

Legal Practitioner Survey 2021

Privacy and Confidentiality

We know how busy you are but the research team at the University of Hull would like to ask you to take fifteen minutes to complete this online survey. It forms part of a larger independent research study (kindly funded by the [ESRC](#)) which aims to learn more about the court system's response to the COVID-19 pandemic in housing possession cases and which aspects of the new arrangements we might want to take forward into the post-pandemic era. With the Ministry of Justice and the Housing Law Practitioners' Association as research partners, there is real potential for this project to ensure that the voice of legal practitioners is heard in the future reform of the possession process.

By drawing on your experience of housing possession cases, whether before or during the COVID-19 pandemic, the hope is that the research team, led by [Dr Lisa Whitehouse](#), will be able to find ways to improve the processes involved.

Before taking part in this study you might like to know that:

- data gathered in this study will be stored anonymously and securely;
- all personal information will remain confidential and all efforts will be made to ensure that you cannot be identified (unless the law demands otherwise);
- keeping your personal data confidential is required under the EU General Data Protection Regulation. The data controller for GDPR purposes is the University of Hull.
- by completing this survey you voluntarily consent to participate in the project but you can withdraw at any time without giving reasons and you will not be penalised for withdrawing nor will you be questioned on why you have withdrawn; and
- the answers provided by participants in the survey may be used in reports, publications and other research outputs and will be archived on open sources such as the [UK Data Service](#) and the [UKRI 'Gateway to Research'](#) but all participants will remain anonymous throughout.

On the next few pages you will find a series of questions which we would ask you to complete in as much detail as you can. Please feel free to leave any questions you do not wish to answer blank.

To proceed please click 'next' to be taken to the 'Participant Information Sheet' which will tell you more about the project.

You can find out more about the project [here](#) and on Twitter at [@homemattersEngland](#) and [@homemattersCymru](#). If you have any questions about the survey, you can email us at:

homematters@hull.ac.uk

We would like to thank you for taking the time to complete this survey.

Participant Information Sheet

Home Matters Survey

Before you decide to take part in this study it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. A member of the team can be contacted if there is anything that is not clear or if you would like more information. Take time to decide whether or not you wish to take part.

Purpose of the study

This study aims to find out more about the experience of people who have fallen into arrears with their rent or mortgage payments. The hope is that the research team will be able to find ways to improve the processes involved and thereby assist some occupiers in keeping their homes.

Why have I been chosen?

You have been approached for the reason that you might be able to provide valuable data on the issues raised by the project.

Do I have to take part?

Taking part in this survey is entirely voluntary. Refusal to take part in it or to withdraw from it at a later date will involve no penalty or loss, now or in the future.

What will happen to me if I take part?

You will be asked to complete a short questionnaire. It will include questions relating to matters such as your experience of the possession process.

Are there possible disadvantages and/or risks in taking part?

The research team does not consider there to be any reasonably foreseeable disadvantages or risks in taking part in this study.

What are the possible benefits of taking part?

The research team would like to make it clear that you will receive no direct benefit from completing the questionnaire. The potential benefits arising from it might include improvements to the processes involved in dealing with people who fall into arrears.

Will my taking part in this project be kept confidential?

All information collected about you will be kept strictly confidential. All data will be identified only by a code, with personal details kept in a locked file or secure computer with access only by the immediate research team.

What will happen to the results of the research project?

The results of this study will be published in 2021/22 and you will be able to obtain a copy from the research team. The findings of the study will be presented at conferences and written up in journals and books. The data will be archived on publicly accessible resources such as the [UK Data Service](#) and the [UKRI 'Gateway to Research'](#) but will be presented in an anonymous format so you will not be identified in any report or publication.

Who is organising and funding the research?

The study is being organised by the Principal Investigator [Dr Lisa Whitehouse](#) who is a member of the Law School at the University of Hull. The research is funded by [the Economic and Social Research Council](#).

Ethical review of the study

The project has received ethical approval from the University of Hull.

Contact for further information

For further information please email us at: homematters@hull.ac.uk

Should you have any concerns about the conduct of this research project, please contact the Secretary, Faculty of Business, Law and Politics Research Ethics Committee, University of Hull, Cottingham Rd, Hull, HU6 7RX; Tel No (+44) (0)1482 463536.

