**The
Legal
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DIGITAL DELIVERY OF LEGAL SERVICES TO PEOPLE ON LOW INCOMES

COMPARING WEBSITES - MATERIAL CRITERIA

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The Legal Education Foundation

This Report was commissioned by The Legal Education Foundation and we are very pleased to publish it as a contribution to identifying the advances being made in the use of information technology to aid the provision of legal services for people on low incomes.

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1. Introduction

This paper addresses the issue of the criteria by which digital delivery of legal information and advice might be measured. Widespread agreement would be really valuable as a spur to improvement. Indeed, even debate on the criteria - to which this is seen as a contribution - would help.

2. Previous attempts to provide standards for websites

Previous examples of the rating of legal websites are hard to find. A considerable literature however exists on criteria for the general standards of websites. A typical list would be appearance, content, functionality, usability and search engine optimisation.[1]   A list identified in *Face to Face* as specific to low income users seeking legal assistance was:

(a) design;

(b) user perspective;

(c) specificity, relevance and practicality;

(d) orientation towards a 'journey' through to resolution of a problem;

(e) availability of individualised assistance;

(f)   transparency - particularly in relation to the role of government.

Institutions have developed standards or guidelines for legal websites for a number of purposes though these have tended to focus on process rather than outcome. A thoughtful set of guidelines for providers has been drawn up by the Victorian Legal Assistance Forum of Australia:[2]

> Guideline 1 - Conduct research before undertaking a new project ...
>
> Guideline 2 - Online legal information should be audience-focussed
>
> All online legal information projects should have a clearly identified audience and the project should be tailored to their knowledge and skills. Consultation with members of the intended audience should take place to determine this information, and representatives of the target audience should be involved in the development of the project through reference groups and evaluation. Information should be presented to 'lead' the audience from introductory material to more complex material to take account of the audience's legal knowledge.

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[1]   *http://www.spritzweb.com/resources/good-website-characteristics.html as quoted in Face to Face p68.*

[2]   *http://www.victorialawfoundation.org.au/images/stories/files/VLAF/guidelines%20-%20final%20140516.pdf*

All online legal information should be written in plain language.

Research shows that almost half of the Australian population struggles with literacy. For online material to be effective, those producing it need to consider users' literacy levels and cultural backgrounds and provide them with the contextual information they need to better understand it.

Guideline 3 - Websites and other digital formats must meet appropriate usability and accessibility guidelines …

Guideline 4 - Ensure that information is accurate …

Guideline 5 - The currency of the information should be clearly noted …

Guideline 6 - Maintain your material …

Guideline 7 - The jurisdiction of the legal information should be clear …

Guideline 8 - Link to other relevant resources …

Guideline 9 - Provide access to a legal glossary …

Guideline 10 - Use standard terms where possible …

Guideline 11 - Websites that contain community legal information should include information on how to obtain further advice and support …

Guideline 12 - Raise awareness of new online legal information resources ...

England and Wales has no directly equivalent document although *AdviceNow* has 'service inclusion criteria' for the third party information that it aggregates on its website. Back in 2001, the Legal Services Commission published The Quality Mark Standards for Websites. These, therefore, have slightly different functions - one is a form of accreditation and the other a justification for choice - but are sufficiently close to be useful to consider.

AdviceNow's criteria include:

1. The website must provide substantial information (and cover one of the topics in which it is interested).

2. The information must be aimed at the general public though it can be targeted at a particular section.

3. The information must be balanced and not emanate, for example, from a political party.

4. The information should be of the 'best quality', ie user friendly, written in plain English and supporting a user to deal with an issue by including an overview; explaining key points; recognising when to and how to get additional help; acknowledging the emotional aspects of problems; offering step-by-step guides, route maps and assistance like standard letters; incorporating guidance on relevant skills needed to solve a problem (a requirement on which *AdviceNow* places considerable weight).

5. Information must be up to date. *AdviceNow* prefers websites to state when last updated and for them to be checked and revised at least annually.

6. The website provider must be transparent and contactable.

7. Information should be free and separated from any additional services for which a charge is made.

8. Relevant factors in considering websites for inclusion will include the level of detail and complexity, orientation to particular audiences, tone and format.

In 2007, *Advicenow* examined the selection of Internet materials for the Community Legal Service database. They reported that:[3]

resource provision is patchy; much information is incomplete and inadequate. The lack of consensus on what makes for effective information and the absence of any agreed quality criteria is a real weakness for the sector.

