

AGENDA MANAGEMENT SHEET

Name of Committee Cabinet

Date of Committee 06 October 2005

Report Title Warwickshire Community Legal Services Partnership

Summary This report sets out the key points contained in the Legal Services Commission consultation paper 'Making Legal Rights a Reality'. A proposed response is attached to the report.

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Would the recommended decision be contrary to the Budget and Policy Framework? No.

Background papers The Legal Services Commission consultation paper, 'Making Legal Rights a Reality'.

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

- Other Committees
- Local Member(s)
- Other Elected Members Cllr Mrs H McCarthy, Cllr Mrs S Boad
- Cabinet Member Cllr Mr C Hayfield
- Chief Executive
- Legal David Carter, County Solicitor and Assistant Chief Executive
- Finance
- Other Chief Officers
- District Councils

Health Authority

Police

Other Bodies/Individuals

FINAL DECISION **YES**

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by
this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation

Cabinet – 06 October 2005

Warwickshire Community Legal Services Partnership

Report of the County Solicitor and Assistant Chief Executive.

Recommendation

That the response to the Legal Services Commission consultation paper 'Making Legal Rights a Reality' as attached to this Cabinet report at Appendix B be approved.

1. In July 2005 the Legal Services Commission launched a consultation paper entitled 'Making Legal Rights a Reality'.
2. The consultation paper invites comments on the future strategy of the Community Legal Service (**CLS**). The CLS falls within the responsibility of the Legal Services Commission (**LSC**). The LSC was created under the Access to Justice Act 1999 and took up its role in April 2000. The LSC is the successor body to the Legal Aid Board. The aims of the LSC are to ensure effective and accessible justice, protect the rights of individuals and modernise the law and constitution.
3. The CLS is the body through which the LSC funds the delivery of civil legal and advice services, identifies priority and unmet needs and develops suppliers and innovative services to meet those needs. The LSC is also responsible for the Criminal Defence Service.
4. The consultation paper also invites comments on how Community Legal Services Partnerships may look in future and what their functions might be.
5. The relevant paragraphs from the consultation paper which can be found at http://www.legalservices.gov.uk/civil/docs_for_consultation/civil.asp#reality are attached at Appendix A.
6. The Warwickshire Community Legal Services Partnership (**WCLSP**) has been in existence since spring 2000 and continues to meet around 4 or 5 times per year on average. The aims of WCLSP are to assess the need for legal service, map the supply of legal services, analyse and prioritise gaps between need and supply, encourage supplier development to fill gaps, review funding arrangements in line with needs, supply and gap analysis, consult with local communities on needs assessment and proposals to meet that need, build an appropriate signposting and referrals network and consider appropriate

methods of service delivery. The final proposals flowing from this consultation exercise may well therefore impact on the future arrangements of the WCLSP. WCLSP has been invited to submit a response to the consultation paper in its own right.

7. Although there remains commitment from the partners to WCLSP there has been growing concern in recent months about the ability of WCLSP to achieve tangible improvements to the delivery of legal services to the people of Warwickshire. Concern has also been expressed about the ability of the LSC to support the aims of WCLSP as their regional priorities do not necessarily reflect the gaps in service provision identified in Warwickshire.

24th August 2005

DAVID CARTER

County Solicitor and Assistant Chief Executive

Appendix A

Section 1

Paragraph 1.5 – The CLS is a statutory creation and is defined in the Access to Justice Act 1999 (c.22). The relevant sections that set out the framework of the CLS are reproduced in Appendix Three.

Paragraph 1.6 – The Act does not create the CLS as a highly specified and defined entity. It is not a single body or organisation; rather it describes the CLS in terms of its purpose: to promote the availability to individuals of a broad range of services relating to civil law, legal services and the legal resolution of disputes.

Paragraph 1.7 – While describing the CLS in broad and loosely-defined terms, the Act makes very specific provisions regarding the role of the Commission in relation to the CLS. The Act gives us two main roles in relation to the CLS which are distinct, but not separate. These are: (1) to establish, maintain and develop the CLS; and (2) to fund specific services as part of the CLS.

Paragraph 1.8 – Our role in establishing, maintaining and developing the CLS is defined broadly by the Access to Justice Act 1999 but within that there are some clear requirements. We must: (1) aim, where practicable, to improve the quality, suitability and accessibility of legal and advice services; (2) inform ourselves about the need for legal and advice services and about the quality of services provided; and (3) in co-operation with other relevant authorities, organisations and individuals: (a) plan what we can do towards meeting the need for legal and advice services by fulfilling our obligations; and (b) facilitate the planning by other authorities, organisation and individuals of what they can do to meet the need for legal and advice services using the resources available to them.

Paragraph 1.9 – In addition we have responsibility for funding specific services as part of the CLS. In funding these services we must work within the sums of money made available to us and must aim to obtain the best possible value for money.

Paragraph 1.10 – We have to set explicit priorities for our funded services which must be in accordance with any directions given by the Lord Chancellor and must take account of the need for legal and advice services.

Paragraph 1.11 – We are prohibited from funding particular services, set out in the 1999 Act, but subject to these requirements, we may fund as part of the CLS those services which we consider appropriate.

Paragraph 1.12 – We believe that the openness of the definition of the CLS as provided by the AJA 1999 us a great strength. It provides a framework within which the Commission, other public authorities, organisations and individuals can work together to provide help to people who need access to the law to protect their rights or address problems in their lives.

