Access to Justice software development, Participatory Action Research Methods and Researching the Lived Experiences of British Military Veterans

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Abstract

Participatory action research (PAR) methods aim to position the people who are most affected by the issue being studied as equal partners in the research process through a cyclical process of data gathering, data analysis, planning and implementing action and evaluation and reflection. In doing so, it ensures that the research better reflects participants' ideas, priorities, and needs, thereby enhancing its validity and relevance and the support for the findings and proposed changes. Furthermore, it generates immediately applicable results. In this paper, we reflect on our experiences of developing the UK's first access to justice platform for veterans and their families through an ongoing PAR project that brought together armed forces veterans, representatives from veterans' service providers, and the Veterans Legal Link team members comprising of legal academics, lawyers, sociologists, computer software designers and graphic designers to collect, interpret, and apply community information to address issues related to the delivery of access to justice. We present findings from Stages 1 and 2 of our three-stage iterative research process which includes the following steps: Understanding and cross-checking the lived experience of the veteran community (Stage 1), developing and testing a prototype of the access to justice platform (Stage 2) and creating the final product and giving real users an opportunity to use the platform (Stage 3). Data collection and analysis from Stage 1 of the study informed the themes that underpinned Stage 2. Specifically, data was collected through the following methods: co-facilitated focus group discussions, a web survey that was codesigned with veteran community stakeholders and remote and digitally enabled ethnographic research methods. We include several reflections that may help legal practitioners and researchers interested in applying PAR within the area of access to justice and the field of legal research.

1. Introduction

As a form of applied research, participatory action research (PAR)[1] has been used extensively in many disciplines however it is comparatively rare in the field of law[2] and even less common in the area of access to justice research.[3] In this paper, we reflect on our experiences of developing the UK's first access to justice platform for veterans (former members of the British Armed forces who served for at least one day[4]) and their families through an ongoing PAR project that brought together armed forces veterans, representatives from veterans' service providers, and the Veterans Legal Link (VLL) team members comprising of legal academics, lawyers, sociologists, computer software designers and graphic designers to collect, interpret, and apply community information to address issues related to the delivery of access to justice. In doing so, our aims were to contribute to the small but growing literature on PAR in the field of law and to demonstrate the usefulness of PAR methodology to access to justice research projects. This Article proceeds as follows. Section 2 introduces the wider VLL project which had a catalytic and spin-off effect on the access to justice platform project thereby serving as a prelude to the subsequent sections. In Section 3, we unpack the methodological and epistemological foundations of PAR, discuss the origins of PAR and compare PAR and

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[1] For relevant works see WF Whyte, DJ Greenwood and P Lazes, 'Participatory action research: Through practice to science in social research' in WF Whyte (ed.), *Participatory Action Research* (Sage 1991) 19; AE Brodsky and EA Welsh, 'Applied Research' in LM Given (ed.), *The Sage Encyclopedia of Qualitative Research Methods* (Sage 2008) Vol. 1, 17.

[2] See PJ Bentley, M Gulbrandsen and S Kyvik, 'The relationship between basic and applied research in universities' (2015) 70(4) Higher Education 689, 700; for relevant examples see EMS Houh and K Kalsen 'It's critical: Legal participatory action research' (2014) 19 Michigan Journal of Race & Law, 287; J Moore, M Sandys and R Jayadev, 'Make Them Hear You: Participatory Defense and the Struggle for Criminal Justice Reform' (2014) 78 Albany Law Review 1281; E Rosario-Moore and A Rosario-Moore, 'From the Ground Up: Criminal Law Education for Communities Most Affected by Mass Incarceration' (2016) 23 Clinical Law Review 753.; AA Akbar, SM Ashar and J Simonson, 'Movement Law' (2021) 73(4)Stanford Law Review 821.

[3] See e.g. Y Maker, J Offergeld and A Arstein-Kerslake, 'Disability Human Rights Clinics as a model for teaching Participatory International Human Rights Lawyering' (2018) Int'l J. Clinical Legal Educ. 23, 46; MA Moss, 'The Escambia Project: An Experiment in Community-Designed Justice' (2020) 36 (3) Design Issues, 45.

[4] See e.g. H Burdett, C Woodhead, AC Iversen, S Wessely, C Dandeker, NT Fear '"Are you a veteran?" Understanding of the term "veteran" among UK ex-service personnel: A research note' (2013) 39(4) Armed Forces & Society 752.

conventional research[5] thereby providing the groundwork for Section 4. In Section 4, we present findings from Stages 1 and 2 of our three-stage iterative research process which incorporates the following steps: Understanding and cross-checking the lived experience of the veteran community (Stage 1), developing and testing a prototype of the access to justice platform (Stage 2) and creating the final product and giving users an opportunity to use the platform (Stage 3). As elaborated in more detail below, data collection and analysis from Stage 1 of the study informed the themes that underpinned Stage 2. Specifically, data was collected through the following methods: co-facilitated focus group discussions, a web survey that was codesigned with veteran community stakeholders and remote and digitally enabled ethnographic research methods. Finally, in Section 5, we discuss the benefits and challenges of PAR, while also offering several reflections that may help legal practitioners and researchers interested in applying PAR within the area of access to justice and the field of legal research.

