



# Community Legal Services

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Wellington 2009





# Community Legal Services

## Objectives

- Provide a narrative of changes to one aspect of civil legal aid in England & Wales
  - 2000 to 2010
  - What next?
- Focus on social welfare law
  - housing, debt, employment, community care, welfare benefits
  - these are perhaps most discretionary elements of legal aid and thus perceived as under threat if budget is cut
  - but are also hugely significant during recession



# Community Legal Services

## Access to Justice Act 1999

(1) The Commission shall establish, maintain and develop a service known as the Community Legal Service for the purpose of promoting the availability to individuals of services of the descriptions specified in subsection (2) and, in particular, for securing (within the resources made available, and priorities set, in accordance with this Part) that individuals have access to services that effectively meet their needs.

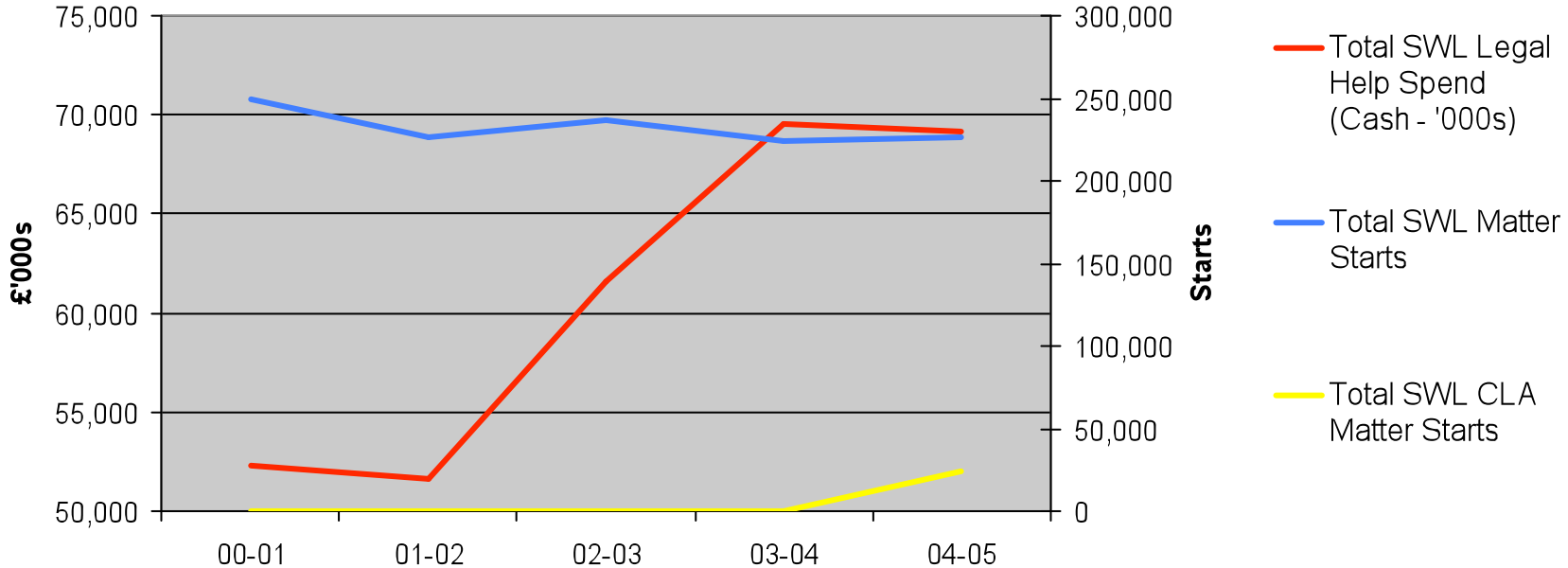
(2) The descriptions of services referred to in subsection (1) are—

- (a) the provision of general information about the law and legal system and the availability of legal services,
- (b) the provision of help by the giving of advice as to how the law applies in particular circumstances,
- (c) the provision of help in preventing, or settling or otherwise resolving, disputes about legal rights and duties,
- (d) the provision of help in enforcing decisions by which such disputes are resolved, and
- (e) the provision of help in relation to legal proceedings not relating to disputes.



