

16<sup>th</sup> September 2015

## All Party Parliamentary Group on Legal Aid

### Present:

Kier Starmer MP (chair)

Yvonne Fovargue MP

Andy Slaughter MP

Lord Bach

Lord Low

Lord Beecham

Lord Carlile

### Apologies:

Henry Bellingham MP

Diane Abbot MP

Lord Phillips

Peter Bottomley MP

Jonathan Djanogly MP

The meeting was also attended by about 45 interested persons from a range of organisations including the Magistrates Association, Ministry of Justice, Law Centres Network, CILEX, Citizens Advice, Bar Council, Law Society, Advice Services Alliance, Rights of Women, Legal Action Group, Legal Aid Practitioners Group, Young Legal Aid Lawyers and representatives from the advice sector. In addition, several individual barristers and solicitors were present.

## Challenges facing the advice sector

Keir Starmer welcomed people to the meeting and explained that the subject for the meeting arose out of the discussion at the last meeting of the APPG on Legal Aid.

### Baljit Badesha, Trustee of AdviceUK and CEO of Nucleus Advice Centre

- AdviceUK has 800 members in the UK. They estimated that, taken together, their members had recently lost £100 million of funding. This translated into 2,000 caseworkers and a total of ¼ million of cases.
- AdviceUK are losing members as a result of closure and merger at a rate of around 30 a year.
- However, they were recruiting new members which broadly divided into two types:
  - Firstly, a number of volunteer-only organisations.
  - Secondly, there was evidence that Housing Associations were increasing the amount of advice they offered. However, there were issues around the independence of the advice given and, further, they offered help only to their tenants.
- AdviceUK considered that there had been an increase in the demand for housing and welfare benefit advice, particularly as a result of welfare reform.
- Baljit felt that his organisation, Nucleus, was typical of many. Based in West London, they provide advice in debt, housing, employment and benefits. Three years ago, the legal aid cuts had led to the loss of 600 matter starts. Also, at the same time, they had suffered a 25% cut in local authority funding.

- Nucleus had responded to the cuts by making redundancies, expanding their geographical remit, tendering for new contracts and charging (through CFAs) for some employment advice. However, they were expecting further cuts in 2016. Ealing Council has already indicated that they will be making a cut of 40% in their funding and another local authority is hinting at a further 25% cut.
- Baljit feared that the sector was losing its specialist advisers and that this was harming its effectiveness and efficiency.

### **Julie Bishop, Director of the Law Centres Network**

- Ten Law Centres, or nearly 20% of Centres, have closed as a direct result of the legal aid cuts. Those that survive lost some 40% of their income. These figures reflect the specialist services provided by Law Centres and their previous dependence on legal aid.
- The demand for advice was increasing in the areas of housing, benefits, immigration and employment. However, three of these areas were now largely out of scope of legal aid. Law Centres are having to turn away people who need their help. The waiting times for appointments are also increasing.
- The employment tribunal fees are resulting in people with good cases giving up.
- They have noticed a growing tendency for some employers and landlords to act with impunity and disregard their legal obligations.
- Some Law Centres had looked at the possibility of charging some clients for services – in part, so that they could retain expert staff. This had enabled the provision of some advice in immigration, but was not a solution to the increasing demand for advice.
- Law Centres had also explored the increasing use of pro-bono resources. However, it took resources to deliver a service through pro-bono and it was not a solution to most unmet need.

### **John Edwards, Head of Service Delivery, Age UK**

- Age UK delivers advice through its national Advice Line and through the 165 local Age UKs across England, and through partners in Scotland, Wales and N. Ireland. Age UKs have a broader funding mix than most other advice agencies, with some income from social enterprise activity and charity shops, but local authority funding has been the main source of funding for advice and they are suffering large cuts in that, resulting in real limits to the depth of advice we can deliver.
- The demand for advice for older people was increasing. There are increasing numbers of older people - people are living longer, but often in ill health. There's evidence that ill health is a trigger for advice needs. Also, government policy was to offer more choices to older people, for example, around their care or pensions. However, people often needed help in making informed choices.
- The Care Act had acknowledged the need for advice, but the availability of this was patchy. Age UK wanted to ensure that local authorities fulfilled their duties under the Care Act to provide advice.
- But the most important thing that needs to happen is to get recognition of the value of advice and the fact that there is a real crisis in funding for advice provision.
- Age UK wants to work with other advice networks through the Advice Services Alliance, to build on the work of the Low Commission to make the case for funding advice provision by demonstrating how advice can, for example, support older people to stay independent at home, and thus result in cost savings for government

- In order to respond to the increasing need for advice, Age UK is developing its website and exploring interactivity - making information bespoke so that a person can put in key details about their situation and therefore get only the advice that's relevant to them
- They were aware that many older people would be unable to use electronic services but, at the same time, the numbers using their website had increased significantly recently. They now have over 3 million users every year. Age UK hoped that the new developments would enable them to help more people, but they didn't want to overstate this.
- They were aware that many older people with complex problems would continue to need face to face advice.