Paragraph 1.13 – The openness and loose structure of the CLS also give rise to some critical challenges: (1) The services delivered by the CLS as a whole are much wider than those which we fund – yet we have no direct power over those services.

We must seek to develop those services in a way which is positive for CLS clients through constructive engagement and influence with other funders and providers; (2) The CLS is in many ways a virtual organisation with services delivered to clients by many funders and providers. This means that the CLS is not highly visible as a single entity or brand, although many of the elements that make up the CLS are very well recognised. This impacts on the recognition and understanding of the CLS which could make it more difficult for clients to access the services they need. We will consider how best to use branding to ensure that the integrated legal and advice services that we are promoting are recognised and accessible.

Paragraph 1.14 – We recognise these issues but remain supportive of the way in which the CLS has been defined in the legislation. There is not only futility in seeking to define the CLS more specifically. There is also a risk that it would divert energy away from focusing on the real issue – meeting the legal education, information, advice and representation needs of people who require help from the CLS. It could also lead to inappropriate attempts to identify and implement a single solution or model for all legal and advice services, which we believe, would be detrimental to clients.

Paragraph 1.15 – In this paper we expand on these themes but we urge everyone involved in the CLS, in the interests of the people it serves, to embrace the ambiguity and flexibility which give the service the potential to meet the differing legal needs of individuals in ways most appropriate to their circumstances and to deliver positive outcomes for them.

Paragraph 1.16 – The CLS exists to provide legal help to people with problems – often problems which affect their most fundamental rights. The Commission’s role is to work together with others to provide a CLS which meets those people’s needs.

Paragraph 1.17 – Given its very open nature, the CLS has the potential to provide some level of help to any member of society and it would be unwise to impose artificial limits on the CLS which had the effect of excluding any individual from seeking its assistance. However, within that very broad reach, we prioritise both our own funded services and our work with other CLS stakeholders, to serve particular clients and to solve particular types of problem. We do so, and will continue to do so, on the basis of explicit and justifiable priorities.

Paragraph 1.18 – Our primary focus in promoting the availability of CLS help and in directly funding such help is to protect and promote individual rights. In particular: (1) to enable individuals to protect their fundamental rights in the face of action by public authorities and to receive a fair hearing in proceedings such as those relating to mental health and public law children cases; (2) to help them resolve private law disputes, such as private family law and clinical negligence cases, through negotiation and non-court based solutions where possible, and through access to the courts where this is the only, or most appropriate route; and (3) to address problems which contribute to their social exclusion, such as debt, welfare benefits and housing.

Paragraph 1.19 – Given the largely adversarial and orally-based legal system in England and Wales, services provided to meet the first of these purposes are important to ensure compliance with the European Convention on Human Rights;

particularly Article 6 (right to a fair trial). There is also a growing body of human rights case law, which is indicating that services provided for the second purpose are also important to ensure ECHR compliance.

Paragraph 1.20 – The last of these three areas is, we believe (although often not defined in terms of rights), quite fundamentally about people's rights. For example, the recipient of Housing Benefit has the right for their application to be dealt with in accordance with the law, and the consequences for that individual of a failure on the part of a public authority can be fundamental – in such a case, potentially, homelessness.

Paragraph 1.21 – Many of the people helped by the services we fund and provide (and who in general fall within our financial eligibility criteria) are inevitably poor, socially excluded and heavily dependent on help provided by other government and local authority agencies. Research also shows that where they have one problem capable of legal resolution they are likely to have others.

Paragraph 1.22 – It has also been the case that these client groups and these areas of law, particularly the social welfare areas of law, have received our greatest focus in establishing, developing and maintaining the wider CLS. This is because: (1) these are client groups and areas of law which attract significant levels of service from other funders, particularly central government departments, local authorities and voluntary agencies, so joint planning has been required to maximise the impact of both our and other agencies' funding; (2) there is much information and experience within the same group of public authorities, organisations and individuals about the need for services for these client groups and in these areas of law; (3) it is in the social welfare areas of law where we face the most significant challenge in joining up general legal advice and information about people's problems and their options for resolving them through legal information, advice or representation.

Paragraph 1.23 – It is our intention that our primary, but not exclusive, focus, in terms of client groups and types of problem, both for our funded services and for our work in developing the CLS, will remain unchanged. However, we plan new developments and changes of emphasis, and details of these are set out in part B of this paper.

Section 2

Paragraph 2.1 - Our vision is for a CLS that focuses on the rights of individuals. We will develop legal and advice services to uphold these rights, targeted at people for whom, without its support, access to justice might not be possible.

Paragraph 2.2 – Our first priority is the protection of those important rights related to state actions. These are public law Children Act proceedings, detention under the Mental Health Act, actions against the police and asylum. Our vision also extends to providing legal and advice services across other important civil law areas such as clinical negligence, family and of course social welfare law.

Paragraph 2.3 – We also have a clear view that the CLS should have at its core a commitment to use the law to achieve positive change: in individual lives, in communities that share a common problem and across groups facing particular

issues. It is also a vision which recognises that people need to access an integrated and seamless service and do not face 'legal problems' but problems to which the law may offer a solution.

Paragraph 2.4 – All of this fits within a context of acknowledging the many other services which work to address the same problems for clients. From health and education services to social work and family support services, it is clear that the CLS is but one of a package of tools to help individuals address the problems that they may face.