2. The Veterans Legal Link project

The Veterans Legal Link (VLL) project is an access to justice project that provides free legal advice services and professional signposting for veterans and their families. The VLL's services were accessible through the use of drop-in centres across Wales, as well as being accessible via phone and email. The VLL's services are available to any British military or blue-light veterans and their families. The VLL grew out of the Principal Investigator's research interests and was established in 2015 in response to the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). LASPO was introduced as part of the government's programme of spending cuts to achieve significant savings to the legal aid

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[5] For a detailed comparison between PAR and conventional research see A Cornwall and R Jewkes 'What is participatory research?' (1995) 41(12) Social Science Methodology 1667. See also R Chambers 'The Origins and Practice of Participatory Rural Appraisal' (1994) 22 (7) World Development, 953.

budget. However, LASPO has had a disproportionate impact on veterans and other vulnerable populations. For instance, the Amnesty International report "Cuts that Hurt"[6] observed that LASPO has had an unequal impact on people with additional vulnerabilities and or disadvantages that make accessing, navigating and understanding the legal process harder. This includes those with mental illnesses, low numeracy and literacy levels, and alcohol and drug conditions.[7]

The VLL project had been in existence for six years—the minimum recommended number for a long-standing academic-community partnership[8]. In 2019, we conducted a usability evaluation (as there was a continuing trend of our service users accessing our service through routes other than the drop-in centres) to better understand VLL's service users and their needs and discovered that only 30% of the service users were accessing the service via the drop-in clinics. This presented the VLL with an opportunity to begin research into the optimal mode of delivery for the service on an ongoing basis. This started our journey using PAR as our methodology in order to, "make sure the questions asked and methods used do justice to the pressing issues at hand, the richness of participant knowledge and local views about the matters under investigation."[9] The first phase study involved understanding and cross-checking the lived experience of the veteran community. We carried out an initial consultation in July 2019 with multiple veteran organisations and the wider veterans' community to better understand their lived experience when accessing services and the wider needs of the community (addressed in greater detail in section 4 on the research process). The initial consultation indicated a need for an additional complementary online provision for the delivery of the

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[6] Amnesty International, *Cuts that hurt: the impact of legal aid cuts in England on access to justice* (2016). Available at: https://www.amnesty.org.uk/files/aiuk_legal_aid_report.pdf

[7] ibid 4.

[8] BL Brush et al. 'Success in Long-Standing Community-Based Participatory Research (CBPR) Partnerships: A Scoping Literature Review' (2020) 47(4) Health education & behavior 556.

[9] JM Chevalier, M Jacques and DJ Buckles. *Participatory Action Research: Theory and Methods for Engaged Inquiry* (Taylor & Francis Group 2013), 5.

VLL's services. This crystallized into the access to justice platform project. Phase 2 involved the creation of an online mobile and web-based portal for the delivery of the service and was greeted with enthusiasm and positivity by the veterans and organisations consulted in the initial stage.

The access to justice platform project was led by the VLL and guided by a steering group composed of armed forces veterans, representatives from veterans' service providers (both public and private) and veteran organisations. The Veterans Legal Link (VLL) team was comprised of legal academics, lawyers, sociologists, computer software designers and graphic designers and aimed to collect, interpret, and apply community information to address issues related to the delivery of access to justice. From its very beginnings, the research methodology into the veterans, community was firmly rooted in the PAR approach.

3. Participatory Action Research (PAR)

PAR encapsulates an epistemological position[10], a research methodology,[11] and a process for collaborative social action.[12] Emerging from Lewin's development of the Action Research methodology in the 1940s and 1950s and influenced by several intellectual traditions including interpretivism/constructivism[13] and critical theories[14], PAR aims to challenge power dynamics in conventional research methods by critically assessing the researcher-researched relationship

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[10] See P Freire, *Pedagogy of the oppressed* (Bloomsbury 2018); O Fals Borda, *Knowledge and people's power: Lessons with peasants in Nicaragua, Mexico and Colombia* (New Horizons Press 1988).

[11] See C MacDonald, 'Understanding participatory action research: A qualitative research methodology option' (2012) 13(2) The Canadian Journal of Action Research 34.

[12] See TE Benjamin-Thomas, AM Corrado, C McGrath, DL Rudman and C Hand, 'Working Towards the Promise of Participatory Action Research: Learning From Ageing Research Exemplars' (2018) International Journal of Qualitative Methods https://doi.org/10.1177/1609406918817953.

[13] See IP Canlas and M Karpudewan, 'Blending the Principles of Participatory Action Research Approach and Elements of Grounded Theory in a Disaster Risk Reduction Education Case Study' (2020) International Journal of Qualitative Methods https://doi.org/10.1177/1609406920958964; PJ Kelly, 'Practical suggestions for community interventions using participatory action research' (2005) 22 (1) Public health nursing 65.

[14] See F Baum, C MacDougall and D Smith, 'Participatory action research' (2006) 60 (10) Journal of epidemiology and community health 854.

and valuing lived experience and local knowledge[15]. A wide variety of definitions of PAR have been proposed, but the definition suggested by the Institute of Development Studies most closely resonates with our understanding of PAR:

> PAR focuses on social change that promotes democracy and challenges inequality; is context-specific, often targeted on the needs of a particular group; is an iterative cycle of research, action and reflection; and often seeks to 'liberate' participants to have a greater awareness of their situation in order to take action".[16]

One of the aims of our study was to challenge the inequality in access to justice for veterans and their families living on a low income in rural and remote communities of the UK. We employed an iterative methodology[17] underpinned by a continuous cycle of data gathering, data analysis, formulation of an action plan, implementation of the action plan and evaluation (Figure 1).

