

Developing data standards for access to justice organisations

A Working Paper

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Executive Summary

The UK National Data Strategy has cemented recognition of data standards as part of the core infrastructure for a functioning society. This working paper explains what data standards are, how they are created, how they are used and summarises challenges to effective implementation. Data standards are rules for setting out how data should be recorded and described. Clear data standards support consistent data collection and a shared understanding of what the data means. This enables sharing and collation of data from different sources to take place and is an essential foundation for undertaking research and evaluation.

Creating data standards requires developing a defined problem statement and creating a committed community who either has or is provided with the skills and resources to participate in solving this problem. Successful projects start off small, building the infrastructure, capacity and skills in individual organisations and testing and monitoring impact. In summary, delivering data standards requires “money, time, rules, tools and influence” Onerhime (2021). The paper reflects on a number of exciting data standards initiatives taking place in the access to justice sector- both in the UK and internationally. These initiatives require support and funding but are a vital pre-requisite for designing and delivering services for people who require legal advice and support.



About The Author: Tracey Gyateng

Community Data Principal, The Justice Lab



Tracey Gyateng was appointed to the newly created role of Community Data Principal at the The Justice Lab in the summer of 2021, where she leads the design and delivery of the Justice Lab's community data strategy. The community data strategy has been developed to support organisations working in the access to justice sector to collect, harness and use their data to understand need, identify trends, and provide better services. She provides data advice to non profit access to justice organisations and the Justice Together Initiative. Prior to joining The Justice Lab, Tracey was the data science manager at DataKind UK where she managed teams of volunteers on data science projects. She also led a committee on ethics & responsible data use and has been appointed to the data advisory group for Impact on Urban Health.

Tracey is a field builder, passionate about developing supportive mechanisms for charities to use data. She led New Philanthropy Capital's data lab programme & worked with the Ministry of Justice to develop the Justice Data Lab which enables charities to measure their impact on reoffending. She continues to work with civil society organisations to develop the field of data support through regularly participating in charity sector initiatives and through volunteering for TechSoup Connect London. Tracey is a member of the Tech for Good Organisers network; and co-leads work to support Black communities to understand and respond to the implications of data & data-centric technologies. She has also worked as a quantitative research fellow in criminal justice and as a data analyst. Across her career to date she has spent over 19 years researching, working and providing direct support to the social sector with data collection; collation; analysis; and legal and responsible data use. She is a passionate advocate for and champion of both data and the charity and voluntary sector.



Introduction

The Justice Lab - A special initiative of The Legal Education Foundation

The Justice Lab is a special initiative of The Legal Education Foundation which aims to bring about a cultural shift in the way evidence about the justice system is created and used- to deliver systems and services that work better for everyone. The Justice Lab represents a ten year commitment on the part of TLEF's trustees, to invest at scale in the infrastructure, capacity, skills and resources needed to transform the evidence base around access to justice¹. The Justice Lab aims to empower the access to justice sector to confidently articulate and evidence the difference their services make in communities across the UK.

¹ Access to Justice sector is a wide term that covers organisations that help (as a minimum) people to get (i) access to the formal legal system, (ii) access to an effective hearing, (iii) access to a decision in accordance with substantive law, (iv) access to remedy. (definition from Byrom, N, (2019)) [Digital Justice: HMCTS data strategy and delivering access to justice Report and recommendations](#). The Legal Education Foundations. Non profit/ pro bono organisations working in the sector can be any organisation providing legal advice and guidance, for example law firms, Law Centres, charities e.g. JCWI and advice services e.g. Citizens Advice Bureau



The Justice Lab has four key objectives:

1

Improve the quality and availability of data about the justice system

2

Increase the volume of robust, quantitative research into the justice system and pioneer the use of advanced quantitative methods in the study of justice system processes.

3

Increase capacity in the research community to design and deliver robust research

4

Improve the uptake of evidence in the design and operation of the justice system and the delivery of services.

To achieve these objectives, The Justice Lab advocates for and invests in approaches to improve the ability of government agencies and frontline organisations to gather and use data, and conduct, commission and catalyse research, evaluation and analysis.



