Rethinking consumer vulnerability in the legal services sector: The case for the Universal Practice Approach (UPA)

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Abstract

Vulnerability remains a contested concept in legal services, with traditional models often reinforcing stigma through risk-based identification. This article introduces the Universal Practice Approach (UPA), which reframes vulnerability as a universal, dynamic experience, and calls for proactively inclusive legal services grounded in universal access, trust based provider-user relationships, and the integration of lived expertise. Based on an extensive evidence review and qualitative research with relevant parties, including lived experts, in England, the UPA is built on six mechanisms: (1) inclusive and proactive service design, (2) co-development with lived experts, (3) empowering provider-user interviews, (4) embedding lived experts and community partners in service provision, (5) training of legal practitioners, and (6) iterative feedback loops, aligning with regulatory aims such as those of the Solicitors Regulation Authority. By centring universal access and collaborative practice, the UPA offers a transformative path towards a more just and equitable legal system.

Key words

Universal Practice Approach; vulnerability; lived expertise; inclusive design; access to justice

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Resumen

La vulnerabilidad sigue siendo un concepto controvertido en los servicios jurídicos, ya que los modelos tradicionales suelen reforzar el estigma mediante la identificación basada en el riesgo. Este artículo presenta el Enfoque de Práctica Universal (UPA, por su nombre en inglés), que replantea la vulnerabilidad como una experiencia universal y dinámica, y aboga por unos servicios jurídicos proactivamente inclusivos basados en el acceso universal, las relaciones de confianza entre proveedores y usuarios y la integración de la experiencia vivida. Basado en una amplia revisión de pruebas y en investigaciones cualitativas con las partes pertinentes, incluidos expertos con experiencia vivida, en Inglaterra, el UPA se basa en seis mecanismos: (1) diseño de servicios inclusivos y proactivos, (2) desarrollo conjunto con expertos con experiencia vivida, (3) entrevistas empoderadoras entre proveedores y usuarios, (4) incorporación de expertos con experiencia vivida y socios comunitarios en la prestación de servicios, (5) formación de profesionales del derecho y (6) bucles de retroalimentación iterativos, en consonancia con objetivos normativos como los de la Autoridad Reguladora de los Abogados. Al centrarse en el acceso universal y la práctica colaborativa, el UPA ofrece un camino transformador hacia un sistema jurídico más justo y equitativo.

Palabras clave

Enfoque de Práctica Universal (UPA); vulnerabilidad; experiencia vivida; diseño inclusivo; acceso a la justicia

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1. Introduction

Vulnerability has become a central concern in sociolegal scholarship. Despite its widespread use in legal and regulatory discourse, there is no single, agreed definition of vulnerability across these and related fields (Brennan *et al.* 2017, Enang *et al.* 2019). The dominant approach, particularly in legal and broader regulatory contexts, conceptualises vulnerability through a framework of risk factors, such as age, financial hardship, or social isolation, that predispose individuals to harm or disadvantage (see, for example, Solicitors Regulation Authority 2016). However, this approach has faced growing criticism for being reductive and potentially harmful. Scholars argue that it reinforces stigma, perpetuates stereotypes, and crystallises inequalities (Harrison and Sanders 2006, Brown 2011, Fineman 2014, Brown *et al.* 2017).

In legal services, the stakes of inaccessibility are particularly high. Individuals who struggle to access legal support or navigate complex systems are more likely to face injustice and exclusion from key rights protections. As access to justice is a foundational element of the rule of law (Tamanaha 2004), failure to ensure that all individuals can enforce their rights equitably threatens the legitimacy and fairness of the legal system itself. Accordingly, how vulnerability is conceptualised and operationalised has become a matter of significant concern for regulators such as the Legal Services Board (2021) and the Solicitors Regulation Authority (SRA) (2016) of England and Wales.

In August 2024, the SRA commissioned us to conduct a feasibility study to examine how vulnerability might be measured and monitored across the legal services market. This study, grounded in the Regulatory Objectives of the Legal Services Act 2007 (UK Government 2007), notably RO3 (Improving access to justice) and RO4 (Protecting and promoting the interests of consumers), involved an extensive evidence review and two phases of qualitative data collection with 54 participants, including a survey and focus groups. Findings from this research revealed key limitations in the risk factor model and highlighted the need for a more inclusive, systemic approach.

This article proposes the Universal Practice Approach (UPA), which redefines vulnerability as a universal human condition and embeds inclusivity, accessibility, and empathy into the routine design of legal services. Unlike models that require consumers to demonstrate specific needs to access support, the UPA promotes a proactive framework grounded in universal access and trust-based provider-user relationships, with the integration of lived expertise.

Our research contributes to sociolegal debates by advocating for a shift from reactive accommodations towards proactive, inclusive service design. It bridges theoretical debates on universal vulnerability with practical regulatory and service design implications. Drawing on six core mechanisms, that is (1) inclusive and proactive service design, (2) co-development with lived experts, (3) empowering provider-user interviews, (4) embedding lived experts and community partners in service provision, (5) training of legal practitioners,[1] and (6) iterative feedback loops, the article sets out an

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[1] In this article, we use the term "legal practitioners" to encompass both regulated legal professionals, such as solicitors, barristers, and legal executives, who are authorised under the Legal Services Act 2007 to carry out reserved legal activities, and those who are not regulated in this way but nonetheless provide legal services. This includes, for example, members of the Society of Will Writers (SWW) and the National

operational framework for embedding the UPA in practice. In doing so, it explores how these strategies can create a universally inclusive legal landscape.

The article is structured as follows: it begins with a critical review of existing approaches to vulnerability in legal services, highlighting their limitations and introducing universalist alternatives. This is followed by an outline of the study's methodology, which combines an evidence review with qualitative research across the legal services sector in England. The subsequent sections present the empirical findings and develop the Universal Practice Approach (UPA), a practical framework that repositions vulnerability as a universal experience. Special attention is given to the operationalisation of the UPA through its six interconnected mechanisms. The article concludes by setting out actionable recommendations for future research to refine the approach and support sector wide transformation.