Paragraph 2.5 – We want to develop the CLS so that it is: (1) client-focused and accessible; (2) independent; (3) cost-effective and co-ordinated; and (4) quality assured.

Paragraph 2.6 – By this we mean a CLS that is well known, and can easily be accessed by clients when they face problems which may have a legal solution. It must respond seamlessly to the clusters of problems that clients encounter, offering a range of services from information to initial advice and complex litigation. The CLS should encourage and support people to get help in the early stages of a problem and avoid court where possible, but provide representation where this is the best options. (1) We will prioritise the needs of people who are at risk of losing their life or liberty, affected by abuse of authority, or whose human rights are threatened. (2) Those who face poverty, disadvantage, discrimination and exclusion are our second core group of clients. (3) We will also provide a legal information and advice service, available to everyone in order to promote the early and proportionate resolution of problems.

Paragraph 2.7 – The CLS should seek to promote legal rights so that people are better able to deal with their problems and understand when and how legal advice can help.

Paragraph 2.8 – Although central and local government may fund the CLS, it must maintain a robust independence in supporting a culture of rights for all and assisting those who have been unfairly treated by public authorities or private institutions.

Paragraph 2.9 – The CLS should play a strategic role in addressing the causes of clients' problems where these relate to the failure of public (and sometimes private) services to fulfil their obligations. Examples of this would include cases against parts of government which repeatedly fail to uphold rights or incorrectly refuse benefits, housing organisations with properties in disrepair, or a utility company which ignores its own policies when it cuts off supply.

Paragraph 2.10 – The independence of the CLS may lead to a tension between the CLS and its funders, but approached appropriately this should be a creative tension that retains a resolute focus on the rights and needs of clients.

Paragraph 2.11 – The CLS should bring together client groups, funders, service providers and other key stakeholders to make this vision a reality. It must ensure services link with each other and make the most effective use of available resources. As in any area of public service, we will need to prioritise and target resources at the greatest need. The means people who can afford to pay privately for legal services,

or who have legal problems that are not priorities for public funding or which can be funded through other methods, will need to be referred elsewhere. It also means that we will act to address the drivers of problems that clients face where this would represent a better value approach than to simply fund repeat cases.

Paragraph 2.12 – The commitment to placing quality at the heart of the CLS remains a key element of the future vision and strategy. We will build on what has already been achieved and, while ensuring no reduction to the minimum quality standard, we will work closely with our service providers and partners to recognise equivalent quality standards and simplify, as far as possible, the award and audit of those standards.

Paragraph 2.13 – While the Quality Mark focuses closely on organisational competence and the client interface, our future strategy will also recognise the increasing importance and relevance of the quality and advice and legal work, the competence of individual advisors and the outcomes that clients receive at the conclusion of advice. An independent peer review process is being developed and could become the bedrock of the assessment of the quality of advice for all organisations in the CLS – regardless of who funds the service.

Paragraph 2.14 – We are also working closely with several umbrella organisations to encourage the development of their own competency/ peer review mechanisms in the expectation of recognising such developments and transferring responsibility for achieving quality levels to the organisations themselves.

Paragraph 2.15 – The Commission is also hosting a groundbreaking project to develop National Occupational Standards for Legal Advice, on behalf of and in partnership with a diverse range of organisations that represent, support, regulate and train practitioners across the private, public and voluntary sectors. National Occupational Standards will, for the first time, provide advisors, especially those in the not for profit sector, with recognisable and transferable training and qualifications.

Paragraph 2.16 – The combined benefit derived from quality systems and advisor competence is positive outcomes for clients. Our strategy is to enhance the gathering of outcomes data and to increase its accuracy and consistency. We will then be able to work in partnership with suppliers to identify particular strengths and weaknesses.

Section 3

Paragraph 3.1 – It is easy to lose sight of the fact that the CLS only came into existence in April 2000, to partly replace a system of civil legal aid which had existed and developed over the previous 50 years. Local advice services have developed on an ad-hoc basis over an even longer period, and it is this advice maze that has presented barriers to clients getting the advice they need.

Paragraph 3.2 – We believe that significant progress has been made in the past five years in establishing and developing the CLS to meet the needs of the clients it serves. Such progress has been a result not only of the Commission's efforts, but also those of other public authorities, funders and providers, both organisations and

individuals, who have willingly joined with us. We have set out in Appendix Two details of some of the many achievements of the CLS in its short life to date. This strategy paper is focused on the challenges that lie ahead, and on what we want to do to improve it.

Paragraph 3.3 – We operate our directly funded services, (and the Commission as an organisation), within a fixed budget, set as part of the government's three year budgeting cycle. Within the resources available to us we have to balance the interests of the Criminal Defence Service (CDS) (where the demand for services is often driven by factors outside our control) with those of the CLS. Managing services within a limited budget is by no means unique to the LSC, and it is a position familiar to most other stakeholders within the CLS.

Paragraph 3.4 – We will always argue for resources commensurate with the levels of need for the CLS. However, we will not always get this and we find ourselves in exactly the same position as most other organisations; the public or private sector, or the voluntary and community sector.

