

Appendix A - Qualitative Survey Topic Guide

Study into the Provision of Legal Services to Small Charities

Topic Guide

INTRODUCTION TO ESTABLISH INTERVIEW

Introduction to reach the right person / make an appointment

Good morning/afternoon/evening. My name is I'm phoning on behalf of the Legal Services Consumer Panel who would like to understand the experiences of small charities in accessing legal information and services. The Legal Services Consumer Panel will use this information to influence and drive reforms within the legal system to ensure that small charities have effective and affordable access to legal services in the future. Please can I speak to the person who has responsibility for legal issues in your organisation? *(If necessary, prompt: responsibility concerning issues relating to contracts for employees/property, etc.)*

Once speaking to the person with the person with responsibility for legal issues

Repeat intro above..... Would you be willing to arrange a time for me to have an informal discussion with you on the phone about your experiences of accessing legal services. The discussion would last about 20 minutes, depending on how much you have to tell us.

INTRODUCTION TO INTERVIEW

Good morning/afternoon/evening. My name is, I am phoning on behalf of the Legal Services Consumer Panel. Can I check that it is still a convenient to talk to you? Thank you for agreeing to talk to me etc.

Just to remind you what I would like to talk about, I'm phoning on behalf of the Legal Services Consumer Panel who would like to understand the experiences of small charities in accessing legal information and services. The Legal Services Consumer Panel will use this information to influence and drive reforms within the legal system to ensure that small charities have effective and affordable access to legal services in the future.

SECTION A: ABOUT YOU AND YOUR ORGANISATION

Q1 Please can you tell me what your role is in your organisation?

Q2 Who are the beneficiaries of your charity?

SECTION B: NEEDS & AWARENESS OF LEGAL OBLIGATIONS

- Q3 What are the main areas where your organisation has legal obligations? *(Unprompted)*
- Q4 I would like to ask you some questions now to get a better understanding of the type of organisation that you are. Firstly, what is your Charity's legal Constitution?
*(Prompt if necessary: Registered charity (**Charities Act**); Company limited by guarantee (**Companies Act**); Other?)*
- Q5 Do you employ staff? If so, how many? **(Employment Law)**
- Q6 Do you have any non-primary purpose trading? For example do you have a charity shop or sell any merchandise? **(Income and Corporation Taxes Act; Charities Act)**
- Q7 Do you have contracts to provide services? **(Contract Law)**
- Q8 Do you have responsibilities for safe guarding children or vulnerable groups? **(Safeguarding Vulnerable Groups Act 2006)**
- Q9 Do you have any intellectual property to protect such as patents, trademarks, designs or copyright? **(Intellectual Property law)**
- Q10 Do you have any loans? **(Contract law; Charities Act: right to borrow or take a mortgage)**
- Q11 Do you have any property? *(prompt: owned or leased?)* Do you lease property to any other organisation? **(Charities Act)**
- Q12 Do you have any investments? **(Charities Act and Trustees Act)**
- Q13 Do you claim gift aid? **(Income Tax Act)**
- Q14 Are you VAT registered?
- Q15 Do you fundraise for specific purposes? **(Trust Law)**
- Q16 Do you have a permanent endowment? **(Trust Law)**

Following on from the information you've just given me, it is possible that you could have obligations under the following law(s): **specify law name(s) as indicated by answers above.**

- Q17 How would you rate your understanding of your organisation's obligations under these laws? Does this vary between the different types of law I have mentioned?
- Q18 Do you rely on other organisations to advise you about your legal needs and responsibilities? What types of organisation?
- Q19 Do you stay abreast of changes in legislation which affect you? If yes, how?
(if necessary, prompt: Mailing lists, conferences, Charity Press, The Third Sector)
- Q20 How do you determine when to seek legal advice? (as opposed to general business advice)

SECTION C: ACCESS TO, EXPERIENCES OF AND SATISFACTION WITH LEGAL SERVICES

Q21 What is your attitude towards seeking legal advice?

Is it something that you're confident about or something that you find more difficult?

Q22 What legal advice services do you think are available to you? (*Unprompted to test awareness*)

Q23 Who takes the decision about which legal advice service to use?

Q24 If a legal need arose, where would be your first port of call for advice? (*Unprompted*)

- What would you use them for? What issues?
- What are the prime motivators for using them?
- What are the barriers against using them?
- What are the Key positives about using them?
- What are the key negatives about using them?
- How easy would you find it to access them?