2. From risk to universal practice: Re-thinking vulnerability in legal services

Vulnerability is a complex and fluid concept that is difficult to define and measure (British Standards Institution 2022). Definitions vary but commonly highlight factors, such as physical, mental, or social conditions, that reduce individuals' ability to cope with daily life and increase their risk of harm (SRA 2016, Burton 2018). These perspectives emphasise vulnerability as a state of heightened disadvantage, whether temporary or long-term. For this reason, regulatory frameworks have increasingly adopted a risk factor approach, focusing on individual, situational, or external factors that predispose individuals to harm.

Although the risk factor approach provides a structured framework for identifying vulnerability, it presents significant conceptual, practical, and ethical challenges. One key challenge is the limited empirical validation of some 'categories' of vulnerability. Many regulatory frameworks define risk factors without robust evidence demonstrating their impact. For instance, while age is frequently cited as a key indicator of vulnerability, the extent to which it affects legal decision-making remains inconsistently documented across different contexts. Without clear empirical support, such categorisations risk reinforcing assumptions rather than accurately reflecting consumer realities (Citizens Advice 2014, National Audit Office 2017, Burton 2018).

Perhaps most significantly, the risk factor approach treats vulnerability as a personal deficit rather than a systemic issue, failing to account for how institutional, legal, or procedural structures may produce or exacerbate vulnerability (Brown *et al.* 2017). For example, despite evidence of significant disadvantage among defendants in criminal trials, legal protections are often limited to victims and witnesses, excluding those who may need support the most (Bryan *et al.* 2007, Bradley 2009). Scholars have criticised this model as paternalistic and stigmatising, arguing that it both constrains support and does not acknowledge social inequalities (Fineman 2008, Brown 2011, Mackenzie *et al.* 2014).

Association of Licensed Paralegals (NALP), who operate under voluntary codes of conduct. While some of our recommendations are directed at regulators of the traditional legal professions, we believe that the principles of the UPA should be adopted across the full spectrum of legal practitioners. Hence, we use the broader term legal practitioners throughout.

As an alternative, some scholars have advocated for a shift towards a universal vulnerability perspective. Rather than treating vulnerability as an exceptional state affecting particular groups, this approach conceptualises vulnerability as a universal human condition, shaped by social, economic, and institutional structures (Turner 2006, Fineman 2008, Wallbank and Herring 2014). However, despite growing theoretical support, a significant gap remains in the empirical literature: no studies have explored how legal and regulatory frameworks might be reoriented around this structural understanding of vulnerability.

This article seeks to address this gap by investigating the potential of the UPA as an alternative to the traditional risk factor model in legal service provision. Grounded in the principle that vulnerability is universal, and not merely an attribute of specific groups, the UPA integrates values of inclusivity and accessibility directly into the design and delivery of legal services. It shifts the focus from a reactive, deficit-based model to one that is proactive and inherently inclusive, removing the burden from legal services users to justify their need for support, while also recognising the need to foster empathetic and trust-based relationships between legal practitioners and users of their services.

Accordingly, the central research questions guiding this article are: What is the UPA, why is it needed in the legal services sector, and how can it be operationalised to promote universal inclusion and enhance access to justice? In bridging theoretical perspectives with practical considerations, this study contributes to sociolegal scholarship by exploring how systemic change in regulation and service design can promote equitable access for all. The following section presents the methodology employed in our research.

3. Methodology

This study was structured in three key phases: a review of existing evidence and two stages of empirical data collection. The first phase aimed to identify literature, research, and data on consumer vulnerability in legal services. It examined academic literature, legal sources, regulatory publications, grey literature, and datasets, with no restrictions on date, geography, or publication type. To achieve this, a comprehensive list of keywords related to vulnerable consumers and legal services was developed. The scope, agreed with the SRA, covered eleven areas of law and seven related sectors. Searches were conducted across multiple academic databases for academic and legal sources, Google for grey literature, and targeted repositories (e.g. Mintel, Office for National Statistics, Statista) for datasets. The process was refined through three iterative rounds of searching and review. Approximately 7,000 sources were initially identified, with around 300 selected for detailed review. The manual selection involved screening titles and abstracts to identify sources meeting the inclusion criteria, specifically those addressing access to justice and consumer vulnerability, while excluding materials focused on vulnerability among legal professionals or staff. Where titles and abstracts lacked sufficient detail, full-text reviews were conducted to ensure relevance.

The evidence review provided the conceptual and practical foundation for the subsequent empirical phases by mapping the complexity of consumer vulnerability and highlighting key debates around its definition, measurement, and consequences within the legal services sector. It identified the risk factor model as the dominant approach,

while also drawing attention to its limitations. These insights informed the design (in conjunction with the SRA and lived experts) of the survey questions, ensuring that the empirical stages directly engaged with the central tensions uncovered in the literature. It also contributed to the purposive sampling of relevant parties for the empirical stage. Moreover, these insights, in conjunction with the survey data, informed the design of the focus group topics. In this way, the review not only framed the scope of inquiry but also shaped the methods, enabling the research to build on existing knowledge while addressing critical gaps.

Subsequently, data collection took place across two stages and involved 54 participants from five key groups: legal practitioners, policy/regulatory stakeholders, academics/consultants, consumer representatives, and lived experts, that is individuals who possess firsthand experience with vulnerability and using legal services. Participants were sampled purposively by the research team via the evidence review, the SRA's resources, the Law Society's 'find a solicitor' search system or, for lived experts, through EP:IC's existing networks.[2] In total, 381 individuals were invited to participate.

The first empirical phase involved an online qualitative survey including closed and open-ended questions designed to gather in-depth insights into consumer vulnerability within the legal services sector. It focused on two key areas: defining consumer vulnerability and exploring potential tools for measuring and tracking it. Examples of questions asked included:

- 'The SRA defines vulnerability on the basis of risk factors that may render individuals susceptible to harm, loss, or disadvantage. These factors are listed here […]. What do you think of this risk factor approach to defining consumer vulnerability in relation to legal services?'
- 'How is vulnerability measured and monitored/tracked in sectors other than or related to the legal sector?'
- 'Are there any problems in using these methods and/or other tools?'
- 'Would it be useful to measure and monitor/track the extent of consumer vulnerability in the legal sector in England and Wales, to understand how many consumers are vulnerable and whether it is increasing or decreasing?'