# Community Legal Services

## social welfare law cases vs social welfare law Legal Help Spend (2000 - 2005)



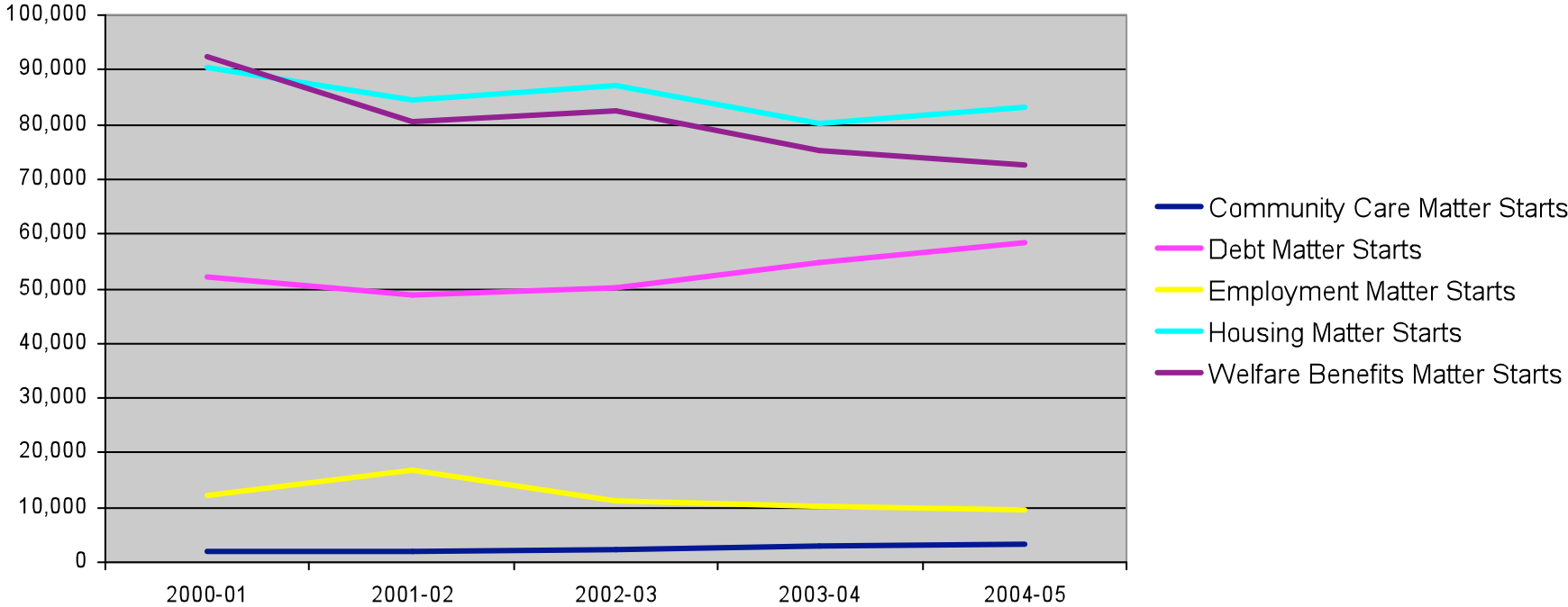
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# Community Legal Services