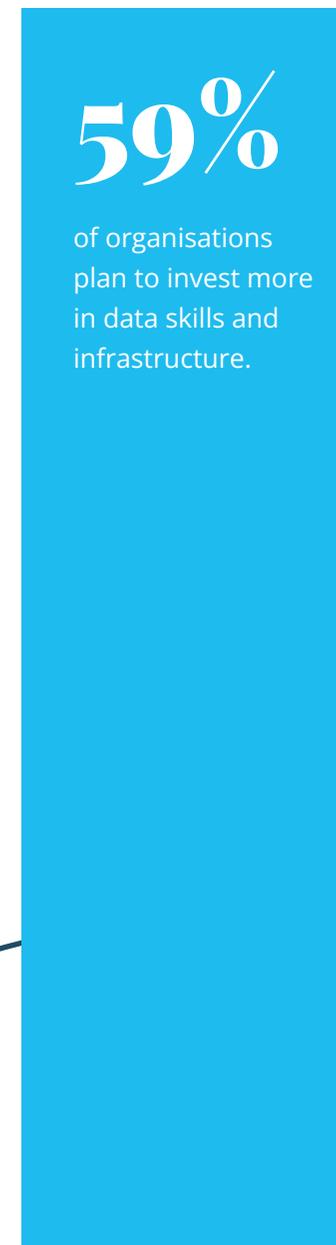


Supporting frontline agencies with data collection

The Justice Lab has identified a particular need to provide data, research and evaluation support to frontline organisations working in the access to justice space. The absence of good data undermines the ability of agencies to understand how people experience their service; to identify commonly occurring issues, to spot trends and to understand how to provide a more effective and efficient service. Across the not for profit sector there is increasing recognition of the importance of data - 59% of organisations surveyed within the 2021 [Charity Digital Skills Report](#)² planned to invest more in data skills and infrastructure. However more than a third of organisations (36%) rated themselves as poor in using, managing and analysing data, with small & medium size charities rating themselves more poorly than large charities³.

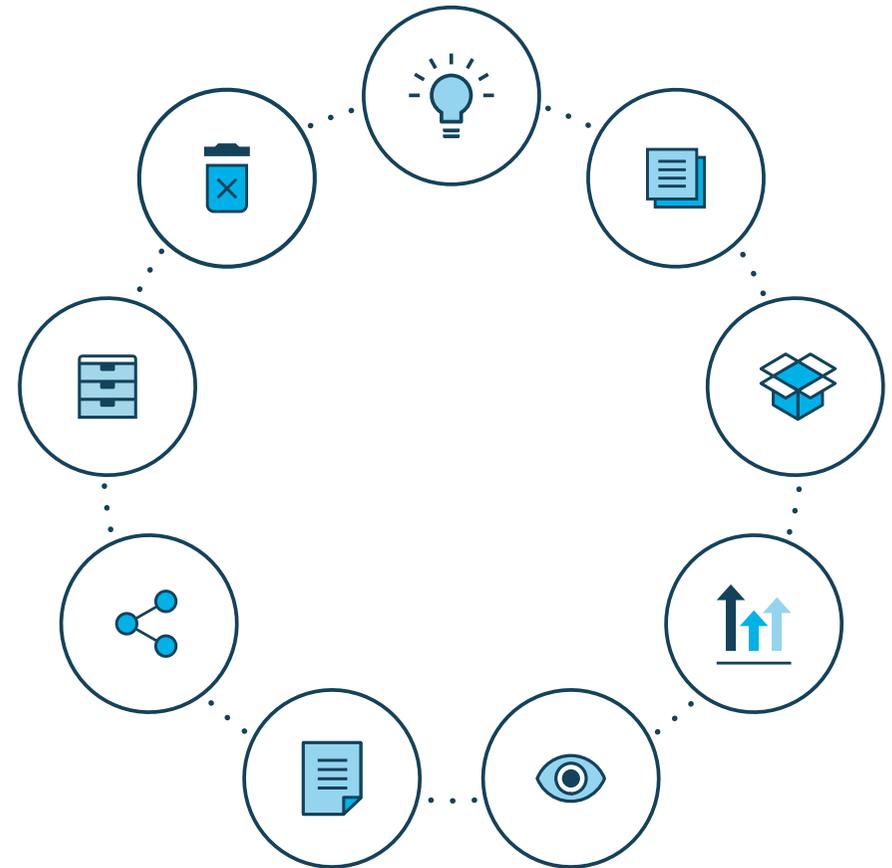
² Sample size of n=365

³ 44% of small and 43% of medium sized charities rated their skills as poor, compared to 30% of larger charities.



