

Feedback loops for the legal aid system

Structural, longitudinal monitoring of experiences



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Knowledge Centre Legal Aid System Netherlands

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Title

Feedback loops for the legal aid system. Structural, longitudinal monitoring of experiences.

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1. Feedback loops for legal aid

a. Introduction

One of the core assignments for the Dutch Knowledge Centre Legal Aid System¹ (hereinafter: KC) is to structurally and systematically collect and analyse performance data. Such monitoring mechanisms are key for creating a legal aid system that is more people centred and better rooted in research and evidence.² Systematically collected data are essential for evaluating how well (parts of) the system performs (for citizens, legal aid providers, and society as a whole), for identifying bottlenecks and good practices, and for determining the impact of policy (changes). Such data are the backbone of feedback loops, which in systems theory are considered to be critical for the performance of systems and enhancing the evidence-base of the legal aid system.³ Although the Netherlands has a rich tradition of legal needs studies, and research and evaluation projects, structural and permanent (people-centred) monitoring efforts are not ubiquitous.⁴

The Dutch Legal Aid Board (hereinafter: LAB) commissioned the KC to develop and implement a broad feedback loop. The scope includes experiential data, process and registry data, data about time expenditure per case, and data about legal quality delivered. The experiential data include data about the experiences of legal aid users with the services of the LAB, the services of the legal aid provider, the underlying procedures and its actors, and experiences with the outcomes. They also include data about the experiences of legal aid providers with the services of the LAB, the underlying procedures and its actors, and outcomes. Development and implementation will take place incrementally in the course of the coming years.

For some domains, however, a feedback loop already was implemented. One of such domains is the special arrangement for people affected by what became to be known as the *childcare benefits scandal*. Due to wrongful policies and behaviour of the Dutch Tax Administration, a large number of people was unjustly affected.⁵ As of 2021, people who were acknowledged as such are eligible for fully subsidised legal aid. The KC started monitoring their experiences, as well as the experiences of lawyers providing legal aid under this arrangement.

This paper illustrates our initial experiences on the basis of collected data, explores the potential of feedback loops, and discusses some of its challenges. It shows how monitoring data from a feedback loop help to bring indications of bottlenecks and effective practices to surface. This type of monitoring primarily has a signalling and descriptive function, rather than an explanatory. As such, it can give direction to more in-depth research in a structural fashion.

¹ The Knowledge Centre Legal Aid System is part of the Dutch Legal Aid Board and – from an independent position – monitors, evaluates and researches the effectiveness of the Dutch legal aid system. Each of its research projects is commissioned by one, more or all of the following organisations: the Legal Aid Board, the Legal Services Counters, the Netherlands Bar Association, the Mediators Federation Netherlands, and the Ministry of Justice and Security. The Dutch Legal Aid Board structurally commissioned the Knowledge Centre to perform its statutory task to monitor the legal aid system. The feedback loop presented in this paper is a key building block for this.

² See for recent emphasis: Justice Action Coalition, *Actions We Must Take to Achieve People-Centered Justice*, 2025, Pathfinders for Peaceful, Just and Inclusive Societies, *If You Don't Measure It, You Can't Manage It: The Need for Justice Data and Evidence*, 2024, and OECD, *Framework and Good Practice Principles for People-Centred Justice*, 2021.

³ In systems theory, feedback loops are seen as critical for well-functioning systems. See, for example, D.H. Meadows, *Thinking in Systems*, Chelsea Green 2008; and Farrell, A., Hu, M., Chin, L., Evbuoma, E.I., Liem, W., & Ballard, E. (2021). Understanding Systems from a Feedback Perspective. Methods Brief Series 1.05: Systems Thinking Foundations. Social System Design Lab: St. Louis, MO.

⁴ The Netherlands are not unique in this respect, cf. Justice Data Observatory, *People-Centered Access to Justice Research: A Global Perspective*, 2023.

⁵ See Lianne Otten, Edwin Borghs, Maarten Nieuwenburg and Wilco van den Dool, *Special legal aid arrangements after extensive government failure*, ILAG 2025 for a more detailed description of the special arrangement.

b. What follows

Section 2a provides a brief description of the background and context of the monitoring assignment to the KC. Whereas the initial expectation was that the need for the special arrangement would rather limited in time, reality showed a need that exists to date. This impacted the monitoring and measurement, mostly with regards to availability of data about the experiences with outcomes. Section 2b briefly outlines the different data collection efforts among users of legal aid under the special arrangement (hereinafter: users) as well as lawyers that took place thus far. These include repeated monitoring studies, as well as studies following specific circumstances or situations. Data collection for monitoring is not limited to experiential data, as is described in Section 2c. As part of the assignment, the KC also took initial steps in collecting and researching data about the time that lawyers spend on cases, and the legal quality they deliver. Section 3 of this paper explores the potential of structurally collecting experiential data as part of a feedback loop. This is illustrated using data about experiences of both users and lawyers with the services of the LAB (Section 3a), experiences of users with the services of lawyers (Section 3b), experiences of users and lawyers with procedures (Section 3c), and their experiences with outcomes (Section 3d). The experiences with procedures are measured for the primary reason to analyse the extent in which they affect the experiences with lawyers. Such analyses, however, are not part of this paper. This paper presents the data about experiences with procedures, since they regularly presented to the LAB, the Dutch Bar Association and the member of Cabinet who is responsible for the restoration operation for the people affected by the childcare benefits scandal. Section 4 discusses the potential and limitations.

2. Feedback loop for a special legal aid arrangement

a. Childcare benefits scandal

As of the end of 2018, it increasingly became clear that the Dutch Tax Administration unjustly brought harm to a large group of people with childcare benefits. These people, all parents, were wrongfully accused of fraud, and consequently had to pay back all received benefits. In many situations, the financial drawback and consequent stress they experienced had far reaching consequences. In 2021, the Cabinet officially apologised and promised to compensate all people that fell victim.⁶

Currently, more than 41.000⁷ people are formally acknowledged as affected. People who were acknowledged as affected received 30.000 euro compensation, their public debts were remitted, and other measures were taken. After a so called *Integrale Beoordeling* (integral assessment) administered by a special unit of the ministry of Finance, they may receive additional compensation. Decisions in this regard can be subject to objections or appeals. People who want to claim for compensation for additional damages (i.e. loss of income, opportunity costs, emotional damages, etc.) can claim this at the *Commissie Werkelijke Schade* (commission for actual damages). Whereas the political ambition was to provide a generous, fair and fast process, the practice proved to be unruly.⁸ Partly driven by this reality, a private foundation developed an alternative procedure for compensation of additional damages, which became available as of October 2023.⁹ This procedure was co-developed with affected people, and designed to put more emphasis on procedural and restorative justice elements rather than on legal formalism, trust in people's stories

⁶ For elaborate information about the childcare benefits scandal, see, for example, the report of the parliamentary inquiry commission: [Unprecedented Injustice](#).

⁷ Per March 2025, 60.902 people reported that they were affected. 41.095 of them were officially acknowledged as such after an initial assessment of their situation took place: <https://herstel.toeslagen.nl/>.

⁸ A recent report by a special commission established by the responsible member of cabinet identifies some critical factors among which are an overpromising government, an unmanageable and scattered collection of processes, violation of key legal principles, lack of overview and coordination. See Commissie Van Dam, *Minder beloven, meer doen*, 2025.

⁹ <https://www.gelijkwaardigherstel.nl/>.

rather than on evidence for claims, and standardised compensation for damages items rather than establishment of actual damages.

As of 2021, affected people can apply for fully subsidised legal aid within the framework of a special arrangement that the LAB promulgated. Eligibility depends on a status of formally being acknowledged as affected, not on income and assets via a means test as per usual. The lawyers that work under this arrangement were selected on the basis of their expertise and experience. Per March 2025, 35.780 legal aid certificates were granted under this arrangement, for 344 lawyers, representing 16.252 people. At the commencement of the arrangement, the LAB commissioned the KC to implement a feedback loop for the special arrangement.

b. Monitoring mechanism: experiences of users and lawyers

Since the special arrangement came into effect, the KC undertook nine monitoring studies, all using online surveys. U1 and L2 also collected data via interviews, which are left out of scope of this paper.¹⁰ Four of the studies asked users (i.e. affected people) about their goals and experiences, three asked lawyers about their experiences, one study focused on the lawyers that remained available to provide legal aid under the arrangement but temporarily put themselves on hold, and one study focused on the lawyers estimation of proportion of cases concerning people with additional damages (and thus could be expected to submit their case to the Commissie Werkelijke Schade).

