relevance or otherwise of them is difficult for our client group at the best of times, so dealing with the disclosure process without having physical interaction with the client, although not impossible, is very difficult.

Solicitor, Norwich:

All of these examples are of clients who I have worked with prior to the lockdown and had no difficulties with face to face.

1. My client with ADHD and autism was unable to receive advice over the telephone. He needed me to adapt how the information was being given to him, and I couldn't see him to know which bits to adapt and how to break it up best for him. I gave it to him in small chunks and got him to explain it back to me. I managed sufficiently to get instructions for the most pressing point, but he struggled immensely. The impact of the conversation was that his mental health then plummeted following the call, and his family called back later worried about him. He hadn't understood what was happening.

2. I asked a client with depression and anxiety to sign something I posted to him, and to send documents back to me. The documents were posted to me – very late. He had signed in the wrong places. The documents were all jumbled up and in no coherent order. The person who collected the papers from the office had scanned the papers in the order that they arrived. I now have to print them all out again and then try to scan them back in (without adequate equipment to do so, one page at a time). The documents that have been sent are also incomplete, and he hasn't sent everything that I asked for. I sent a detailed list to him of what to send back, and I know he has them. In the office, he would just bring me a huge bag of everything he has, and I would go through it and select what I needed.

3. Moving documents around is very difficult. I live in a village where there is only one post collection a day, so anything I post out takes a long time to be received. I can email colleagues who live in the nearby city and who can print out and post documents more easily. Receiving documents back from clients is equally lengthy, as there is no one in the office daily, and when documents are received

	<p>in the office, they then have to be scanned and emailed to me.</p> <p>4. I tried to take instructions from an elderly client who is in his 70s on a document received from the opponent. The client couldn't see the document over the telephone, and has no internet. I have posted the document to him, but he hasn't received it yet, and I need to take instructions sooner rather than later. I have read it out to him, but he can't remember the exact wording of what I've said. We've discussed it sentence by sentence. It has taken significantly longer than it would do in normal circumstances. He was able to provide instructions on some points clearly, but on other points he still had not grasped what was being discussed.</p> <p>5. I am taking instructions on a witness statement, but the client is not able to concentrate for as long as necessary on the telephone. We are taking breaks over the phone, but we sometimes lose connection, as he is in a remote part of Norfolk where the telephone signal is poor. I will have to post the witness statement to him, as he has no email, and he will have to post it back. I do not expect to be able to do this in a timely manner.</p>			
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Q7. Please provide details of any experience and/or observations in relation to the practicalities, in the current circumstances, of:

- (i) dealing with the Legal Aid Agency;
- (ii) instructing expert witnesses

No.	Response	Ind/Org	Type	Region
1.	It is impossible to get inspections ie for disrepair counterclaims or medical evidence at the moment. It is hard to get proof of income for legal aid – we are at risk of certificates being nullified and losing money	Org	LC	East Midlands
2.	Given that most communication with the LAA is through CCMS provided you are able to work remotely it is possible to communicate with the LAA. The difficulty lies in collating the relevant documents from clients remotely. Not all are able to easily collate bank statements and not all have online banking. However, these documents are required for the purpose of legal aid applications. It is proving very difficult to instruct experts. Most experts will no longer travel to clients homes. This makes obtaining reports from surveyors, occupational therapists, and medical professionals more difficult. Some experts are offering interviews with clients via Skype or other digital options. If the client is able to reciprocate then this is a possibility but many vulnerable clients are not in a position to do this. Further, there are some types of expert reports where an inspection of the property is essential, but not currently possible.	Ind	PP	London
3.	(i) Collating documents as means evidence is almost impossible. There are big concerns about proceeding without sufficient evidence and being penalised at a later date. (ii) Most surveyors are no longer working. Many medical experts cannot assess clients over the phone and so are not working.	Org	PP	London
4.	(i) CCMS means that we can continue to access legal aid applications; but there are significant problems with new applications/new clients (for many of the reasons given above) – and evidence of means in particular the provision of bank statements is problematic (few clients have internet banking; and many, pre-lockdown, would have relied on going into the branch to request these face to face). (ii) At the moment we cannot instruct surveyors or environmental health officers as they are unable to carry out inspections. It is also difficult to commission psychiatric and medical reports, as experts are unable to meet clients face to face; and obtaining background documents including medical or hospital records, is also	Org	LC	London

	considerably more difficult and time impacted at the moment.			
5.	<p>(i) Initially a lack of clear guidance about pragmatic alternatives to obtaining required evidence and signatures.</p> <p>(ii) This has proven much more problematic especially in the areas of surveyors and psychiatric reports. For example, it is very hard to observe social distancing when inspecting small cramped and overcrowded property. It is also very difficult to arrange initial face to face interviews between clients and expert psychiatrists as the latter have been reluctant to use telephone sessions as understandably much is gaged from non-verbal communication and the dynamics of face to face interaction. When means such as Skype are not available and the ability to travel is restricted the result has been that it has not been possible to obtain the necessary evidence.</p>	Org	CH	South East
6.	<p>At the present time it is more much difficult to instruct experts because many surveyors are refusing to carry out inspections due to the risks of coronavirus. Psychiatrists and Psychologists are generally not doing face to face examinations which impacts our ability to obtain reports. It is currently very difficult to obtain reports for defences/counterclaims based on disrepair/Equality Act 2010 .</p> <p>Additionally it is hard to imagine how a surveyor providing a report on an issue such as damp could undertake this via video. A video cannot put a probe into a wall or take reading. It cannot furniture and many things that can be picked up in person are likely be lost simply because of video quality and the limited view of the camera.</p> <p>Additionally examinations by psychiatrist and psychologists via zoom/telephone are likely to lose something through the medium. In our opinion the ability to build trust would be impacted which would affect the quality of the examination and the client's likely responses. Additionally the expert would lose visual clues from the client's body language which might be relevant to credibility.</p> <p>We note it is very difficult to sign people up for legal aid at the moment because although the legal aid agency have said we can treat an exchange of emails as an electronic signature for the funding forms, and that we can post funding forms to clients for signature, some clients do not have access to emails and are unlikely to return forms by post even if they are sent out.</p> <p>Many clients suffer from depression/anxiety which affects motivation, concentration and mood. Many struggle to leave the house due to historical domestic violence, PTSD and depression. The clients' disabilities makes it much</p>	Ind	LC	London

	<p>more difficult to get signed funding forms back which means firms signing up clients by phone do so at risk that they will not be able to prove a valid application has been made supported by proof of means.</p> <p>With legal aid clients face to face meetings are the most effective way to make sure you have proof of means, collect all the relevant documents, get your funding forms signed and get signed letters of authority. The coronavirus lockdown seriously undermines our ability to carry out all of the above tasks which means in practice many are locked out from accessing legal aid.</p>			
7.	<p>(i) Although I have reviewed all of the communications from Legal Aid, I am still highly concerned about our ability to comply with the requirements of obtaining a signature on forms and the correct means evidence. I have cited exceptional circumstances in my attendance notes but have serious reservations about taking on some clients who are unable to provide bank statements by email, for example, and cannot access their bank now. We are sending out forms for signature before taking instructions, when matters are not urgent. However, most of our matters are urgent. We have the technology to work remotely, but where clients do not, I am concerned about providing the required evidence to Legal Aid.</p> <p>(ii) I am seriously unclear about the current situation as it relates to the instruction of experts. I have four disrepair matters that may or may not require injunctive action for specific performance due to the imminent risk but where those clients are in the “highly vulnerable” categories due to ongoing cancer treatment, severe COPD, severe asthma and severe auto-immune disease. I have other matters that require psychiatric assessments as part of compliance with directions but where again the client is “highly vulnerable” due to physical health issues and thus is self-isolating. I am also unclear as to whether our experts would be happy to attend at this time.</p>	Org	PP	South West
8.	-----	Org	LC	London
9.	It would be difficult if not impossible to arrange expert meetings typically a property inspection or psychiatric assessment.	Ind	LC	South West
10.	(i) I have managed to submit three CCMS legal aid applications so far but for two of them (ASB injunctions) the clients are unable to provide bank statements as they currently have bail conditions in place preventing them from returning to their property and they do not have online banking. The legal aid agency have said they are not being strict about deadlines for providing bank statements, however they will not grant us a substantive legal aid certificate until they receive the bank statements. The only way the clients could get their bank statement	Org	LC	West Midlands