social welfare law cases (by category) 2000 - 2005





# Community Legal Services

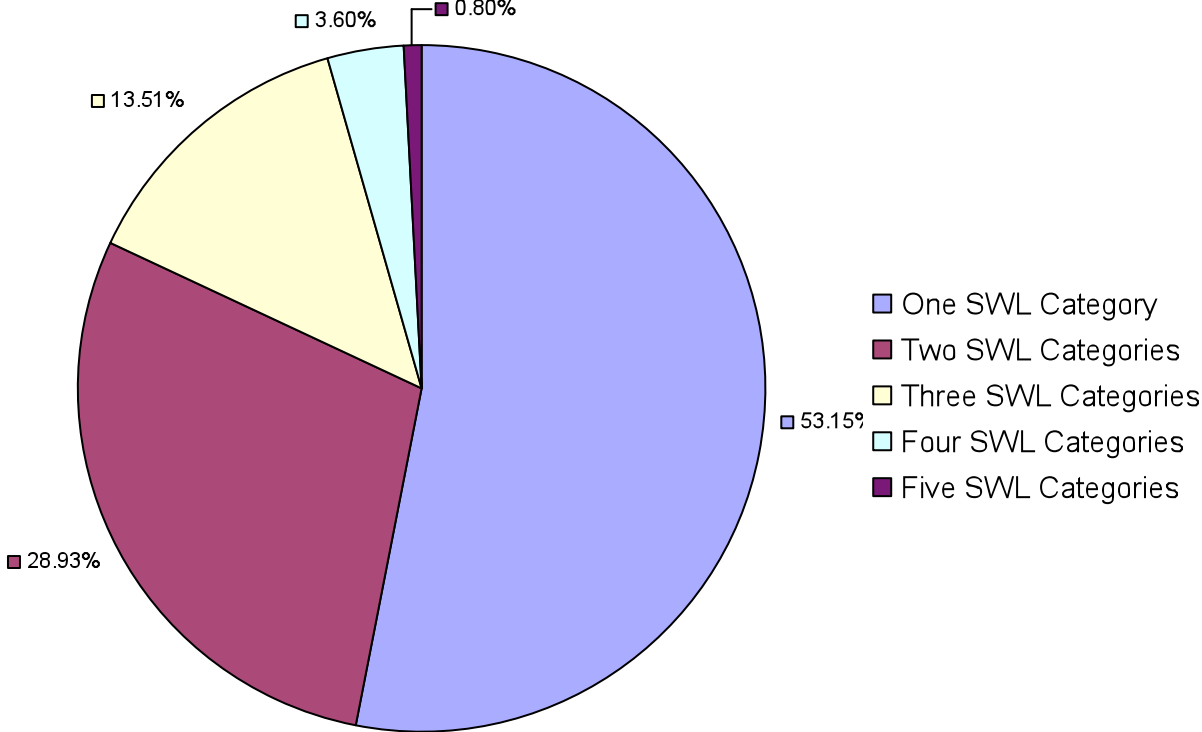
## Market Structure in 2004/05

- 999 SWL providers
- 596 (59.66%) of those SWL providers were Solicitors, the remaining 403 were Not for Profit agencies
- 531 (53.15%) of those providers held a contract for one SWL category
- 8 (0.80%) held contracts for all five SWL categories, 179 (17.92%) held contracts in three or more SWL categories
- 451 of the 999 (45.15%) SWL providers with an SWL contract also held a Family contract
- Only 27.7% of local authority areas had coverage in all 5 SWL categories, 68.9% have 4 or 5 and 13.5% have coverage in only one or two SWL categories