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[3]   *http://www.advicenow.org.uk/advicenow-guides*

It backed a dynamic approach:

> *Implicit in our approach when establishing the criteria was our view that information resources should provide guidance on how to deal with a problem, not just explain the law.*

And it identified two sets of important indicators under two separate headings - information about a problem (an overview of the issues, an outline of the key legal points, guides to processes and procedures, route maps of where to go, what to do and who to see, step-by-step guides, where to get more information, advice or support, and information about skills/support) and assistance on how to deal with it (sample letters, forms and calculations, how to prepare for an event such as a visit, interview or assessment, suggested questions to ask and key points to consider, how and when to record what you do, how to negotiate, how to be assertive, how to remain calm, acknowledge stress, give support and boost confidence).

The criteria of the Legal Services Commission (now defunct) in awarding its quality mark for Internet websites (now also long gone) followed the Commission's structure for accrediting quality more generally: they were both more prescriptive and more process-oriented. Below is an edited version. Again, the focus is, understandably, on the providers being accredited, rather than the outcome for the user:

1. Access to Service

   (a) There must be a plan or statement of the purpose of the website and services provided that lasts for a year and is more than a mere repetition of a mission statement.

   (b) Copyright must be obtained and permission clearly visible.

   (c) The website must meet accepted accessibility criteria (which at the time was the 'Bobby tool' developed by the Centre for Applied Special Technology).

2. 'Seamless Service'

   (a) Websites must contain a disclaimer that indicates that it is not giving legal advice and emphasising 'the need for those facing legal problems to speak with a lawyer or adviser', and information on how to do so.

(b) Signposting or referral information must be comprehensive, eg giving names, addresses, telephone and fax numbers, email and website addresses where applicable.

(c) Links to other websites must be checked at least every three months.

(d) Citations of legislation and case law must be correct.

3. Management

(a) Contact details of the person or organisation responsible for the information must be accessible from all pages of the website.

(b) A website should be a member of a recognised representative body.

(b) Providers must make clear whether they are regulated or overseen.

4. Meeting clients' needs

(a) There must be a process to ensure that information is up to date and a written record of when it was last checked.

(b) Every page of the website must include the date on which its information was current. An example would be: 'The law as at 4 July 2014. This information was current when last updated on 4 July 2014'.

(c) The legal jurisdiction of all information must be clear.

(d) There must be a written procedure to ensure that legal content is correct.

(e) Any financial charge for information must be transparent; there must be a clear way to cancel; users must be told where they might get the information for free. Charging websites must be accredited with the body regulating e-commerce (TrustUK) and comply with its codes of practice.

(f) Client information must be treated as confidential; clients must be informed if information is given to a third party; there must be a written policy on privacy.

5. Complaints

(a) Detail on how to complain about a service must be clearly displayed with contact details for the person dealing with complaints.

(b) Records must be kept of complaints and a written procedure provided.

Below is an attempt to build on these precedents and to group issues within an acceptable small number of overall headings.

The best websites:

(a) Meet basic standards. No website should be misleading, have major technical failings, be offensive or discriminatory, inadequately protect data, be out of date (preferably indicating when last checked), or inaccessible below the best current standards. All should be transparent about ownership.

(b) Are user-oriented. The content should be: user-oriented to the target constituency, not to advisers or lawyers; specific, relevant, practical, balanced, in plain language, structured around key points and route maps of the way forward; translated into major languages of likely users; evaluated and continually adapted to user outcomes; provide a way in which a user may give feedback on, or complain about, their experience.

(c) Are functionally integrated with individualised assistance - both within and outside the website.

(d) Meet current commercial standards of design, including: responsiveness to different formats, particularly smartphones; effective use of graphics, audio and video; attractive presentation.

(e) Are interactive and resolution-oriented: offering a process that is interactive and dynamic, using such techniques as guided pathways, and oriented to the resolution of any dispute or query; providing sample letters and forms, automatic document assembly, practical tips on proceeding, assistance with necessary skills; emotionally supportive.

(f) Justify the expenditure on them. This, in practice is extremely hard to do. It takes a serious research or evaluation exercise which is capable of measuring the website against a comparator, usually the position before it was established. It will also involve such methods as testing the quality of provision via 'dummy shoppers' and there is likely to be an inescapable level of qualitative assessment. It is, clearly, the most important measure from the point of view of a funder. Relevant issues would include a capacity:

(i) to increase the identification and resolution of disputes;

(ii) to increase access;

(iii) to increase the affordability of assistance;

(iv) to increase the quality of services;

(v) to comply with appropriate ethical standards;

(vi) to operate at a cost acceptable to its funder and likely to remain stable;

(vii) to increase the skills and capability of users;

(viii) to respond to the needs of users;

(ix) to generate feedback for policy-makers.