	<p>would be by going into their bank branch however we are advised against doing this.</p> <p>(ii) In one case we are already in breach of directions in a possession claim based on anti-social behaviour. The client is extremely vulnerable, having suffered serious emotional and sexual abuse as a child. Shortly before the lockdown we had arranged for a consultant psychologist to travel to the Law Centre to interview and examine the client to prepare a report. The expert had to cancel the face-to-face visit but was willing to proceed using Skype. The client does not have a computer or laptop and the expert was not happy to try to continue by phone, the only option available.</p>			
11.	<p>Given that most communication with the LAA is through CCMS provided you are able to work remotely it is possible to communicate with the LAA. The difficulty lies in collating the relevant documents from clients remotely. Not all are able to easily collate bank statements and not all have online banking. However, these documents are required for the purpose of legal aid applications. It is proving very difficult to instruct experts. Most experts will no longer travel to clients homes. This makes obtaining reports from surveyors, occupational therapists, and medical professionals more difficult. Some experts are offering interviews with clients via Skype or other digital options. If the client is able to reciprocate then this is a possibility but many vulnerable clients are not in a position to do this. Further, there are some types of expert reports where an inspection of the property is essential, but not currently possible.</p>	Ind	PP	London
12.	<p>Some difficulties. For example, attempts to instruct Chartered Surveyors to attend at properties to produce reports on disrepair are proving difficult.</p>	Org	PP	South East
13.	<p>Prior to the stay, as a result of the urgency of these cases and the inability of most of my clients to provide digital signatures or proof of income, work had to be undertaken at risk or without any form of funding.</p> <p>The Legal Aid Agency have generally been supportive in individual certificated cases and understanding of delay in obtaining info required. However, clients reliant on Legal Aid always face additional hurdles in obtaining advice and representation as compared to those who simply can afford to pay for legal assistance privately. The inability to assist client's face to face, obtain signatures, added delays on the part of the DWP and inability to get through to them on the phone in order to verify proof of income have simply made these hurdles all the greater.</p>	Org	LC	North West
14.	-----	Ind	PP	London
15.	<p>(i) CCMS means that we can continue to access legal aid applications; but there are significant problems with new</p>	Org	LC	East Midlands

	<p>applications/new clients (for many of the reasons given above) – and evidence of means in particular the provision of bank statements is problematic (few clients have internet banking; and many, pre-lockdown, would have relied on going into the branch to request these face to face).</p> <p>(ii) At the moment we cannot instruct surveyors or environmental health officers as they are unable to carry out inspections. It is also difficult to commission psychiatric and medical reports, as experts are unable to meet clients face to face; and obtaining background documents including medical or hospital records, is also considerably more difficult and time impacted at the moment.</p>			
16.	<p>(i) This has not been too much of a problem as we can still submit applications. However, we have had delays and issues with being able to obtain the correct proof of means and being able to answer the LAA’s questions with respect to requests for further information and evidence.</p> <p>(ii) Instructing an Expert has been a huge problem. We have not been able to locate a single Expert Surveyor who it willing to undertake an inspection of a client’s property. We have been able to locate expert Psychiatrists who can prepare reports remotely, however, they are not able to do this on Children under 18 and a number of our clients do not have access to the internet for any appointment to take place. In addition, we have had a number of GP Surgeries refuse to provide medical reports and/or their patients medical records due to current circumstances surrounding the virus.</p>	Org	PP	East
17.	-----	Org	CH	South East
18.	Generally problematic. I know of one expert psychiatrist who is focusing solely on his NHS work at present and has also confirmed that if he was available for “expert work” he would not consider it appropriate to do a telephone assessment.	Org	PP	London
19.	<p>(i) We are yet to make a fresh application for Legal Aid. We anticipate that it will be difficult to obtain evidence requested in support of clients’ applications.</p> <p>(ii) We have had to cancel a capacity assessment with a psychiatrist. It is not possible to carry out an assessment without the psychiatrist meeting the client.</p> <p>A surveyor has offered to prepare a preliminary report on disrepair at a property based on photos. However, this would be of little evidential value.</p>	Org	LC	London
20.	<p>(i) finding they are generally more flexible than they usually are (eg not requiring signed declaration against instructions in delegated functions cases)</p> <p>(ii) we have been able to instruct a psychiatric expert who is conducting an appointment remotely (this particular</p>	Org	PP	West

	client is able to do this) but have not been able to instruct a noise surveyor in another case as he is not willing to go to the property during the lockdown period)			
21.	LAA have been helpful and super-efficient at providing cert. Submitting more complex documents has been more of a challenge with my home IT equipment (limited screen size, no printer etc.) There are a few surveyors still willing to inspect properties although I have not had any inspections since the lockdown and I am not sure how safe this is. A lot of my clients have vulnerabilities/health issues. I am not aware of any surveyors undertaking inspections remotely and would be concerned about relying upon such a report in court.	Ind	PP	London
22.	The expert surveyor we primarily use for disrepair cases has confirmed he will be taking no new instructions during the pandemic and has cancelled all booked appointments. Another is self-isolating in a remote part of the UK. Such surveyors are already in limited supply.	Org	LC	South East
23.	(i) so far we have not experienced any issues with the LAA (ii) SJE's instructed pre lockdown to inspect on disrepair counterclaim cancelled and advised could not proceed. They had already done one report so cannot really instruct another expert. V. difficult to find any other disrepair experts who will inspect. RE other types of expert e.g psychologists/psychiatrists some will do consultation with client via skype etc but the issue is obtaining the medical records etc they would need – . Whilst not necessarily the case when requesting hospital records, other SAR requests are receiving a response that completing the request will be delayed due to lockdown. This can be problematic if you need certain documents to be before the expert before they meet with client or complete their report.	Org	PP	London
24.	-----	Ind	PP	London
25.	(i) LAA have published contingency policies and we are grateful for those measures. However, we note that meritorious legal aid applications continue to be rejected. The feedback from our staff has been that the CCMS system appears to have been operating slower than usual and that is making challenging refusals and dealing with CCMS queries a more protracted affair. CCMS delays here are combined with it taking longer to obtain instructions from our clients whose day to day lives have been affected by the pandemic. For example, one solicitor represented two joint tenants in a possession matter, who were a couple. One tenant was heavily pregnant, due to give birth on 31 March and hers was a high risk pregnancy. A legal aid application was submitted for each tenant. Emergency certificates were granted for both	Ind	PP	East

defendants, but the substantive certificate for one tenant was refused on the basis that we had used the incorrect matter code on CCMS, when it was the same code that was used for the emergency application and for the other tenant's application who was granted a substantive legal aid certificate.