# Community Legal Services

### SWL Contract Holders 2004/05



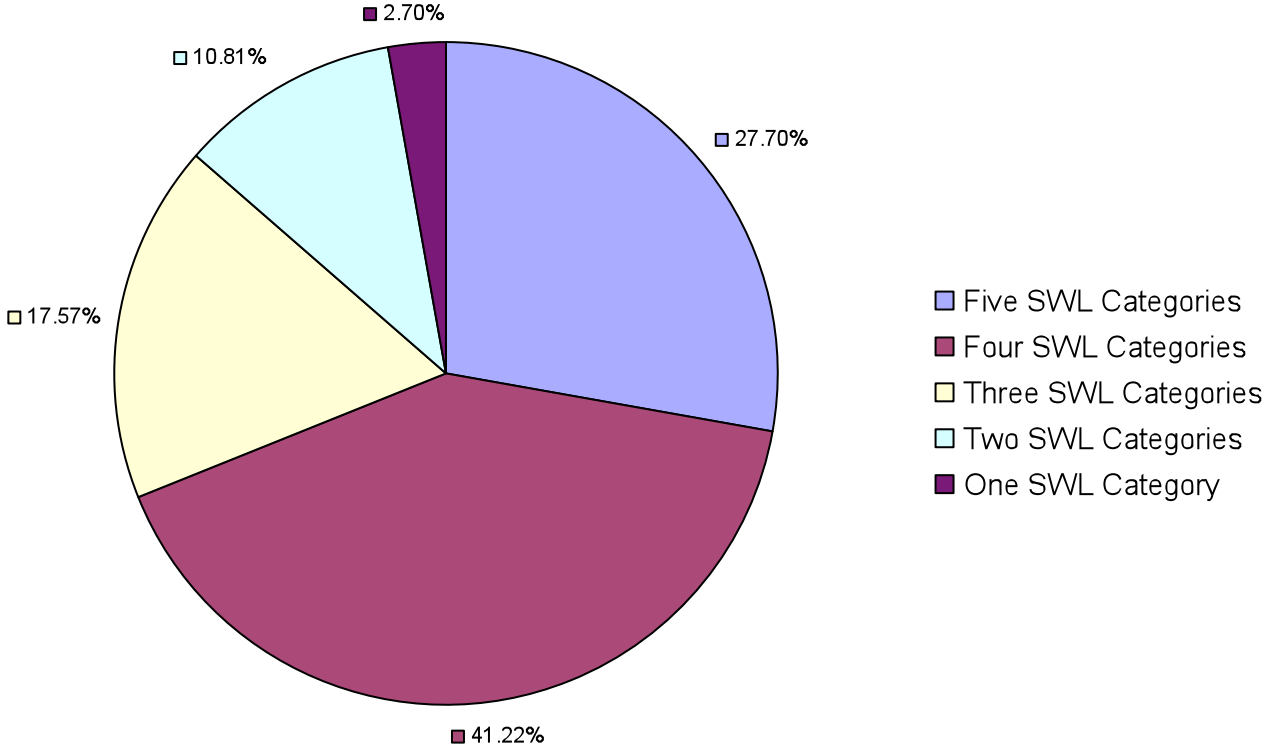
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# Community Legal Services

### SWL Procurement Areas Category Coverage 2004/05





# Community Legal Services

## Research

Paths to Justice (England, Genn 1999; Scotland, Genn & Paterson, 2001)

Civil and Social Justice Survey (Plesence et al., 2004; Plesence et al., 2006 and ongoing)

Replicated surveys around the world (e.g. New Zealand, Australia, Netherlands, Northern Ireland, Hong Kong, Bulgaria, Japan, Canada)

A Trouble Shared (Moorhead & Robinson, 2006)

CLAC/CLAN research (LSRC ongoing)

Money Advice Outreach Pilot Evaluation (Buck, 2009)



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# Community Legal Services

## Key learning for policy makers

- Problems cluster and multiply (Pleasence et al., 2004; Pleasence, 2006)
- Problems are frequently linked to life events and frequently result in adverse consequences (Pleasence et al., 2007; Pleasence, Balmer & Buck, 2008)
- 1:7 that seek advice don't get it (Pleasence, 2006)
- Those that are most socially excluded or vulnerable are most likely to have problems and least likely to get advice (Buck, Pleasence & Balmer, 2008; Buck, 2009)
- Many simply have no knowledge of advice services or have difficulty accessing them (Patel, Balmer & Pleasence, 2008)
- Referral is an inadequate solution to fragmented services (Pleasence, 2006)



# Community Legal Services

## Policy Response

### ***Making Legal Rights a Reality – Legal Services Commission’s strategy for the Community Legal Service (March 2006)***

- Developing integrated services across categories of law
- Jointly commissioning services with other funders of advice
- Integrate legal and other services
- Segment clients to match delivery and priorities
- Ensuring consistent access to services
- Ensuring services are focused on core priorities
- Increase the number of people helped