Table 1. Overview of studies

#	Population	Research period	Respondents	Response rate	Focus
U1	Users	July 2021 – April 2022	384	23%	Experiences with the services of the LAB.
U2	Users	May 2022 - March 2023.	224	15%	Experiences with the services of the LAB, lawyers and procedures.
U3	Users	May 2024 – June 2024	923	20%	Experiences with the services of the LAB, lawyers and procedures.
U4	Users	August 2024 – September 2024	188	13%	Experiences with the services of the LAB, lawyers and procedures.
L1	Lawyers	August 2021	63	50%	Experiences with the services of the LAB.
L2	Lawyers	March 2022	47	57%	Reasons behind temporarily not accepting cases.
L3	Lawyers	May – July 2022	97	35%	Experiences with the services of the LAB, lawyers and procedures.
L4	Lawyers	September 2023	69	24%	Expectations with regards to proportion of cases with additional damages
L5	Lawyers	August 2024 – September 2024	53	19%	Experiences with the services of the LAB, lawyers and procedures.

The questionnaires for the studies primarily use items with a 5-points Likert scale, multiple choice answer modalities, and tick box answer modalities. They are structured along different categories of items, namely 1) experiences with the LAB, 2) experiences with the lawyer (in studies focusing on users only), 3) experiences with the procedure and actors involved, and 4) experiences with the outcomes, with a more

¹⁰ All studies are published and available in Dutch via [Evaluatie Herstelregelingen Kinderopvangtoeslag \(HKT\) - raadvoorrechtshand.org](https://evaluatie.herstelregelingen.kinderopvangtoeslag.hkt-raadvoorrechtshand.org).

specific focus on goals people seek to attain and actual goal attainment. L3 and L4 were structured differently, as these studies had a limited scope and were triggered by current affairs (i.e. a relatively larger number of lawyers that indicated to temporarily not accept new cases, and a debate about the number of affected people with additional damages that was not informed by broader data).

An elaborate literature review of different types of justice (including outcome justice, procedural justice, restoration), criteria for quality of legal aid, and criteria for quality of legal services provided the foundation of the design of the questionnaire. The review resulted in a database with an approximate 300 potential items that as much as possible were taken from validated measures. As of studies U3 and L5, this database was available. From these studies onwards, questionnaires used items from this database, yielding more detailed data about criteria for different types of justice.

Refinement of items takes place on an ongoing basis. Each monitoring study yields insights and learnings that help to improve wording and formulation. These changes may have some impact on the item-comparability between studies. This impact, however, may be limited since the essence each item seeks to capture remains unchanged, but is merely conveyed in a better way.

During the initial phase, as part of the application process, users could indicate their permission to get contacted for research purposes. After critical scrutiny, the privacy officers involved concluded there was a statutory basis to replace this opt-in approach with an opt-out approach, which subsequently was done. As a result of this change, the groups of users who received the questionnaires show some variation. The same is true for the samples taken into account for each individual study. Ongoing influx of new users also caused variation.

From studies U4 and L5 onwards, the data structure is in place that enables the tracking of experiences of individual respondents from study to consecutive study. This allows for much more detailed monitoring of experiences over time, controlling for earlier experiences, and picking up signals more granularly. The data in this paper were collected prior to this ability.

For the purpose of illustrating the potential of the feedback loop, the presentation of data in this paper does not account for variations in samples. Data from these studies, further, are presented as experiences collected longitudinally. As of next studies, the feedback loop collects methodologically more rigorous longitudinal data.

c. Broader feedback loop

Monitoring experiences of users are fundamental for evaluating and improving people-centredness of the legal aid system. Same is true for the experiences of legal aid providers. The old adage “you cannot manage what you do not measure” is quite applicable in this context. Experiential data may be the backbone for this, but the feedback loop the KC implemented builds on broader data.

The KC includes data from the registries of the LAB in its monitoring. These data provide insight in the number of users, the number of (consecutive) certificates, the number of lawyers that are registered and active under the special arrangement as well as some of their characteristics. They provide additional insights in the population of legal aid users.

Additionally, the KC monitors and researches the time that lawyers have spent on individual cases. The Dutch legal aid system (including this special arrangement) is a flat rate system. Legal aid providers receive a fixed compensation defined for every type of case. This compensation builds on a fixed number of hours (that should reflect the average time spent on such cases) that is multiplied with a fixed hourly fee. Transparency of the time spent per case is thus important, so compensations are based on assumptions that are truthful. After finishing the work performed under a certificate, lawyers claim their compensation. As part of this process, they have to provide a statement of number of hours spent. Sometimes, lawyers provide time sheets as well. Analysis of these data forms the basis of the monitoring and researching, data collection also takes place on the basis of examination of file records and surveys and interviews.

A perspective on quality from a legal profession point of view importantly complements data about the quality as experienced by users. The KC undertakes first steps towards collecting and monitoring data about the legal quality of the services provided by lawyers. The LAB, together with the Dutch Bar Association, recently started peer review for lawyers working under this special arrangement. Trained peer reviewers receive a list of lawyers that will be subjected to peer review. Per lawyer, the reviewers select five cases of which they will more critically scrutinise the files, after which they hold one or more conversations about the results with the reviewed lawyer. Intention is to review all lawyers active under the special arrangement. Together with a group of lawyers that have much experience with cases under the special arrangement, the KC designed a form that reviewers use during the review of each of the cases. The form is thematically structured, and for each item, the form has questions with a five points Likert scale as well as open ended questions with an unstructured answer modality. Hence, the KC receives data about legal quality for each case that is subjected to review. These data will be aggregated and presented in a quality monitor that the KC currently develops.

3. Monitoring experiences over time

This section explores the potential of feedback loops on the basis of data from the feedback loop for users and lawyers under the special arrangement for the childcare benefits scandal. Discussion of these data primarily serve illustration purposes. This section is thematically structured and presents one or more examples per theme. 3a discusses how monitoring data help the LAB to evaluate how well its general services work for people and legal aid providers. The LAB started with a new way of servicing people, by matching individual people who seek legal aid to a number of lawyers that fit to their need. This matching was also implemented for the special arrangement and thus in scope of the monitoring studies. It illustrates the value of closely monitoring experiences with newly introduced services, ideally short-cyclic. Section 3b explores the potential for monitoring such legal aid services provided to people. Monitoring of experiences with legal aid is structured along well-established bodies of (empirical) research literature about the criteria that people use when evaluating (legal) services, procedures and justice more in general. These criteria also form the backbone for monitoring experiences with procedures, as shown in section 3c. Monitoring the latter makes it possible to control for the experiences with procedures when evaluating the experiences with legal services. This helps to measure a more isolated effect of legal aid lawyers' services. Monitoring the effects of outcomes people obtain, as preliminarily illustrated in section 3d, helps even more so.

a. Experiences services LAB

The services of the LAB are critical for accessing subsidised legal aid. Experiences of users with these services, hence, are important to monitor. Transparency of these experiences helps to identify potential barriers and can inform action to remove them. Most studies included questions about the experiences with accessibility, comprehensibility and timeliness of the services of the LAB. Charts 3a.1 and 3a.2 show the experiences of users and Chart 3a.3 shows the experiences of lawyers.

Chart 3a.1: How difficult or easy was it for you to contact the Legal Aid Board?