Paragraph 3.5 - We focus on achieving all that we can for clients within this funding framework. Our challenges within this environment are to: (1) Maximise the volume and quality of legal and advice services we can commission for clients within the available resources, through effective purchasing mechanisms and new delivery mechanisms; (2) Ensure that we achieve maximum value for these services; in terms of both positive impacts and outcomes for clients; driving improvements in the service delivery of other public bodies; (3) Ensure the effective co-ordination of our own directly-funded services with those services funded by our partner funders; and (4) Attract new sources of funding to the CLS to increase the overall level of resources within the system.

Paragraph 3.6 - We recognise that many of our partner funders of the CLS face similar, and often greater, challenges with regard to the availability of resources. We also acknowledge, and must manage, the tension that the policies necessary to deliver this vision may produce in the relationship between ourselves as purchasers of legal and advice services, and those who provide them.

Paragraph 3.7 - We are determined to live up to our commitment of placing the needs of clients at the heart of our decision-making. We therefore, have to understand what these needs are. This means that we must continue to build on the approaches we currently take in our regional needs analysis. In particular we must: (1) Ensure that, at a national level, we understand developments in the legal system and those public services, both local and national, which may impact on the need for legal and advice services; (2) Engage more closely with other parts of central government, local government, legal and advice providers and other local and national stakeholders, to benefit from their understanding of clients' needs; (3) Find effective mechanisms to engage more closely with clients of legal and advice services, and the groups that represent them; and (4) Continue to develop our capacity to translate this information into a real understanding of client needs in order to make decisions about service priorities that are transparent and accountable.

Paragraph 3.8 - We recognise that certain challenges are presented when moving from an understanding of clients' needs to putting services into action to meet those needs, in particular: (1) Tailoring legal and advice services in accordance with geographical factors. The areas of highest social deprivation have the highest need for legal and advice services. While we must focus resources on these areas, we must also maintain a national service. It is inevitable that the areas with the highest geographical concentration of problems – and therefore the greatest need for services – will be urban. However, rural areas have their own particular problems, which we must also address; (2) Recognising that clients often have a range of problems. In order to address this effectively, legal and advice services must be structured and delivered in an integrated way which doesn't needlessly lead client to seek help for different parts of their problems in different places and from different providers. This is particularly important given that referral between service providers is often ineffective; (3) Addressing the problems that flow from different services being funded by a variety of funders and delivered by different service providers. The need to refer from a general not for profit advice agency to a specialist lawyer is often a barrier that clients do not overcome.

Paragraph 3.9 - Legal and advice services will not meet client needs if clients do not readily access them. We know that many people do not know either that help is available or where to obtain it. Moreover, we believe that the most vulnerable and disadvantaged clients do not easily access services which follow traditional models, for example high street solicitors and general advice centres.

Paragraph 3.10 - This is a challenge for all legal and advice services, regardless of how they are funded. (1) The Legal Services Commission must improve the value of money and quality of the services it funds while at the same time liberating the best suppliers to deliver services within a framework based on high levels of trust and with low transaction costs. (2) We also recognise that, at least in some areas of law and parts of the country, providers of legal services are facing challenges to continue to deliver services within the current payment levels. However, we recognise that we must also develop our own remuneration systems to provide the right incentives to service providers in order to properly focus on the needs of clients.

Paragraph 3.11 - The availability of services does not necessarily match the need for legal and advice services and some clients are unable to access advice, either because providers of legal and advice services are unwilling to increase caseloads, or because there are no such providers locally.

Paragraph 3.12 - The CLS needs to be more effective in engaging with other parts of government to ensure an integrated approach to meeting the needs of individuals and communities. It has rarely played a role in offering potential solutions to problems in public service delivery that give rise to some of the problems that clients experience.

Paragraph 3.13 - We need to do more to join up the CLS. Although good progress has been made by Community Legal Service Partnerships (CLSP's) in many areas, supporting many worthwhile projects and initiatives, overall the CSLP structure has not achieved the joined-up delivery of services in the way that was hoped: (1) It has been difficult to engage many local authorities at a senior level where CLSP's are seen as peripheral to community and regional strategies; (2) The presence of service

providers on CLSPs can lead to conflicts of interest; and (3) Users have not been regularly involved in CLSPs. We need to learn from the experiences of CLSPs so that we address these key issues.

Section 5

Paragraph 5.3 - At a national level we propose to establish a national stakeholders group for the CLS. This would include other main funders of legal and advice services, key government departments and client representatives. The role of the national stakeholders group would evolve but, initially, we would want it to: (1) Achieve a common understanding of relevant agendas; (2) Agree the way in which we define client need; and (3) Prioritise the challenges that we face.

Ultimately we would need to agree a common way forward for the CLS and the way in which resources are allocated. In short a national stakeholder group would significantly assist the LSC in providing national leadership and direction for the CLS.

Paragraph 5.4 - We recognise that it will be critical to have a clear remit for the group with agreed success criteria and clarity on the roles of member agencies, who they represent and how. We would expect the group to include senior representatives from a wide range of funders and consumer representatives and we will be working with potential members to establish this group over the remainder of 2005.