The second phase of the study involved a one-day stakeholder event, structured around two components: a plenary session and breakout focus groups. The plenary session opened with a presentation of the themes emerging from the earlier research stages (the evidence review and online survey), offering participants an overview of key findings. Following this, participants engaged in a group feedback exercise. Each table was asked to consider two questions: (a) the accuracy of the findings, and (b) appropriate next steps. After discussion, participants collectively agreed on their feedback, which was recorded on flip chart sheets by the researchers. This exercise provided an initial opportunity to test the validity of the findings and identify areas for further exploration.

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[2] EP:IC is an independent research, evaluation, and consultancy collective in social and criminal justice, specialising in the recruitment and support of individuals with lived experience.

The plenary session laid the foundation for the subsequent focus group discussions. Four parallel focus groups were convened, each dedicated to one of the following topics (with scope to incorporate additional issues if time and interest allowed):

- Defining consumer vulnerability in the legal services sector.
- The usefulness of measuring consumer vulnerability in the legal services sector.
- Responding to the needs of consumers at risk of vulnerability in the legal services sector.
- Implementing a vulnerability measurement tool in the legal services sector.

Participants were allocated to focus groups based on the research team's assessment of their expertise and to ensure balanced representation across participant groups. Each focus group comprised four to five participants to encourage both diversity of perspectives and depth of discussion within a 90-minute session. While topic guides were prepared in advance to ensure consistency across groups, the discussions were designed to remain flexible, enabling participants to raise issues they considered significant.

Within the focus groups, participants were invited to explore a range of questions relevant to the theme of their group. Examples included:

- 'How should consumer vulnerability be defined in the legal services sector?'
- 'Is the risk factor approach an appropriate way to define consumer vulnerability in the legal services sector?'
- 'Is it appropriate to refer to people or consumers as vulnerable?'
- 'Are there any problems with the risk factor approach?'
- 'Is the idea of making "universal changes" a better one than focusing on risk factors?'
- 'What would the barriers be in implementing a vulnerability measurement tool based on risk factors in the legal services sector?'

This structure facilitated the inclusive collection of views and encouraged critical engagement through dialogue among diverse stakeholders, enabling the research team to capture both consensus and areas of contention across participant groups.

The qualitative analysis of empirical data employed a thematic approach following Braun and Clarke's guidelines (2006), supported by NVivo 20 software. Additionally, frequencies were calculated for some of the identified themes, to provide a quantitative dimension to the analysis.

3.1. Ethical considerations and limitations

The study followed the British Society of Criminology's (2015) ethical guidelines and was approved by the University of South Wales Faculty High Risk Ethics Committee. Participants chose their preferred level of attribution, from full anonymity to identification by preferred name, ensuring ethical integrity and respect for individual autonomy.

This feasibility study originally aimed to explore how consumer vulnerability might be measured, rather than to develop the UPA. While gaps in existing models and participant input led to an early conceptualisation of the UPA, further empirical and theoretical work is needed for its refinement and implementation and to assess its long-term viability. Furthermore, the small, purposively sampled cohort may constrain diversity and limit the breadth of insights. Uneven incentives, particularly for legal practitioners, may also have influenced engagement.

The following section presents the main research findings, which underpin the discussion of the UPA in the subsequent section.

4. Results and discussion

This section presents the key insights from the combined empirical research phases. It also integrates these findings with existing scholarship to address the study's central research questions: What is the UPA, why is it needed in the legal services sector, and how can it be operationalised to promote universal inclusion and enhance access to justice?

The section is structured into four main parts. The first examines participants' perspectives on the risk factor approach to defining and measuring consumer vulnerability. The second introduces the UPA, distinguishing it from the risk factor model, and setting out its core principles. The third part considers how the UPA can be operationalised in practice, offering insights into how regulators and practitioners may adapt its principles across different legal contexts and jurisdictions. The final part makes the case for adopting the UPA, by demonstrating its relevance, potential benefits, and alignment with legal and regulatory priorities.

4.1. Towards universal practice: Problems with the risk factor approach

The data collected as part of this research points to a fundamental issue in the legal services sector: the inadequacy of the risk factor approach in defining consumer vulnerability. Twenty-six survey participants, echoed unanimously in all focus groups, expressed doubts about this model, as well as broader concerns about current understandings of vulnerability. A recurring theme among research participants was that the risk factor approach is too rigid and individualised, failing to reflect the dynamic and context specific nature of people's experiences. They highlighted that vulnerability is not a fixed or easily measurable state, but rather a shifting condition that can affect anyone depending on their circumstances.

> Two people might come from the same kind of community, same background, have the same kind of issues, but one might need more assistance or more recognising than the other. (Marc Conway, lived expert, extract from focus group)

> Well, the opposite of vulnerable is invulnerable and I don't know anybody that's invulnerable, so everybody by definition is vulnerable to something. (LESE7, lived expert, extract from focus group)

Participants also raised concerns about the potentially stigmatising language used in the risk factor model, arguing that it can label and marginalise individuals, reinforcing harmful stereotypes.

the word 'vulnerable' suggests weak […]. It could make people feel second class. (Marc Conway, lived expert, extract from survey)

Makes it seem like the person is the problem rather than the service. (Dr James Organ, academic, extract from focus group)

Others criticised the model for offering only a limited snapshot in time, overlooking the evolving nature of service users' needs, and for focusing too narrowly on personal characteristics rather than addressing wider systemic issues within the legal services environment.