Applications for investigative representation for disrepair cases are being refused when the criteria set out by the Lord Chancellor's guidance is met is, 'the solicitor will reasonably need to carry out at least six hours of fee earner investigative work; or (ii) disbursements together with any counsel's fees would cost £400 or more excluding VAT.

6.12 In cases which are shown to require this extent of investigative work, an application for investigative representation can be made at the outset.' The reason for refusal given by the LAA was that 'funding is only available in this instance if an immediate application has to be made for an injunction or specific performance'. We are concerned that firms will not be willing to incur disbursements for surveyors on legal help given they are unable to submit payments on accounts for such disbursements. Further, where such refusals of funding are being challenged, that will necessarily result in a delay in progressing the matter (in addition to delays being caused as a result of the adjustments being made in light of the pandemic) and firms will need to bear in mind the client's best interest when deciding whether to commission the report with legal help or legal aid funding.

(ii) For disrepair cases, we have struggled to find expert surveyors who are willing to accept instructions to attend properties in person to conduct the survey. For an urgent disrepair matter, we have instructed an expert who has arranged for the survey to take place remotely by means of video conference. We took into account both the serious nature of the disrepair and our client's ability to be able to facilitate the remote survey.

b. Provide medical notes and prepare reports

In respect of medical experts, the first hurdle has been difficult in obtaining copies of clients' medical notes and on occasions social services files in order to instruct the medical experts. Despite chasing by means of emails and telephone calls, GP practices are reluctant to provide a timeframe within which they will be able to provide copies of medical notes. Without such documents it is difficult for us to instruct medical experts. For clients with certain medical conditions such as, those that affect their cognition and certain learning difficulties, agreeing to a remote assessment may not be in their best interest. On the other hand, in some cases the client's best interest has required for such medical reports to be prepared

	<p>sooner rather than later. In an injunction matter where our client was facing imminent eviction, the court directed that an assessment of our client's capacity to conduct the injunction proceedings was required. We contacted her GP for medical notes and requested that they consider carrying out the assessment over the telephone, this request was refused and the GP did not provide the medical notes or carry out the assessment remotely. We therefore approached an independent medical expert and were able to provide them with limited medical documents, which our client's partner helped her access by helping her access her NHS account online.</p>			
26.	<p>We have been able to submit escape fee claims electronically and have these processed without difficulty and we have been able to continue to use CCMS to progress ongoing certificate cases. We have not had occasion to instruct expert witnesses since March 2020.</p>	Org	LC	North West
27.	<p>(i) I have had no difficulties as we use CCMS and not much has been happening to engender the need to contact them; (ii) this is fine but it's needing face-to-face examinations that is again putting clients at risk.</p>	Org	CH	London
28.	<p>Instruction of expert witnesses is very difficult. Expert in Mind will only conduct face to face assessments and then only if sure there are no potential COVID issues. In terms of contractors and surveyors some clients are unhappy to allow access to property in this COVID period and in others the contractors are unwilling to attend properties.</p>	Ind	PP	London
29.	<p>The Legal Aid Agency are still making ridiculously wrong decisions, but they are doing so more quickly. Processing of bills is quick. They are being quite accommodating in terms of using promissory declarations and not requiring signatures, and extending time deadlines. This is difficult. We have set up Zoom meetings between psychiatrists and clients in order to try to obtain psychiatric reports, but they have not taken place yet, so we do not know how well it will work. For some clients it will be impossible for example where they need the support of their CPN to attend such a zoom apt but the CPN is not currently doing face to face visits. In one very urgent housing case, the EHO had a WhatsApp video call with the client, who effectively showed him what he needed to see with her phone and he was able to put together a report which was useful in helping us ensure that very urgent works were carried out. In the main, however, it is not possible to get a proper inspection report for disrepair purposes, as experts are, entirely understandably, not agreeing to inspect properties at the moment.</p>	Org	PP	West Midlands

30.	-----	Org	CH	London
31.	<p>(i) Considerable difficulties. Only 1 client so far has been able to sign a pdf document emailed to him electronically with offer of legal aid. Another one is not getting his post and his emails don't work so his LA certificate may be revoked. Most client don't understand how Legal Aid works and need to be guided. Obtaining evidence of means very difficult sometimes impossible. For now LAA has shown signs of flexibility but we are working at risk on new cases and don't know whether certificates will be revoked and/or whether we will eventually be paid for a lot of our work.</p> <p>(ii) In practice impossible in many cases e.g disrepair surveyors and EHO reports as the experts are self isolating. Similar problems with psychiatric assessments or torture reports where the medical expert required to meet client.</p>	Org	LC	London
32.	<p>(i) No change as almost all communication continues to take place via CCMS / telephone. However, obtaining the necessary evidence required for legal aid applications can be very difficult, if not impossible. For example, the Legal Aid Agency requires 3 months' bank statements: clients who no longer receive paper statements, do not have online banking and cannot leave their home to get to the bank are unable to provide the required evidence</p> <p>(ii) No particular experience at present, although we have heard that at least two of few experts who agree to be instructed at legal aid rates (Stephen Cockram – surveyor and Stephen Lawrence – environmental health consultant) are not currently working. Clients who are high risk and self-isolating will not be able to allow experts into their homes, for example to conduct surveys. It will also be difficult to instruct experts where usually one or more face to face appointments would be carried out, such as an expert psychiatrist or psychologist.</p>	Org	CH	London
33.	<p>(i) dealing with the Legal Aid Agency; They are accepting electronic signatures</p> <p>(ii) instructing expert witnesses to . Surveyors have generally closed their offices.</p>	Ind	PP	London
34.	<p>(i) Applications processed slightly slower and they seem to have no real understanding of difficulties in getting means evidence e.g. clients shielding and unable to get through to banks or DWP to get the evidence. When you see a client face to face, they know who you are by face and name and are more willing to hand over their documents in the office. Even when we send a letter out to the new client on letter headed paper to confirm who we are, as they have not seen, they are more reluctant to send out their details, having only spoken to us and not seen us in person. This may be because there is a lot of fraudulent</p>	Org	LC	London

	<p>activity that has arisen since the situation with covid-19 and so people are likely to be more cautious. Some clients will not send anything to you via post and so you cannot sign them up.</p> <p>Some will not be able to get documents out to you and will not be able to sign their legal aid forms and return to you in time. These are some of the difficulties with signing someone up with legal aid.</p> <p>(ii) We have found it difficult to try and get an expert to see the client quickly – and some experts would not always be willing to go to the property to inspect the client’s property because of self-isolation rules. You can explain the self-isolation rules to the clients but if there are language barriers they may not always understand. Also if there are vulnerable people in the household the clients would not want anyone coming into their home and putting them at risk of virus and causing complications to their health or the health of vulnerable people in their household</p> <p>We need to instruct a psychiatrist on 4 cases but clients cannot meet the psychiatrist in person and are unable to access Skype/Zoom. Telephone appointments are not suitable, especially given clients’ vulnerabilities and even Skype/Zoom is not really a satisfactory substitute (e.g. the psychiatrist cannot get a full picture of the client’s vulnerabilities such as their ability to adequately care for themselves if their answer differs from their appearance/ smell as it often does with alcoholic clients who underestimate the amount they drink).</p> <p>Even if it were possible for assessment to go ahead through Zoom /Skype For some clients, a face to face meeting with the expert means getting to know this expert and building a rapport between client and expert and the same rapport cannot be built through a computer screen. To speak to a computer screen about your personal problems / difficulties is not the same as speaking to someone face to face and this will affect any assessment and consequently the report. This, in turn, is likely to affect the client’s case for which those experts’ costs were incurred which are not cheap.</p>			
35.	<p>(i) We have had no more difficulties in dealing with the Legal Aid Agency than we do usually – in fact, to be fair, we have noticed a much faster turnaround on decisions.</p> <p>(ii) We have experienced difficulties in obtaining psychiatric evidence, as psychiatrists are not undertaking face-to-face assessments, which makes the assessment process more difficult and for some clients impossible. In relation to disrepair counterclaims, there is an understandable reluctance on the part of both experts and</p>	Org	PP	London