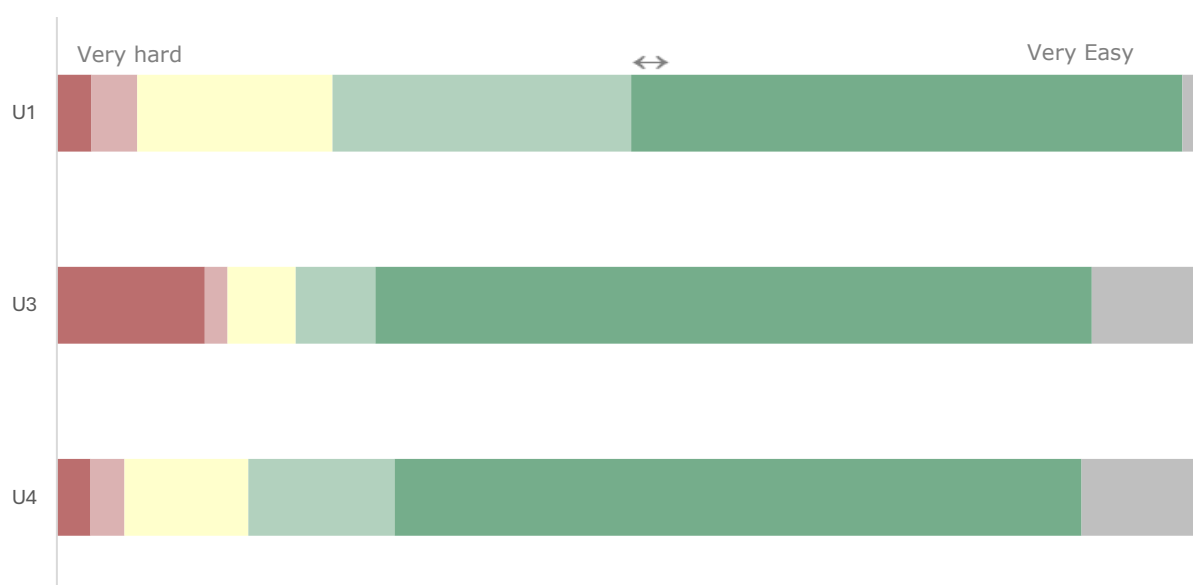
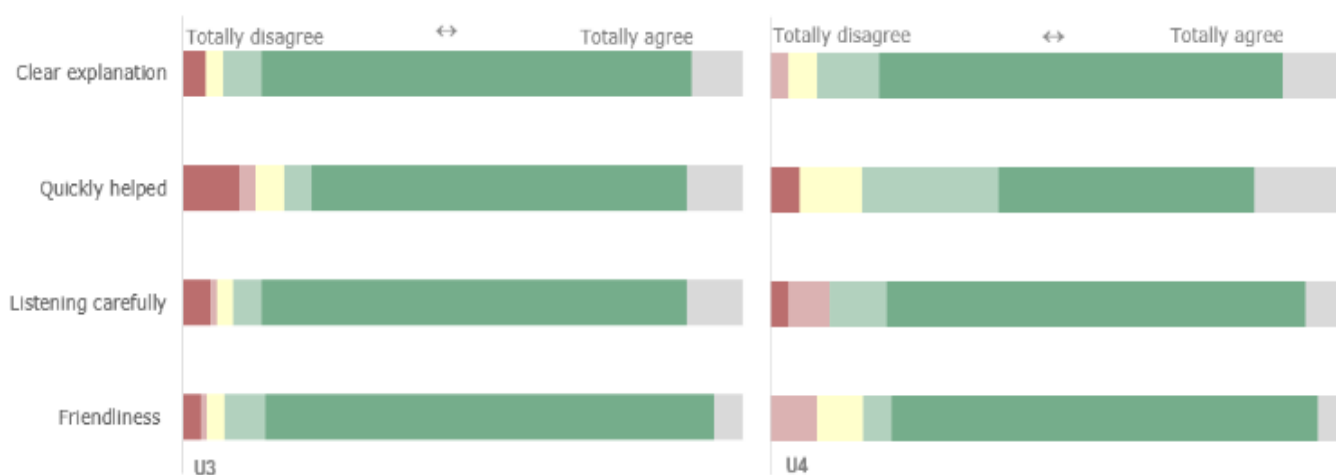


Chart 3a.2: Experiences users with Legal Aid Board employees



Users contact the LAB to indicate their request for legal aid,¹¹ and to receive the contact details of suitable lawyers. Additionally, they can contact the LAB for further information about their legal aid application. The general picture from the presented data is that services are experienced predominantly positive. Throughout time, most users found it (very) easy to contact the LAB. They also had a predominantly positive experience with the services and the employees of the LAB.

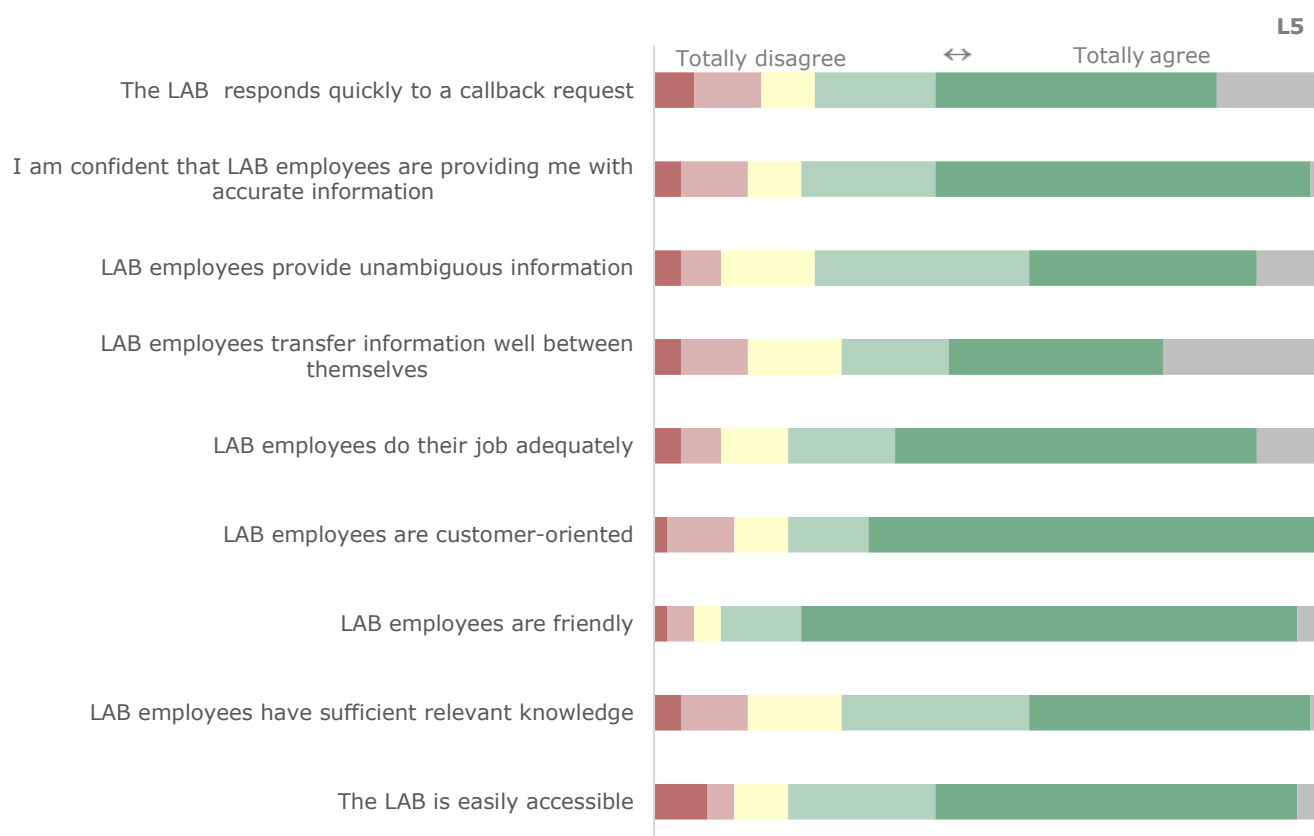
As can be seen from the data, a proportion of users experience the services of the LAB less positively. Transparency of these experiences helps to identify bottlenecks in service provision. Data at this general and aggregated level can indicate service elements are not optimal. In some cases, the study asks respondents for further explanation of their answers, which helps to uncover concrete and nuanced causes for the indicated experience. There may be correlations with other factors captured by data (types of cases, more specific and narrowly defined timeframes, even characteristics of users), but more obvious factors are directly related to services. To develop a better and concrete understanding, more in-depth research

¹¹ Under the special arrangement people directly contact the LAB for this, whereas in case of regular legal aid applications this typically is done by the legal aid provider on behalf of the user.

(interviews, follow-up survey studies into users with negative experiences, etc.) by the KC or further investigations by the LAB can be undertaken.