Supporting frontline agencies with data collection

As organisations work to improve their use of data, support will be needed to guide organisations to manage their data processing cycle, which encompasses- design, collection, storage, analysis and visualisation, reporting, sharing, archiving, deletion. For many organisations working in the same sector, often with the same people, it is more efficient to develop similar mechanisms for recording and managing data. Focusing on the design and collection of data and having shared processes and standards for collecting data can enable organisations to share and learn from each other; or to combine their data where there is a clear agreement to do so. For example, the charity Safe Lives led on developing an [Insights programme](#)⁴ which created data standards for organisations working in the domestic abuse sector. They have been able to use the shared data generated through the adoption of these standards to publish persuasive, consistent evidence of need and effective approaches to supporting victims of domestic abuse.



⁴ 42 charities were recorded as using the Insights System in 2016 https://www.inspiringimpact.org/resource-library/shared-measurement-greater-than-the-sum-of-its-parts/#_Toc442707402



What is a data standard?⁵

Data standards are rules for setting out how data should be recorded and described. Clear data standards support consistent data collection and a shared understanding of what the data means. This enables sharing and collation of data from different sources (data interoperability) to take place and is an essential foundation for undertaking research and evaluation.

⁵ The ODI has produced a comprehensive guide and toolkit for [developing open data standards](#) which is cited across this paper.

There are a variety of ways in which standards can be produced, they can:

1

Define shared vocabularies e.g. Registers and taxonomies

2

Define how we exchange data such as the data file format e.g CSV or JSON

3

Provide guidance and recommendations e.g. how to collect data or codes of practice, practices and guidance⁶

Standards can also be a mixture of all of the above.

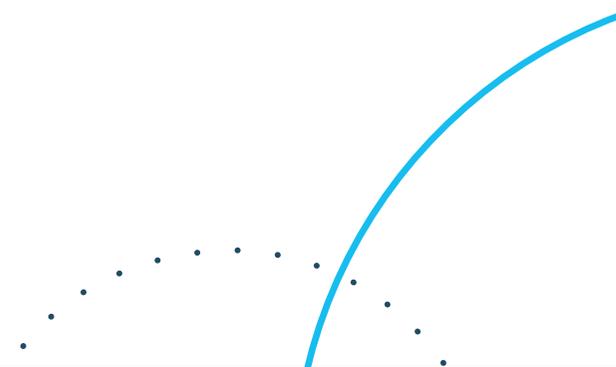
⁶ ODI. [Types of Open Data Standards](#)



Data standards are increasingly viewed as part of the [core infrastructure](#)⁷ for a functioning society. Data standards are found across all of society. The UK national data strategy repeatedly discusses the need for better standards as part of the [foundations](#) for the effective use of data and sets out the need for standards within Mission 3- to transform the government's use of data to drive efficiency and improve public services. To lead this work, the government in March 2020 set up the [Data Standards Authority](#) (DSA) which sits within the [Central Digital and Data Office](#) under the Cabinet Office. The DSA leads on developing and enforcing data standards across government.

Whilst data standards are considered core infrastructure, like all datasets, they capture and represent existing power relations and biases., The rules defining what data is collected and how, can shape what is considered important⁸. When using a data standard, similar to using any data set, questions around its provenance and use should be asked. Key questions to explore include: who developed the standard; what was the context and need⁹; who can use it; what can be expressed; what social pressures may it disrupt¹⁰.

- 7 Dodds, L. & Wells, P. (2019) Issues in Open Data - Data Infrastructure. In T. Davies, S. Walker, M. Rubinstein, & F. Perini (Eds.), [The State of Open Data: Histories and Horizons](#). Cape Town and Ottawa: African Minds and International Development Research Centre. Print version DOI: [10.5281/zenodo.2677811](#)
- 8 UK Statistics Authority/Office for National Statistics (ONS) since October 2020 have been working to improve how statistics and the ONS workforce can represent everyone in society through the establishment of the [Inclusive Data Taskforce](#). The [implementation plan](#) includes a "Harmonisation Review Plan to update standards and guidance for measuring Disability and Mental Health, Ethnicity and Religion, and Sex and Gender Identity" Prestwood, D, (2022). [Leaving No One Behind](#). ONS
- 9 Ana Brandusescu (McGill University); Michael Canares (StepUp Consulting); Silvana Fumega (ILDA) (2020) [Open data standards design behind closed doors?](#)
- 10 Tim Davies (2014) [Five critical questions for constructing data standards - Tim's Blog](#)



Examples of data standards



Data standards can be found everywhere, from the common [barcode](#) to the foundations of the [internet](#). Within the humanitarian and development sector, the International Aid Transparency Initiative ([IATI Standard](#)) is commonly used by not for profits and funders. In the UK, [360 Giving](#) has developed data standards for funders to collect and share their grants data which began in [2015](#) and continues to grow. UK funders have also worked together under the [Funders Collaborative](#), to create a new standard for collecting [diversity, ethnicity and inclusion data](#).