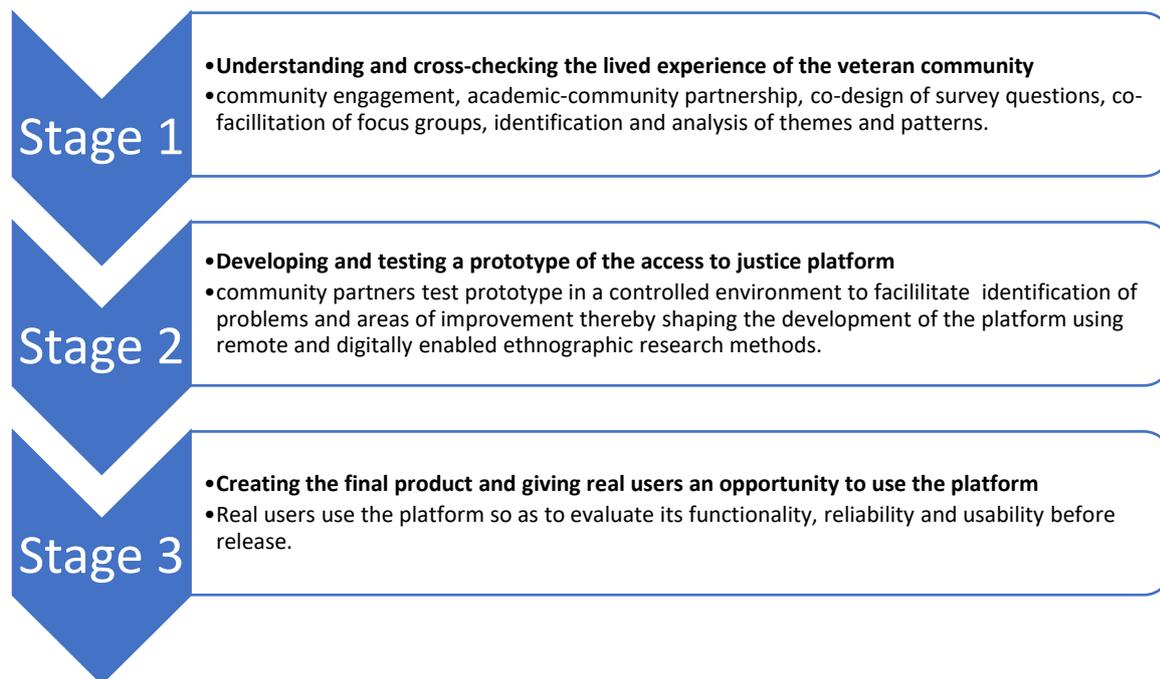**Figure 1: Action research cycle**

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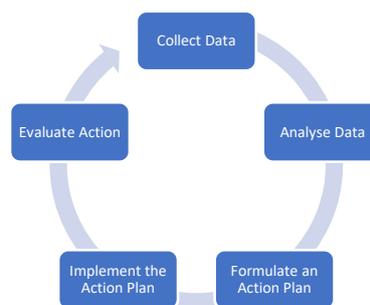
[15] See R Chambers, *Rural apprasial: rapid, relaxed and participatory* (Institute of Development Studies (UK) 1992) 311.

[16] Institute of Development Studies, 'Glossary' (2018) Participatory Methods (Online), , https://www.participatorymethods.org/glossary/participatory-action-research [Accessed 25 January 2022]

[17] See e.g. S Kemmis and R McTaggart, *The Action Research Planner* (Deakin University Press.1988).

Moreover, through the project steering group, composed of academic researchers and community partners, our PAR approach incorporated continuous dialogue, relationship building and active and genuine participation of veteran community stakeholders in the research process and thus had a liberating effect on them.[18] In addition, as "there is no one way to implement PAR"[19] we elected to use co-facilitated focus group discussions, a web survey that was codesigned with veteran community stakeholders and remote and digitally enabled ethnographic research methods to undertake our research at the appropriate phases (outlined in Figure 2). With the onset of Covid-19 it was particularly important to use a digitally enabled method for phase 2.

Figure 2: A three-stage iterative process for developing the access to justice platform

Stage 1
- **Understanding and cross-checking the lived experience of the veteran community**
- community engagement, academic-community partnership, co-design of survey questions, co-facillitation of focus groups, identification and analysis of themes and patterns.

Stage 2
- **Developing and testing a prototype of the access to justice platform**
- community partners test prototype in a controlled environment to facillitate identification of problems and areas of improvement thereby shaping the development of the platform using remote and digitally enabled ethnographic research methods.

Stage 3
- **Creating the final product and giving real users an opportunity to use the platform**
- Real users use the platform so as to evaluate its functionality, reliability and usability before release.

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[18] K Lewin, 'Action research and minority problems' (1946) 46 J. Soc. Issues 34; P Freire, *Pedagogy of the Oppressed* (1968. Trans. Myra Bergman Ramos. New York: Herder 1972).
[19] GW White, M Suchowierska and M Campbell, 'Developing and systematically implementing participatory action research' (2004) 85 Archives of physical medicine and rehabilitation, 3.

