RPF 3 Project - Awareness, understanding, and comparative analysis of existing ODR tools

Airtable of existing identified online dispute resolution tools

The Airtable can be found here: https://airtable.com/appjAtwP1m6GWVZFX/shro85ZQ82zEgl0dS.

You can filter the tools by any of the categories identified above using the filter and/or sort functions at the top of the table below. There's is also a search function at the top right-hand side of the table.

You can expand the profile of each tool via the expand function that appears as you hover over the left-hand side of the record, next to the record number. You can then scroll up and down the expanded versions via the arrows at the top left-hand side of each profile.

Analysis of online dispute resolution tools

- We looked at 25 tools in total, 20 Online dispute Resolution Platforms (of which one has been discontinued), 5 online tools that support access to or delivery of dispute resolution.
- All 25 tools supported access to and delivery of dispute resolution, however, of those **only seven (including the one discontinued tool) offered any additional support alongside the technology to enable dispute resolution.**
  - In terms of additional support, 38% of this was advice support, and guidance with legal issues, 31% was identification or triage of legal issues, and 31% was signposting and referral to other services.
  - Unbundled legal services were offered on just 5% of platforms.
  - None offered support with post resolution enforcement.
- **72% of the tools were directly aimed at serving either individual consumers or SMEs**.
  - This aligns well with the aims of this project, which seeks to focus specifically on individual and SME consumers and the ways in which they access ODR tools.
  - This finding affirms that we are on the right track with the questions we are asking and the approach we are taking.

Areas of Law

- The most common function of the tools we analysed were either providing a non-jurisdiction specific service via either a white label platform (27%) or non-legal advice and support functions (11%).
  - **These tools could be applied to any jurisdiction/ area of law** as they are not legal issues specific. Instead, they offer an adaptable platform which can be used to manage any type of DR process.
  - This tells us that **the technology exists to support DR and the provision of technology in this space is not in and of itself a barrier**.
- Otherwise, **Consumer Rights (19%) and Family (15%) were the most common jurisdiction specific platforms.**
  - This finding is not surprising and is supported by previous research which shows consumer and family law to be a particularly saturated area of the market.
  - Despite the higher proportion of segmentation, it is interesting to note that this is not more representation, particularly in the family space. Could this be due to a push to hear from the child more in such processes making ODR tools in such instances less effective? Refer to the DAC's research on a child-centred approach to family court proceedings.
- **Employment is one of the least represented areas of law**, with only one tool covering this area of law specifically.

- This reaffirms our understanding of employment legal issues being underserved in the ODR space.

Type of Dispute Resolution

- Tools analysed covered the full range of dispute resolution approaches.
  - **Most platforms (36%) facilitated conciliation; the second largest segment was platforms that facilitate arbitration (20%).**
- None of the Family focused tools provided a **mediation** service, instead the family tools focused on **conciliation** or dispute prevention.
  - This is surprising given the high percentage of tools which focused on Family issues. This could indicate that Mediation as a process is less conducive to working on through an online platform. It might be worth considering what factors are specific to Mediation that need to be done in person. **This brings up the issue of power imbalances in Family Mediation processes where there is an instance of domestic abuse**.
- **Arbitration** tools were relatively fairly split between target markets: individuals (4) commercial (5) and SMEs (6).
- **Litigation** was not entirely removed from the ODR offering with 13% of platforms including direct facilitation of litigation in their offering, the same percentage as mediation.
- Only **4 tools provided solutions focused on Dispute Prevention**.
  - Considering **the vital importance of early intervention in the dispute resolution process**, it is worth thinking about how this market area could be expanded.

Technology Used

- The most common technology used was **Document and Case Management (39%).** This reflects the high percentage of tools providing a white label platform with standardised technological capability**.**
- **22% of tools utilised AI, particularly with a focus on enabling Document and Letter Assembly** and **Decision Tree/Guided Pathways.**

Monitoring and assessing consumer satisfaction and experience

User Accessibility

- Most tools require the user to complete and submit a form outlining the nature of their complaint, desired outcome, and documentation. For these platforms, a member of the team will then contact users to set up a time to talk through options/next steps.
- The second most common platform type in regards to accessibility allows users to register with basic information (such as name and email address), which will give them free access to a dashboard where they are able to follow along with the proceeding with access to their key data (documents, claims, timelines, personal information, etc.).

