



PROGRAM LETTER 02-4

TO: All LSC Program Directors

FROM: Randi Youells, Vice President for Programs

DATE: April 25, 2002

RE: Characteristics of a Telephone Intake, Advice and Referral System

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The purpose of this Program Letter is to inform all grantees that we believe the attached list of Characteristics exemplify attributes of a superb telephone intake, advice and referral system. The Legal Services Corporation (LSC) will use these Characteristics when conducting on-site visits and evaluating grant applications.

Background

The Legal Services Corporation has vigorously advocated the use of Telephone Intake, Advice and Referral Systems for many years. In 1996, LSC and the Legal Counsel for the Elderly sponsored a Conference on Centralized Telephone Intake and Delivery. That same year, the Office of the Inspector General published *Increasing Legal Services Delivery Capacity through Information Technology*. In March 1997, LSC published *Basic Elements of Effective Centralized Telephone Intake and Delivery Systems*, in which LSC advocated the use of a centralized telephone intake system. In September 1997, *Uses of Technology in Centralized Telephone Intake and Delivery Systems* was published, and in March 1998 LSC published *Intake Systems Report Innovative Uses of Centralized Telephone Intake and Delivery in Five Programs*. Since 1998, LSC staff have participated in many conferences and other forums to promote the value of centralized telephone intake. LSC continues to promote the importance of centralized telephone intake, advice and referral systems through the competition process and site visits.

In 2001, LSC published *Draft Characteristics of a Telephone Intake, Advice and Referral System* and asked for comments from all recipients and other interested parties. The Characteristics were written after reviewing many documents describing standards for intake systems, including the *ABA Standards for the Operation of a Telephone Hotline Providing Legal Advice and Information* and the *AARP Legal Hotline Best Practice Tips Guide* published in July 2000. We also solicited input from a number of leaders in the intake systems arena. These Draft Characteristic also were presented during a workshop on "Best Practices" at the March 2001

ABA/NLADA Equal Justice Conference. Between the date of posting the Draft Characteristics in May and the end of the year, we received almost twenty detailed and thoughtful comments about them.

What the Characteristics Mean for LSC Recipients

LSC published the Characteristics to give all recipients a clear understanding of what LSC believes is an excellent Telephone Intake, Advice and Referral System. However, we do understand that one size doesn't fit all. We also understand that many recipients do not yet have a Telephone Intake, Advice and Referral System similar to that described by the Characteristics and that for some it may take time to put the Characteristics in place. LSC will continue to work with programs and encourage them to move forward on establishing the best telephone intake system possible to serve as a gateway to high quality, client centered legal services. The LSC Office of Program Performance will use the Characteristics as guidelines when evaluating the strength of grant applications in competition and when assessing the quality of delivery systems during on-site visits. If grant applications or on-site visits reveal that a recipient is delivering telephone intake, advice and referral service effectively and efficiently to its client community in a way that is different than described in the Characteristics, we will rate the program's intake system highly.

Neither the Office of Compliance and Enforcement nor the Office of the Inspector General will use the Characteristics as criteria when evaluating a recipient's level of compliance with the LSC Act or Regulations.

It is our hope to work collaboratively with recipients to achieve the highest quality system for applicants and clients to access services. We do plan to push recipients forward to improve in this area, but we understand that we do not have all the answers and that recipients are in the forefront of developing new and innovative methods to provide access. We understand that we may have to modify the Characteristics as the community's understanding of intake effectiveness grows, as improvements occur, and new systems develop.

Introduction

LSC believes that a fully integrated and efficient telephone intake, advice and referral system will improve client access and create more time for advocates to do extended services by removing the repetitive intake function from some of the advocates and placing it with a cadre of experts who are facile at determining the appropriate course for an applicant to pursue to obtain help with a problem.

The Characteristics apply to telephone advice and referral intake systems. The Legal Services Corporation understands there are numerous effective and efficient ways to conduct a telephone intake, advice and referral system. However, as development of these systems continues, the experts who are engaged daily in providing services are recognizing some common "best practices." The Characteristics recognize those practices. We understand that not all of the Characteristics will apply to all LSC recipients and that with experience programs will

devise better ways of conducting a telephone intake, advice and referral system. Beginning with the FY 2003 competition, we will begin applying the Characteristics when evaluating grant applications. If there are two applicants in competition for the same service area, we will usually rate the program that more fully meets the Characteristics higher on the intake systems part of the application. Of course, an applicant whose intake system is not as far along may have an application that is superior overall.