	clients for experts to visit properties, unless it is in relation to emergency work.			
36.	<p>(i) I have made one application for Legal Aid since the COVID 19 contingency measures have been in place and am waiting for the decision on the granting of Legal Aid – the application was made under LAA contingency measure and no wet signature was taken from client.</p> <p>(ii) We consider that it would be difficult to instruct experts at this time and the one case where we have attempted to do so the client has declined to allow the surveyor into the property as he is highly vulnerable with pre-existing health conditions.</p>	Org	LC	East
37.	<p>(i) Once it became evident that face to face contact with clients was no longer going to be possible, we took immediate steps to contact the Legal Aid Agency to find out what arrangements should be made to obtain electronic signatures. Unfortunately at that time we were told that signatures were still required. We set up our own system for getting a declaration against instructions signed electronically in the event that a client did not have the facilities to sign and return the necessary forms for legal aid. This was eventually accepted by the Agency as a suitable way of dealing with these matters. We consider that the Legal Aid Agency should have acted more quickly to confirm their acceptance of electronic signatures as the delay could have resulted in some clients having to wait for legal advice which could have been a problem, particularly for urgent cases.</p> <p>(ii) This has been greatly hampered. We have had expert medical witnesses cancel instruction due to covid and we cannot obtain reports from GP's or assessments for clients. These issues arise on cases where the PD does not apply – homelessness and ASB injunctions</p>	Org	PP	London
38.	<p>(i) dealing with the Legal Aid Agency; -----</p> <p>(ii) instructing expert witnesses Not willing to go to property etc. so can't progress</p>	Ind	PP	London
39.	<p>(i) We are yet to make a fresh application for a legal aid certificate. We anticipate that it will be difficult to obtain evidence requested in support of clients' applications and we are unaware of any changes to the LAA's CCMS system to adjust to the present conditions. The Legal Aid Agency has introduced contingency arrangements by which it will accept electronic signatures on Legal Help forms but it is uncertain how this will work in practice.</p> <p>(ii) We have had to cancel a psychiatric assessment. It was not possible to carry out an assessment without the psychiatrist meeting the client. This is likely to be the case with any other case where such an assessment is required, and in particular cases where doubts are to the client's</p>	Org	LL	West Midlands

	capacity to litigate, or issues relating to disability discrimination arise. Both these issues frequently arise. We have not had any current directions in relation to inspections by surveyors of properties alleged to be in disrepair but it is inherently unlikely that a report that would assist the court could be prepared without an internal inspection.			
40.	(i) The Legal Aid Agency are continuing as normal and the expectation seems to be that practitioners are continuing as normal. Where I have asked for more time to obtain supporting means information this has been granted. (ii) Expert witnesses (OTs, independent social workers, surveyors) have either cancelled appointments, proposed that they are delayed to a later date or have carried out appointments but their reports have been delayed.	Ind	PP	London
41.	(i) Dealing with the Legal Aid Agency does not seem to be adversely affected by current circumstances. (ii) Instructing expert witnesses has been severely affected. Surveyors are almost all unavailable to inspect properties pending the outcome of restrictions. Other experts such as psychiatrists are able to offer video conferencing but it is not easy for clients to take such offers up due to their limited resources.	Org	PP	London
42.	(i) dealing with the Legal Aid Agency; No particular comments (ii) instructing expert witnesses. There are obviously difficulties in instructing experts where an inspection or a face to face meeting is required, as is usually the case. Surveyors may be unable to inspect (meaning a disrepair counterclaim cannot be progressed). In a significant number cases clients are vulnerable due to age or underlying health conditions so that an inspection would not be appropriate/ safe. Medical reports are often dependent on physical examination. In some cases a psychological or psychiatric report may be possible based on a video assessment, but this will not always be practicable or appropriate.	Org	PP	London
43.	(i) dealing with the Legal Aid Agency; The legal aid applications that our housing team has made relate to complex cases that have been referred to the Exceptional and Complex Cases team at the LAA. These are not representative of typical legal aid applications. However, we anticipate that it will be difficult to obtain evidence requested in support of clients' applications. It is foreseeable that the LAA may have difficulty meeting time targets during lockdown. (ii) instructing expert witnesses to. We have had to cancel an inspection by a surveyor. It is obviously impossible for such inspection to be carried out	Org	LC	London

	without the surveyor attending at the client's home. We have not had to instruct other experts such as medical experts, but it is foreseeable that (a) they would be unable to complete a report without meeting with the client, and (b) if they could complete a report without meeting the client, this may affect the weight of that evidence.			
44.	<p>Shelter</p> <p><i>(i) dealing with the Legal Aid Agency;</i></p> <p>Solicitor, Manchester: I have found the LAA to be quite understanding in respect of the applications that I have submitted, giving me longer to submit evidence and being happy with photos or screenshots of bank accounts and not expecting original documents. They have also been more willing to grant a higher costs limit from the off.</p> <p>Solicitor, Bournemouth: I've only had one certificated thing I have needed to deal with so far that needs client involvement. The LAA has asked for a means assessment on a client, who is an elderly man with health problems. He recently got a phone, but he can't use it and so he has never answered it. He has memory problems. I can't get all of the information that I need. I can't get a signed assessment from him. I have completed it as best I could with him over the phone. I already have some documents, while I have obtained others from the council landlord (who also couldn't access them all, as they are in the office and the officer isn't). The LAA has given me extra time. I will just have to submit it and explain the circumstances.</p> <p>Solicitor, Manchester: I have not found it difficult dealing with the LAA with ongoing cases and I've noticed that they are not as strict with the time limits when dealing with notifications. The only issue is with new instructions – having to send the Legal Help form to clients and hope that they return it, with the proof of means and signed authority. There is the risk that legitimate work will be carried out for clients and we will not receive payment from the LAA.</p> <p>Solicitor, Birmingham: The LAA seem to be OK in helping. Although, on one file where the client is to make contributions, we have asked for a stay in the contributions, but not yet heard back from them.</p> <p>Solicitor, Norwich (with paralegal): I am delegating functions today on a case where the client has not yet sent me bank statements. He is on a passporting benefit. I filled in CCMS a month ago, and he signed the forms two weeks later, and they have taken a further two weeks to come back to me. I didn't have sight of the papers at the time I filled in CCMS. The client was</p>	Org	CH	National