Drawing on the experiences of researchers from other disciplines, it is evident that PAR as a method of research has both benefits and challenges, like all research methods. The strength of PAR as a research methodology stems from various aspects that, within the context of the research we are conducting, produces knowledge that can be applied directly to the local context and to democratise the coproduction of knowledge by collaborating with those most directly affected by the research.[20] The veterans' community, particularly in Wales (the primary geographic region of VLL service users), is characterised by few major metropolitan centres however most of the population live in rural, geographically isolated and lower income areas.[21] As a result, the local knowledge is essential to accurate understanding of problems and the development of effective interventions best suited to provide access to justice for an underrepresented community group and by engaging them through participation in the research process the resulting knowledge is embedded in local contexts.[22] Furthermore, by engaging with the veterans' community in a participatory way we were able to "ensure the relevancy of research questions; increase the capacity of data collection, analysis, and interpretation… and enhance program recruitment, sustainability, and extension".[23] This approach also provided a means for engendering trust[24] and building of community relationships with a community that has a deep mistrust of civilians[25] (discussed in greater detail in section 5.1.2 Ensure ecological

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[20] See e.g. M Brydon-Miller, D Greenwood and P Maguire. 'Why Action Research?' 2003 1(1) Action Research, 9; Shortall, 'Participatory action research' in R Miller and J Brewer (eds.), *The AZ of social research* (Sage, 2003), 225.

[21] This is consistent with the view that PAR involves collaborating with individuals from marginalised groups for emancipatory aims see e.g. D Greenwood and M Levin, *Introduction to Action Research: social research for social change* (Sage 2007).

[22] See JN Hughes, 'Commentary: Participatory action research leads to sustainable school and community improvement' (2003) 32(1) School Psychology Review, 39.

[23] J Jagosh, AC Macaulay, P Pluye, JON Salsberg, PL Bush, JIM Henderson, et al., 'Uncovering the benefits of participatory research: implications of a realist review for health research and practice' (2012) 90 (2) The Milbank Quarterly, 311, 312.

[24] C Lenette, N Stavropoulou, C Nunn, ST Kong, T Cook, K Coddington and S Banks, 'Brushed under the carpet: Examining the complexities of participatory research' (2019) 3(2) Research for All, 166.

[25] JD Brewer and S Herron, *Understanding 'Negative Transitioning' in British Ex-Service Personnel* (Queen's University Belfast, 2022).Available at https://www.fim-trust.org/wp-content/uploads/QUB-Negative-Transition-FINAL.pdf

and cultural sensitivity in data gathering).[26] On the other hand, the challenges posed by PAR included participant recruitment particularly when carried out online[27] and the desire for a high level of community involvement.[28] Through our study, we saw first-hand some of the above-mentioned benefits and challenges and discuss them in more detail later.

4. The Research Process

In this paper we reflect on an access to justice platform project which originated from the VLL, a well-established partnership between academics and community partners. At the outset, we should point out that our research project is still ongoing and hence, we present findings from Stages 1 and 2 of our three-stage iterative research process. Data collection and analysis from Stage 1 of the study informed the themes that underpinned Stage 2. Throughout the lifetime of the project, and since its inception, ethics approval for the overall VLL project and for the specific research activities have been granted through Aberystwyth Universities Ethics Board.

In phase 1, data was collected through a combination of co-facilitated focus groups and a web survey. In collaboration with existing community partners we conducted Focus Group Discussions (FGD), we used convenience sampling to generate a heterogeneous sample of veterans (older and younger, men and women, service users and service providers, individuals with varying degrees of technical literacy and geographic regions (North, South, East and West)) and sent participants a copy of the information sheet and a consent form by email. Furthermore, in line with PAR methodology, we chose FGDs over group interviews, as this enabled us as academic researchers to take a peripheral rather than a centre-stage role in the

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[26] M Hoffman, 'Between Order and Execution: A Phenomenological Approach to the Role of Relationships in Military Culture' (2020) 6(3) Journal of Veterans Studies, 72.
[27] KK O'Brien, 'Considerations for conducting Web-based survey research with people living with human immunodeficiency virus using a community-based participatory approach' (2014) 16 (3) Journal of medical Internet research e81. 13, doi:10.2196/jmir.3064.
[28] M Viswanathan and others, 'Community-based participatory research: Assessing the evidence: Summary' in *AHRQ Evidence Report Summaries* (Agency for Healthcare Research and Quality (US) 2004). Available from: https://www.ncbi.nlm.nih.gov/books/NBK11852/

focus group discussions.[29] In doing so, our aim was to facilitate group discussions between veteran participants and not to conduct group interviews.[30] Five focus groups were conducted with between 5-10 participants and aimed to collect data surrounding the following themes, veterans use of technology, barriers to accessing online services, perspectives and utility of current services and additional unmet needs for the veteran community. The focus group participants were recruited from the steering groups' service users and were co-facilitated by their organisations (RBL and Change Step) in conjunction with VLL. The co-facilitation was needed due to the high levels of mistrust among veterans towards civilians and were held both digitally (4) and in-person (1). Following Breen's recommendations[31], we devoted the lion's share of our discussion time to probing participants' experiences of using technology and accessing online services, asking them to share and compare their experiences, and discussing the extent to which they agree or disagree with each other. It was not until the final third of the focus groups that we explicitly asked the following questions and facilitated discussion on the topics:

- How do participants use technology currently?;

- What are the barriers to accessing online services?;

- What is the response to a proposed enhanced online access to justice portal and online services?; and

- What other services participants might find useful?