A recent development in the UK non profit sector is the growth of the [Open Referral UK](#)¹¹ standard which provides a standard for listing local community services. In March 2022 the [DSA approved](#) the Open Referral UK standard and it is now listed within the UK Government's

open standards guidance. The standard enables easier discovery for which services are available in which location—particularly helpful for [social prescribing](#) and helping citizens to identify relevant services. A case example is [ALISS](#) (A Local Information System for Scotland) which uses the Open Referral Standard to enable citizens to search for community services located near them. ALISS is funded by the Scottish government and delivered by a third sector infrastructure body ([the ALLIANCE](#)) which represents health and social care organisations. Recently CAST partnered with [SICCAR](#) to create a prototype of Open Referrals for the third sector. In discussion with a local infrastructure body, concerns were raised about the ability (time/resources) for small organisations to contribute to standardising (or even collecting) their data, although the need for the standard was generally agreed.

¹¹ The [Open Referral](#) data standard originates from the US and builds on work done by Greg Bloom

Examples of access to justice data standards led by civil society

Within the UK access to justice sector, [Citizens Advice](#) has developed general taxonomies of the services they provide. It is a goal for the data science team to have more defined standards that would enable easier data sharing and more detailed data beyond the existing categories between local bureaux and the national centre. Citizens Advice regularly provides data from searches on their website, supplemented with surveys of people accessing their services ([Data Trends](#)). However the data science team is focused on increasing the use of data across the national organisation and for local bureaux and provides [monthly updates](#) of the methods they have used.

[Access Social Care](#) and [Mencap](#) have led on mapping contacts data (calls, e-mails, web form) across a number of organisations that provide social care. They have created a taxonomy of the types of requests for help; location data and contacts. It is a relatively new initiative with

plans to engage more partners with sharing data. A [State of the Nation](#) report was produced in May 2021, followed by quarterly reports.

In the USA, Stanford Law School's [The Legal Design Lab](#) has developed a [Legal Issues Taxonomy \(LIST\)](#) which provides standard legal terms and codes for 'legal issues, needs, and situations that people may face'. The taxonomy has been designed to provide a consistent label for legal issues- which supports the use of Natural Language Processing (NLP); to increase understanding of legal issues, and to show the relationships between legal issues e.g a specific legal issue could be categorised within multiple areas of law (see [here](#) for more information). LIST is a key component of the Legal Design Lab's work to provide [A Better Legal Internet](#) in which online legal advice and support is made 'accessible, navigable and engaging' for people seeking help.

Examples of access to justice data standards led by government

Internationally, the Australian Commonwealth Attorney General's Department developed a [National Legal Assistance Data Standards Manual](#) and funded Community Legal Centres Australia to develop a case management system and funder reporting database [CLASS (Community Legal Assistance Services System)] which operationalised the new standards. After Community Legal Centres experienced difficulties using the standards, the manual was [adapted by Community Legal Centre Australia](#) who provided additional guidance for legal centres to support them to record their data consistently.





Summary

In summary, a data standard can provide consistency (National Legal Assistance Data Standards) in the way data is defined and collected enabling organisations to undertake easier analysis of their data (Citizens Advice) and facilitate the drawing of comparisons by organisations with shared objectives (Access Social Care and Mencap). Use cases also include supporting people and organisations to seek out relevant and useful information online (ALISS); this can help individuals to reach early legal support and advice (A Better Legal Internet).





Barriers to implementing Data Standards

Creating a data standard is not a short term endeavour and requires:

Most of the data standards highlighted have taken years to develop and attract core users.



A clear problem to be addressed



Technical skills



A community willing to develop and use the standard



Collaboration



Funding



Data standards expert Edafe Onerhime, who led the ODI data standard toolkit, has outlined four core reasons why data standards fail¹²:

1

The approach. There are a large number of abandoned data standards. Scoping research should be conducted to learn if there have been previous attempts at developing a data standard and understand why they have failed. The ODI suggests that a [data standard should not be created](#) when a data standard already exists; the need is unclear; and there is low community buy-in.

3

The environment- where there are few incentives for collaboration to take place standards will often fail.