#### **Laura Bunt, Head of Policy Research, Citizens Advice**

- Citizens Advice has 320 branches in England & Wales, providing advice in over 3,000 locations. They had recently expanded to provide national services, including the witness service and pension guidance or support.
- They had been working to demonstrate the impact and value of advice services. They could show that they solved 2/3rds of the problems presented to them and that every £1 invested in them resulted in £1.50 of fiscal benefit, often by reducing demand on other services.
- Citizens Advice is able to collect data about developments in demand. They had noticed an increase in the numbers of people seeking help around legal issues. They had also noted changes within subject areas. For example, whereas people used to seek advice about consumer credit, they were now more likely to seek help concerning household bills such as council tax, water and energy costs.
- People need support adjusting to welfare reform.
- Citizens Advice was also investing in improving their digital services. Some people would always need face to face advice in relation to complex problems. However, Citizens Advice was exploring a model of offering tactical advice on line i.e. explaining to people what they should be doing next.
- Citizens Advice was also working more on co-location with other services e.g. health services.

#### **Lord Low, chair of the Low Commission on the Future of Advice and Legal Support**

- The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPOA) had resulted in £89 million being taken out of legal aid for social welfare law.
- The Low Commission had been looking at ways to tackle the widening advice deficit and had been lobbying for continuing central government funding. It was pleasing to see that the Big Lottery Fund had recently announced a programme to support responses to crisis situations.
- The Low Commission had noted that some advice agencies were developing services to complement other government programmes. For example, Coventry Law Centre is working with the troubled family programme to provide advice.
- There was clearly a strong connection between advice and health. There were estimates that between 15 and 20% of GP's time was spent on social rather than medical issues.
- The Low Commission was encouraging the government, and the Ministry of Justice in particular, to look strategically at the provision of advice. However, it may be that, in the end these developments will happen locally with developments like those in Coventry.

Keir Starmer thanked the speakers and invited questions and comments from the floor.

The following questions/comments were made:

- Why are the Bar Council and Law Society not on the panel? Is there not scope for the legal profession to provide more pro bono support, as happens in Singapore?
- Is there room for further consolidation within the sector – to benefit from economies of scale?
- There needs to be a central body which can co-ordinate information about developments and feed in ideas and good practice.
- Pro-bono can not fill the gap. As a practitioner, I know that the couple of pro bono cases that I do doesn't scratch the surface of what's needed. We need to be careful because, although the pro bono argument works well with the Tories, it isn't the answer. The organisation and supervision of pro bono can be time consuming – experienced and committed pro bono advisers are gold dust.
- This government does not respond to idealism. The argument has to be “invest to save”.
- Why were the speakers modest about their digital ambitions? The Dutch legal aid board is developing digital services.
- We need to be careful about promoting digital solutions. Recent research indicated that 40% of primary school children don't have access to the web at home. Also, interested to hear about the new predominantly volunteer organisations – I'm concerned that these should be encouraged to join networks to help with the quality of their services. Finally, there's a concern about the loss of specialists in the sector – where are the future specialists to come from?

The panel speakers made the following additional points:

**Lord Low** agreed that there was a need for a central source of information as part of the national strategy. He agreed that further consolidation was sensible and pointed out that a lot of it was happening e.g. in Sheffield some 19 agencies had been brought together into one. Finally, he said that it was important to remember that some people are excluded by digital delivery.

**Laura Bunt** said that Citizens Advice prides itself in its holistic services and was able to refer on to more specialist services if required. There were different models for working together. She welcomed suggestions for learning from each other. Citizens Advice has over 28,000 volunteers, many of whom are professionals. She agreed that there was a concern about where the specialists of the future were going to come from.

**Baljit Badesha** said that he'd been working with volunteer lawyers for 10/15 years. The lawyers he works with are saying that their cases are becoming more complex. In order to deal with this, his organisation has allocated administrative resources to the pro bono work. However, the service is creaking. He shared others' concern about the loss of specialist advisers and the detrimental impact on efficiency.

**Julie Bishop** agreed with Laura that there are many models of co-operation – it's important to look at the real gains. Around 20% of Law Centre income is represented by gifts in kind from the legal profession. The Big Lottery Fund new programme is welcome, as are developments in the provision of digital information. However, in five years' time people with legal problems will still need someone to stand with them in front of a court.

Keir Starmer thanked everyone for attending and said that those on the mailing list will be notified about future meetings.