Thank you for taking the time to read this information

I have read, understood, and agree to all of the above, and I give my consent to proceed.

* Required

☐ Yes

☐ No

Your Role

In the main, do you advise and/or represent: * *Required*

- ☐ Defendants - Occupiers
- ☐ Claimants - Landlords/Lenders

Other Survey

Given you have answered 'defendants' please go to this survey which is more tailored to your work:

<https://hull.onlinesurveys.ac.uk/duty-adviser-survey>

Thank you!

Your role and clients

Where is/are your client(s) based (please tick all that apply)?

- ☐ London
- ☐ South East England
- ☐ South West England
- ☐ English Midlands
- ☐ North East England
- ☐ North West England
- ☐ North Wales
- ☐ West Wales
- ☐ Mid Wales
- ☐ South Wales
- ☐ Nationwide

Does your housing possession work involve mainly: *Optional*

- ☐ Private Landlords
- ☐ Social Landlords
- ☐ Mortgagees
- ☐ Other

If you selected Other, please specify:

Has this changed since March 2020 (e.g. more claims by private landlords etc.)?

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Please feel free to describe your role in more detail and the extent of your experience of housing possession cases:

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Pre and Post COVID-19

Prior to March 2020, what were the most common grounds on which your client(s) initiated possession claims?

Has this pattern changed since March 2020?

- ☐ Yes
- ☐ No

Please feel free to explain in more detail the changes you have seen:

Based on your experience, what percentage of the cases you have dealt with since March 2020 have been impacted in some way by the COVID-19 pandemic?

- ☐ 0-10%
- ☐ 10-20%
- ☐ 20-30%
- ☐ 30-40%
- ☐ 40-50%
- ☐ 50-60%
- ☐ 60-70%
- ☐ 70-80%

- ☐ 80-90%
- ☐ 90-100%

Please describe the impact that the response to the pandemic (e.g. extended notice periods, the Overall Arrangements, etc.) has had on your client(s) and the types of cases you have dealt with since March 2020:

Breathing Space/Debt Respite Scheme

Have you encountered any cases since May 2021 that have involved the 'Breathing Space/Debt Respite' Scheme?

☐ Yes

☐ No

Please feel free to expand on your answer here (e.g. the number of cases, the impact of the Scheme on the case, etc.):

The 'Overall Arrangements'

Do you have knowledge or experience of some or all of the measures put in place by the court system in response to the pandemic, i.e. the 'Overall Arrangements' (e.g. 'Review Dates', 'Substantive Hearings', etc.)? * *Required*

☐ Yes

☐ No

The Overall Arrangements - The 'Review Date'

Do you have experience of representing clients whose cases have been subject to a 'Review Date'? * *Required*

☐ Yes

☐ No

Experience of Review Dates

How many Review Dates have you (on behalf of your clients) been involved with (e.g you being contacted by the Duty Adviser on behalf of the defendant)?

- ☐ 0
- ☐ 1-25
- ☐ 25-50
- ☐ 75-100
- ☐ More than 100

The 'Review Date'

Of the Review Dates you have been involved with, what percentage have included engagement by the defendant (e.g. the defendant had engaged with the Duty Adviser prior to them contacting you)?

- ☐ 0-10%
- ☐ 10-20%
- ☐ 20-30%
- ☐ 30-40%
- ☐ 40-50%
- ☐ 50-60%
- ☐ 60-70%
- ☐ 70-80%
- ☐ 80-90%
- ☐ 90-100%

What is your answer above based on?

- ☐ Recorded data
- ☐ An educated guess

Please feel free to expand on your answer regarding defendant engagement here (e.g. I would only be contacted on the Review Date if the defendant had received legal advice from the Duty Adviser, the reason for non-engagement tends to be due to... etc):

What percentage of the Review Dates you have been involved with have proceeded to a

'Substantive Hearing'?

- ☐ 0-10%
- ☐ 10-20%
- ☐ 20-30%
- ☐ 30-40%
- ☐ 40-50%
- ☐ 50-60%
- ☐ 60-70%
- ☐ 70-80%
- ☐ 80-90%
- ☐ 90-100%

What is your answer above based on?