3. The Criteria

During the project, various efforts were made to translate the six suggested criteria into a scoring system to make them more precise and bring to a head the underlying issues. None of these seemed entirely successful - though the attempt did open up valuable issues for debate and it should perhaps be continued. One difficulty is that websites might legitimately have different objectives. However, the value of such an exercise lies in the identification of best practice and the way in which a common marking scheme would allow comparison between websites in different jurisdictions and encourage best practice. It would facilitate, for example, the recognition of merit around the globe on a transparent set of criteria which would bring out the best provision and allow such things as prizes for the best website around the world in this category.

The six suggested headings above represent different categories of criteria. The first, meeting basic standards, lists the potential failures which would totally negate the value of a website, eg if the content was inaccurate or the functionality did not work. That is why, on a scoring basis, the whole 100 marks could be lost for failure under this heading.

The next three headings - user orientation, functional integration and standards of design - all go to the value of the website (and, if you accept the value of a scoring system, might be given 25% each). User orientation is crucial. At its best, it suggests the re-engineering of information. Too many websites read as if they are simplified versions of textbooks or standard explanations arranged in a logical form for advisers.

Functional integration represents a recognition that websites cannot wholly replace individual face-to-face provision for everyone. The assumption in Working Paper 2 is that perhaps half of those on low incomes will be willing and able to use digital delivery mechanisms. Even so, many of them will need help at some time in the process. Thus, the website needs to be integrated with individualised provision where a user may talk to an adviser, lawyer or assistant.

The last heading on financial justification is the most difficult. There are few websites that can prove that they are cost efficient as against existing provision,

though some may assert that they are cheaper. The criteria set out under this provision are an attempt to begin a debate about the critical issues.

As an encouragement to debate, these criteria are set out below with a putative marking scheme to give a focus to relative values.

WEBSITE CHECKLIST

Yes/No	Description	Individual score per heading	Overall score per section	Max Score
☐	Meets Basic Standards	x	0	0 (from-100)
☐	Not misleading			
☐	No technical failings			
☐	Not offensive/discriminatory			
☐	Adequately protects datay			
☐	Up to date			
☐	Accessible			
☐	Transparent ownership			
☐	User orientated	x		25
☐	Aimed at target audience			
☐	Specific, practical, relevant			
☐	Balanced			
☐	In plain language			
☐	Structured round key points and with route maps			
☐	Evaluated and adapted user feedback			
☐	Functionally intergrated with individulised assistance	x		25
☐	Supplementing the site			
☐	Within the site			
☐	Meets commercial standards for design	x		25
☐	Has responsive design			
☐	Effective use of graphics, video and audio			
☐	Attractive presentation			
☐	Interactivity and orientation to resolution	x		25
☐	Interactive with user using guided pathways			
☐	Oriented to resolution of dispute			
☐	Providing sample letters and forms			
☐	Provides automated document assembly			
☐	Provides practical tips			
☐	Assistance with necessary skills			
☐	Emotionally supportive			
☐	Justifying expenditure	x		Bonus + 10
☐	More cost efficient or effective than alternatives			
☐	Financially self-sustaining			
	Total			**100**

Does the assessment system help?

Let's apply this assessment system to an actual website to see if it is helpful say, the advice part of the leading English housing charity, Shelter (*shelter.org.uk*).

Shelter's website meets all the conditions under basic standards. On user orientation, it scores highly. The website is aimed at users; the advice is specific, practical and relevant, appears to be balanced and not overly aggressive or defensive; the language is Plain English; key points are emphasised; users are invited to rate the assistance and asked if they found the page useful. On functional integration, the website will provide information on available advice provision close to the user's address. On commercial standards of design, the website works well on a mobile phone; its use of graphics is a bit low but there is some video and, overall, the presentation is fine. There is often a lot of content on each page. This would merit a high but not perfect score. On interactivity and orientation to resolution, the website provides sample letters and highlights practical tips; gives some assistance on skills but does not include automated document assembly or use the full potential of guided pathways in the way that can be seen in the *Rechtwijzer*.

So, it might justify a middling score on that category. We do not know enough to make a judgement on cost effectiveness. So, on a very rough basis, this is a website that might score 85/100 if it had to be marked. That would indicate, as is true, that it is a good website but might be improved. However, more to the point being made here, rather than justifying any particular mark, the methodology of assessment looks sufficiently robust to be useful.

The intention of this sort of analysis would not be static comparison or criticism: it is to encourage improvement. Already, we can see the next generation of websites coming through in the use of greater interaction between website and user; more re-engineering of information; more knowledge incorporated in the system; more guided pathways. This is the model already demonstrated in *Rechtwijzer 1.0*. *Rechtwijzer 2.0* takes this a step further. So too will *MyLawBC. ca*, being developed by the Legal Services Society of British Columbia and the Civil Resolution Tribunal of the same province's Ministry of Justice. There are other examples as well. These will represent a quantum leap in the use of the Internet for the delivery of legal services as they come on stream in 2015.

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