These Characteristics are intended to be progressive, forward looking, and aspirational. At the same time, we intend them to be realistic and achievable. LSC knows that some recipients can only seek to reach these Characteristics in the future. The development of a superb intake system can be expensive. Strategic planning is necessary in developing an intake system to ensure that the system has adequate resources to do its job well. At the same time, the intake system should not be a drain of essential resources from other critical parts of the delivery system, including extended services. These countervailing demands on a recipient will be carefully considered when evaluating a program's intake system in competition or during an on-site visit.

LSC recognizes that telephone advice and referral intake systems are not the only way that clients access services. Indeed, a telephone advice and referral intake system may not be the best way for certain segments of the client population to access services. However, we contend that a telephone advice and intake system is the most effective and efficient method of providing services to the large majority of legal services programs' clients.¹

These Characteristics apply both to programs whose primary mission is centralized intake, brief service and referral to other organizations in the state justice community and to organizations that provide significant extended representation in house.²

LSC believes that a recipient should engage in prudent planning in developing a telephone intake, advice and referral system and that policies and procedures for the system should be in writing, adhered to, and accessible to all those engaging in the system.

The Characteristics do not address ethical issues that are intertwined into all aspects of legal practice including intake systems. All recipients will have to address issues such as determining when the attorney-client relationship is established, conflicts, and quality of service as part of the telephone intake, advice and referral system. Many of these issues will be dictated by the state rules on ethics. The ABA *Standards for the Operation of a Telephone Hotline*

¹ Approximately 80% of all applicants for service to LSC recipients receive advice, brief service or referral. Many of these persons must travel significant distances or spend significant time to reach a legal service office to obtain that service. Most of the applicants could receive that help over the telephone. Those applicants needing more service will have an in-person interview when needed.

² Free-standing programs are generally those whose primary goals and activities are to provide intake and brief service assistance and to refer most clients needing more extended assistance to other legal providers. Extended service programs are usually those that provide extended service in addition to advice, brief service and referral. These programs may receive most of the intake from free-standing programs or may have a unit that conducts intake and is integrated fully into the program.

Providing Legal Advice and Information in I. General Standards 1.1-1.12 address many of these issues and should be reviewed.

At a number of places in the Characteristics reference is made to writings, letters and other written documents. In the future, there may not be hard copy documents. The reader should understand that any of the writings referred to, such as a written manual, letter, or other document, could be an electronic document for the purpose of the Characteristics.

CHARACTERISTICS OF A TELEPHONE INTAKE, ADVICE AND REFERRAL SYSTEM

Legal Services Corporation (February 2002)

(A) CLIENT ACCESS

Applicants should have prompt access to a person who can initiate the intake process in a courteous and professional manner.

Commentary. One of LSC's goals is that client access to services be increased. We believe that centralized telephone intake can be one tool in accomplishing this goal. And, regardless of the intake system used, most clients served by LSC recipients receive advice, counseling, brief service or a referral. We believe that potential clients should not have to travel to a legal services office to receive this service unless necessary.

The section also makes clear that a recipient has the discretion to determine if an applicant needs to be seen in person and will determine the best means of providing for an interview (telephonic or in person). It may be by outreach or having the applicant come to the program. The applicant's best interest should be paramount.

The telephone intake system should be designed to attempt to have all callers talk to a staff person who can provide some help in the form of advice, brief service or a referral at the time of the first call. This is difficult in areas of high call volume. A recipient must engage in excellent planning to devise a system that deals with call volume. The system may put callers into a queue for a reasonable period of time and if necessary allow for a call-back from the program after that time has passed and if the applicant wants to be called back. A telephone intake system should not be designed to have callers hear a recorded message or have only eligibility established on the first call and then be made to call back later or receive a call back from the program to get into the reason for the call. The telephone intake, advice and referral system should be client centered and it should initially give specific information about services provided and time the applicant will wait to receive help.

Programs that have more than one office should strive to have one telephone portal through which all initial calls are received. Those calls may then be distributed to local offices for screening, advice, brief service or referral. Referral could be to another agency or to the same program for extended service.

- 1) The intake interview is primarily done by telephone.
- 2) Exceptions are made for the convenience of clients, including those without a telephone or unable to communicate by telephone.
- 3) Offices, outreach sites or other arrangements are available for applicants who need in- person interviews.