Paragraph 5.6 - We believe that a differently constituted body may better undertake the planning function presently assigned to CLSPs. CLSPs have rarely engaged a wide range of private solicitors and have been resource intensive for all concerned. Because of the potential for conflicts of interests, we do not consider that service providers should sit on the planning or commissioning bodies. CLSPs have made a significant and important contribution over the last five years in bringing different legal and advice services and their funders to the same table but having addressed that challenge we now need to take the next important steps towards a joined up approach to the CLS. Whilst CLSPs may remain as service provider forums they are likely to continue without direct input or support from the LSC: we now need to move on to the next phase of local engagements. The planning function should be performed by funders but we would want to consider if this planning or commissioning role could be undertaken through an existing structure (perhaps a Local Strategic Partnership or existing sub-group) before considering if a new body was required. We want the LSC to reach this decision jointly with local authorities. We recognise it is unlikely that one size will fit all and accept that different models will be to simplify the planning and commissioning process whilst making it more robust and locally accountable where appropriate. There must be no partnership or bureaucracy that does not add value.

Section 6

Paragraph 6.3 - However, given the pressures on the overall legal aid budget, we need to take specific action to ensure appropriate resources are available to deliver this strategy. In particular, we will need to: (1) Continue to seek better value for money in all areas of LSC expenditure (both CLS and CDS), and work with other in the civil and criminal justice systems to maximise our ability to deliver vital frontline

services to clients; (2) Seek new long-term commitments to contributing funds to the CLS from a wider range of funders; (3) Ensure that increases in CDS and CLS costs arising from planned changes in government policy or legislation (for example the draft Mental Health Bill) are both acknowledged and funded accordingly; (4) Work with other funders to maximise the effective use of available resources, for example by polling budgets with local authorities; and (5) Continue to focus our funding on the highest priority clients, through scope and financial eligibility criteria.

Section 7

Paragraph 7.1 - We have identified three priority areas for our work in developing the CLS. These are: (1) Individual acts of advice, assistance and representation; (2) Strategic action to address the need for advice; and (3) Information about legal rights.

Paragraph 7.12 - To ensure that citizens can access high quality legal information and advice, regardless of their means or location, we are planning to further develop the national telephone service, broadly based on the service available from Community Legal Service Direct. We already know from our experience of Community Legal Service Direct, and also from other service delivery environments, of the potential for telephone services to significantly improve access. Many people prefer to access services over the telephone, as was learned from the Commission's Methods of delivery pilots.

Paragraph 7.13 - The national telephone service is the key to enabling the CLS to increase the accessibility of legal information and advice services. Within the available resources we do not believe we can expand face-to-face services to provide the breadth and depth of legal and advice services that a telephone service could offer.

Paragraph 7.14 - We will scope the development of a telephone service that offers basic information on legal rights and responsibilities, self-help packs for those able to take action themselves, advice, support and casework where appropriate. It would seek to deliver a general service across social welfare law and family law and also offer information and advice in other areas of law..

Paragraph 7.15 - Our aim will be for a basic level service to be available to everyone, regardless of their means. The overall service will help to provide coverage in geographical areas where there are gaps in provision. The casework service will focus on people who are eligible for legal aid and prefer a telephone service.

Paragraph 7.16 - where appropriate (such as when a client needs assistance with representation or litigation) it will link directly into face-to-face services by making appointments with providers and passing on relevant information. This will ensure that clients receive a seamless service and are not lost as a result of inadequate referral processes.

Paragraph 7.17 - As we know from many areas of service delivery it is clients that determine if a service is successful, but we confidently expect this service to be expanded rapidly over the next five years as clients choose this as a preferred

access channel. We expect that its growth will allow us to better focus face-to-face services in a sustainable manner.

Paragraph 7.18 - Not surprisingly, the greatest need for face-to-face services is in the most deprived areas where poverty and exclusion are concentrated. These communities face a range of interrelated problems, such as lack of work and low wage work, reliance on benefits, spiralling debt and long-term health and disability problems, issues of fundamental rights (such as actions against public authorities, asylum and mental health) also attach to this pattern of social welfare issues.

Paragraph 7.19 - We know from the LSRC's national survey of Justiciable Problems that factors often associated with social exclusion, such as a disability or long-term health problems, poor housing or homelessness, or receipt of benefits are good indicators that a person may also be experiencing associated legal problems (Causes of Action, pp 21-31). The survey also shows an addictive effect: 'each time a person experiences a problem they become increasingly likely to experience additional problems' (causes of Action p.31). Equally significant is that people suffering from long-term health problems or disability, living in high-density housing or private rented housing, in receipt of benefits, or lone parents are more likely to report multiple problems than others (Causes of Action p.32).

Paragraph 7.20 - For the people who live in the most deprived areas where these factors are concentrated, accessible legal and advice services are vital to ensure that they receive the benefits to which they are entitled. They need legal and advice services which are located in the heart of their communities and, wherever possible, offer help in all areas of social welfare law in a seamless manner, capable of addressing the clustering of problems that clients often face. There are some examples of services trying to meet need in this way but, overall, services do not address the challenges we set out above.

Paragraph 7.21 - The expansion of telephone services will allow us to develop face-to-face services with a better focus on meeting the particular needs of the poorest and most disadvantaged communities. The efficiencies that come from an accessible telephone service mean that over time resources can be diverted to ensuring that those who most need face-to-face services have good access. This means that over time we will expect to have the greatest concentration of face-to-face services in areas such as Neighbourhood Renewal Areas (the 88 poorest local authorities in England and the equivalent areas in Wales) and a more regionalised approach to face-to-face service outside of these areas. It is unrealistic to expect every town to have a wide range of legal aid practitioners in every area of law.