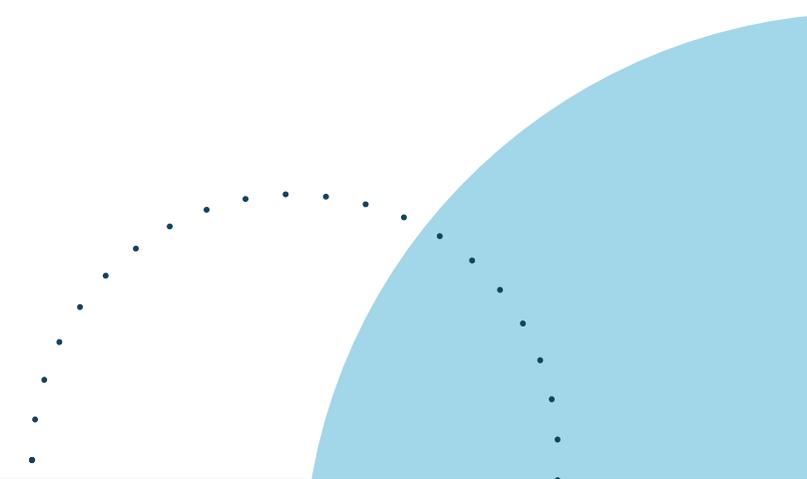
¹² Onerhime E. Data Standards for Soil: Why aren't they taking root? [version 1; not peer reviewed]. Gates Open Res 2021, 5:74 (document) (<https://doi.org/10.21955/gatesopenres.1116780.1>).

2

The resources. Developing data standards has a [number of stages](#), from scoping the problem, creating and building a community, research and design, development and maintenance– all of which require “money, time, rules, tools and influence” page 9.

4

The pace. The impact of creating a data standard often takes time to materialise, and expectations for when results will be seen must be managed.





Does the access to justice sector need a data standard?

Within the access to justice sector; there is growing recognition and support for the use of data for a range of purposes. Agencies are increasingly interested in the role of data in demonstrating the value and importance of the sector; in supporting the identification and sharing of approaches to effective service design and in identifying trends in presenting needs. The creation of a data standard is a fundamental pre-requisite for these activities. There are a number of issues that a data standard could be used to address.

1. What is the profile of people who require access to justice service organisations?

Collecting consistent demographic data from people who access services will support organisations to better understand their clients; assess whether they are serving their local communities effectively; and identify what additional service provision may be required to support individuals to fully benefit from the service. Byrom N, (2019)¹³ outlined the minimum data required to measure vulnerability within her Digital Justice report- this definition has been accepted by HMCTS¹⁴. This definition is more comprehensive than the data collected by the legal aid agency¹⁵. For example, collecting postcode data would enable organisations to understand how far people travel to access services, or understand the type of area (in socio-economic terms) that clients travel from.

¹³ Byrom, N (2019) "[Digital Justice: HMCTS data strategy and delivering access to justice](#)". The Legal Education Foundation

¹⁴ Thirteen attributes are recommended for collection: age; disability; employment status/ income; english as a foreign language; gender reassignment; highest level of education (proxy for literacy); postcode (permanent address, to identify whether in a care home, homeless, in an area of low internet coverage etc; pregnancy and maternity; race, religion or belief; sex; sexual orientation; fear or distress connected with the case e.g domestic violence/abuse, in detention, survivor of trafficking/trauma.

¹⁵ Sex, disability status, ethnicity and age band



2. What are their legal issues?

Capturing the legal issue that people present with is essential for organisations to understand trends that are taking place in their local communities and to tailor services to address this need. It enables organisations to share and collate data with others to highlight needs across a geographic region or across the sector. A standard for capturing legal need could enable the use of NLP to classify large bodies of the textual data and would underpin work to make searching for online legal advice easier. This work could build upon developments taking place within the UK and internationally.



3. What services do they require?

Capturing the type of service that people require; and what they are provided with is important for understanding demand and supply. Some organisations have discussed the difficulties in capturing referrals and requests, whilst others have developed systems to collect this information. Law Centres Network (LCN) have developed a tool for collecting enquiries that law centres receive. Work is needed to develop the standards for collecting data on both enquiries and the types of legal services that are needed and provided. The service type standards used by Community Legal Centres Australia could provide a useful starting point¹⁶.

¹⁶ See the National CLC Data Consistency Guide for typologies of different service provision which can be downloaded [here](#).



Developing a data standard

The ODI Open Data Standards for Data Guidebook provides comprehensive advice for getting started with a data standard. In summary there are [five stages](#)¹⁷:

¹⁷ ODI have created a [checklist](#) for each stage.