Q25 In the last 3 years, how often have you sought legal advice?

- Who did you get the advice from? (*Prompt list of all*)

For each mentioned:

- What was the advice for?
- If applicable, was this advice paid for or pro-bono?
- How satisfied were you with the service received? What might help improve levels of satisfaction?
- Were there any areas of misunderstanding/confusion? How can this be overcome in the future?
- What expectations about the service do or did you have? Where did these come from?
- Do you feel the advice you have received has helped or hindered you to achieve your goals/maximise your impact?
- Why did you use this route rather than another advice provider?
- What are the reasons you went via this route rather than through a solicitor? (if not already a solicitor)
- Was there another source of advice you chose not to use? Why?

Q26 We have identified some additional providers of legal advice. Would you use any of the following for legal advice? (*go through each not mentioned by respondent in previous question*)

For each where they say yes, ask:

- what sort of advice would you use them for?
- What do you think would be the main advantages in using advise from
- How easy do you think you would find it to access advice from.....?

For each where they say no, ask:

- What would be your main reasons for not using advise from? (*prompt key negatives and personal barriers*)

- | | |
|--|---------------------------|
| A. A trustee | B. Volunteer or friend |
| C. A payroll bureau | D. Solicitor |
| E. Accountant | F. Charity Commission |
| G. Charity Press or similar | H. Conferences |
| I. Internet search | J. Advice related website |
| K. Internet to access legal document templates | L. Online forums |
| M. Umbrella organization (e.g. NCVO, ACEVO, Institute of Fundraising, Charity Finance Directors Group) | |
| N. Other sources of advice | |

Q27 Have there been any things you would have liked to have had legal advice on but you didn't seek it? *If yes:*

- What for?
- Why didn't you seek advice?

SECTION D: SATISFACTION/DISSATISFACTION WITH EXPERIENCES OF LEGAL SERVICES

Q28 What factors would you say affect your level of satisfaction/dissatisfaction with legal services?

Q29 What might help improve your satisfaction with legal service providers you've dealt with?

Q30 Have you made a complaint about legal services? (*If yes, explore experience of making complaints about legal services*)

- What about?
- Why did it result in a complaint?
- How well do you feel the complaint was handled? Why?

Q31 Do you know anything about the complaint system for legal services?

SECTION E: FUTURE NEEDS

- Q32 What do you feel are the gaps in legal services for small charities?
- Q33 What legal information could be provided which would help you? How would you like it delivered?

THANK YOU FOR YOUR TIME – once we have completed this research the Legal Services Consumer Panel will use this information to influence and drive reforms within the legal system to ensure that small charities have effective and affordable access to legal services in the future. In total we will be speaking to over 400 charities. Would you like us to alert you to the findings of this research once it is published by the Legal Services Consumer Panel? (If yes, take down email address or if necessary, alternative contact details).

Would you like to take my contact details incase you wish to follow up on the information we have been discussing? (If yes give name and email address or phone number).

NOTES TO INTERVIEWER IN CASE INTERVIEWEE SEEKS CLARIFICATION IN NEEDS SECTION:

Employment law can include contracts, grievance procedures, redundancy, pensions, health and safety, discrimination, employment tribunals.

non primary purpose trading If a charity incurs losses in non-primary purpose trading which it has carried on, the charity's tax exemptions on other income may be at risk, and the trustees may be liable for breach of trust.

Contract law Terms and conditions need to be clear to ensure that charity's best interests are protected and that charity does not breach its contract).

Safeguarding vulnerable groups An organisation which knowingly employs someone who is barred to work with children or vulnerable adults is breaking the law).

Intellectual property loans: there are rules affecting trustees rights to take out a mortgage on charity land.

property and leases: when it comes to selling, leasing or transferring their charity's land, the law sets out clear requirements to ensure that these important transactions are properly managed in the charity's interests and that the trustees obtain the best price reasonable in the circumstances.

Investment: there are rules relating to the types of investment and investment assets allowed.

Gift Aid , VAT and Tax: multiple, complex rules.

fundraising: money raised for a specific purpose should be kept in a restricted and only spent on that specific purpose. If not trustees are in Breach of Trust.

"permanent endowment" covers any land, investment or other asset which trustees cannot spend because of a restriction in the charity's governing document.