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[29] TO Nyumba, K Wilson, CJ Derrick and N Mukherjee, 'The use of focus group discussion methodology: Insights from two decades of application in conservation' (2018) 9(1) Methods in Ecology and evolution, 20.
[30] M Bloor, J Frankland, M Thomas and K Robson, *Focus groups in social research* (Sage 2001).
[31] RL Breen, 'A practical guide to focus-group research' (2006) 30(3) Journal of geography in higher education, 463.

To triangulate and ensure the credibility of the themes from the focus groups two subtypes of closed-ended survey questions, that is Yes/No questions and Likert Scale Multiple Choice Questions (i.e. not important, somewhat important, somewhat useful, very useful) were developed to survey a broader, nationwide sample of veterans.[32] The questions for the survey revolved around the themes that emerged from the focus groups: current provision of access to justice for veterans, preferences in means of accessing legal services and features of an online service that would be most valuable for veterans accessing an online portal to facilitate access to justice. The survey questionnaire was co-designed with the steering group and representatives from VLL partner organisations. Furthermore, we added open-ended questions to the survey questionnaire and developed them in such a way as to give respondents the freedom to give their opinion in their own words thereby adding authenticity, diversity of responses, nuances in opinions and depth and context to the results.[33] These open-ended questions were the following:

- What encourages you to trust a website or mobile app?,

- What other features would you like to see from a free legal advice website or mobile app?; And

- What's your favourite website, and why?.

Our aim in undertaking the survey was to confirm our reflections and observations from the results obtained from the convenience sample of VLL's partnering organisations for the focus groups. The method of recruitment for survey participants included both snowball sampling via partner organisations and social media recruitment of the broader community of

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[32] S Roopa and MS Rani, 'Questionnaire designing for a survey' (2012) 46(4_suppl1) Journal of Indian Orthodontic Society, 273.
[33] DA Dillman, JD Smyth and LM Christian, *Internet, phone, mail, and mixed-mode surveys: the tailored design method* (John Wiley & Sons 2014).

veterans in order to reduce selection bias and increase representativeness. Notably, the survey instrument was hosted using JISC Online Surveys (formally Bristol Online Survey). It was decided to distribute the survey via two social media platforms Facebook and LinkedIn. We chose Facebook as it is arguably one of the world's most widely used social media platforms[34] and therefore offers the opportunity to engage and recruit populations traditionally underrepresented in research such as veterans.[35] The procedure was different for each of the platforms. For the distribution of the survey via Facebook we used paid advertising targeted at veterans' communities. The interests that were targeted were individuals with military interests (Royal Air Force, British Armed Forces, Army, Veterans, Marines, Navy, Parachute Regiment (United Kingdom), Support The British Army). The adverts were promoted on side panels and appeared in individuals' news feeds on their home page. The adverts briefly described the study and included a link to the online survey to click through to the online JISC survey. On the other hand, for the distribution of the survey link via LinkedIn, a post was created and posted to the Veterans Legal Link LinkedIn project page that included a brief description of the research and a link to the JISC survey. The approach for the distribution of the survey link was organic without paid advertising. The LinkedIn platform allows for the creation of interest and group pages. Pages and groups to post the survey in were identified by searching the groups using the terms British Army, UK Veterans, RAF, Royal Air Force, and British Marines. We selected eight groups based on membership size (1,000+) to promote the co-designed survey. The post that was created for the VLL's project page was posted on the identified group and interest pages. Additionally, colleagues promoted the post on their own personal LinkedIn feeds. We observed that interactivity (i.e. likes, comments, shares and reactions) helped to build interest in our research and enhanced its credibility and that this ultimately led to an increase in the

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[34] S Alhabash and M Ma, 'A Tale of Four Platforms: Motivations and Uses of Facebook, Twitter, Instagram, and Snapchat Among College Students?' (2017) *Social Media + Society* https://doi.org/10.1177/2056305117691544
[35] ER Pedersen et al., 'Using facebook to recruit young adult veterans: online mental health research' (2015) 4(2) JMIR research protocols e63.

number of participants. The total number of surveys completed through the duration of the survey was 1169, of which 528 were valid responses (discussed in section 5.2.1 Deception by online survey participants).

Furthermore, we used NVivo 12 software for the inductive coding, analysis and interpretation of the open-ended survey question data and followed the following six-step thematic framework recommended by Braun and Clarke[36] to review critically the data and to develop themes:

1. Become familiar with the data

2. Generate initial codes,

3. Search for themes,

4. Review themes,

5. Define and name themes,

6. Produce the report

In addition, intercoder reliability was ensured as two different academic researchers coded the same dataset.[37] After several runs between coders, an intercoder agreement of 100% was eventually achieved for codes and their meanings. Following the analysis of the survey the results were taken back to the steering group in line with Lincoln & Guba's member checking process.[38] The results were consistent with the original focus groups aims and confirmed the reliability and credibility of our findings and interpretations with veteran participants. The

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[36] V Braun and V Clarke, 'Using thematic analysis in psychology' (2006) 3(2) Qualitative research in psychology 77.
[37] C O'Connor and H Joffe, 'Intercoder reliability in qualitative research: debates and practical guidelines' (2020) 19 International Journal of Qualitative Methods 1.
[38] YS Lincoln and EG Guba, E. G, *Naturalistic inquiry* (Sage 1985).

robust analysis of data ensured that our study remained credible and that the data could be used to inform and develop the evidence base for the subsequent prototype development.