Paragraph 7.22 - We propose to pilot a small number of centres providing jointly-funded, face-to-face legal and advice services in social welfare law delivered under a level of service specification that is more focused on outputs and outcomes than either existing LSC contracts or many local authority funding agreements. These services are likely to be based in major urban centres, perhaps with satellite offices in the most deprived communities, or outreach services in GP surgeries and community organisations. They will deliver a seamless service, from basic advice and assistance to specialist representation in the highest courts. In order to deal with clients' problems seamlessly, the Centres will cover a broad range of categories of law, offering as a minimum, services in a range of social welfare categories,

particularly Debt, Housing, Welfare Benefits, Community Care and Employment. They will have effective links with suppliers in other specialist areas of law and over time may develop further to provide some of these services themselves.

Paragraph 7.23 - In developing this model we will draw on existing best practice from, for example, well-run, client-focused and effective private firms, Law Centres, not for profit agencies, and successful partnership Initiative Budget projects but with a guarantee of service delivery that is not contained within any existing services that we fund. There is no expectation that these Centres should be run by any one sector – not for profit, private or commercial – but we will expect services to be firmly focused on the needs of clients, delivering to the specification agreed, regardless of the agency or agencies running them. A Community Legal and Advice Centre will be a single legal entity – but it could be run by one supplier or by a range of providers who come together to bid as a consortium. We expect to pilot different approaches to this model. In choosing where to site the pilots, we will seek to identify key funding partners and other stakeholders that want to develop these ideas with us.

Paragraph 7.24 - We do not intend to replicate existing provision where this is serving communities well. However, we must be confident that services deliver good outcomes for all clients, and are not structured around individual organisational needs. We need to ensure that the services do not ‘cherry pick’ clients accordingly to whether their cases seem particularly interesting or remunerative. They must also prioritise effectively, rather than rationing through queuing or only being open in very limited hours. Current LSC contracts either do not specify any minimum volume of work, or do not specify any minimum number of clients to be helped.

Paragraph 7.25 - We will seek to develop these Centres through long-term relationships with providers, to support services of guaranteed quality and accessibility. We will provide a clear specification of the services and outcomes to be delivered, and local providers will be able to bid, either individually or jointly, to provide them. While the broad specification will be set nationally, based on the best research and evidence available, it will allow for flexibility and local variation. The location of services (satellite offices; outreach locations such as GP surgeries), the balance between different categories of law, and the response to specific local issues (such as the need for a service in a particular language) will all be driven by local factors. We do not expect that the people delivering these services would be directly employed by the LSC, although we may pilot such a model.

Paragraph 7.26 - Funding for the Centres could be related to achieving specific outcomes for clients. Key activities could include: (1) Targeting groups that do not access current services, for example through outreach in community centres, focussing on helping people who have a particular need for, and difficulty in, accessing service because of their personal circumstances (such as people with mental health problems or prisoners), and addressing the patterns of problems they face. (2) Helping to tackle institutional causes of problems through dialogue, negotiation, and, where this fails, litigation. The type of organisations causing these problems could include utility companies, banks, landlords or governments agencies/departments. The Centres will identify these issues using their local knowledge, and may target particular client groups through marketing, and bring test cases and (3) Helping to make clients aware of their rights, and providing information

and self-help packs. These will usually be commissioned nationally, but may be tailored for local needs.

Paragraph 7.27 - The Centres could also develop effective links with suppliers of family legal services building on our existing approach to family services. This would enable an early assessment of all of a client's needs. Clients will be able to access these new services either through the Centres or directly from the existing local network of family law solicitors.

Paragraph 7.28 - The centres would also work closely with the Criminal Defence Service, so that clients subject to the criminal justice system, such as those in or being released from prison, have access to services that meet their civil legal advice needs, for example via video link or through outreach.

Paragraph 7.29 - Although we are proposing to pilot only a small number of Centres, we want to apply the same joined-up approach to other geographical areas.

Paragraph 7.30 - We therefore intend to pilot Community Legal and Advice Networks, consisting of a group or consortium of quality-assured providers that have signed up to a common specification of services. We propose that each network would adopt the same model, and work together to provide a seamless and integrated service across a broad range of categories of law, including social welfare categories. Like the Centres, they may also tackle institutional causes of problems. We will locate at least one of these pilots in a semi-urban or rural area. We will also consider whether such a network would be practicable on a regional basis to ensure that clients have access to a wide range of services.

Paragraph 7.31 - The networks could be run through a lead supplier, who would then contract with other suppliers. The main interface with the LSC would therefore be through that lead supplier, which would reduce transaction costs on all sides and would allow the delegation of some LSC functions to the lead supplier as the Preferred Supplier models develops.

Paragraph 7.32 - In developing the Centres and networks we will build on the experiences of those services that already adopt a joined-up approach to delivering legal and advice services. Examples include housing possession schemes, projects funded through the Partnership Initiative Budget, and the LSC's duty solicitor schemes for accelerated asylum procedures.

Paragraph 7.33 - A truly comprehensive social welfare law service should be available to meet all the needs of clients in areas such as welfare benefits, debt, housing, education, employment, community care and mental health, wherever they live. Outside the pilot areas for Community Legal and Advice Centres and Community Legal and Advice Networks, the current supplier base of law firms and advice agencies will be developed to build upon best practice in social welfare law. This will include an increasing presumption in favour of providers that deliver services in several areas of social welfare law (rather than paying for services from numerous providers that offer perhaps only one or two). There will also be an increasing presumption in favour of providers that are able to deliver services across wider geographical areas.