# Community Legal Services

## Improving access

- Community Legal Advice helpline
  - Performance in 2008/09:
    - over 200,000 seen through the triage service and over 100,000 specialist starts with a budget of £21.3 million
    - Linked to website with 'call me back' facility in almost every language
    - Video technology for people using British sign language
  - Stretch target in 2009/10 of 500,000 (350,000 triage and 150,000 specialist)
  - High BME, disabled, non-English speaking client use
  - Extended to cover family law



# Community Legal Services

community legal advice

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- a free, confidential and impartial advice service paid for by legal aid
- Max - the team - 4000000
- Calls from 9am - 5pm - we get you on the phone
- More about the helpline

Find an adviser  
Enter your postcode to search for a adviser in your area

are you eligible?  
Use our calculator to see if you are eligible for legal aid

Worked About Benefits or Tax credits? Having problems with your child's school? Being treated unfairly at work?

How to get legal advice

New "Call Me Back" Service  
We can provide independent advice about debt, education, benefits and tax credits, employment and housing problems.  
• Ask us to call you back

Is your employer taking money out of your wages?  
Answer yes or no to our questions and find out what your rights are and what you can do next. Find out more

Advice in British Sign Language  
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- Consumer affairs
- Education and training
- Employment
- Environmental and countryside
- Family and personal
- Government, law and rights
- Health and social care
- Housing and homelessness
- Immigration and nationality
- Money and tax
- Police and crime
- Transport, travel and leisure

Do you help people get advice?  
If you talk to people who may need legal advice, you have Community Legal Advice can help you.

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# Community Legal Services

## Improving access

- Financial Inclusion Fund
  - Money Advice Outreach Projects focused on financially excluded - 25,528 clients were seen over two years - at a cost of £5.5 million. Range of different venues tested. Concept of 'trust transfer' between outreach site and advice provider developed
- Advice in prisons
  - Research conducted at the end of the Money Advice Outreach Projects identified a need for better financial advice in prisons.
  - Up to £6 million more has been allocated to fund outreach debt advice services in prisons in England and Wales



# Community Legal Services

## Improving access

- Housing possession court duty schemes
  - Schemes now cover 112 county courts. 30,472 clients were helped in 2007/08, and forecast 34,000 clients in 2008/09
- Advice in refuges
  - Improving access to legal advice for victims of domestic violence. Working with refuges and local solicitors to put joined up family and SWL services into refuges



# Community Legal Services

## Community Legal Advice Centres and Networks

- Jointly commissioned with local government
- Population size served around 250k – 400k
- Contract values between £2.3m and £3.7m over three years
- Delivering general information and advice as well as specialist legal aid services
- Integrate with other services focused on same client groups
- National priorities supplemented by local priorities
- Partnerships across sectors such as private lawyers, charities, commercial providers
- Five opened so far, eight more in pipeline
- Research underway to assess approach so far and influence the way forward