The insights gathered from Stage 1 informed the action plans for Stage 2 (Developing a prototype of the access to justice platform) of the research that revolves around the development of an online platform to facilitate access to justice for veterans and their families. In order to address and "change [the] social reality"[39] and advance the goals of the VLL a product development map was created[40], inherent within this was the need for a formalised gap analysis and scoping exercise to create a platform development team composed of a web project manager and software designer. Having developed a profound understanding of the lived experiences of end-users of the platform, Stage 2 of our study involved translating these insights into an interactive computer-based prototype. We needed to adapt our research to remote data collection methods due to the Covid-19 pandemic and hence we used remote and digitally enabled ethnographic research methods. This was achieved through the use of "so-called smart devices, e.g., smartphones, tablets and computers, that facilitate[ed] work and enable[d] the understanding of cultural patterns in digital or physical spaces, or in a hybrid intertwining of both digital and physical realm".[41] Specifically, in order to capture qualitative experience data, we used the screen sharing in Microsoft Teams to observe the users experience, interact synchronously with users and interview users in real-time.[42] Remote and digitally enabled ethnographic research methods thus provided us with a realistic user

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[39] J Bergold and S Thomas. 'Participatory Research Methods: A Methodological Approach in Motion' (2012) 37(4) Historical Social Research / Historische Sozialforschung 191.

[40] A Liem and EBN Sanders, 'The impact of human-centred design workshops in strategic design projects' in M Kurosu (ed.), *International Conference on Human Centered Design* (Springer, 2011), 110;.AR Lyon, SK Brewer and PA Areán, 'Leveraging human-centered design to implement modern psychological science: Return on an early investment' (2020) 75(8) American Psychologist, 1067. http://dx.doi.org/10.1037/amp0000652

[41] D Podjed, 'Renewal of Ethnography in the Time of the COVID-19 Crisis' (2021) 59(1) Sociology & Space 270.

[42] J Black and M Abrams, 'Remote Usability Testing' in K Norman and J Kirakowski (eds.), *The Wiley Handbook of Human Computer Interaction Set* (John Wiley & Sons 2017) 277; J English and L Rampoldi-Hnilo, 'Remote contextual inquiry: A technique to improve enterprise software' in *Proceedings of the Human Factors and Ergonomics Society Annual Meeting* (Sage 2004) 48 (13) 1483.

environment for conducting prototype testing with users. Participants of this stage of the research were provided detailed information sheets and informed consent with a variety of options to address security and privacy concerns such as the ability to op-in/out of screen sharing, allowing them to opt for a camera off session and to not have the sessions recorded. All of the participants in this stage agreed to screen sharing, camera on, and to have the sessions recorded.

5. Reflections on the application of PAR for the development of an access to justice platform

In the following subsections, we reflect on some of the benefits that accrued from our efforts to apply PAR for the development of an access to justice platform. These benefits are as follows: enhance recruitment capacity, ensure ecological and cultural sensitivity in data gathering and instrumental benefits. On the other hand, we also reflect on the following challenges that we faced as legal academics engaging in a sustained PAR project: deception by online survey participants and involvement of community stakeholders in some but not all phases of the research process.

5.1. Benefits

5.1.1. Enhance recruitment capacity

One of the benefits of PAR is partnership synergy, that is the "combined effect of complementary tangible and intangible partnership assets and enabling processes that gives partnerships unique advantages over the work of individual people or organizations working

towards the same goals".[43] Notably, in our project, recruitment of community members to the steering group was accelerated by the fact that academic-community partners had a long-standing relationship dating back more than 6 years via the VLL project. Thus, existing partners who were representatives of respected veteran community organisations readily accepted the invitation to join the project steering group and hence actively participated in meetings and were strong believers in the project's benefits for the communities they served. Furthermore, from a synergistic perspective, the fact that the project had forged strong links with respected and trusted veterans' community organisations proved critical in the recruitment of additional community representatives to the steering group and the recruitment of veteran participants into our research. Thus, the involvement of community partners enhanced the credibility of the project, increased trust and reduced barriers to recruitment.

5.1.2. Ensure ecological and cultural sensitivity in data gathering

As civilian academic researchers, we were conscious of the fact that for many veterans transitioning from service in the armed forces to civilian life, developing trusting relationships with "civilian outsiders" could be a difficult proposition, as the military is a close-knit community.[44] In our project, through their familiarity with and sensitivity to access to justice issues, veteran community partners who were members of the project steering group were able to ensure ecological and cultural sensitivity in data gathering. Specifically, they contributed invaluable knowledge of the veterans' community by recruiting underrepresented veteran participants and explaining the aims of the project and the involvement of civilian university

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[43] E Loban, C Scott, V Lewis, S Law and J Haggerty, 'Activating Partnership Assets to Produce Synergy in Primary Health Care: A Mixed Methods Study' in *Healthcare* (Multidisciplinary Digital Publishing Institute 2021) 9 (8) 1060, 1064.
[44] M Hoffman, 'Between Order and Execution: A Phenomenological Approach to the Role of Relationships in Military Culture' (2020) 6(3) Journal of Veterans Studies 72.

academic researchers to veteran community members. They were also involved in the development of survey questions and co-facilitated all the focus groups. For example, the fact that the total number of valid surveys completed through the duration of our survey was 528 serves as evidence for the cultural acceptability of the survey[45]. Thus, the contribution of veteran community partners was critical to the acceptability and validity of our research.