Drawing too tight on a definition of vulnerability is likely to lead to legal services focusing on how to treat that group of consumers differently, rather than considering how to make all services more suitable for those who may be vulnerable. (Scottish Legal Complaints Commission, extract from survey)

There are underlying structures that can reduce the base level in society so that people are at a more comfortable position before they come in regardless of their personal circumstances. (ACSE13, academic/consultant, extract from focus group)

I believe […] that consumers are inherently vulnerable due to the power dynamics and hierarchy at play as they enter into the lawyer-client relationship. (ACS6, academic/consultant, extract from focus group)

Overall, these findings are in line with the criticisms observed in the literature (Wishart 2003, Harrison and Sanders 2006, Brown 2011, Fineman 2014, Gilson 2016, Brown *et al.* 2017, Cowan and Hewer 2020). Participants also questioned the value and practicality of attempting to measure vulnerability in predefined terms:

There is no useful definition of what this means therefore it cannot be measured meaningfully. (Association of Consumer Support Organisations, extract from survey)

Instead, their views aligned with a growing body of research that advocates for a universal framework, one that recognises vulnerability as a shared and fluid human experience, rather than an exception (Fineman 2014, Brown *et al.* 2017):

Consumers can come in and out of vulnerability, this raises questions about how it can therefore be measured and captured. (Bar Standards Board, extract from survey)

[W]e already recognise that people are vulnerable, so let's just respond […] with some practical solutions. (CRSE9, consumer representative, extract from focus group)

As is often the case in research, where participants may be influenced by new information, reflection, or interaction within the study, some participants' perspectives in this research either evolved or became more firmly established in support of this viewpoint.

4.2. The Universal Practice Approach

In response to these insights, we propose the UPA: a framework that brings together these findings to offer a more inclusive and forward-thinking model for legal service delivery. The UPA is a service design and delivery framework grounded in the principle that vulnerability is a universal and dynamic condition. It embeds inclusivity, accessibility, and empathy into all aspects of service provision, ensuring that legal services respond proactively to the diverse experiences of all service users.

The UPA is built on two central premises. First, it asserts that services should be designed to be inclusive and accessible for everyone from the outset, rejecting the notion that accommodations should only be offered to specific groups. Second, it places emphasis on fostering trust and empathy within service relationships, recognising that access to justice depends not only on physical or procedural accessibility, but also on respectful and human centred interactions. In essence, the UPA promotes holistic accessibility: environments and services are not only physically inclusive but also emotionally supportive and empowering. This comprehensive approach ensures that all users can meaningfully engage with and benefit from legal services, while allowing for flexibility to accommodate a wide range of preferences.

The sections below articulate the UPA in more detail. They begin by contrasting the UPA with the risk factor approach, and by outlining the key conceptual frameworks that underpin it, discussing how these can inform inclusive service design in practice.

4.2.1. Difference between the risk factor approach and the Universal Practice Approach

The UPA represents a fundamental shift from the risk factor approach to vulnerability. The key differences between these approaches are examined below.

Firstly, the risk factor model identifies vulnerability as an exceptional condition, affecting particular individuals or groups who are subject to specific predefined risk factors, such as socioeconomic disadvantage, disability, or age. These risk factors are used to categorise individuals, often leading to a reactive model where interventions are only provided when a person is identified as vulnerable. As a result, legal services users must disclose or prove – when they are aware – their vulnerability to access accommodations, a process that can reinforce stigma, perpetuate inequality, and lead to exclusion. For instance:

> People don't always know they are encountering a disadvantage or […] vulnerability so are unable to volunteer that information. (Pheleba Johnson, lived expert, extract from survey)

> I hate telling people about my dyslexia [because] it's embarrassing. If I do, I hope I will get help for it and be treated respectfully. (Eyebs, lived expert, extract from survey. Section in square brackets added by authors)

In contrast, UPA conceptualises vulnerability as a universal human condition that affects everyone to varying degrees throughout their lives, shaped by social, economic, and institutional factors. By framing vulnerability as an inherent part of the human experience rather than an exceptional state, UPA shifts the focus from categorising individuals to creating systems that are universally accessible and inclusive from the outset. The primary aim of the UPA is not to respond to vulnerability but to design services that anticipate diverse needs and ensure accessibility for all legal services users, eliminating the need for individuals to prove their vulnerability.

Secondly, while the risk factor approach often necessitates targeted interventions based on predefined categories, UPA promotes the idea of universal inclusion and accessibility, embedding accommodations into service design rather than responding to individual requests. This shift from reactive modifications to proactive inclusion ensures that all legal services users can access services equally, regardless of their diverse experiences. By designing services that are universally accessible, UPA removes the

burden on users to disclose vulnerability, which can often be stigmatising and discriminatory. This approach respects individual autonomy, as legal services users can engage with services in ways that best suit their needs without having to justify or disclose their circumstances.

The relationship between legal services users and providers also differs significantly between the two approaches. The risk factor approach typically leads to a transactional, compliance-driven relationship, focused on meeting legal requirements and managing risk. This often results in impersonal, bureaucratic interactions that prioritise categories over the individual needs of legal services users.

> Legal services are very transactional […]. Get them through the door, do the job for them and get them out the door. (The Society of Will Writers and Estate Planning Practitioners, extract from focus group)

In contrast, UPA encourages a collaborative, empowering relationship, where users are active participants in shaping their service experience. The approach emphasises partnership, respect for user autonomy, and the integration of lived experiences, fostering trust and improving user satisfaction.

One key aspect of UPA that deserves further attention is the role of reasonable adjustments within the legal framework. While the risk factor approach may make accommodations contingent on identifying specific vulnerability, UPA integrates accessibility as a baseline feature of service provision, minimising the need for individual requests. Nevertheless, legal obligations, such as those stipulated in the Equality Act 2010 in the England and Wales (UK Government 2010), still require service providers to make reasonable adjustments for individuals with specific needs. UPA does not negate these requirements but aims to reduce their necessity by embedding accessibility in the service design from the start and offering accessible alternatives to all, with an emphasis on choice and agency. This shift allows for a more anticipatory approach, where services are designed to be inclusive, thereby reducing the stigma and barriers associated with disclosing vulnerability. This aspect is discussed in more detail in the next subsection.

In terms of research orientation, the risk factor approach tends to rely on quantitative methods to assess the prevalence of vulnerability within certain groups, producing generalisable data based on risk factors. This method may fail to capture the complexities of lived experience. UPA, on the other hand, calls for mixed methods and qualitative approaches that explore the diverse, lived experiences of legal services users, emphasising context and individual needs. This approach incorporates feedback from service users and acknowledges the importance of understanding vulnerability as a dynamic and intersectional experience.