<p>reading documents out to me over the phone, and I had to make an educated guess. Some of the nuances of the detail of case are now incorrect having seen the court order, and I will need to amend CCMS before I submit it.</p> <p>I cannot get an amendment signed quickly by a client to submit on CCMS for a scope limitation before I need to do the work on it. I have submitted it without signature, despite there being a tick box that says that I should have got a signature to it before submitting. I needed to do the work, so I have continued.</p> <p>If we had to do an urgent application to suspend a warrant for eviction, it would be done on the hope that the LAA accept, first, no bank statements; secondly, no client signature, and thirdly. probably no papers at the time of delegating functions.</p> <p>The only Legal Help application form I have received back was scribbled over and incoherent, despite a lengthy covering letter and bullet pointed email plus phone calls. Since Covid-19, people are just not accessing our service as our usual way of business is what suits our clients best – face to face, advice with support. The lengthiness of the signing up process and how document heavy it is means that clients are pulling out straightaway even before we’ve begun. (Two referrals)</p> <p><i>(ii) instructing expert witnesses to prepare reports</i></p> <p>Solicitor, Bournemouth:</p> <p>Fortunately, I haven’t had to yet. It will not be possible. There is a lack of experts in the area who will do public funded work at the best of times. There is no way I will be able to get one now if they need to see the client or go to their homes. I am also not convinced that it would come within any of the exceptions that you can leave your home for.</p> <p>Solicitor, Manchester:</p> <p>I have not yet received any new instructions recently that need the involvement of an expert, but I know that surveyors are not attending site inspections, so that would be a problem if there was a potential counterclaim or set aside application. I have asked questions of experts to clarify reports but not had any responses yet. Communication with experts is taking longer during the pandemic.</p> <p>Solicitor, Manchester:</p> <p>The surveyors we currently instruct are still prepared to attend clients’ properties provided that the client has no CV19 symptoms and they are able to maintain the required social distancing.</p> <p>The difficulty, however, has been with medical experts, who are saying that they are only prepared to do telephone consultations, e.g. psychiatrists. This is far less</p>			
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satisfactory than the normal consultation and I do not think it is a good enough service for the client or of as good a quality as normal.

Solicitor, London:
 In my recent personal experience, surveyors in a firm I have used have indicated they cannot do physical inspections during the current pandemic

Solicitor, Norwich (with paralegal):
 I instruct a particular psychiatrist to produce expert reports a lot. I am currently waiting on three reports from him. He has not been able to do any of the interviews. This has been incredibly difficult. One client, who has a diagnosis of schizophrenia and is hard to keep track of at the best of times, was interviewed (before lockdown) by the psychiatrist to do the capacity assessment. With help from the client's support worker, he spent several hours tracking her down in Norwich physically looking for her, waiting at a café which homeless clients are known to frequent, and then took hours with her doing the interview. The same psychiatrist now needs to re-interview the client for the fully detailed expert report, during lockdown. First, it took longer than normal to get the letter of instruction approved by the Official Solicitor. Secondly, the support worker is no longer able to go out and look for the client, and is working from home. The client does not answer a mobile phone (because the mobile phone she has rarely has credit, and she is exploited by drug dealers on it). The psychiatrist was unable to arrange to do any interview. The client has since been sectioned and is now detained in the local mental health hospital. The psychiatrist will be able to contact the medical staff in the hospital and either do the interview by phone or face to face, however a major part of psychiatric assessments is in considering the client's body language and eye contact.

The same psychiatrist is instructed to report on a client who has anxiety, and probably other mental health diagnosis (we want the expert to diagnose) and has missed several appointments. Efforts have been made for the psychiatrist to do the work remotely, but the client is struggling to engage with the phone. He was staying with his friend at the time of the lockdown and he has remained there due to his friend's ill health and not wanting to put her at risk. He does not have the technology to do a remote consultation with the expert. There is therefore no solution to getting the client seen by the psychiatrist at present, and the case could be severely prejudiced by the delay.

Q8. Please provide any other comments on your/your organisation's and your clients' ability to manage case management directions in possession actions of all kinds in the current situation.				
No.	Response	Ind/Org	Type	Region
1.	With most of our clients we need to sit with them and go through paperwork together so that we can explain it and get instructions. At the moment we are speaking to clients about their cases and then waiting for them to email documents across so we can advise. This is hard enough with decision letters from the homeless departments of s21 notices but when clients start to get possession claims they are not realistically going to be able to photo each page and whatsapp it to us – there is a real risk that documents will be missing. This may cause us to pursue defences based on lack of information that turn out to be wrong. Skype hearings and telephone hearings which seem to be being arranged frequently by the court will present problems as we will either have clients playing no part or we will have to be with them	Org	LC	East Midlands
2.	The current restrictions make it more challenging to advise and represent vulnerable clients generally. Often you are required to take instructions on very traumatic episodes in people's lives and understandably many clients will be less willing to discuss these issues over the phone, particularly with new clients who will have never met their solicitor in person if the case was taken on post lockdown.	Ind	PP	London
3.	Extensions for directions can only be agreed by the parties if this does not interfere with a hearing. There are often more hearings in possession actions than in other civil litigation, so it is not always possible to agree extensions to directions. As described above, getting clients to gather and sign documents is almost impossible. Defendants in possession proceedings who are eligible for legal aid are disproportionately vulnerable: through disability, age or merely the challenging life circumstances and lack of social capital which accompany living in poverty. These are the clients who in normal times need to come to your office, or for you to go to their home, and help them with every aspect of complying with directions. For disclosure you get a plastic bag of documents tipped onto the desk, including unopened letters, and it is for you as the advisor to go through and see what is relevant. That is not possible now. When drafting witness statements you need to show the client documents that will be exhibited for their comment. That is extremely difficult now. Even if case management could proceed, many clients will really struggle to give evidence via the telephone or videolink. It will not be possible to conduct fair hearings.	Org	PP	London
4.	All our caseworkers are currently working from home (and not all have access to car transport). 'Home IT' limitations	Org	LC	London

	<p>include for example inadequate home printing and scanning equipment, particularly for larger bundles; and the potential difficulties in relocating client/paper files at short notice to other caseworkers working at disparate locations both in and outside London, should the need arise.</p> <p>There is also an ongoing risk (which fortunately has not yet occurred) that a caseworker will become unwell, and their files will have to be physically transported some distance to other caseworkers. If this happens it will lead to substantial delay in work being carried out.</p> <p>In view of the obstacles above, we believe that a lifting of the current stay will prejudice our clients.</p>			
5.	<p>Face to face interaction facilitates both trust and effective and clear communication which is vital to vulnerable and often chaotic clients in stressful situation where their home is at stake. The use of other media, skype or Zoom, can be outside of our client's capability whether this is due to their digital skills, digital media may not be available to them because of the cost and also the fact that wifi is not always stable. Clients are more likely to have a phone but not necessarily a smart phone and even if they do they may not have access to scanning and printing. Our clients are amongst the poorest in our society.</p>	Org	CH	South East
6.	<p>None other than it is very hard to imagine how lifting the stay on possession proceedings is practicable given the fact half of county courts are closed and neither clients, landlords lawyers or the court system have the capacity to undertake the same volume of possession cases that went through the court system pre lockdown. For example it is hard to imagine how a PCOL possession list could work in a remote hearing system in terms of case volumes with appropriate safeguards to ensure clients could receive emergency advice/representation whilst also having the technology and means to "attend".</p>	Ind	LC	London
7.	<p>I work from home on most days and am very, very used to remote working, and we as a firm have the capability of complying with directions, so long as our clients have the same access to technology. The vast majority do not. Thus, we will clearly struggle to comply with directions at this time (although we are frontloading what we can now, so that when the stay is lifted, we can consult with clients and finalise things for filing). What I believe that all of this difficulty means for us practically is that we will inevitably have to make repeated and expensive applications to the Court in order to ensure compliance with the CPR, because, in most cases, we will eventually be able to comply, but it will take significantly longer to do so than usual and the timelines will not be predictable.</p> <p>I can note my experience in complying with directions in injunction and committal applications that we currently have</p>	Org	PP	South West