Appendix B - Quantitative Survey Questionnaire

Study into the Provision of Legal Services to Small Charities

Quantitative Questionnaire

SECTION A: INTRODUCTION TO REACH THE RIGHT PERSON / MAKE AN APPOINTMENT

Good morning/afternoon/evening. My name is I'm phoning on behalf of the Legal Services Consumer Panel who would like to understand the experiences of small charities in accessing legal information and services. The Legal Services Consumer Panel will use this information to influence and drive reforms within the legal system to ensure that small charities have effective and affordable access to legal services in the future.

Please can I speak to the person who has responsibility for legal issues in your organisation? **(IF NECESSARY, PROMPT: THE PERSON WHO HAS RESPONSIBILITY FOR ISSUES RELATING TO CONTRACTS FOR EMPLOYEES, PROPERTY, ETC.)**

OR

Please can you confirm whether you are the best placed person to talk about your charity's legal needs and obligations?

IF YES CONTINUE. IF NO, TAKE DETAILS OF APPROPRIATE CONTACT AND RESTART INTERVIEW WITH THEM.

Would you mind answering a few questions for me? It will only take about ten minutes and your responses will be kept anonymous.

CONTINUE OR TRY TO ARRANGE AN ALTERNATIVE TIME TO CALL.

SECTION B: ABOUT YOU AND YOUR ORGANISATION

Firstly, please can I confirm the name of your charity is _____

Would you mind if I ask for/confirm (AS APPROPRIATE) your name and your position in the charity?

Interviewee Name: _____

Position: _____

SECTION B: AWARENESS, UNDERSTANDING AND NEEDS

I would like to start by asking you some questions to get a better understanding of your charity and its responsibilities.

Q1. Please can you tell me which of the following best describes your charity: a registered charity, a company limited by guarantee, an unincorporated members association, an unincorporated trust, or something else? (READ OUT RESPONSES. TICK ONE ONLY)

1. Registered charity	2. Company limited by guarantee	3. Unincorporated members' association	4. Unincorporated trust	5. Other (specify)

Q2. Please can you tell me whether your charity....? (READ OUT EACH ONE. TICK ONE FOR EACH QUESTION)

	1. Yes	2. No	3. Don't Know
a. Employs any staff?			
b. Has any non-primary purpose trading? (Prompt if necessary: <i>do you sell any merchandise to raise funds?</i>)			
c. Has any contracts to provide services?			
d. Has any grants?			
e. Works with children, young people and/or vulnerable adults?			
f. Has any intellectual property to protect such as patents, trademarks, designs or copyright?			
g. Has any loans?			
h. Has any property? (Prompt: <i>land or buildings that you own, lease, occupy or use?</i>)			
i. Leases property to any other organisation? (Prompt: <i>Does any other organisation have space in your building or use part of it for their activities?</i>)			
j. Has any investments? (Prompt: <i>A deposit account or stocks and shares or a charity investment account</i>)			
k. Claims gift aid?			
l. Is VAT registered?			
m. Fundraise for specific purposes?			

n. Has a permanent endowment?			
o. Is part of a larger national charity?			
p. Has any committee members or trustees who are trained solicitors, either active or retired?			

SECTION C: VIEWS ABOUT ACCESSING LEGAL INFORMATION AND SERVICES

I am going to ask you some hypothetical questions about accessing legal advice and information, and later I will ask you more specific questions about your actual experiences of accessing legal advice or information.

To help you when thinking about your answers, when we refer to legal information or advice, this can mean both formal and informal advice for instance from someone connected to the charity, from a solicitor or from using resources to gain information yourself.

Q3a In general, if an issue arose which required you to seek legal information or advice, what or where would be the first place you would consider seeking information or advice from? (TICK ONE. ASK Q3a, Q3a, THEN RETURN TO Q3b TO ASK FOR OTHER PLACE THEY WOULD CONSIDER)

Q3b We have discussed using [INSERT ANSWER TO Q3a] for information or advice for a legal issue. Is there anywhere else you would consider seeking information or advice from for a legal issue? (TICK ONE. ASK Q4b, Q5b)