User Feedback

- 36% of the platforms had no user feedback available on the website and were not registered with external customer rating service such as Trustpilot.
- All the platforms that included user feedback directly on their website had positive reviews. It is important to keep in mind that this could be due to selective cherry-picking of comments.
- Of the platforms that are listed on Trustpilot (36%), 44% were positive, saying that the platform was easy to use, accessible, straightforward, and helped solve their issue.
  - 33% had negative reviews which ranged from feeling the fee wasn't justified given the desired outcome is not guaranteed, or that the platform was a 'scam' that only sided with the opposing paying member.
 - 22% had mixed reviews.

- On the positive side, some comments on these platforms said that they were easy to use. On the other hand, negative comments were upset that the platform didn't solve their issue, and that they were generally slow to respond or unresponsive entirely.

Awareness and understanding of consumer needs, preferences, and experiences when accessing and navigating ODR tools.
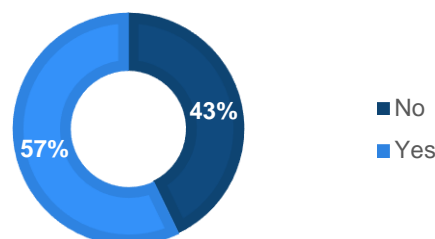
Awareness and implementation

- **A slight majority of respondents (57%) have used or supported clients to use dispute resolution tools.**
  - Of these, **the largest proportion of respondents (38%) used their own dispute resolution tool and processes**.
  - Other are of law specific activity was identified in family, employment, consumer, and other pre action area of social welfare law.
- From the list we provided **63% of respondents were familiar with one or more of the tools.**
- 43% of respondents reported that they did not use or support clients to use any dispute resolution tools or services, **there was a fairly even split across the barriers to implementation.**
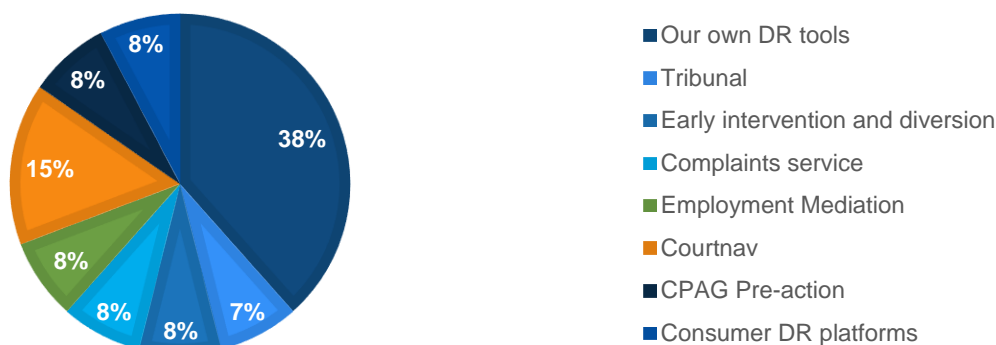

ARE YOU FAMILIAR WITH THESE DISPUTE RESOLUTION TOOLS?

- No
- Yes

37%
63%
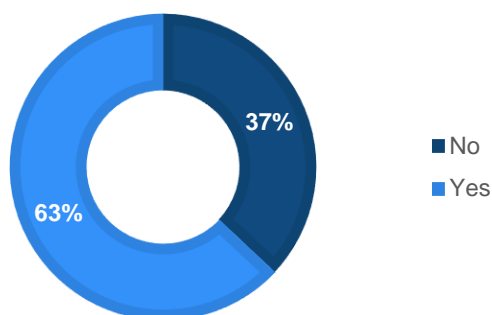
HAVE YOU USED, OR SUPPORTED CLIENTS TO USE DISPUTE RESOLUTION TOOLS OR SERVICES?

- No
- Yes

43%
57%

WHICH DISPUTE RESOLUTION TOOLS OR SERVICES HAVE YOU USED?