Developing a data standard

1 [Scope and start](#)

Undertake research (with interested stakeholders) and develop the methods for the standard. This should include adhering to Open Data Standard [Principles](#) and following inclusive design principles.

4 [Review](#)

Guidance should be created on when the standard should be reviewed. This might be in response to a changing landscape for which it was developed e.g. new regulations. Following the review, a decision might be made to continue, update, refine or retire the standard. It is important that the decision for next steps is completed in the open and has consensus from the community of users.

2 [Development](#)

This includes creating a community that will work on the standard, setting up infrastructure, developing and testing the standard and creating guides and resources for using the standard.

5 [Update or retire](#)

In updating or retiring a standard, clear communication is required with users of the standard. Updating may involve changes to the infrastructure of the standard, and creating new guides and resources for new versions. Retiring will involve closing down and archiving the standard.

3 [Launch and adoption](#)

Promote the standard and stories demonstrating how it has been used; support uptake of the standard by considering its adoption by a standards body; and providing tools, training and information sharing about the standard. The standard should also be monitored for use, stakeholder maps refreshed and case studies collected.

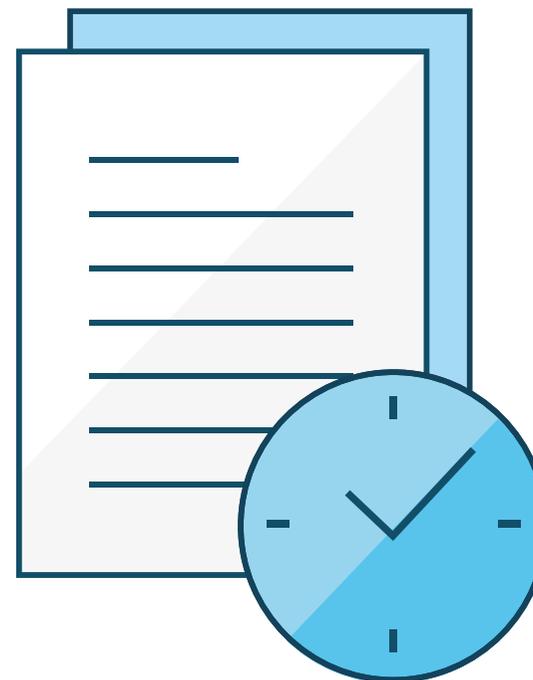


Developing a data standard

Developing a data standard requires dedicated resources and time. In developing a data standard for the access to justice sector, it would be advised to start off with developing/choosing a community that will embark on this journey; and starting off with research and piloting. Employing a consultant or agency to lead on this programme would be advisable.

There are a number of communities that a data standard could be developed with. Justice Lab UK is developing a programme to work with a small cohort of access to justice organisations to increase their data maturity¹⁸ and develop and test data standards. Law Centre Network are exploring standards for law centres and there are projects by Citizens Advice and Access Social Care and Mencap as discussed earlier in this paper. Funders indicating a clear intent to support the sector in developing data standards could surface other initiatives taking place in the UK and international work to draw lessons from.

¹⁸ Using the definition developed by Data Orchard and Data Kind UK, data maturity covers seven core areas **leadership; skills; culture; data; tools; uses; and analysis**. It describes an organisations journey towards an improved capability in using data





**The role of funders
in data standards?**

The role of funders in data standards?

Scoping for the development of the Justice Lab UK identified critical issues in relation to the quality, and utility of data held by organisations working in the access to justice space. The absence of good data undermines the ability of frontline organisations to identify trends, influence policy, deliver effective services and support research and evaluation. Developing the capacity of organisations to harness data means they will be better equipped to engage with the challenges and opportunities presented by the expansion in digital government and Lawtech.

Funders have a key role in investing in supporting the development of the data standards which can help organisations to address these challenges. Investing in the foundations of a functioning data ecosystem for access to justice can be difficult to prioritise when there are many competing

demands for funding, however, this work should be considered a critical investment in the future of the sector. Funders should encourage and provide financial support to the data initiatives that are already taking place, as well as investing in new work to address gaps. Funders also have a critical role in supporting the uptake of data standards by helping to raise awareness of data standards; and where feasible, implementing the use of developed standards within their own organisations¹⁹.

¹⁹ One area that was out of scope for this paper, but has been highlighted in discussion with not for profits is the need for funders to develop shared data standards for grantees, thereby reducing the data reporting burden.