5.1.3. Instrumental benefits

According to Hagan "[m]ost access-to-justice technologies are designed by lawyers and reflect lawyers' perspectives on what people need. Hence it is not surprising that most of these technologies do not fulfil their promise because the people they are designed to serve do not use them".[46] Our own experience of applying PAR to the generation of ideas for the development of an access to justice platform validates Hagan's statement. It was apparent from our research that veterans were acutely aware of problems with the existing approach to delivering access to justice and as "experts by experience" including them in key phases of the research process helped to facilitate new concept generation for the design and development of the access to justice platform. This collaborative approach has direct implications for the acceptability, uptake and adoption of the platform by veteran end users as the platform is more likely to meet their expectations and requirements. However, as mentioned above, we have completed Stages 1 and 2 of our three-stage iterative research process which comprises the following steps: Understanding and cross-checking the lived experience of the veteran community (Stage 1), developing and testing a prototype of the access to justice platform (Stage 2) and creating the final product and giving real users an opportunity to use the platform

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[45] We conducted a qualitative analysis of the survey results however were we to have done a quantitative statistical analysis of the data the sample size would have represented a 99% confidence level with between a 5-6% margin of error.
[46] M Hagan, M 'Participatory design for innovation in access to justice' (2019) 148(1) Daedalus 120.

(Stage 3); and hence it is too early to draw any conclusions about the impact of PAR on the uptake and adoption of the access to justice platform.

5.2. Challenges

5.2.1. Deception by online survey participants

The misrepresentation of survey participants who were eligible to take part in our research was one of the major challenges that we faced within the context of this project. We should first point out that the COVID-19 pandemic forced us to move from what had initially been designed as an in-person survey where the interviewer is physically present to ask the survey questions and to assist the respondent in answering, to an online survey where there is no interviewer present. Although online surveys provide valuable benefits to researchers[47], they are not without limitations as we found out first-hand. Based on our own experience, the benefits of online surveys include the following: ease of capturing open-ended comments, reach and scalability, relatively low cost of administration, speed of distribution, reach and ease of data entry and analysis and the ability to reach sample members who are difficult to reach by other means; and this has been confirmed in the extant literature.[48] On the other hand, one of the main challenges we faced whilst conducting our survey was deceptive practices by participants. These practices were the provision of duplicate responses and misrepresentation of eligibility criteria both of which can be attributed to our decision to offer incentives and the anonymity intrinsic to online surveys; and this is consistent with the existing literature on online surveys.[49]

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[47] See e.g. D Andrews, B Nonnecke and J Preece, 'Electronic survey methodology: A case study in reaching hard-to-involve internet users' (2003) 16(2) International Journal of Human Computer Interaction, 185; J McPeake, M Bateson and A O'Neill, 'Electronic surveys: how to maximise success' (2014) 21(3) Nurse Researcher, 24.

[48] HL Ball, 'Conducting Online Surveys' (2019) 35(3) Journal of Human Lactation 413; RE Joel and A Mathur, 'The value of online surveys' (2005) 15(2) Internet Research 195.

[49] HF Lynch, S Joffe, H Thirumurthy, D Xie and EA Largent 'Association between financial incentives and participant deception about study eligibility' (2019) 2(1) JAMA network open e187355; R Pozzar et al., 'Threats of bots and other bad actors to data quality following research participant recruitment through social media: Cross-

Notably, we offered an option to be included in a drawing of five £20 Amazon gift card as an inducement to participate. This incentive was advertised within the social media postings on both our LinkedIn and Facebook platforms. This, we suspect, was the main motivation for non-eligible participants to complete the survey to obtain the financial incentive. This became a larger problem when it became apparent that not only were we receiving individual non-eligible responses but that some respondents were "spamming" (repeatedly filling out the survey) responses. The phenomena of receiving spam responses took several days from the launch of the survey to begin taking place and several additional days for it to be identified that these were potentially mis-represented responses to the questionnaire. Several aspects of the responses constituted a cause for concern. These included the following. First, some of the free text responses that were being received were in languages other than English or with grammatical structures that suggested a non-native English speaker. While this for some surveys may not be indicative of invalid responses, this questionnaire was intended for ex-forces personnel who served in the British armed forces whose language proficiency in English would either be to a native level or a Common European Framework of Reference (CERF) A1 level. Second, surveys were completed in succession over a period of time as indicated by the time stamp for the submission or were completed (from start to finish) in an unbelievably short amount of time, much faster than average reading speeds for the amount of text in the survey. And third, there were duplicated or suspiciously similar responses across the questions as JISC Online Surveys do not prevent a survey from being completed many times on the same computer or from the same IP address unless survey access control is utilised. All of these posed threats to sample validity and data integrity. Therefore, in order to identify and minimize misrepresentation by participants seeking enrolment in our online survey thereby enabling

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sectional questionnaire'. (2020) 22(10) Journal of medical Internet research e23021; J Bohannon, 'SCIENTIFIC INTEGRITY: Survey fraud test sparks battle' (2016) 351 Science 6277.

veterans to make their voices heard we used the following combination of strategies recommended in the literature: technical/software strategies and data analytic strategies. With regard to the former, we analysed the dataset to identify unusual or unexpected completion patterns. For example, we found that some respondents were completing the total survey of 18 items and 6 sub-items in 3 minutes or less, whereas the majority of respondents required 6 minutes. In terms of the latter, we determined if data from the sample of respondents who were suspected of misrepresenting their eligibility, differed significantly from the rest of the study sample or if results of the study were substantially different when either including or excluding their data from analyses.[50] Once identified suspected fraudulent results were removed from the sample, leaving 528 survey responses. These responses were the sample that informed the next phase of the PAR cycle.