Paragraph 7.34 - We will therefore explore ways in which we can make it easier for good providers to offer a broader range of services. Agencies that specialise in Mental Health legal services, for example, may provide access to social welfare advice. We outline below the steps we will take to ensure that legal and advice services are better organised to meet the clients' needs (see Appendix One).

Paragraph 7.37 - Individual acts of advice and assistance are the main way in which we can achieve solutions to clients' legal problems and address the poverty, discrimination and disadvantage that many people face; they will therefore always remain the core work of CLS. It is difficult to overestimate the effect of saving a family home from repossession, or obtaining asylum for someone fleeing torture.

Paragraph 7.38 - However, legal and advice service providers witness the same kinds of problems time and again, when public services have failed to meet their statutory duties or when commercial companies have misled or exploited their customers. With a unique viewpoint on the pattern of problems that people face, and the possibilities the legal system provides for resolving them, the Community Legal Service can contribute to a dialogue between consumers and service providers. This offers a strategic and cost-effective approach to improving services (and thus preventing justiciable problems). Revealing failures in public services and demonstrating unlawful conduct has the potential to encourage providers of such services to fulfil their obligations.

Paragraph 7.39 - The CLS must play a role in addressing these matters at a strategic level as well as ensuring individual get the help they need. In addressing the main drivers of the problems that people face, the CLS will be able to achieve a greater impact and bring about wide-reaching change which will benefit many.

Paragraph 7.40 - A key issue for us in developing these approaches will be able to identify which part of the CLS should take the lead; for example we will consider whether this work is best taken forward by the LSC, cross-funder groups, or legal and advice service providers.

Paragraph 7.41 - There has been significant investment in public services over recent years. Central and local government have together developed shared priorities for improving public services, and there is a commitment to continuous improvement within the sector. However to ensure that services improve for the most deprived and not just the average user requires a special focus. The CLS shares clients with these other services and often has complementary objectives. By working together with service providers we can provide them with feedback regarding our clients' problems, especially where they themselves cannot give this.

Paragraph 7.42 - "Although some groups of people are consistently being helped less than others, some individuals appears more difficult for public services to help because of the specificity and severity of their multiple disadvantages. If policy continues to improve things for those easier to help, there is a danger that we will reduce the overall risk of social exclusion but that the groups most in need may be relatively further behind. This suggests that we may need to re-focus effort and targets on those at the lowest end of the distribution of income, skill and health resources. This challenge will be about policy design but also, crucially, about service delivery". (Breaking The Cycle, Social Exclusion Unit (2004), p.11).

Paragraph 7.43 - The CLS can give a voice to excluded people who are dealing with problems which result directly from the weaknesses of some public services. This approach is increasingly recognised in the work of the Office of Deputy Prime Minister (and its Social exclusion and Neighbourhood Renewal Units), the Home Office and Department for Work and Pensions, other government departments and local authorities that are identifying the role of citizens and communities in improving public services. In particular the ODPM's 'local: vision' work is of direct relevance, but the role of the CLS in this work needs to be more clearly established.

Paragraph 7.44 - Through the CLS, we will seek to promote strategic solutions to problems that both service users and service providers are facing. Working together to identify both the problems and the potential solutions, by resolving problems at a strategic level, offers improved services and better value for money.

Paragraph 7.45 - There are many ways in which groups can and do use the law to achieve their shared objectives. These could be, for example, tenants on a housing estate working together as a group to compel a landlord to carry out repairs. The CLS could learn from these initiatives and facilitate group responses to collective problems.

Paragraph 7.46 - We will only achieve these aims by building strategic links with service providers, both nationally and locally. We will work with the Department for Constitutional Affairs, in particular with its Education, Information and Advice Strategy, to deliver this.

Paragraph 7.47 - Our focus will be one three main areas of activity: (1) Raising awareness of the types of problem which can be helped by people working together in a group, through publications and engaging with government and local communities. Our intention is to reduce the need for recurring individual acts of advice and assistance and thus to have a greater impact for clients with the resources that we have available; (2) Negotiation: engaging with service providers at a senior level in a constructive and positive manner to highlight problems and suggest solutions; and (3) Funding litigation where other approaches fail. This will include identifying and bringing test cases, and sometime funding actions by groups of clients.

Paragraph 7.48 - A rights-based culture – in which people have a good awareness of their rights and how to exercise them – help citizens to play an active role in a just society. The LSRC's National Survey of Justiciable Problems highlights that clients who are able to deal with problems they face without the need to seek advice and further help empowered. This links directly with the wider government agenda of building trust in public services and developing citizenship.

Paragraph 7.49 - The LSC has a statutory duty to promote legal information which enables people to know and exercise their rights; the CLS will work to ensure that people understand their relationship with the state and public services, and the framework of expectations and obligations on both sides which underpin it. We do not seek to encourage unnecessary litigation; we want people to understand how they should use the law and when it is not appropriate to do so. However, research shows that information is available but access and delivery are haphazard because

of a lack of standards and consistency. The complexity of the information and advice sector and the diverse problems facing consumers, coupled with the number of sources of information, can make consumers feel unable to find the information they need.