Lawyers normally interact with the LAB more than users during a case, typically in a variety of cases throughout the year. Lawyers normally apply for legal aid on behalf of the users, they interact with the LAB for most administrative issues, claim their costs and compensation, and also have to apply for registration etc. Lawyers consequently are an important source of monitoring data. At an aggregated level, their experiences seem to not significantly differ from the experiences of users, as the chart below shows.

Chart 3a.3: Experiences lawyers with Legal Aid Board employees



The vast majority of lawyers experience (very) positive contact with LAB employees. Experiences with the speed of services show the largest proportion of negative responses, be it still a smaller part of all responses. Speed and timeliness, just like comprehensibility of information and others, are established indicators that help to see how much procedural justice is experienced.

The overall picture these results sketch, is that users and lawyers experience their contact with the LAB and its employees positively. The data indicate no urgent reason to believe there are substantial bottlenecks in the service provision, but do identify a cohort of users and lawyers for whom services delivery probably can be improved.

Matching

The LAB recently introduced a modernised process to fulfil one of its primary responsibilities: through a so called "matching process", people are matched to a suitable legal aid provider. A match is made on the basis of a diagnosis of the situation of the user, and characteristics of the different legal aid providers. Through a so called matching proposal, users receive the names and some details of the three lawyers that match their situation. They can then contact the lawyer of their choice. The matching service helps users to find a suitable and available lawyer that has the required qualifications. Signals from practice indicate that this sometimes is difficult for users, and also for professionals working in a first tier organisation like

the Legal Services Counters. These signals emerge against the context of a negative trend (spanning more than a decade) in availability of legal aid lawyers in the Netherlands. Via the matching process, thus, the LAB can also signal if and when there is a shortage of lawyers (region, specialisation), i.e. there is no appropriate lawyer available to match a user to.

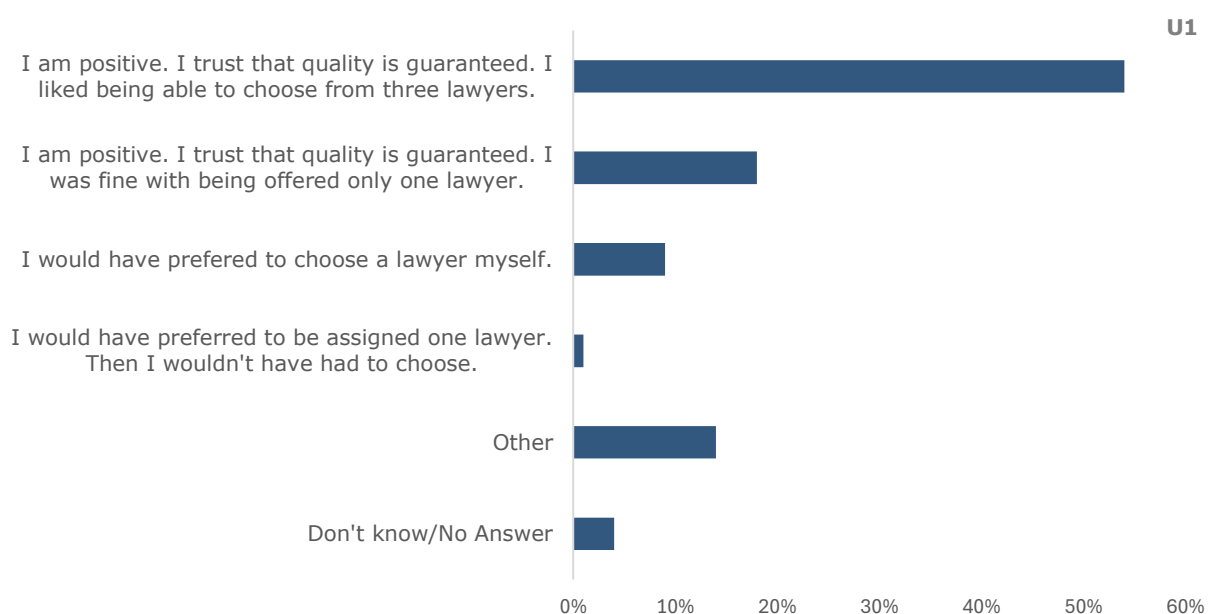
The LAB intends to evolve the matching process so it includes more sophisticated variables such as personal preferences of users, current availability status of legal aid providers, etc. Eventually, the matching process will be available for all users of legal aid across the country.

Close monitoring ideally accompanies the introduction of new services. It enables the LAB to implement services much faster and develop them on the basis of feedback from practice. A very short-cyclic feedback loop enables quick adjustments if needed. As such, this monitoring is a quintessential element of a learning system.

The special arrangement was among the first domains where this service was implemented. Close monitoring took place during the period directly following the launch of the matching service. This also included use of qualitative research methods. These yielded data that reflected reluctance about the matching service among lawyers, specifically with regards to the question how lawyers were selected in the matching process. This enabled the LAB to take measures by creating full transparency about this, after which the matching service was broadly accepted and embraced by lawyers.

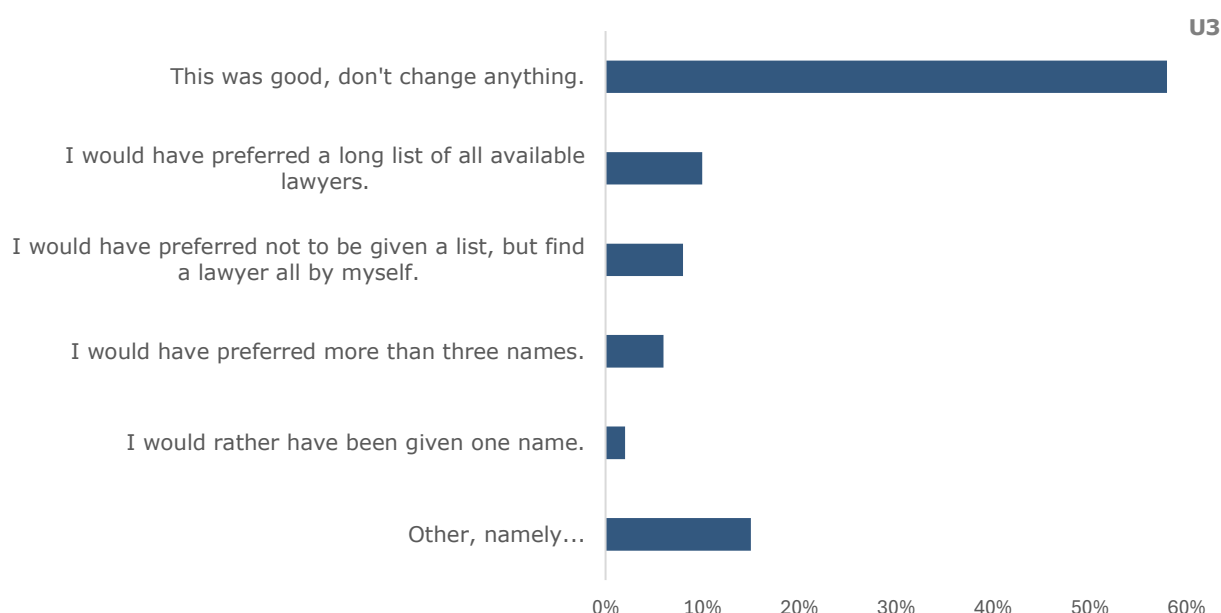
After the initial stage, monitoring studies still include questions about experiences with matching. These primarily focus on some basic characteristics of the matching process, i.e. the number of lawyers that users receive in the matching proposal. Additionally, questions focus on perceived quality assurance. Users predominantly report positive experiences with the matching process, as the chart below shows.

Chart 3a.4: Matching: How did you feel about the Legal Aid Board offering three lawyers to choose from?



The chart below shows that the KC made small modifications to the questions in the questionnaires after the first study that made them more straightforward and better to understand. This illustrates how the items, questionnaires and methods used in the feedback loop also are part of ongoing critical scrutiny and further development.

Chart 3a.5: Matching: How did you feel about the Legal Aid Board offering three lawyers to choose from?



In this monitoring study, a new group of users also predominantly reported positive experiences with the matching process. The data show how the majority of respondents indicate a preference for receiving three options in their matching proposal.