# Community Legal Services



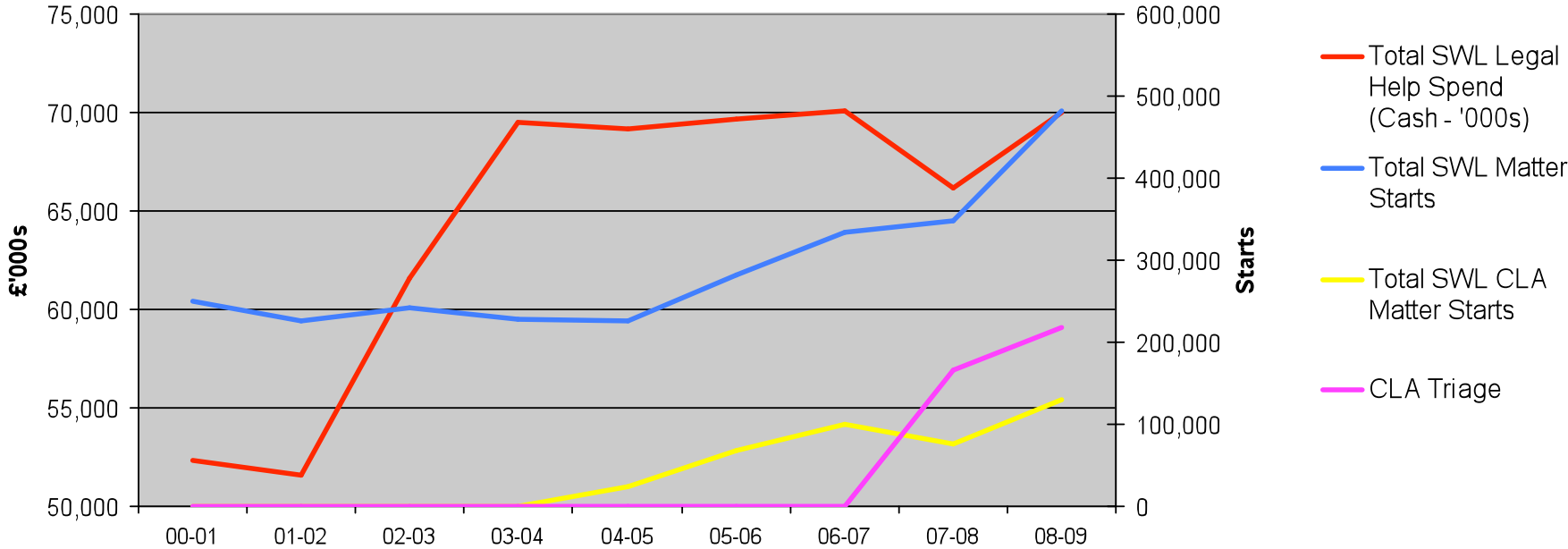
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# Community Legal Services

### SWL Matter Starts vs SWL Legal Help Spend (2000 - 2009\*)



\*2008/09 figures are predicted based on year to date information



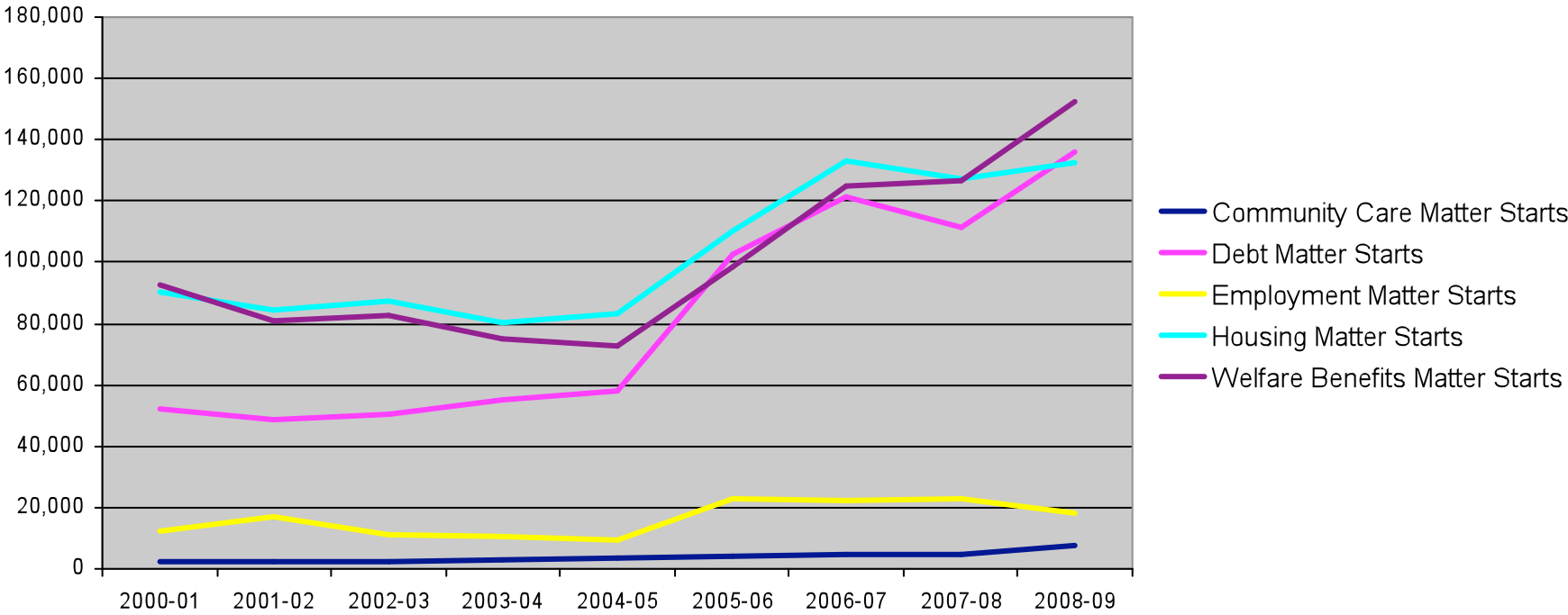
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# Community Legal Services