- 4) There is a policy to deal with call volume that provides access within a reasonable period of time after the initial contact. One example is an Automatic Call Distribution phone system that places applicants in a queue for no more than twenty minutes.
- 5) When placed on hold, the applicant is told of the estimated waiting time or given the option to call back.
- 6) Applicants can speak with a legal worker at the time of initial contact in most cases.
- 7) Intake systems that are designed to avoid callbacks are favored. Callbacks are used infrequently. Circumstances that might require them include when none of the staff is available, when the applicant has been given the option to receive a callback rather than wait in the queue, or when the call is received outside of the regular hours of operation of the intake system. When a callback is used, the applicant is given a time at which to expect the call, which generally occurs within 24 hours of the first call.
- 8) LSC encourages intake systems that have evening or Saturday hours to help applicants who cannot access the system during normal office hours.
- 9) When the intake system is accessed outside of business hours, a recorded message informs the applicant of the hours of operation.
- 10) Calls are local or toll-free. Documents can be faxed to the intake worker without cost to the applicant. The recipient makes arrangements with social service and other agencies for applicants to use the agencies' fax capabilities at no charge to send documents to the program.
- 11) There are regular hours of operation, publicized and known in the client community.
- 12) Applicants are clearly informed of the scope of service that will be available from the intake system. If it provides only advice, brief service and referral, the applicant must be clear as to the limitations.
- 13) There are specific, written protocols for emergencies and walk-ins.
- 14) There are specific, written protocols describing the operation of the intake system that are available to staff and updated as changes to the system occur.
- 15) Programs with multiple offices have one intake system that is the point of entry for all applicants. The system should be designed so that it is seamless for clients and referring agencies. The goal is one number to gain access to the system. By one intake system, it is not meant that all intake workers must be in one location. With current technology, callers may be routed to different locations depending upon the area code and prefix.

(B) STAFFING

While staffing may vary as to professional background and employment status, all staff on the telephone intake and delivery system are well trained, experienced and closely supervised.

Commentary. A legal services program engages in many important functions to serve clients. The process of ensuring that an applicant is directed on the appropriate path to receiving the needed help in an efficient and effective manner is crucial to all programs.

The staff engaged in this process must have distinctive abilities to gather information in an empathetic way, analyze the facts, and apply sound substantive knowledge. The staff must be well trained and knowledgeable of alternatives and resources available to the applicant. LSC believes that the staff should have as high a level of skill and training as any person in the program and have excellent resource materials available to aid them.

The staffing structure recognizes the importance of intake as a key to successful delivery of services. For example, it relies on staff who has experience and expertise in the area of intake.

- 1) Staffing levels are adequate to serve client communities without routinely relying on callbacks.
- 2) The intake system is integrated with the provider's other units or components.
- 3) A free-standing intake system provider is integrated into the overall delivery system of the service area.
- 4) The staff is knowledgeable in substantive areas affecting clients and in intake delivery procedures as appropriate for the size of the legal services provider.
- 5) The staff employs resource materials or manuals to support its work.
- 6) The staff has access to information about non-legal services that may be of assistance to the applicant. The staff is knowledgeable about these services and refers applicants when appropriate.
- 7) The staff is knowledgeable about intake policies of other legal services providers to whom the applicant may be referred.
- 8) The staff schedule is reasonably adjusted to avoid burnout caused by excessive hours on intake.
- 9) The staff receives regular training on issues of substantive law and intake skills.
- 10) The staff consists of generalists or specialists who have cross training in one or more other legal areas.
- 11) There are specific, written protocols describing the operation of the intake system that are available to staff and updated as changes to the system occur.
- 12) The staff engages in regular internal communication and scheduled meetings of intake workers to discuss emergent or common legal issues and system operations.

(C) DECISION ON ASSISTANCE

Applicants for service should receive prompt determination as to the type of services that they will receive from the program.

Commentary. An applicant for legal services should be told as soon as possible what type of service she will receive. That decision should be based on uniform written program policies and should be promptly reviewed by a supervisor.

LSC strongly believes that applicants and clients are better served if the oral information disseminated is memorialized in writing. This may include an individualized letter where appropriate or preprinted documents like a pamphlet or brochure are included. LSC

also believes that recipients have the discretion to determine that written confirmation is not necessary in particular cases or circumstances. Examples include domestic violence victims, homeless applicants or applicants who are about to be evicted. LSC believes that recipients must make these decisions based on the best interest of clients. Some programs with extremely high call volume may determine that sending letters in every case is prohibitively expensive and therefore send letters in only particular circumstances.

An applicant who is referred to another program or to another unit of the same program should be contacted by the organization in a few days so she knows what will be done for her.