The matching process is meant to provide people with suitable lawyers. The data do not provide information about the extent in which this goal is achieved, and how it performs, for example, for different types of users. This is out of scope in the current study but will be included at a later stage. Separate research would be required to evaluate this for the legal aid provided under the special arrangement.

b. Experiences legal aid services

Experiences with legal aid providers are an essential element of the feedback loop for the legal aid system. Key responsibility of the LAB is to safeguard proper access to legal aid at a good quality. Questionnaires in the monitoring studies focus on, among others, elements identified in the literatures about procedural justice (including informational, interpersonal and interactional justice), restorative justice, and outcome justice. The experiences from different groups of users are shown in Chart 3b.1.

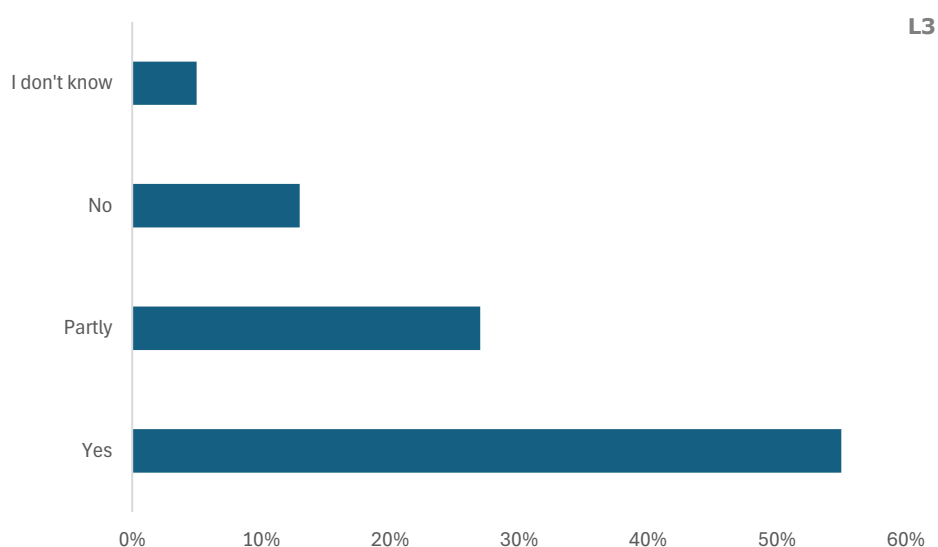
Chart 3b.1: Experiences users with (the services) of their lawyer



The majority of experiences are positive for all three sequential measurements. There may be a small increase of positive responses during time.

Users who reported (very) negative experiences could clarify their experiences. The clarifications shared during study U2 indicated that negative experiences mostly resulted from a lack of communication from their lawyer. Interestingly, the results of study L3 (which took place during the same period) indicated that almost half of the responding lawyers felt they could not (fully) help their clients (Chart 3b.2).

Chart 3b.2: Do you feel like you were able to help your client properly?

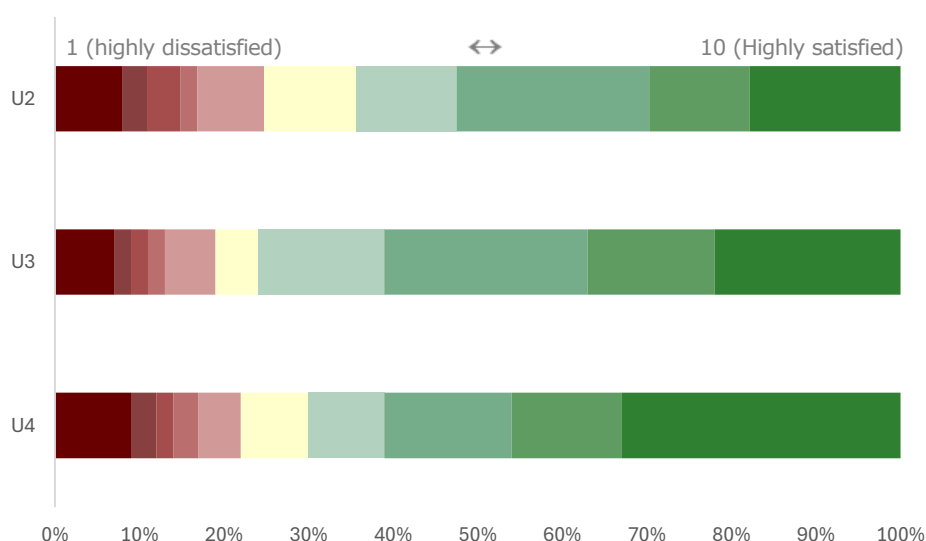


They indicated that they were unable to provide adequate legal aid because they did not have the information required, for which they were dependent of the other party (i.e. the Tax Administration). The study suggested that a large majority of lawyers (80%) did not have a casefile with information at the start of the case, and experienced challenges to obtain it down the line.

These results were discussed with the Bar Association and with the lawyers that are active under the arrangement. It became clear that many lawyers, sometimes for months, saw no progress in their cases, and thus felt there was nothing to communicate. This illustrates how the understanding of quality may vary between different perspectives: users use responsiveness in communication as one of the criteria for quality, lawyers seem to focus on communication when the process requires such. The monitoring data from the feedback loop gave rise to conversations with lawyers during which this became transparent. After this, lawyers stated they would change their communications to better meet the need of users.

In addition to more targeted, granular experiences, users also provide an overall grading of their lawyer. The descriptive and explanatory power of this indicator, of course, is limited. It may, however, be functional to correlate with overall gradings of other actors involved, and perhaps of the procedure. As such, it can help to identify confounding variables that affect the experiences with legal aid.

Chart 3b.3: What grade do you give your lawyer?



The overall grading changed somewhat over time, as Chart 3b.3 shows. During the first study, users gave an average overall grading of 6.9 out of 10. In the following two studies, users provided an average overall grading of 7.4 out of 10.

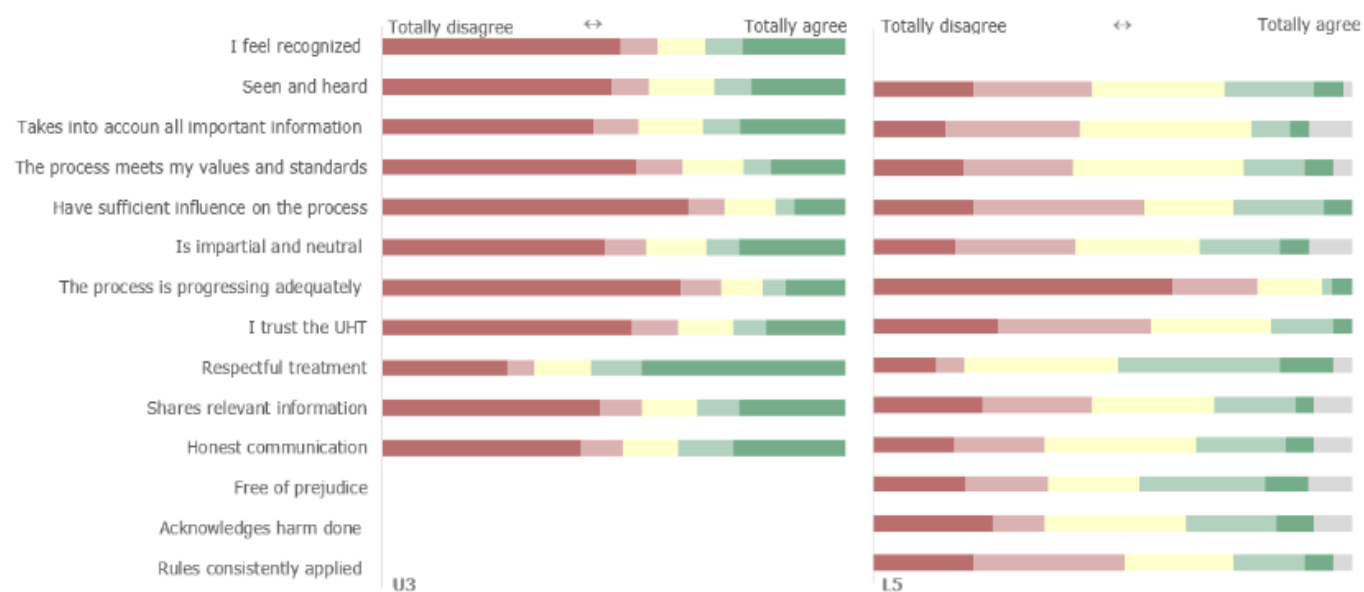
c. Experiences procedures¹²

Users of legal aid under the special arrangement potentially followed 3 procedures. During the first administrative procedure, the *Uitvoeringsorganisatie Herstel Toeslagen* (administrative organisation restoration benefits, hereinafter: UHT) assesses whether people have damages and defines the amount of compensation they may be entitled to. If people have additional damages (i.e. loss of income, opportunity costs, emotional damages, etc.), they can claim this at the *Commissie Werkelijke Schade* (commission for actual damages, hereinafter: CWS) or via the procedure of the *Stichting Gelijkwaardig Herstel* (foundation for equal and dignified restoration, hereinafter: SGH).