SWL Matter Starts (by category) 2000 - 2009\*



\*2008/09 Matter Start figures are predicted levels





# Community Legal Services

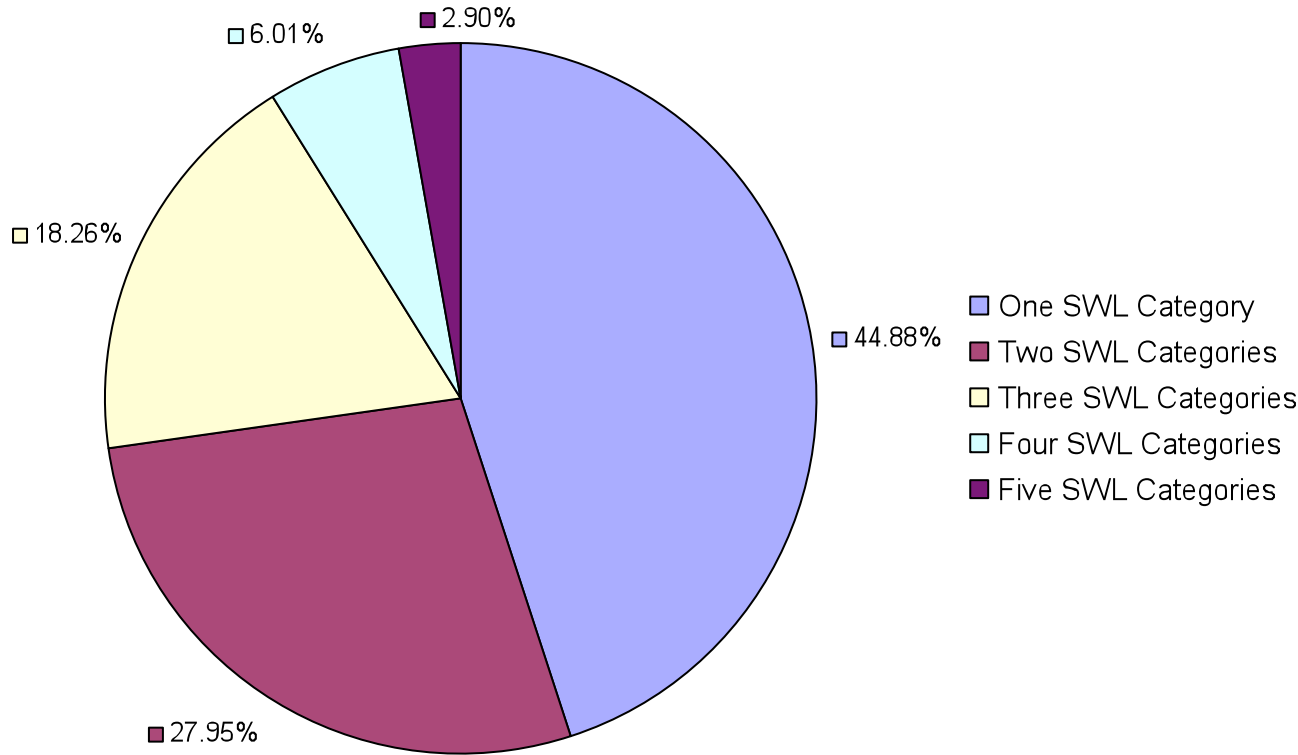
## Market Structure in 2008/09

- 898 SWL providers
- 44.63% of those SWL providers are NfPs, 55.37% are Solicitors
- 403 (44.88%) of those providers hold a contract for just one SWL category
- 26 (2.90%) hold contracts for all five SWL categories, 244 (27.17%) hold contracts in three or more categories
- 379 of the 898 (42.30%) SWL providers with an SWL contract also hold a Family contract