5.2.2. *Involvement of community stakeholders in some but not all phases of the research process*

Ideally, PAR calls for the active involvement of community stakeholders as equal partners *in all phases of the research process* from defining relevant research questions, to planning, designing and implementing the investigation, strengthening recruitment strategies, collecting and analysing data and interpreting and applying findings and disseminating outcomes; based on our own experience these requirements are very difficult to meet. This is consistent with Brown's findings as evident in the following statement: "[d]epending on the design participatory research needs to be seen as a continuum from being minimally participatory to being fully egalitarian, whereby realistically most participatory research designs are situated somewhere in between the two with the level of participation changing throughout the

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[50] J Kramer et al., 'Strategies to address participant misrepresentation for eligibility in Web-based research' (2014) 23(1) International journal of methods in psychiatric research 120.

process".[51] Thus our PAR design could be described as moderately participatory (having significant participatory elements) as community stakeholders were not involved in defining relevant research questions, collecting and analysing data and interpreting and applying findings. This can be attributed to two interrelated factors. First, the disruption caused by the COVID-19 pandemic led to a shift in priorities on the part of community stakeholders from committing significant time and effort to non-essential activities such as our PAR project to focusing on existential threats and this finding has recently been confirmed by Köpsel, de Moura Kiipper and Peck.[52] In their survey on the impact of the Covid-19 pandemic on stakeholder engagement activities they found that for 45% of respondents, the social distancing measures made it harder to reach stakeholders, and 41% perceived that stakeholders' priorities have shifted away from the research project. Moreover, one-third of participants stated that stakeholders appear to have less time for meetings, be they virtual or physical, than before the start of lockdowns and distancing.[53] However, in this connection it is important to point out that a study by Hayward and colleagues found that: "the choice not to participate can actually be viewed as an act of empowerment [and that]… [a]ssessing social inclusion by measuring levels of participation may therefore be misleading and may not account for community members who have made the rational choice not to participate for any of a number of reasons."[54]And second, following recommendations from Gillis and Jackson[55] we paid sensitivity and attention to veterans' community stakeholders' agenda throughout the research project thereby avoiding any misinterpretation in terms of under- or overestimating their motivation and commitment. Thus, we recognised that their contribution was inextricably

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[51] N Brown, 'Scope and continuum of participatory research' (2021) International Journal of Research & Method in Education 2.

[52] V Köpsel, G de Moura Kiipper and MA Peck, 'Stakeholder engagement vs. social distancing—how does the Covid-19 pandemic affect participatory research in EU marine science projects?' (2021) Maritime Studies 1.

[53] ibid 9.

[54] See e.g. C Hayward, L Simpson and L Wood 'Still left out in the cold: Problematising Participatory Research and development' (2004) 44(1) Sociologia Ruralis, 100.

[55] A Gillis and W. Jackson, *Research for nurses: Methods and interpretation* (FA Davis Company 2002).

linked to what Hayward and colleagues refer to as "self-defined boundaries"[56] and that these boundaries could fluctuate depending on circumstances and contexts and hence it was necessary for us to be flexible and ready to adapt to possible changes during the research process.

6. Conclusion

In this paper, we reflected on our experiences of developing the UK's first access to justice platform for veterans and their families through an ongoing PAR project that brought together armed forces veterans, representatives from veterans' service providers, and the Veterans Legal Link team members comprising of legal academics, lawyers, sociologists, computer software designers and graphic designers to collect, interpret, and apply community information to address issues related to the delivery of access to justice. We presented findings from Stages 1 and 2 of our three-stage iterative research process which included the following steps: Understanding and cross-checking the lived experience of the veteran community (Stage 1), developing and testing a prototype of the access to justice platform (Stage 2) and creating the final product and giving real users an opportunity to use the platform (Stage 3). Data collection and analysis from Stage 1 of the study informed the themes that underpinned Stage 2. As demonstrated by the foregoing discussion, data was collected through the following methods: co-facilitated focus group discussions, a web survey that was codesigned with veteran community stakeholders and remote and digitally enabled ethnographic research methods. We included several reflections that may help legal practitioners and researchers interested in applying PAR within the area of access to justice and the field of legal research. As discussed above, some of the benefits that accrued from our efforts to apply PAR for the development of

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[56] See Hayward et al (n 54).

an access to justice platform included the following: enhance recruitment capacity, ensure ecological and cultural sensitivity in data gathering and instrumental benefits. On the other hand, we also faced the following challenges: deception by online survey participants and involvement of community stakeholders in some but not all phases of the research process. The foregoing begs the following question: Is PAR an approach to research for law? The answer, of course, depends upon the nature of the research. If the proposed research focuses on bridging the gap between theory and practice and is aimed at solving concrete social problems, then PAR with its capacity to surface social, political and cultural issues and generate local knowledge that can inform practical solutions and actions for social transformation, would be a wise choice.