The monitoring studies collected data about the procedural justice experiences of users and lawyers with these procedures. Since the SGH procedure was created after their timeframe, studies U1-2, and L1-4 do not contain data about it. The charts below present experiences of users and lawyers with different procedures during different timeframes.

¹² The feedback loop focuses on monitoring legal aid. Arguably, experiences with procedures may be out of scope for this focus. However, experiences with lawyers may be affected by experiences with the procedure and the actors that are part of it. Since these latter may be confounding variables, it is critical to be able to control for them. These analyses are not presented in this paper. The experiences with the procedures, however, have regularly been discussed with the LAB, the Dutch Bar association, and the responsible member of Cabinet, and consequently are presented in this paper since they illustrate how the insights from the feedback loop can be utilised.

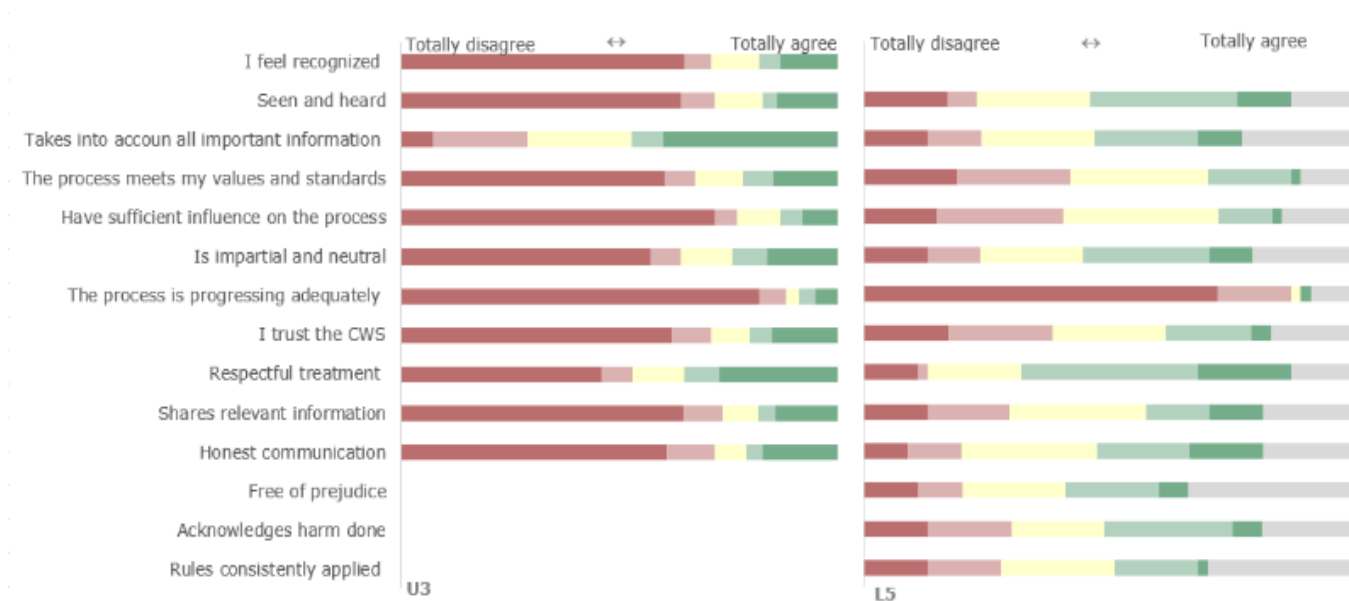
Chart 3c.1: Experiences with the recovery procedure UHT



The procedural justice most users experienced from the recovery procedure of the UHT is negative, as shown in the chart above. These experiences are consistent with the signals and indications from other sources. Interestingly, the experiences of lawyers on average are more moderate. Lawyers' experiences were more mixed and the majority of experiences are less distinct (i.e. smaller proportion of answers in categories "totally disagree" and "totally agree"). This may be an indication of different (perhaps more professionally informed) expectation, different direct needs (like feeling heard, being acknowledged, as effect of the process), or actual different behaviour towards users and lawyers.

The initial procedure for additional damages has been critically debated, amongst others for its modest speediness, especially related to the influx. These experiences of users and lawyers are consistent with this criticism.

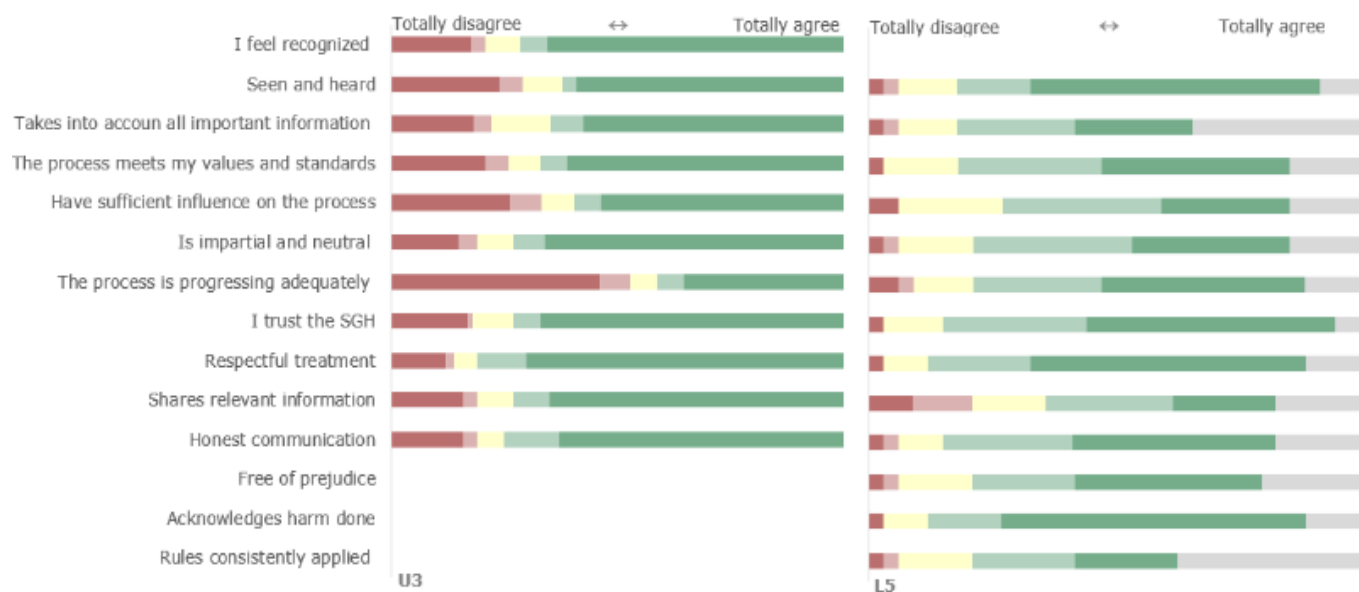
Chart 3c.2: Experiences with the recovery procedure CWS



Again, the majority of users report negative experiences with procedural justice in the procedure for compensation of additional damages of the CWS, as shown in the chart above. And again, the experiences of lawyers were more moderate, with the exception of the criterion “adequate progress”.

The experiences with the alternative SGH procedure for compensation of additional damages are significantly different. Chart 3c.3 shows the experiences of users and lawyers with this procedure.