- Our own DR tools
- Tribunal
- Early intervention and diversion
- Complaints service
- Employment Mediation
- Courtnav
- CPAG Pre-action
- Consumer DR platforms

38%
7%
8%
8%
8%
15%
8%
8%

User experience

- **Most respondents (69%) had an overall positive experience of the dispute resolution process** with positive comments including that the tools were "easy to use", had enabled "time and resource saving", and had "successfully diverted the issue from court or tribunal".
- **However, only 25% of respondents described positive aspects when referencing specific ODR tools**.
  - However, these descriptors did include the tools being "Helpful", "User friendly", "achieving the desired results", and "Well supported".
- Of the **75% of respondents who had a negative experience**, some specific challenges include:
  - The tool was difficult for vulnerable users to use,
  - There was no response to requests for additional support from the tool provider,
  - Users needed additional advice and support to progress resolution, and
  - There was not enough guidance provided to enable use of the tool.
- There is **a gap in the DR market where tools that address certain issues need to be developed**.
  - This is specifically true of issues around **immigration and asylum**. One respondent reported that immigration and asylum seekers require bespoke services to fit their needs, however, no such service is currently available for the destitute asylum seekers appealing to the First Tier Tribunal, Asylum Support.
- **One of the key barriers to using DR tools is that they are not always conducive to being used by clients with disabilities, protected characteristics, or other vulnerabilities.**
  - One respondent spoke to the issue of users being excluded due to marginalization and/or case complexity highlighting that **ODR tools may not be programmed with a holistic understanding of user needs and experiences.**
  - One comment cautioned that non-caseworker tools would currently only be advisable for a small minority of clients due to client disabilities and vulnerabilities. Another flagged that the nature of certain client issues requires the use of more specific, bespoke tools, as in the case of immigration and asylum disputes.

WHY HAVE YOU NOT USED DISPUTE RESOUTION TOOLS OR SERVICES?

- Not an appropriate option at point of contact
- User requires support to access and resolve
- Users excluded due to marginalisation
- No option available for jurisdiction
- Not available as part of blended model
- Options still focus on contentious resolution
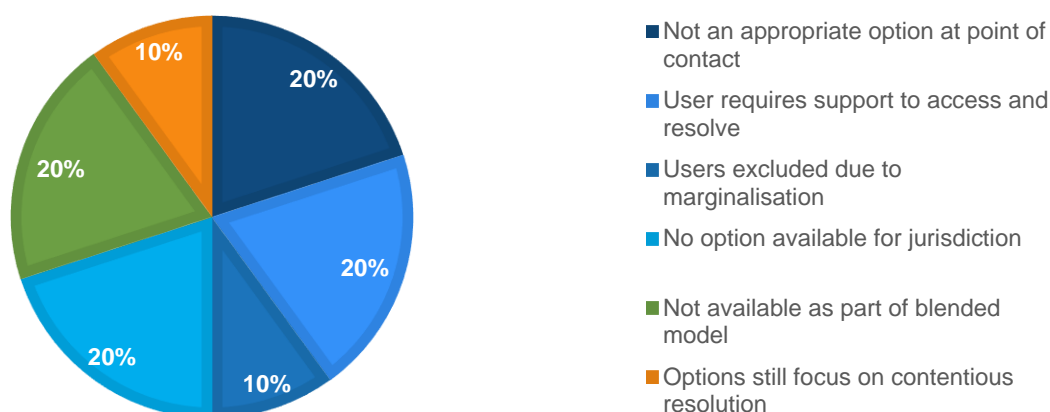
Suitability and accessibility

- In order to increase their overall use and accessibility, **it is vital that DR tools are developed in a user centred manner. DR tools and services must be easy to use and navigate, and they must be inclusive to users experiencing marginalization,** including those with disabilities and who have other protected characteristics.

- Despite the clear benefits to both users and advisers in utilising ODR platforms, **users still require some level of additional support** in identifying or navigating the tool, process, and/or outcome.
    - o This sentiment was echoed by the 20% of respondents who do not currently use ODR because they are not comfortable relying solely on online services.
    - o However, most also recorded that **with some support, the client was often able to use the service on their own as well as understand the resolution outcome.**
- There is promise in the development of accessible online dispute resolution services. **To do this effectively, we need to increase provision that is accessible and applicable to people and communities with unmet legal need.**
    - o When asked if they would consider using tools from the list in their work in the future, **25% of respondents said that they would in the hopes that it would increase their ability to meet demand**.
    - o Other affirmative responses included expressing interest and openness to **signposting** to relevant tools or services.
    - o On the other hand, some respondents expressed **concern over being able to afford paying for services** while others were **cautious about using AI and ensuring a quality standard.**
        - To address this **issue of trust**, we need to ensure quality standards and regulation for ODR tools and services.