	before the Court. In one case, my client was unable to attend his trial, because he was staying with his parents in another county to assist them at this time. In another case, we have applied to vacate the trial date, as we were unable to obtain expert evidence, because our client's son was hospitalised with coronavirus symptoms and is now self-isolating.			
8.	We will struggle to manage	Org	LC	London
9.	It would /is very difficult to manage a housing case where the client is particularly vulnerable, is at a disadvantage and which involve issues of fact therefore witness statements. It presents a difficulty in gathering evidence, taking instructions on the facts and disclosure.	Ind	LC	South West
10.	It is virtually impossible to properly manage case management directions at the moment and we were therefore relieved when the practice direction was issued and the stay implemented. If the stay was lifted there would be serious prejudice to many vulnerable clients.	Org	LC	West Midlands
11.	The current restrictions make it more challenging to advise and represent vulnerable clients generally. Often you are required to take instructions on very traumatic episodes in people's lives and understandably many clients will be less willing to discuss these issues over the phone, particularly with new clients who will have never met their solicitor in person if the case was taken on post lockdown.	Ind	PP	London
12.	Provided that adequate time is allowed, no significant issues have arisen as yet. PD 51ZA regarding extensions of time is of assistance.	Org	PP	South East
13.	The introduction of PD51Z was a welcome relief as I was becoming extremely concerned that we would not be able to keep up with the demand for our services, particularly as other practitioners solely reliant on Legal Aid income could not afford to take on cases where the likelihood was they couldn't get paid. We are a small housing department with 1 solicitor and 2 new trainees. Supervising and supporting trainees remotely is difficult and time consuming. We are overwhelmed with new homelessness cases for people who are rough sleeping, living in unsafe accommodation, needing to flee domestic violence and with cases for tenants who are suffering harassment and threats of unlawful eviction. If the Practice Direction is lifted, at the current time, even just in respect of case management directions, I am seriously concerned that we will be forced to turn new cases away because dealing with our existing possession casework will be so time consuming under the present working arrangements.	Org	LC	North West
14.	Basically, we had a set aside application hearing listed on 14th April 2020. After the virus outbreak, on 2nd April 2020 an order was made saying that "The court considers this hearing is suitable for relisting as a telephone hearing", to	Ind	PP	London

	<p>take place as planned on 14th April 2020. Before that date, the parties managed to agree terms to have the possession order set aside. A consent order was agreed and filed with the £100 fee. We felt that such an order could be approved notwithstanding PD 51Z, given that it concerned an application to set aside, and the consent order recorded that the possession claim be stayed thereafter in accordance with PD 51Z (and of course otherwise what was the point in changing the listing to a telephone hearing, if nothing could be achieved at the hearing...).</p> <p>However, the Judge considering the consent order declined to grant it, with a recital stating as follows: “And upon the draft consent order filed by the Claimant providing for orders which cannot be made during the period of a stay, such as that provided for by Practice Direction 51Z”. The Judge instead re-listed the application to November. This is frustrating because now there’s no guarantee that the possession order will be set aside come November’s hearing (although I’ll obviously try to reach a similar agreement once the PD 51Z stay expires). It doesn’t seem right to me that Judges are unable to approve orders agreed between parties during the period of the PD 51Z stay. Some cases will settle during the period, and in other cases the parties will be keen to agree progressive terms.</p>			
15.	-----	Org	LC	East Midlands
16.	-----	Org	PP	East
17.	-----	Org	CH	South East
18.	Potential difficulties in relation to bundles	Org	PP	London
19.	Given the current situation, if the stay was lifted, it would be difficult to conduct litigation and clients’ cases would be prejudiced.	Org	LC	London
20.	We are able to manage broadly as at least one fee earner has access to scanning and printing facilities and we are posting documents to clients as above. Complying with witness statement direction is obviously harder than usual – harder to go through the witness statement with client over phone (most don’t have access to zoom etc as above).	Org	PP	West
21.	Generally my clients in possession claims have been happy for directions to be extended as this has given them more time but the cases with disrepair are different.	Ind	PP	London
22.	The stay should also continue as possession claims are dealt with by way of lengthy lists and the courts in the early days of the pandemic could not maintain social distancing and wash rooms had in some instances no soap or hot water. Some duty solicitor rooms are too small to maintain a 2m distance. Also client documents have to be handled and no gloves are provided. Bulk possession lists result in multiple litigants, lawyers and court staff having to interact with social distancing impossible. Our clients usually have health	Org	LC	South East

	issues and should be self-isolating rather than travelling to meet their solicitor or go to court. They are usually reliant on public transport.			
23.	We are probably in a fairly unique position as our offices went paperless around 18 months ago and all our case files are electronically stored on a case management system which we are all able to access remotely via a secure gateway on our home pc's/laptops. Our phone system is also electronic(3CX) and accessed over the internet which means calls into the office can be directed to our usual office extension but we receive this at home either via the 3CX app on our phone or laptop. Where we are impeded is in a client's ability to provide instructions or relevant documents. This depends on the client. Some are able to give instructions easily over the phone, others benefit from seeing you face to face. There are also issues if you need to go through specific documents with a client and obtain instructions on those. You need to make sure the client has the document in front of them and can actually read and follow the document, which the number of vulnerable client's we assist can be extremely difficult.	Org	PP	London
24.	"I have one lady who I am acting for in possession proceedings against Islington -on a pro bono basis as she does not qualify for legal aid having received an inheritance of a relatively modest sum. She is an alcoholic due to very tragic circumstances. But, she has been trying to sort out her life by going back to work and training. She is highly intelligent (university level education) but "lost" mentally. She is a friend I used to lodge with at University. After being furloughed or possibly losing job recently, it's difficult to work out, she has "gone underground". She had no computer (she sold it); has a very old none functioning mobile phone. I can only work out if I see her face to face whether she is receptive to what is being said as she responds well to humour and banter before settling down to the real task she has to confront. When she does she's brilliant at the paper work."	Ind	PP	London
25.	The practical issue is likely to cause difficulties is complying with directions such as disclosure when the client has substantial documents to consider or those that do not have email access. It would be time consuming for client to send those documents by post and is likely to cause delays. Further, without GPs and other third parties such as social services putting in place contingency arrangements for providing copies of documents that our clients are entitled to, obtaining expert evidence is likely to prove challenging and the quality of the evidence provided may also be affected by lack of complete and proper instructions/information. Nonetheless, we represent clients who faced imminent eviction and/or are living in poor housing conditions. Some	Ind	PP	East