Chart 3c.3: Experiences with the recovery procedure SGH



More users as well as lawyers report (much) more positive experiences with procedural justice compared to the other procedures. The outlier for the experiences of users is the progress. One hypothesis is that this may be related to the political debate and slight turmoil that existed in relation to this procedure. The data, again, merely makes the exception transparent. An in-depth study could provide a more robust explanation.

The design of the monitoring studies and the data that result from them make it possible to compare experiences of users and lawyers with different procedures. Chart 3c.4 illustrates what this can look like for users' experiences with two procedures that are each other's alternatives. For this purpose, the experienced procedural justice is represented as average scores on a 5-point scale.

Chart 3c.4: Experiences U3 with the CWS and SGH procedures compared



This comparison clearly shows how the two procedures score very differently on procedural justice. The procedural justice that the SGH procedure offers is much more positive on all criteria. In the case of the special arrangement, the image from the monitoring studies validates the political decision to allow and embrace the SGH procedure. The data indicate – not completely surprisingly – that this procedure that was designed to promote procedural and restorative justice seems effective.

Given the focus on procedural justice and restoration, the items developed for the monitoring studies focus on procedural justice and restorative justice. The KC continues to improve and develop such items. The next section discusses some initial monitoring data related to outcome justice.

d. Experiences outcomes

From a legal aid system perspective, the outcomes that people obtain with legal aid of course are critical. In order to properly monitor and assess the outcomes, designated outcome monitoring is planned. Ideally, users share their experiences about 6 to 12 months after they received their outcomes. In order to monitor to see to what extent outcomes really work for users, outcome monitoring takes place some period after they receive it.

The initial expectation was that the restoration operation for which the special arrangement was created would quickly help people to get their damages compensated. Reality, however, was that the lead time was much longer than expected, which also was indicated by the experiences with the progress of procedures described above. Recent monitoring studies indicated that less than 10% of respondents received an outcome. This could also be an outcome of the first part of the restoration, after which a procedure for additional damages may follow. The restoration operation started in 2021, and the most recent studies were conducted end of 2024.

The monitoring studies that were undertaken, however, did include two related constructs: a) the extent in which users and lawyers find the result of the procedure just, and b) the goals users seek to achieve and the extent in which they were able to achieve them.

The concept of outcomes that were measured does not strictly indicate an outcome in terms of neutral decision, negotiated outcome, or lumping. These are included, as are effects of the procedure that lead into procedural justice and restoration. For example, people can obtain an apology and experience recognition before a procedure ends. These are part of outcomes, but are not covered by outcome justice per se.

Chart 3d.1 shows the extent in which users find the outcomes thus far fair, and Chart 3d.2 shows the same data for lawyers.

Chart 3d.1: To what extent do you think the outcome of the recovery procedure is fair (so far)?

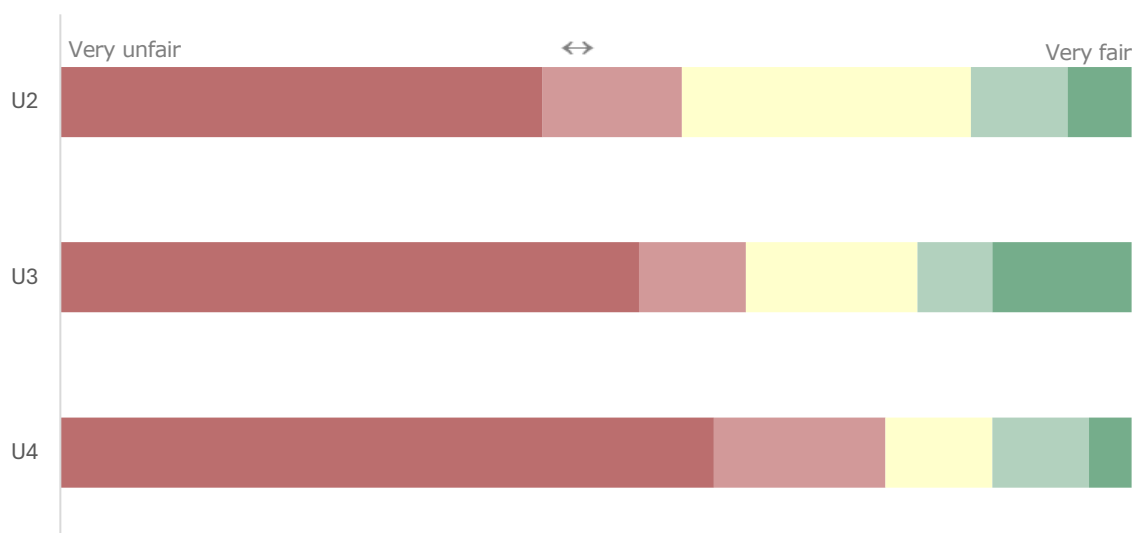
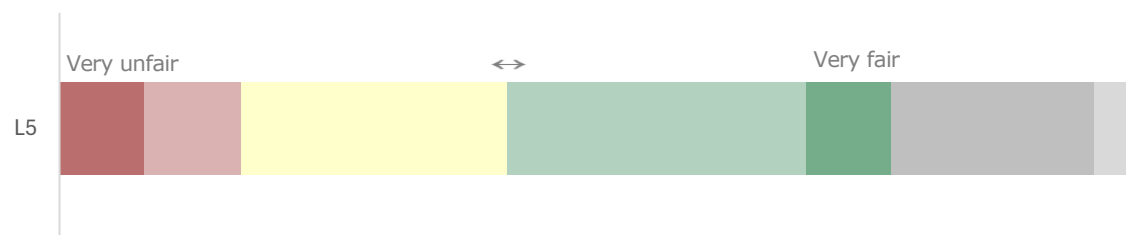


Chart 3d.2: To what extent do you think the outcome of the recovery procedure is fair (so far)?



The chart above includes the experiences of users who had completed the procedure(s) as well as users who did not yet complete the procedure(s). Users evaluate the outcome thus far predominantly as negative. The majority of users did not think outcome were fair.

Interestingly, the proportion of users that indicate to find the outcome very unfair, increases over time. These may be accumulated effects related to the negative perceptions of the lead time. Data from open questions indicate that users did not feel recognized, judge the outcome to be insufficient, and find the lead time of the procedure too long. Analysis further shows that users who completed the procedure(s) are somewhat more positive about the fairness of the recovery proceedings, but still predominantly negative (27% positive versus 18% and 55% negative versus 65%).