In summary, the UPA offers a more holistic, inclusive, and empowering model than the risk factor approach. By embedding inclusivity and accessibility into service design, UPA removes the need for targeted interventions and individual disclosure or proof of vulnerability, creating a system where everyone can access services without facing barriers or stigma. UPA encourages a paradigm shift towards universal service provision, where accessibility is the standard, not the exception.

4.2.2. Existing concepts informing the Universal Practice Approach

The UPA builds on several established frameworks that aim to remove barriers to access, particularly inclusive practice, universal design, trauma-informed practice, and the legal concept of reasonable adjustments.

Inclusive practice, primarily developed in the education sector, ensures that all learners have equitable access to learning opportunities regardless of background, ability, or learning style. It involves proactively identifying and removing barriers to participation through differentiated instruction, supportive policies, and universal design for learning (UDL) strategies (Florian 2002, Burstein *et al.* 2004). While specific accommodations may still be necessary, the broader aim is to minimise the need for such measures by designing learning environments that work for a wide range of individuals. In terms of designing services, Coppack (2020) has advocated for inclusive design within the Payment Systems Regulator, emphasising the need to move beyond traditional consultation to actively involve people with lived experience in service design.

Universal design was originally applied in architecture but has since extended into domains such as education, technology, transport, and healthcare. It focuses on creating products, services, and environments that are inherently accessible to everyone, without requiring individual modifications (Burgstahler and Cory 2015). Accessibility is embedded from the outset, benefiting all users rather than being introduced as a response to special needs.

Trauma-informed practice, increasingly adopted in healthcare, housing, and criminal justice, brings an additional dimension by prioritising trust, empowerment, and collaboration. This approach acknowledges the effects of trauma on service engagement and promotes emotionally safe and respectful interactions (Ashton *et al.* 2016, Bellis *et al.* 2017). These values are echoed in UPA's emphasis on users' autonomy and partnership.

The legal duty to make reasonable adjustments, particularly under the Equality Act 2010 (UK Government 2010), also informs the foundations of universal practice. This obligation requires service providers to take proactive steps to prevent individuals with disabilities from being placed at a substantial disadvantage. Adjustments can include environmental changes, policy shifts, or the provision of auxiliary aids. Crucially, the duty is anticipatory: it obliges providers to consider access needs in advance, not just in response to individual requests. However, the Universal Practice Approach (UPA) goes further. It represents a paradigm shift from individualised accommodation towards systemic accessibility. While legal duties remain essential under current frameworks, UPA envisions a future where adjustments are no longer an exception, but the norm, an integral feature of service design.

Nonetheless, the relationship between reasonable adjustments and universal practice is more complex than the relationships with other concepts outlined above. UPA shares the anticipatory ethos of reasonable adjustments yet moves beyond a model in which only some are entitled to support. For example, physical modifications like ramps and lifts benefit everyone, not only those with mobility impairments. Yet accessible communication formats are still too often limited to those who disclose a need. The UPA would provide all legal information in plain language, with options for translation, screen reader compatibility, and voice memos as standard.

A key benefit of this shift is the removal of stigma. Prior research shows that many individuals avoid requesting accommodations out of fear of being labelled or discriminated against (Gilson 2016, Smith *et al.* 2018, Jones and Brown 2019). Accordingly, feedback from participants in this study affirms the importance of allowing legal services users to access services without having to disclose personal circumstances (see Section 4.2). In this way, universal practice offers a more respectful, empowering model of service provision that anticipates difference rather than requiring individuals to justify it.

Until universal practice becomes widespread, legal obligations to make reasonable adjustments remain essential. However, UPA reframes these duties as a stepping stone towards a broader culture of embedded inclusion, where all legal services users are offered diverse ways to engage, communicate, and access services without the burden of disclosure or proof.

4.3. Operationalisation of the Universal Practice Approach

To support the adoption and critical evaluation of the UPA, it is essential to move from abstract principle to concrete application. The operationalisation of universal vulnerability has been previously unexplored, and this gap represents a significant oversight. By identifying the specific mechanisms through which UPA values can be embedded into legal services, this work provides a foundational step in translating theory into action. As such, it offers an innovative framework for inclusive service design that challenges traditional, reactive approaches and paves the way for systemic change.

Drawing on the empirical insights presented in this study, six core mechanisms have emerged as pivotal for translating UPA's vision into practice. An important aspect of these mechanisms is the emphasis on choice and agency for users. While the UPA provides tools to enhance accessibility and inclusion, such as the empowering interviews or interactions with community partners outlined below, a defining feature is that these supports should be offered on an opt-out rather than opt-in basis. This ensures that all legal services users are provided with inclusive options by default, while maintaining their autonomy in how they engage.

The six core mechanisms are: (1) inclusive and proactive service design; (2) co-development of legal services and products with lived experts, (3) empowering provider-user interviews, (4) embedding lived experts and community partners in legal service provision, (5) training of legal practitioners, and (6) iterative feedback loops. While elements of these practices may already exist in fragmented or informal ways or may even, in some cases, be more developed, the UPA encourages their systematic integration and assessment across the legal sector. In doing so, it provides both a blueprint for transformation and a framework for evaluating impact, adaptability, and sustainability. This section outlines each mechanism in turn, while Table 1 (Appendix A) offers illustrative examples to support practical application.

4.4. Enhancing accessibility in legal services: Inclusive and proactive service design

Participants across both the survey and focus groups were concerned with the complexity of legal language. Seven survey respondents and multiple focus group

participants said legal jargon disempowers legal services users, advocating for plain language and clearer communication:

> I had real issues with reading and understanding information and based on that it was difficult to make my own decisions within these matters. (Marc Conway, lived expert, extract from survey)

Three focus group participants also noted that many users of legal services are unaware of redress mechanisms like the Legal Ombudsman:

> Not a lot of people know what the Ombudsman is. (Kevin OBrien, lived expert, extract from focus group)

Without this knowledge, users are left vulnerable to substandard service with limited options for recourse. In general terms, legal services often unintentionally exclude individuals due to assumptions built into their structure, including assumptions about digital literacy, fluency in legal language, financial capacity, or geographic access. The UPA begins with the premise that inclusion must be designed in from the outset, not added retroactively. Inclusive service design aims to anticipate consumer diverse experiences and structuring services that are clear, transparent, and navigable for all.