	such matters have been stayed by PD51Z as a result of the disrepair being raised by way of a counterclaim and it may be exceptions need to be made for such cases.			
26.	Clients have struggled to conduct proceedings without assistance and support, e.g. complying with directions.	Org	LC	North West
27.	It is not fair to expect clients to manage case management directions in the current climate nor is it fair given the reason for the 3 month stay is to protect the public from a deadly virus: risk to clients, Court staff, providers and key workers should be minimised.	Org	CH	London
28.	First case management directions given in CSCC in early March including for our client to serve defence and counterclaim. Our client is over 70 and in vulnerable health group. We have extended time frame on directions for 56 days. We need client's disclosure of documents before the defence and counterclaim can be pleaded. Client cannot leave house to post documents and is unwilling to have visitors to the property to collect documents. This is the sort of case where previously fee earner may have attended the property but of course this is now impossible. I have on other case where the parties settled a possession and housing disrepair claim via Tomlin Order on 20 March. I appreciate this is slightly different but in reality there is no likelihood of the time frames in the Tomlin Order being maintained.	Ind	PP	London
29.	Some difficulties are case-specific. There can be difficulties in getting the other side to engage. Obtaining copies of pleadings can be difficult, as often the clients don't have/cannot find them, and we are dependent on co-operation with the other side to obtain these.	Org	PP	West Midlands
30.	Our organisation operates on a voluntary basis and does not provide reserved legal services. We normally provide advice and assistance at court (such as assistance as a McKenzie friend). It is generally not possible to provide this form of advice and assistance where hearings are conducted by telephone. Moreover the civil procedure rules allow for a defendant to a claim under CPR Part 55 to participate in a hearing whether or not a defence has been filed. Judges will normally allow defendants at such hearings to hand up written defences, witness statements evidence on the day of the hearing. This is now not generally possible, particularly where the Defendant does not have a scanner etc.	Org	CH	London
31.	It is difficult in the extreme. One of the key drivers in rent arrears cases is the client having to attend Court, realise that if they don't resolve problems with the rent they will lose their home, and then work with staff who have gained their trust to resolve the complex financial and other social problems which have driven the rent arrears in the first place. Thus their home can be saved. If the matter is driven	Org	LC	London

	<p>into the hands of advisers they have not seen and post they may not be able to deal with, and with hearings which do not take place in the physical realm there is likely to be less engagement. Clients are frightened and thinking about survival during lockdown. Problems such as how they are going to purchase their shopping, assuming they have money to do so, will be at the forefront of their minds. Many are not answering their phones. When they are able to realise that steps have to be taken during lockdown either to manage and existing case because of events in the lockdown period or because of what will happen once the lockdown is lifted, they have struggled to provide the necessary documents or data. For example, in one case we applied to set aside an order made in client's absence because he was ill on the date of the hearing. His landlord has refused to provide his rent records, and it has not proved possible to get information about his Universal Credit claim which has driven the rent arrears. Whether the issue is rent driven, or driven by antisocial behavior, or possibly a complex housing history relating to a homeless application, we struggle to obtain necessary instruction. Therefore should the PD be lifted or varied in any way in order to facilitate steps to recover possession the clients will struggle to access any defence that may apply and consequently are at a heightened risk of loss of home, even if a moratorium on evictions continues to apply. This is in a context where the risk of loss of home after the lockdown is intensified because e.g the client has lost their employment or been furloughed.</p> <p>In summary the stay on possession claims in the lockdown period quite rightly prioritises the right to life over the right to property. Our clients are among the poorest in society, and the least able to engage with complicated arrangements such as telephone hearings or zoom appointments. Consequently the threat to their home would be heightened if proceedings go ahead during lockdown. Once lockdown ends, the threat to their homes is likely to be further intensified due to financial issues that have arise during lockdown. But at least they will have a fighting chance.</p>			
32.	<p>Due to IT difficulties, not every member of our team has access to the application which enables PDF documents to be collated, numbered, edited etc. Without this it will be impossible to prepare bundles remotely.</p> <p>For some clients, for example those suffering from mental health difficulties, it can be very difficult to engage them unless we see them face to face – being unable to do so creates a greater risk that it will not be possible to comply with directions. The current situation is highly likely to be detrimental to their mental health and therefore their ability to engage with their solicitor.</p>	Org	CH	London

	Many of our clients who are employed are likely to be low paid key workers – care workers, cleaners, retail, teaching assistants, couriers, etc. They are likely to be working under increased stress and potentially longer hours, so it may be harder for them to engage with their solicitor.			
33.	<p>I was hoping to have a conclusion on a case, but I was unable to achieve one. I managed to settle the matter favourably for the client.</p> <p>I anticipate having to try to settle matters this year as a lot of clients will not want to wait until later this year or may be next year. However a lot of landlords do not have an incentive to settle (ie no court hearing round the corner). This just delays the justice for some of the clients. Perhaps the stay should have been optional. However I have had a client that was due to be evicted, this has stopped. So there are some advantages.</p>	Ind	PP	London
34.	<p>Given the current situation, if the stay was lifted, it would be difficult to conduct litigation it is unlikely that directions would be complied with in time if at all and our clients would be at risk of sanctions against them.</p> <p>We currently have some injunction cases and there is considerable difficulty in complying with the directions on those cases.</p>	Org	LC	London
35.	I do wish to comment that you should also take into account the difficulties in contacting other parties. Possession claims can often involve the need to contact Local Authorities (in relation to Housing Benefit or discretionary housing payments for example) as well as the Court. The vast majority of such contact is now online, and any telephone lines are extremely busy. Therefore, obtaining information and decisions can take an inordinate length of time and, for clients trying to do this personally, can be so difficult and time consuming that it becomes unrealistic for them.	Org	PP	London
36.	Given the current circumstances and taking account of the obstacles to efficient working practices as outlined above we believe that the lifting of PD51Z would be highly prejudicial to our clients	Org	LC	East
37.	<p>In response to the terms of reference:</p> <ul style="list-style-type: none"> • How effective has the support provided by MHCLG and other Government departments in addressing the impact of COVID-19 on those in the private rented sector, rough sleepers, and the homeless. <p>Local authorities had little regard to the advice as those at grass roots were not aware of it, even attaching the guidance didn't make much difference. So of our fee-earners spent the first week of lockdown drafting pre-action JR letters to request s.188 accommodation</p> <ul style="list-style-type: none"> • What problems remain a current and immediate concern for these groups. 	Org	PP	London

	<p>There has been difficulties for clients in shared accommodation. I.e. how to self-isolate when you share facilities? This has not been a priority for local authorities. By example we have a HIV positive mother recovering from a c-section in shared accommodation, she and her new-born are sharing a kitchen and bathroom with people who are “self isolating”. The authority agreed the accommodation was not reasonable and are taking steps to move her, but they say they have nowhere to move her to.</p> <ul style="list-style-type: none"> • What might be the immediate post-lockdown impacts for these groups, and what action is needed to help with these. <ol style="list-style-type: none"> 1. All those currently accommodated under the guidance right now have no accommodation duty. Presumably they will be turned back onto the street post lockdown. 2. The other worry of course is the likely avalanche of ground 8 claims we will seek post lockdown and easing of the amended CPR 			
38.	<p>Also if the council does not consider our client as priority need they do not have a duty to house them, so if they have possession proceedings in place and become evicted and become homeless the council may not be able to assist or provide limited assistance, they are likely to be referred to a homeless shelter such at St Mungo's which is unsafe during Covid-19 as its shared. A lot of private landlords may not be willing to allow new tenants due to the fear of Covid-19. Further, if clients are provided with accommodation during interim period of their s.184 decision its likely bed and breakfast or hostel, which is putting them at further risk of Covid-19, as the accommodation is shared.</p> <p>If eviction takes place, and the council provide accommodation that is away from the clients support network it is usually advised to accept and do a suitability review, as clients are social distancing during Covid-19 they will struggle to receive physical and mental support they require.</p> <p>It would be better if stay is not lifted until after the Covid-19 pandemic was over to ensure our clients safety, as we do not know the consequences our client's may face becoming homeless, especially considering the significant number of deaths that have already occurred</p>	Ind	PP	London
39.	<p>If the stay under PD 51Z were lifted, it would be very difficult to conduct litigation. Clients’ cases would be significantly prejudiced as the majority of them are not able to comply with directions and/or rules in relation to disclosure and evidence without access to face to face advice. Expert evidence, is unlikely, as set out above, to be practically possible to obtain.</p>	Org	LL	West Midlands
40.	<p>I am not set up for having lengthy appointments while working from home, or attending online hearings at home. I would need to instruct counsel in the latter case. Our</p>	Ind	PP	London