	Q3a First place (Tick one)	Q3b. Other place you would consider (Tick one)
a. A trustee		
b. Volunteer		
c. Friend		
d. Informal network		
e. A payroll bureau		
f. Solicitor		
g.. Accountant		
h. Charity Commission		

i. Charity Press or similar		
1.1 j. Conferences		
k. Internet search (i.e. general Google/Bing/Yahoo searches)		
l. Advice related website from a trusted source		
m. Umbrella organization (e.g. NCVO, ACEVO, Institute of Fundraising, Charity Finance Directors Group)		
n. Free legal advice offered as part of a membership		
o. Other sources of advice write in _____		

Q4 What would be the prime motivators for you choosing to use _____? (ENTER THE CODE FROM Q3 AT THE TOP OF THE COLUMN. TICK ALL THAT APPLY. DO NOT PROMPT)

	From Q3a Code:____	From Q3b Code:____
a. Used the provider before		
b. The perceived expertise		
c. Seriousness/riskiness of the issue		
d. Value for money of the service provided		
g. Need for external/independent advice		
h. Speed of response		
i. Knowledge of your organisation		
J. Knowledge of the charity sector		
k. Requirement of funder or grant giver		
l. Other (specify)		

Q5 Do you consider there to be any barriers, difficulties or drawbacks in using _____ to obtain legal information and advice? (ENTER THE CODE FROM Q3 AT THE TOP OF THE COLUMN. TICK ALL THAT APPLY. DO NOT PROMPT)

	From Q3a. Code:____	From Q3b. Code:____
a. Cost		
b. Reliability		
c. Difficult to find		
d. Speed of response		
e. Too much information to sift through to find what you need		
f. Lack of expertise		
g. Advice not tailored to my charities specific needs		

h. Lack of choice		
i. Time required to brief them		
j. Others (specify)		
k. No/ none		

SECTION D: EXPERIENCES OF LEGAL SERVICES

Q6 How would you describe your approach to seeking legal information or advice? (READ OUT AND TICK ONE)

1. I actively seek out legal information and advice in order to stay abreast of legal issues which may affect the charity
2. I try to stay abreast of legal matters which may affect the charity but could benefit from doing more
3. I only seek legal advice when an issue presents itself which may affect the charity
4. I don't need to seek legal advice

Q7 On a scale of 1-5, with 1 being completely confident and 5 being not at all confident, how would you describe your confidence when it comes to seeking legal information or advice? (TICK ONE)

1. Completely confident	2. Very Confident	3. Confident	4. Have some confidence	5. Not at all confident

Q8 In the last 3 years, how often would you say you have sought legal information or advice from each of the following (TICK ONE FOR EACH. FOR EACH ONE WHERE THE ANSWER IS ONCE OR MORE, i.e. CODE 2, 3 OR 4, ASK Q9 BEFORE PROCEEDING WITH THE NEXT ONE):

Q9 Which of the following did you use the information for? (READ OUT IF NECESSARY AND TICK ALL THAT APPLY)

1. Changes to the Charity's Constitution or legal structure
2. Health and Safety
3. General employment matters (for example contracts, recruitment, discipline)
4. Employment tribunals
5. Pension matters
6. Tax and regulation (for example VAT, Gift Aid, tax reclaims)
7. Property (i.e. purchase, sales, leases)
8. Intellectual property

- 9. Discrimination
- 10. Criminal offences
- 11. Contracts
- 12. Fund accounting
- 13. Insurance issues
- 14. Fundraising/ public collections regulations
- 15. other

	Q8				Q9
	1. Never	2. Once	3. 2-3 times	4. 4+ times	Enter codes 1- 15, all that apply
a. Solicitor					
b. A trustee					
c. Volunteer					
d. Friend					
e. Informal network					
f. A payroll bureau					
g. Accountant					
h. Charity Commission					
i. Charity Press or similar					
j Conferences					
k. Internet search (i.e. general Google/Bing/Yahoo searches)					
l. Advice related website from a trusted source					
m. Umbrella organization (e.g. NCVO, ACEVO, Institute of Fundraising, Charity Finance					

Directors Group)					
n. Free legal advice offered as part of a membership					
o. Other sources of advice					
write in _____					

IF ALL THE ABOVE (Q8a-Q8O) ARE 'NEVER', SKIP TO Q15

IF HAVE EVER USED ALTERNATIVES TO A SOLICITOR (i.e. IF Q8B-8O IS NOT NEVER ASK Q10, OTHERWISE SKIP TO Q11

Q10. On occasions where you have used alternatives to a solicitor, what were the reasons you did not seek advice from a solicitor, or what were the barriers which prevented you from using a solicitor? (CONTINUE TO ASK FOR ANY OTHERS BUT DO NOT PROMPT. TICK ALL THAT APPLY)