- 1) The legal services provider's written case acceptance policy provides guidelines regarding eligibility, conflicts, cases to be accepted, services to be provided, and cases appropriate for referral.
- 2) A decision is made promptly as to whether, and what type of, assistance will be provided. The applicant is promptly informed of the decision.
- 3) Denials based on case type (not falling within priorities, restrictions) will be referred to other service providers, where available.
- 4) Denials based on lack of legal merit (statutes of limitations, facts) require no further action other than supervisory review.
- 5) For a case where the decision by the intake worker is that advice or brief service is the appropriate assistance, that assistance is promptly provided, and in most cases is summarized in a letter or e-mail to the client. Assistance is often supplemented with legal information, forms, community service information, and web site information. In some cases this supplemental information may substitute for a letter.
- 6) Cases originating in a program that provides significant extended representation in house requiring extended assistance are promptly referred to the appropriate unit for review, or the applicant is given an appointment. The referring intake staff notifies the applicant of the referral action in writing. Cases originating from an intake program without an extended service unit that require extended assistance are promptly referred to an appropriate provider for extended service. The referring intake staff notifies the applicant of the referral action in writing.
- 7) When preliminary advice is given pending a decision on extended assistance, the staff giving the advice also advises the applicant that the action of giving preliminary advice does not mean that the case will be accepted for extended assistance.
- 8) Within two business days of forwarding the case to another unit or another program, the extended assistance unit or program receiving the referral contacts the applicant. Within five business days of the referral, a decision is made concerning acceptance of the case, and the applicant is promptly notified.

(D) INTAKE TECHNOLOGY

The program should use technology that will expedite the applicant's journey from initial application to appropriate advice, brief service or referral.

Commentary. A telephone intake, advice and referral system must use up-to-date telephone and computer technology to ensure the system works efficiently. LSC acknowledges that this can be very expensive. LSC encourages all recipients to acquire the most sophisticated technology reasonably possible without reducing the quality of work in other areas, including extended service.

(Phone System)

- 1) The program provides a toll free number (either local or 800 number) for the applicant to call to get into the intake system.
- 2) The initial intake options are provided by the telephone system. Options may include a language choice, recorded substantive information or the types of services provided by the program.
 - The instructions are multi-lingual in locations that require it.
 - The telephone system provides information on the program, intake procedure, and basic legal problem areas.
 - It provides methods for an applicant to reach a live attendant if needed.
 - It is capable of routing calls to multiple intake locations if required by the intake system.
 - It can advise an applicant on the expected hold time and give an option to leave callback information.
- 3) If the initial intake worker transfers the applicant to a case handler, the system will have the ability to route the call to the case handler without the applicant having to call back or call a different number.
- 4) The system is either designed so that the intake worker can see who is available for calls and route the applicant to that person, or the system does it automatically after the intake worker puts the applicant into the queue.
- 5) The system is designed to accommodate persons with disabilities.

(Case Management Software)

- 1) The legal services provider has a central database covering the entire intake area to allow information sharing and system-wide conflicts checking.
- 2) The software allows for regular backups of the database to ensure preservation of data.
- 3) There is eligibility checking with built-in error checking to insure CSR accuracy.

- 4) The software provides intake workers with a system of questions and advice for applicants keyed to legal problems.
- 5) It provides intake workers with searchable referral information on other agencies and service providers to provide applicants with additional help.
- 6) It stores sufficient information to prepare needed reports for management and funders.
- 7) It provides intake workers with the ability to generate customized form letters for applicants, clients and others, such as PBI attorneys or other agencies.

(E) QUALITY CONTROL

The quality control system ensures that the service provided to clients is accurate, informative, prompt, professional and conflict-free.

Commentary. The recipient should have in place an efficient supervision system that ensures that an experienced attorney reviews all decisions on telephone applications in no more than twenty-four hours from the time of the application. This is to ensure that the appropriate advice has been given and/or the applicant has been referred to the appropriate agency or program for additional help. There should be a method for tracking recurrent cases or problems. The recipient should have a method for reviewing the quality of its work in the telephone intake and advice system and include a way to obtain the user's assessment. The recipient should update its policies, resource materials, manuals and technology on a regular basis as the system improves.

- 1) There is a designated supervisor of the intake decisions who is an experienced attorney.
- 2) Within 24 hours of the initial contact, there is a review of intake decisions and assistance.
- 3) The review process is designed to screen for quality and to identify recurrent problems or issues in the client community.
- 4) Intake staff receives ongoing substantive and procedural training on performing intake.
- 5) Attention is given to the effectiveness of the intake system and results achieved for applicants and clients. For example, this can be done by using satisfaction surveys and, when appropriate, outcome measures.
- 6) Resource materials used by casehandlers are regularly reviewed and updated.
- 7) Based on ongoing evaluation, appropriate procedural changes are made in the intake system.
- 8) Legal services providers are aware of technological advances that benefit their intake systems as they become available and use those technologies to enhance the services they provide.