- ☐ Recorded data
- ☐ An educated guess

Please indicate the reasons why some cases have NOT proceeded to a Substantive Hearing:

Are you aware of possession orders being made by the judge at the Review Date stage?

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

Please feel free to expand on your answer here:

The Overall Arrangements - The 'Review Date' - Feedback

To what extent and in what way(s), if any, is the Review Date process an improvement on the pre-COVID position:

What reforms, if any, do you think would improve the Review Date process?

The Overall Arrangements - the 'Substantive Court Hearing'

Do you have experience of representing clients at or attending Substantive Hearings under the Overall Arrangements? * *Required*

☐ Yes

☐ No

The 'Substantive Court Hearing'

Is negotiation between the defendant and the claimant (or you as their representative) possible before the Substantive hearing (as per pre-COVID hearings)?

- ☐ Yes
- ☐ No
- ☐ Other

If you selected Other, please specify:

As a result of the new arrangements (e.g. the electronic bundle of 'enhanced information', the marking of cases as 'COVID-19' cases, the defendant's ability to submit a short statement, etc.), does the judge receive (as compared with pre-COVID cases):

- ☐ More information
- ☐ Less information
- ☐ About the same
- ☐ Other

If you selected Other, please specify:

Please feel free to expand on your answer here (e.g. judge receives more information but

much of it is irrelevant):

In your opinion, is the additional time given to Substantive Hearings under the Overall Arrangements being used effectively?

- ☐ Yes
- ☐ No
- ☐ Sometimes

Please feel free to expand on your answer here:

To what extent if any have the Overall Arrangements given rise to different outcomes compared to pre-COVID hearings, e.g. more or fewer outright possession orders, more or fewer cases getting directions for trial, etc.?

Overall

Do you consider the Overall Arrangements to have been an effective response to the consequences of the COVID-19 pandemic?

- ☐ Yes
- ☐ No
- ☐ Effective/ineffective in parts

Please feel free to expand on your answer here:

Which aspects of the Overall Arrangements should be retained into the future? (please tick all that apply)

- ☐ The Review Date
- ☐ The Substantive Hearing (28 days later)
- ☐ The extended time for Substantive Hearings
- ☐ The use of remote means of communication at the Review Date
- ☐ Remote Substantive Hearings
- ☐ The electronic bundle of enhanced information
- ☐ The ability to mark cases as 'COVID-19' cases

Please feel free to expand on your answer here (e.g. reasons for retaining the Review Date):

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The Legal Process of Possession

What aspects, if any, of the pre-COVID possession process would you like to see changed?

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What changes or initiatives do you think are necessary in order to avoid the courts being overwhelmed by the predicted rise in possession cases?

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The Housing Possession Mediation Pilot Scheme

Do you consider mediation to be appropriate in

- ☐ All housing possession cases
- ☐ Some housing possession cases
- ☐ Not appropriate in any housing possession cases

Please feel free to expand on your answer here (e.g. which cases would you consider appropriate for mediation?):

How many of the cases you have been involved with have been referred to the Housing Possession Mediation Pilot Scheme?

- ☐ 0
- ☐ 1-4
- ☐ 5-9
- ☐ 10-14
- ☐ 15-19
- ☐ More than 20

Are you aware of clients refusing the offer of mediation?

- ☐ Yes
- ☐ No

Please feel free to expand on your answer here (e.g. why did or might clients refuse the offer of mediation?) :

Do you think the current Mediation Pilot should be:

- ☐ Retained as it stands
- ☐ Retained but in a revised format
- ☐ Discarded

Please feel free to explain the reason(s) for your answer here (e.g. what reforms would you like to see):

Any other comments (Final Question)

You have been brought to this page as you either did not consent to take part in this research or you have reached the end of the survey. Regardless of the reason, please feel free to offer any further comments about this survey, the new arrangements or your experience here:

Thank you

Thank you for taking the time to answer these questions.

If you have any questions regarding this survey or would like to see a copy of the results then please email us at homematters@hull.ac.uk.