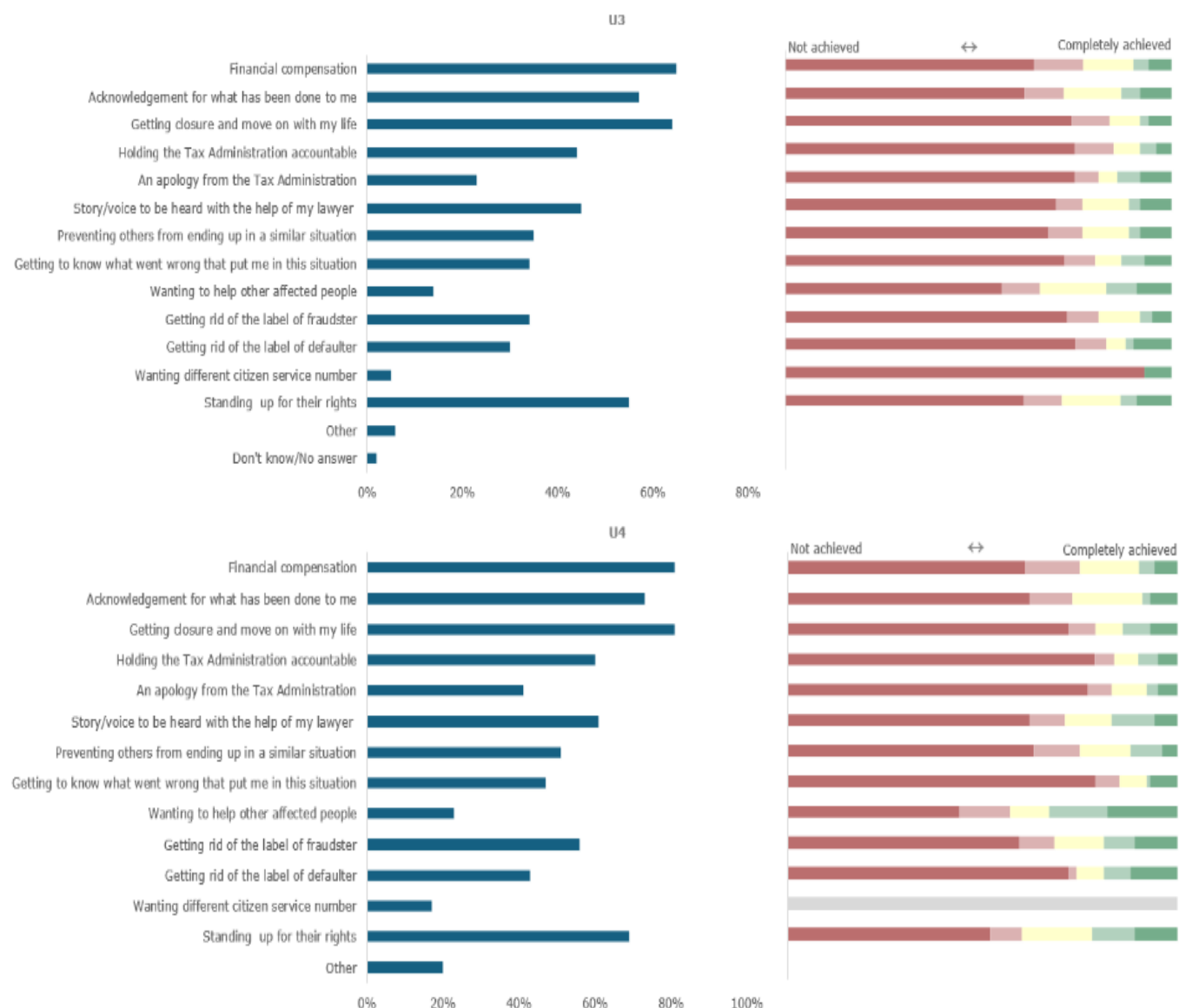
Lawyers evaluate the outcome significantly different from users, as Chart 3d.2 shows. Reasons could be that they have different expectations from the outcome. Possibly, the need to feel heard, recognised, and obtaining an apology may be different for professional repeat actors than for users. Lawyers may also have different expectations, informed by their professional experiences with procedures.

Goals and goal achievement

The second construct related to outcome justice focuses on goals and goals realisation. Users were asked what they hoped to achieve and subsequently which of these goals were realised. Again, all users

participating in the survey received this question, independent of whether the procedure came to an end with an outcome, or was still ongoing.

Chart 3d.3: Goals and goals realisation thus far



The data show that there is a broad range of goals that users hope to achieve. Elements of financial compensation, recognition and acknowledgement, getting closure, holding the government accountable, receiving an apology, and being heard are some frequently mentioned goals. One goal that users indicated was to receive a new citizen service number (i.e. a new social security number). This shows how goals and expectations can be rather unaligned with what can be offered, since it would require a completely different procedure.

The combination of charts above show (per survey) to what extent users actually achieved their goals. This seems rather limited. This is an indication of the limited extent to which the procedures meet the expectations of the users. Follow-up analysis of these data, for example by assessing potential correlation between goal achievement of users and their fairness judgement, could provide a more in-depth view on these constructs.

These goals and goals realisation data can help policy makers as they provide insight into the expectations of users. These data enable policy makers to align the policy with these expectations, and focus on

enhancing the realism of expectations. The usefulness of this is illustrated by the fact that in the restoration operation, procedures have been changed, enhanced, and added several times over the past five years. These descriptive results further help to assess the effectiveness of the overall restoration operation.

4. Reaching the full potential (with limitations)

The KC currently works on implementation of a feedback loop for all approximately 280.000 people per year that use legal aid in The Netherlands, as well as for the approximately 6.000 lawyers active in legal aid. Goal is to collect data from all users, in all cases, at different stages of their process, including an outcome monitoring 6-12 months after users obtained an outcome. Additionally, the goal is to conduct periodic monitoring studies among legal aid providers (lawyers and mediators registered at the LAB) that yield data about their experiences.

In parallel, the KC develops and implements monitoring of time spent and legal quality delivered, as mentioned in Section 1. Other permanent monitoring is either already in place (for example, structural monitoring of motivations of lawyer registering for legal aid, motivations of lawyers unregistering for legal aid), or under development (for example, structural monitoring motivation of mediators registering for legal aid, motivations of mediators unregistering for legal aid, structural monitoring of recurring tasks of legal aid providers that are not compensated under legal aid). The KC aspires to be able to combine these data for further analysis of the performance of the legal aid system.

An enabling circumstance is the fact that the LAB currently works on modernising its IT systems and processes. This provides the opportunity for the KC to influence which data is collected, the format and structure of collected data, and to work towards (partial) automation of surveying. Although this is not a critical factor for implementation of a feedback loop (as the experiences thus far prove), it facilitates further development and optimisation.

The current feedback loop is further developed on an ongoing basis. The KC adapts and improves the items on the questionnaires by learning from earlier questionnaires. Each monitoring study yields insights and learnings that help to improve the structure and wordings. It enables the KC to increasingly learn what is comprehensible for users as well as for lawyers, and what thoughts and feelings form the basis of their experiences. With regards to the data from the registries of the LAB, the experiences thus far underline the importance of disciplined data input. As part of the abovementioned IT replacement program, the KC supports the implementation of input fields that improve data quality. The close ties to the LAB further are a huge advantage, with regards to closely working together with LAB staff on improvements of data collection for the registries as well.

Monitoring studies for the feedback loop bring forth descriptive data that shed light on how legal aid works for people. Monitoring can be differentiated and focus on specific legal domains, procedures, geographical locations, age groups and performance over time. As such, it provides a general picture and is very useful for signalling and identifying changes. The data supports the formulation of hypotheses that can guide and help to initiate in-depth research, but itself has limited explanatory power.

Adding data from broader perspectives is one way of mitigating the risk of jumping into conclusions too fast in that respect. The KC undertakes first steps towards collecting data about the legal quality of legal aid by utilising peer review as a data collection method. These data form the basis of a legal quality monitor. Quality from a legal profession point of view importantly complements data about the quality as experienced by users. Quality of legal aid means something very different from different perspectives. Clear, operationalised definitions of quality from different perspectives thus are foundational to the feedback loop.¹³

The KC receives the legal quality data under strict confidentiality conditions and privacy safeguards, and it makes the data public at an aggregated level only. These data, like all the other data that the KC collects,

¹³ L. van Leuven, S. Peters & J.H. Verdonschot, *Perspectieven op goede rechtsbijstand*, Kenniscentrum 2025.

under no circumstances is shared with the LAB or other organisation.¹⁴ This underscores the fact that the data collection via peer review exclusively takes place for monitoring purposes, and not for supervision of any kind.

Privacy, obviously, more broadly is an important factor. The KC took technical infrastructural measures, and created policies and an internal behavioural code for its staff. The LAB commissioned the KC to implement the feedback loop, on the basis of its statutory task to monitor the legal aid system. Since the KC is a facility created by the LAB, this statutory task provides a sufficient basis for the KC to conduct its studies. Privacy of respondents remains a priority and the KC thus involves its privacy officers whilst developing and implementing the feedback loop.

The KC started its monitoring studies for the special arrangement in 2021. During the period after, users and lawyers were asked to participate in the monitoring studies several times. Improving response rates is always a challenge; keeping users engaged in a longitudinal study takes this up a notch. Thus far, response rates were decent, perhaps due to the nature of the special arrangement and underlying situation. Perhaps users who want to feel heard, but experience not getting the chance for this, see participating in a study as an opportunity in this regard. Keeping response rates at sufficient levels for longitudinal monitoring experiences of all users of legal aid will not be less challenging. The same goes for keeping lawyers involved. Under the special arrangement, lawyers were obliged to participate, but there never was a 100% response rate. Sharing experiences as part of a monitoring study may be seen as an administrative burden.

Keeping policy makers engaged in a feedback loop is no less critical. New monitoring data for the special arrangement are discussed with all important stakeholders, including the LAB, the Bar Association and the member of Cabinet who is responsible for the restoration operation. The monitoring data may have informed policy decisions. This obviously is critical, as it constitutes the loop in the feedback loop.

¹⁴ Independent research institutions, under strict conditions, may be an exception.