	inability to conduct face to face meetings either at our offices or through home visits, particularly for clients who have mental health difficulties, who lack proficiency in English or who are elderly, would be quite an intractable problem if we had to continue possession actions as normal (including conducting counterclaims for discrimination and disrepair).			
41.	-----	Org	PP	London
42.	-----	Org	PP	London
43.	Given the current situation, if the stay was lifted, it would be difficult to conduct litigation and clients' cases would be prejudiced. Whilst some of the issues described above may be less prejudicial than others, taken as a whole they are potentially highly prejudicial. There is a risk that parties could be put on unequal footing, as many landlords (eg housing associations, local authorities, larger companies) will be accustomed to working from home, will have access to and experience of a plethora of technologies, will not have the vulnerabilities of our clients, etc.	Org	LC	London
44.	<p>Shelter</p> <p>Solicitor, Bournemouth:</p> <p>I think it is important to acknowledge that there are some cases that could continue and be dealt with remotely, but not housing cases in which many of our clients are concerned. Having said that, there are steps that we could take in some cases that would at least mean we are ahead of things when things get back to normal.</p> <p>At the moment we are managing because we have a relatively small active case load. If either of us became ill and couldn't work for a while it would become more problematic. If cases weren't adjourned, we could not take the number of cases we would need to take because of the practicalities of getting instructions, legal aid in place etc. Even if we can do it, it takes longer.</p> <p>We need to be able to plan – if cases aren't stayed, I wouldn't want my colleague or I to have a large active court case load, as we would not then manage if one of us became ill. This is always a factor in a small team, but the risks and likelihood are much higher.</p> <p>We also need to consider that a case rarely involves just us, the other side and the client – there will be many other agencies who need to be involved in some way and they may be unable to work or they may have different priorities eg GPs, social workers, housing benefit officers, council housing options, CPNs, support workers, banks (to get proof of income). We also need to consider court staff. It is also a question of how much risk of exposure there would be in running a case on all individuals involved. Would I really want to put that particular client at risk of contracting the virus, which depending on their circumstances could easily kill them, in order to progress a case.</p>	Org	CH	National

<p>I can see why some businesses will want proceedings to carry on (eg lenders) but I do not believe that possession cases are “essential” in the sense that they cannot be delayed for a short period to protect people from serious illness. All cases will require a party having to leave their home for some purpose and I am not convinced that possession claims are one of the exceptions that justify this.</p> <p>I think there should be a presumption that a case is adjourned pursuant to 51Z. If either party wants to apply for the stay to be lifted, they can, but the presumption must remain that it won’t be. In the absence of an agreement to lift the stay, there would need to be a very exceptional reason to do so and allow the case to continue, given the risks that it poses, in terms of both the case being able to be conducted properly and the risk of spreading the infection.</p> <p>If the stay were to be lifted and possession orders are made and people leave their homes – where are they going? In some cases, if they already have somewhere to move to, it may not be an issue, but most people will need to look for other accommodation, and they won’t be able to find it. There will be a knock-on effect on local authority homelessness services.</p> <p>Solicitor, Manchester: All my clients are particularly anxious and worried about the current situation and the challenges in dealing with the pandemic, and the fact that they also have possession proceedings as well is compounding the problem. I have provided some re-assurance that nothing much will be happening during the stay, but my clients are still very concerned by the whole situation.</p> <p>I have also had a few sessions on the Shelter Helpline and I’ve noticed that the majority of calls (about 75%) are from single people, who may not be in priority need, but who have been sofa surfing for months, and who now find themselves street homeless as they feel they cannot stay at friends during the pandemic. They need advice on presenting as homeless to the local authority, but the worry is whether they will continue to seek advice and challenge decisions made or whether they just accept what the Council tell them ie that there is nothing for them. It is disheartening listening to them describe how they have been dealt with by the local authority (who no doubt are also under tremendous pressure at this time) but my concern is that these people will just fall through the cracks and be forgotten amongst all the other cases involving vulnerable groups. All street homeless people are now vulnerable due to Covid -19. They are experiencing difficulties in eg charging their mobile phones so that they can make calls, receive calls and get help.</p> <p>Solicitor, Manchester:</p>			
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I think that it is potentially possible to comply with case management directions at present, but this will become very much trickier if the client's first language is not English or if the client has mental health problems which necessitate a medical report, as telephone reports in those circumstances are very unsatisfactory

Solicitor, Birmingham:

We find it far better to work with paper files, and it is therefore a struggle to keep track of what we have done and what needs to be done... constantly. Fortunately, on all but one case, opponents have been reasonable and stayed matters. In that one case, however, the other side are adamant that there is no stay on directions and are trying hard to make us continue.

Solicitor, Norwich (and paralegals):

The majority (estimated 80%) of our clients have a mental health diagnosis, ranging from anxiety and depression, to autism and schizophrenia. It is near impossible to do case management directions without their support workers/social workers all engaging with them face to face and bringing them to appointments, staying in contact with them and keeping them up to date. Some clients require an intense amount of support to achieve basic tasks, and the absence of the support makes it very difficult for them to function. Taking instructions on a draft defence and preparing to file it is very difficult over the telephone. In one case, the client lives in a two-bedroom house with his partner and two young children. The youngest child has behavioural issues. The client was furloughed from work and showed symptoms of Covid 19. He was very ill and self-isolating. The children also showed symptoms of Covid 19 and were very ill. Both the client and his partner have spent all their time looking after their children in a small house. There have been difficulties in taking instructions from him as a result of his illness and gaining the necessary information to assist counsel to draft their defence and disrepair counterclaim. Lockdown and illnesses have made it very difficult for the client to gather the information to support his case. He also has an arrangement with his landlord to pay the rent in cash at the letting agents' office. The office has been closed since the lockdown and the landlord has failed to inform the client of alternative payment arrangements. Attending court hearings in relation to possession proceedings, even remotely, is difficult. In a rural area phone/internet connection is unreliable and the signal often gets lost. Also, clients are less likely to 'show up' for the hearing due to nerves, the strangeness of it, out of their comfort zones - which could also be said for physical court, but there they are greatly helped by our physical presence.

<p>I currently have five cases where the client is assisted by the Official Solicitor. Some of the clients need to move to more suitable housing and cannot do so at present. The ability to get any information about the clients and the support that they need is so limited at present. If the stay were lifted, and those possession cases moved forward, although I could take instructions from the Official Solicitor, much of it would necessarily be guess work, and the ability to negotiate or settle cases would be seriously compromised.</p> <p>Proceeding with possession cases would be extremely detrimental to the mental health of all the people involved. The level of stress caused by the threat of being evicted when people cannot work to pay their rent would be enormous. Trying to comply with case management directions in the volume that we are used to when everything is so much slower would be impossible.</p>			
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