Paragraph 7.50 - There is a long tradition of legal and advice services providing information, and we do not seek to increase the amount of information provided. Rather, we seek to promote trusted sources and thus help clients navigate through the information and advice that is available. This work will be delivered primarily by working with others, particularly the Department for Constitutional Affairs and its Education, Information and Advice Strategy.

Paragraph 7.51 - We will work with the Department for Constitutional Affairs to directly influence services providers, so that they provides the right information and advice about their services and deal effectively with complaints and disputes. This should lead in turn to a lower demand for some types of independent advice.

Paragraph 7.52 - Our website, www.clsdirect.org.uk has already made progress in helping people find reliable and trusted information from a wide range of sources. The Department for Constitutional Affairs' five-year strategy has a clear focus on vulnerable consumers and we will work with the Department to identify the different needs of young people, old people, BME groups, those with mental health problems and others. We aim to ensure that, wherever appropriate, people are empowered to deal with the problems they face without the need for advice or litigation.

Section 8

Paragraph 8.1 - In developing our strategy to deliver a more seamless legal service across the Community Legal Service, we will continue to make the policy and delivery links between the social welfare law areas of the CLS addressed above, Children and Family Services within the CLS and the Criminal Defence Service (CDS). Family Law services are a core part of the CLS and form, in monetary terms, the greatest part of LSC-funded civil services. Given this, it warrants its own strategy paper and we will be publishing a separate strategy paper on this subject later in 2005. Similarly, while the CDS is distinct from the CLS, we must continue to recognise the links and interactions between the services. Although the strategy papers for these services will be published separately, the three will link together to form a comprehensive approach.

Paragraph 8.2 - The Family justice system is currently undergoing radical reform. As the largest single purchaser of legal services in both private and public law family cases, the LSC has an important role to play in that reform process not only from the perspective of a service funder but also from the perspective of consumer need and improved outcomes, especially for children. This involves working with government departments who provide early education and post-proceedings services for these consumers.

Paragraph 8.3 - The link between family law legal information, advice and representation and social welfare law is vitally important. Evidence shows that family breakdown problems are proportionally more likely to give rise to other justiciable

problems (see for example Causes of Action and 'One Parent families' Lone Parent Research 2004).

Paragraph 8.4 - A key issue therefore is how we deliver social welfare law information, advice and representation services to clients who have primarily family problems. We have already begun to develop and research an approach to this through our Family Advice and Information Service (FAInS) initiative. As well as focusing on best services within a network of other advice provision, including social welfare law providers, while also exploring mechanisms to address family issues outside of court proceedings.

Paragraph 8.5 - We will be working with partners within central government, in particular the department for Constitutional Affairs and the Department for Education and Skills to build on our existing work, including FAInS, to ensure that CLS family services develop in an integrated and more efficient way. In particular we believe that the current, adversarial, often court-based, process for resolving public law children cases must be reformed.

Paragraph 8.6 - The future development of Family legal and advice services will seek to compliment effectively other legal and advice services including, as and where they are developed, Community Legal and Advice Centres and Community Legal and Advice Networks.

Paragraph 8.7 - As we take this forward, it is important to remember that many solicitors and advice agencies provide assistance on both social welfare and family law. Almost 70% of those solicitors' offices with legal aid contracts in family also have contracts in at least one social welfare category (although this has declined from 96% in 2001). There could be a risk that in moving towards more integrated services within social welfare law and family law respectively, we exacerbate one of the problems that we are trying to resolve, namely, the needs which clients undergoing family and relationship breakdown have for legal advice on social welfare issues. We are determined to manage this risk in a way to ensure effectively joined up services which meet client needs.

Paragraph 8.8 - In order to make sure that family and social welfare services are joined up, the following options will be explored: (1) Creating close connections between Community Legal Advice Centres and family suppliers; for example, Centre staff could provide outreach services at the family supplier's office or vice versa; (2) Piloting the provision of family advice directly by Community Legal Advice Centres as part of the pattern of family supply in the area. This could involve joining up a Community Legal Advice Centre with a broadly based Family Centre; (3) Engaging family suppliers as part of the pilot Community Legal Advice Networks; (4) Encouraging the spread of social welfare law expertise among family suppliers by the use of new, more flexible, social welfare categories and ensuring that the quality of advice to clients is maintained and (5) Continuing to build and develop the FAInS model to ensure the effective diagnosis and referral of wider problems.

Paragraph 8.9 - The purpose of the Criminal Defence Service (CDS) is to ensure that individuals under investigation for, or charged with, a criminal offence have access to the appropriate legal advice, assistance and representation, as the interests of justice require.

Paragraph 8.10 - There is a clear link between crime and relative social disadvantage, although it is not the only driver of crime. Some of the impact of social disadvantage is demonstrated in the prison population when compared with the general population. The Social Exclusion Unit has found that compared with the general population, prisoners are thirteen times more likely to have been in care as a child, thirteen times more likely to have been unemployed and thirty five times more likely to have been homeless ('Reducing re-offending by ex-prisoners' July 2002).

Paragraph 8.11 - There is a large overlap between CDS suppliers, and social welfare and family law suppliers (60% of CDS suppliers also a CLS contract). Therefore, we will continue to work to ensure that the appropriate links are made between the CDS and CLS to ensure that clients have access to the range of legal help they need to address their problems.