Key elements include the use of plain language across all written communication, multilingual and multimodal resources, and simple, cost-transparent processes that help legal services users make informed decisions. The growing integration of AI applications (SRA 2023a) and technology presents opportunities here for legal services, although should be considered carefully.[3] AI has the potential to improve accessibility by supporting multiple languages (Langdell 2025), simplifying complex legal processes, offering real-time assistance and virtual familiarisation visits, without requiring individuals to demonstrate eligibility. Automated systems can also standardise clear communication across legal institutions, reducing inconsistencies and ensuring that legal services users receive accurate, comprehensible information. Hermann *et al.* (2024) extend the opportunities to integration the detection of vulnerability (using subtle cues (i.e., "feeling AI") that human employees might overlook - "feeling AI") with the reduction of service barriers to form the first component of their AID (Accessibility, Interactive and Dynamic) framework. However, it is argued here that this approach carries risks: it may reinforce stigma, misclassify users, or automate exclusion under the guise of personalised support.

Initiatives aimed at raising awareness, such as introductory training sessions that explain common legal terms and provide information about the role of the Legal Ombudsman, may play a crucial role in making legal services more approachable. These efforts would help people who may not be familiar with the legal system understand how it works, what support is available, and how to navigate it more confidently. By doing so, they would help reduce the gap between formal legal services and the individuals who could benefit from them but might otherwise feel excluded or intimidated.

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[3] A range of potential risks, such as inaccuracy, hallucination, privacy breaches, and autonomy concerns, have been identified in relation to the use of AI by consumers with legal problems (Macfadyen and Pierpoint, in preparation).

4.4.1. Designing with, not for: Co-designing legal services and products with lived experts

There was strong support for integrating lived experience into service design and solicitor training. Participants stressed that co-production with lived experts is essential for relevant and responsive legal service:

> No policy is worth the paper it's written on unless it has the voices of the people who are going to be governed by that policy running through it. (Marc Conway, lived expert, extract from focus group)

> People with lived experience talking to them [solicitors], explaining things to look out for. (Kelly Gleeson, lived expert, words in squared brackets added by authors)

Rather than treating service users as passive beneficiaries, the UPA frames individuals with lived experience as co-creators of legal services. This approach goes beyond consultation, making lived expertise a foundation of service design. Co-design allows for a more authentic, responsive, and inclusive legal infrastructure, one that removes blind spots inherent to top-down design.

Lived experts may contribute through advisory panels or by auditing accessibility. Their role is not symbolic: it is structural. When embedded meaningfully, lived expert contributions can shift both the culture and operations of legal institutions.

4.4.2. Building trust in legal services provider-user relationships: The role of empowering interviews

Participants highlighted the need to move away from transactional models and foster relationships built on trust. Nine survey respondents and most focus group participants said trust encourages disclosure and strengthens service outcomes. Some advocated for a 'trusted advisor relationship' to create a more open environment where legal services users feel comfortable discussing their diverse experiences (LPSSE2, legal professional, extract from survey). One participant explained:

> If that person is given the time […], they will share things with you if they can build that trust with you. (Kelly Gleeson, lived expert, extract from focus group)

Informal conversations were proposed as a way to build rapport and uncover needs not evident in formal interviews:

> In an informal conversation, you can pick up a lot of social cues […] just by […] letting them talk about their life. (LESE1, lived expert, extract from focus group)

> So, the idea is that you get to know your client and you build that relationship with them such that they trust you […]. The first meeting […], don't talk law, literally, have the client in for a meeting, face to face usually works best, have a coffee […], have a chat and that's it, that's the first hour, just get to know them as a person, how they talk, their language, their fears, their concerns, their anxieties. (LPSSE2, legal professional, extract from focus group)

> My solicitor, my criminal law one, […] he just took that time to listen and let me have my rant, offload, get everything off my chest and then I can just sit back and know he's going to act in my best interest. (Kelly Gleeson, lived expert, extract from focus group)

Therefore, the importance of trust, open dialogue, and active listening was emphasised, along with the role of informal conversations in fostering these elements and uncovering

overlooked needs. Initial interactions between service users and legal practitioners can set the tone for the entire service journey.

The UPA promotes a shift from transactional consultations to what we frame as "empowering interviews", interactions grounded in empathy and mutual respect. Inspired by motivational interviewing (Dempsey n.d.; Levenson 2017) and trauma-informed practice, this approach acknowledges that emotional safety and user agency are prerequisites for meaningful legal engagement.

Empowering interviews are characterised by open-ended questioning, active listening, and a recognition of legal services users' own expertise in their lived experience. Rather than seeing users as passive recipients of legal advice, legal practitioners are encouraged to collaborate with them, identifying goals, concerns, and strengths together.

4.4.3. Embedding lived experts and community partners in legal service provision

Beyond design, participants advocated for integrating individuals with relevant lived experience or specialised training (e.g. in mental health), into the delivery of legal services. They considered that these roles would support both legal services users and practitioners:

> Your job could be to […] suggest to solicitors what this person's support needs would be. (LESE8, lived expert, extract from focus group)

> If you see red flags […] you think […], actually, this is beyond my comfort […]. I now need to refer you on to an expert. (LPSSE2, legal professional, extract from focus group)

> I wonder if […] there was a third party, […] trained in mental health […], that was the person to relay that to. (RGSE1, regulator, extract from focus group)

These roles of "community partners", as we have termed them, would extend firm capacity, improve user experience, and make inclusion structural, not optional. We argue that beyond design, lived experts may also play a critical role in the delivery of legal services alongside specialists. Community partners, either with previous involvement as users of legal services or with specialist expertise in areas such as neurodiversity or mental health, can serve as trusted facilitators, enhancing the accessibility and emotional safety of legal service provision.