1. No barriers
2. Cost / free information elsewhere
3. Have the knowledge in-house
4. Have the knowledge within our parent charity
5. Information available elsewhere easier to obtain
6. Information available elsewhere more reliable
7. Would not know where / how to find a suitable solicitor
8. Solicitor may not understand the particular issue / charity issues
9. Too much time commitment needed to explain the problem to them
10. Don't trust solicitors
11. Other (specify) _____

IF HAVE NEVER USED SOLICITOR, i.e. Q8A=1, SKIP TO Q16

Q11 Thinking of your most recent use of a solicitor, was the service ...? (READ OUT AND TICK ALL THAT APPLY)

1. Paid for at full rate
2. Paid for at a reduced rate

3. Pro-bono
4. Free service but not a no win; no fee arrangement
5. Through a no win, no fee arrangement
6. Through insurance
7. Some other way
8. Don't know/can't remember

Q12 How useful was the advice you received in helping you to achieve your goals, with 1 being extremely useful and 5 being not at all useful? (TICK ONE)

1. Extremely useful	2. Very Useful	3. Moderately Useful	4. Slightly useful	5. Not at all useful

Q13 How satisfied were you with the service you received, with 1 being very satisfied and 5 being very dissatisfied? (TICK ONE)

1. Very satisfied	2. Satisfied	3. Neither satisfied nor dissatisfied	4. Dissatisfied	5. Very dissatisfied

Q14 How satisfied were you with the value for money of the advice you received, with 1 being very satisfied and 5 being very dissatisfied? (TICK ONE)

1. Very satisfied	2. Satisfied	3. Neither satisfied nor dissatisfied	4. Dissatisfied	5. Very dissatisfied

SECTION E: EXPERIENCES OF COMPLAINTS (all to answer)

Q15 Which of the following statements best describes your awareness of the complaint system for legal services? (READ OUT AND TICK ONE)

1. I'm somewhat aware that there is a complaints system
2. I know explicitly about the complaint system
3. I am not aware that there is a complaints system (SKIP TO Q18)

Q16 Has your charity ever made a complaint about legal services? (TICK ONE)

1. Yes (ASK Q17)

2. No (SKIP TO Q18)
3. Don't know (SKIP TO Q18)

Q17 Was this complaint dealt with to your satisfaction? (TICK ONE)

1. Yes
2. No
3. Don't know

SECTION F CATEGORISING TYPE OF CHARITY

Q18 Which of the following categories describes your type of charity? There may be more than one so I will read them all out. (READ OUT AND TICK ALL THAT APPLY).

1. Arts, Culture, Sport, Recreation (e.g. arts and music organisations, sports and social clubs)
2. Education or Research (including child care/education, adult education, culture and language associations)
3. Health (including health care, health promotion and education)
4. Social Services (e.g. day care, community or residential care, counselling and mediation, lunch clubs)
5. Environment (e.g. natural and build environment, recycling, pollution)
6. Housing (e.g. Housing Associations, tenants and residents associations, hostels/homelessness, house improvements or repairs)
7. Employment and Training (health and safety, IT training etc.)
8. Information, law, crime, and civil rights (e.g. law centres and CABx, general financial or debt advice, equal opportunities and racial harmony)
9. Religion (including religious organisations or religious culture)
10. Transport (e.g. community transport, shop-mobility)
11. Small community based activity (e.g. village hall, PTAs)
12. Other: What category would you describe yourself to be in? PLEASE WRITE IN

Q19 Can you please indicate the income band that your charity falls within? (READ OUT AND TICK ONE)

1. < £10,000

2. £10 - 50,000
3. £50 - 250,000
4. £250 - 500,000
5. £500 - 1M

Q20 Is your charity based in a...? (READ OUT AND TICK ONE)

1. Rural area
2. Urban area
3. Both urban and rural areas

Thank you very much for your help.

Your feedback is very much appreciated, and vital for helping the Legal Services Consumer Panel understand the views of small charities. The Legal Services Consumer Panel will use this information to influence and drive reforms within the legal system to ensure that small charities have effective and affordable access to legal services in the future.

Close