Lived experts may operate as peer supporters, providing trusted guide for legal services users throughout their legal journey, or as embedded specialists offering real time guidance to practitioners when users face barriers to engagement. These roles are not about replacing legal functions but about enriching them through added layers of empathy, insight, and support.

4.4.4. Embedding universalism in practice: Training legal professionals

Six survey respondents and most focus group participants called for improved training to be built into legal education and continuing professional development (CPD) to better equip legal practitioners to work sensitively and effectively with service users:

> If you're working with someone who is quite vulnerable, not to make them more vulnerable, […] aid. (Kevin OBrien, lived expert, extract from focus group)

> I'd like to see […] some sort of module within the LPC, […] and training […] to identify these issues [which?] alongside the law. (LPSSE2, legal professional, extract from focus group)

The success of the UPA depends heavily on practitioners' understanding of its core principles and their capacity to implement them. Lived experts can play a central role in both designing and delivering training, grounding learning in real world insights. Periodic reviews and feedback cycles might help ensure that training remains relevant and impactful.

4.4.5. Legal services users feedback and iterative reviews

User feedback was seen not just for the purpose of evaluation, but as a tool for continuous improvement. Participants suggested agile, responsive systems:

> Solicitors should […] have a review, improve, review, improve, and constantly evolve. (LESSE10, lived expert, extract from focus group)

Innovative feedback methods included voice notes via apps like WhatsApp:

> You can reply […] on WhatsApp, you send a voice note and then that way, you're cutting down the solicitor's time as well. (LESSE10, lived expert, extract from focus group)

However, concerns about firm-controlled feedback processes led to calls for independent oversight:

> If they're flagging those concerns to the solicitor's firm itself, they're not really going to do anything about it. (CRSSE2, consumer representative, extract from focus group)

> You would need an independent person within the firm […], the lawyer […] could just dismiss it. (Siân Riley, Access Legal, extract from focus group)

In some cases, user feedback may be gathered in isolation or at a stage too late in the process to effectively influence meaningful change. The UPA encourages iterative feedback mechanisms that are embedded throughout the service journey, allowing legal services users to voice concerns, affirm good practice, and shape service evolution in real time.

In summary, participants favoured moving from identifying vulnerability to addressing it through systemic change. Key priorities included: improving accessibility to legal services and products, co-designing legal services with lived experts, building users' trust in legal services providers, embedding inclusive roles in legal service delivery, reforming legal practitioner training, and using independent feedback systems for refining legal service provision. Together, these recommendations point towards a legal services sector that is accessible, inclusive and based on trust.

4.5. The case for the Universal Practice Approach

Having outlined the UPA and the six key mechanisms emerged during the research for its operationalisation, this section turns to discussing the rationale for adopting UPA within the legal services sector. The findings from the evidence review and participant perspectives strongly support the adoption of UPA in the legal services sector. Beyond its alignment with existing regulatory and strategic priorities, UPA offers tangible

benefits that enhance accessibility, trust, and user engagement while promoting legal service delivery that is inclusive by design.

4.5.1. Fulfilment of regulatory and strategic objectives, and progressing accessibility agenda

The UPA supports key Legal Services Act 2007 objectives (UK Government 2007), including improving access to justice (RO3) and protecting and promoting the interests of consumers (RO4). It aligns with the SRA's strategy prioritising innovation and equal service quality, and complies with the SRA Codes of Conduct (2023b, 2023c), which require firms to consider client attributes and circumstances. Unlike individual vulnerability assessments, the UPA embeds accessibility and inclusivity into legal service design for all users.

Furthermore, the YouGov (2019) report for the SRA on reasonable adjustments recommended improving accessibility in communication, language, and format. UPA expands on this by integrating empowerment, trust, and collaboration into legal service provision. By designing systems that inherently accommodate diverse consumer needs, legal services can eliminate barriers that often discourage individuals from seeking support. This approach moves beyond compliance driven adjustments and instead prioritises universal design principles that create an accessible legal sector for all.

4.5.2. Building on legal services users' insights to improve access, trust, and inclusivity in legal services

The UPA in legal services presents a transformative shift from selective accommodations based on vulnerability assessments to an inherently inclusive and accessible system. Currently, individuals seeking legal support may be repeatedly required to demonstrate their vulnerabilities, navigating fragmented systems that impose significant administrative and emotional burdens. For example, individuals involved in court proceedings, such as in family, immigration, or criminal cases, are often required to disclose personal circumstances multiple times to qualify for special measures or procedural accommodations (UK Government 2023).

This reactive approach not only reinforces barriers to justice but also risks excluding individuals who face situational disadvantages, such as financial hardship or linguistic barriers, but do not meet rigid definitions of vulnerability or do not chose or know how to disclose the required information. By embedding accessibility into the design of legal services, the UPA simplifies procedures, enhances transparency, and proactively addresses user needs. Standardised communication and consistent accessibility measures across institutions would reduce inefficiencies and eliminate the need for repeated justifications. This shift would also free legal practitioners from the alternative resource-intensive vulnerability assessments, allowing greater focus on substantive legal support.

Beyond efficiency, as mentioned earlier, universal practice fosters user empowerment and trust. It encourages active engagement rather than positioning individuals as passive recipients. This is particularly important for communities historically excluded from legal services and in an era where users increasingly turn to alternatives such as AI-driven legal assistance. Research shows that there is growing support for AI in legal services (although users still prefer human advisors for complex or high-stakes cases)

(Community Research 2022). While the evidence base is limited, LexisNexis (2023) surveyed 1,765 consumers in the US and found 57% were aware of GenAI, and 48% of those had used it for legal help, mainly for researching legal topics (67%), understanding processes (64%), and drafting documents (39%). A UK survey (reported in Business Matters 2025) found that 50% of adults prefer AI over solicitors for legal decisions, and 56% trust AI to interpret contracts. However, the survey's sampling details were not disclosed, so its reliability cannot be assessed. Establishing a transparent and inclusive legal framework is thus essential to retaining user trust in human advisors and the human market, particularly in a legal market where price sensitivity has increased due to economic pressures (Legal Services Consumer Panel 2023).

However, maintaining trust is not solely about competition with AI; it also requires addressing existing shortcomings in legal service delivery. While user satisfaction remains generally high, it varies across different legal fields, with housing, employment, and conveyancing law receiving lower ratings (Legal Services Consumer Panel 2024). At the same time, complaints handled by the Legal Ombudsman in England and Wales have increased, with one of the most common types concerning poor communication (Legal Ombudsman 2024). This is an issue that universal practice, through greater transparency and clearer engagement, could help mitigate. By reducing complaints, fostering trust, and ensuring users feel heard and informed, universal practice has the potential to enhance both service quality and overall confidence in the legal profession.

Expanding accessibility through universal practice would also attract individuals who currently avoid legal services due to perceived power imbalances, costs, or distrust. With 3.6 million adults in England and Wales experiencing an unmet legal need involving a dispute each year (Legal Services Board 2020), a more inclusive system could bridge this gap and broaden the client base. Furthermore, in a competitive legal sector where users are increasingly shopping around for services, providers that prioritise accessibility and user centric service will be better positioned to retain clients.

The UPA closely aligns with established consumer insights, reinforcing principles already recognised as critical to effective legal services. Research conducted for the SRA (YouGov 2019) indicates that legal services users prioritise providers who demonstrate approachability, clear communication, and empathy. Further studies emphasise the importance of geographical and situational accessibility, trust, and the mitigation of power imbalances as fundamental to user satisfaction (Scottish Legal Complaints Commission Consumer Panel 2017, Bar Standards Board 2018a, 2018b, The Law Society 2022). By integrating these consumer insights, the UPA creates a legal system that is responsive to the diverse needs of legal services users without imposing barriers based on vulnerability assessments.

Data from the legal sector further supports this approach. Only 4 per cent of new business is won based on price, while two-thirds stems from reputation and trust. Specifically, 30 per cent of new business comes from existing clients, 19 per cent from recommendations, and 17 per cent due to the firms' personnel or character (Hamilton-Shaw 2019). This aligns with broader consumer facing research, which emphasises trust and personalisation as key elements of a positive consumer experience. More specifically, 64 per cent of customers are willing to spend more with companies they trust, while 94 per cent of those who trust an organisation are likely or very likely to

recommend them to family and friends (Institute of Customer Service 2023). This broader consumer research underscores the need for legal services to prioritise trust and personalisation to enhance client satisfaction.

Ultimately, universal practice offers a forward-thinking solution to modern legal service challenges. It removes unnecessary barriers, strengthens trust, improves efficiency, and ensures fair access to justice. In a legal market where competition, economic pressures, and technological advancements are reshaping consumer expectations, prioritising inclusive design over reactive adjustments is essential for maintaining relevance and engagement. By building upon these established methods and integrating them into the UPA, legal services can move toward a more inclusive, transparent, and user centred system. This shift not only improves engagement and satisfaction among legal services users but also contributes to long term improvements in trust, efficiency, and accessibility within the legal sector.

5. Conclusion

This article has demonstrated that the criticisms of existing vulnerability frameworks rooted in the risk factor approach are substantial and convincing. While the concept of universal vulnerability can seem abstract and its practical implementation challenging, this article has introduced the UPA as a replicable and scalable framework for embedding these principles into everyday legal practice.

The UPA offers a transformative opportunity to reimagine legal service delivery, shifting from reactive and targeted interventions towards a model of universal, proactive inclusion. Rather than framing vulnerability as an individual deficit, the UPA embraces it as a universal condition, embedding trust, empathy, and accessibility into the fabric of legal services. By combining lived experience, systemic design, and continuous learning, the UPA moves beyond performative commitments to vulnerability and offers a meaningful path toward a more just, responsive, and universally accessible legal system.

Operationalised through six interdependent mechanisms, that is (1) inclusive and proactive service design, (2) co-development of services with lived experts, (3) empowering provider-user interviews, (4) embedding lived experts and community partners in service provision, (5) training of legal practitioners, and (6) iterative feedback loops, underpinned by accessibility, trust and choice, the UPA offers a practical, scalable toolkit for reform. These mechanisms offer tools for adapting the model across different legal domains and jurisdictions. Legal services users' feedback and lived expertise remain central, ensuring services stay responsive and grounded in real-world needs.

By avoiding over-reliance on measuring vulnerability, which risks reinforcing stigma and oversimplifying diverse experiences, the UPA supports anticipatory and equitable service models. It aligns with regulatory aims and fosters a cultural shift toward relational, user-centred practice.

We are currently exploring ways to implement and assess impact through the UPA, and this will be addressed in a future article. To support a shift, UPA must be integrated into regulatory activities, and legal training must evolve, with curricula that centre empathy, communication, and collaborative practice alongside technical expertise. Linked to this, future work should examine the ethical integration of technologies like AI to support,

rather than undermine, the UPA's human centred commitments. In addition, further research is needed to evaluate how the UPA performs in diverse settings, through analysis of existing applications, scenario simulation, pilot programmes, and comparative studies across legal contexts and jurisdictions.

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Appendix

TABLE 1

Mechanism	Operationalisation
Inclusive and proactive service design	• Simplified language templates • Multilingual and digital accessibility • Transparent cost • Pre-service awareness training
Empowering interviews and collaborative engagements	• Informal, empathetic consultations • Motivational interviewing principles (e.g. strengths, autonomy) • Active listening and open-ended questioning
Training legal practitioners	• UPA aligned legal education and CPD activities • Documented participation of lived experts in training design and delivery • Periodic review of practitioner competencies related to accessibility, empathy, and responsiveness
Co-design with lived experts	• Lived expert involvement in training • Lived expert involvement in service design (e.g. accessibility audit) • Lived expert involvement in governance, policy development, and quality assurance (e.g. through lived expert panels)
Lived experts and community partner delivery	• Lived experts and community partner roles embedded in service delivery (e.g. mental health or neurodiversity specialists) • Real-time practitioner support • Structured referral systems to non-legal support
Consumer feedback and iterative review	• Mid journey and post service feedback • Post-service reviews, e.g. structured interviews, digital questionnaires, or optional voice note submissions • Anonymous public platforms

Table 1. Operational mechanisms of the Universal Practice Approach (UPA).