- 37.3% of areas have coverage in all five SWL categories, 81.3% have four or five and only 3.73% of areas have coverage in only one or two SWL categories
- 95% of population within 45 minutes on public transport of SWL services
- 100% within one call or on one click of specialist advice over the phone



# Community Legal Services

### SWL Contract Holders 2008/09



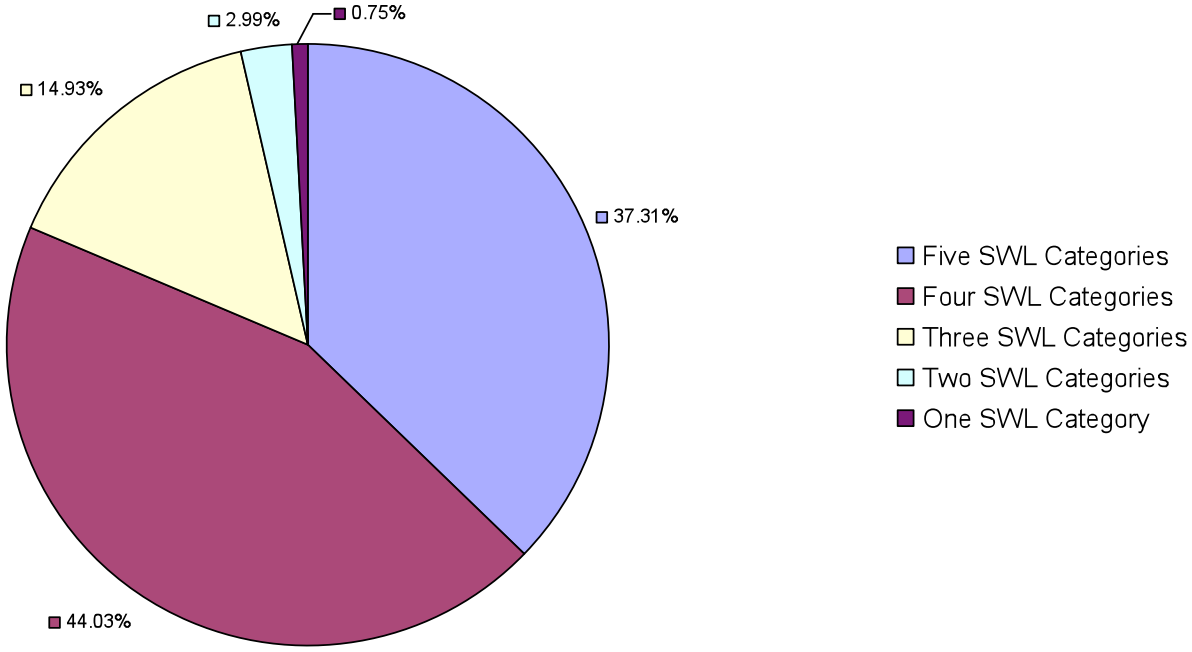
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# Community Legal Services

SWL Procurement Areas Category Coverage 2008/09



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# Community Legal Services

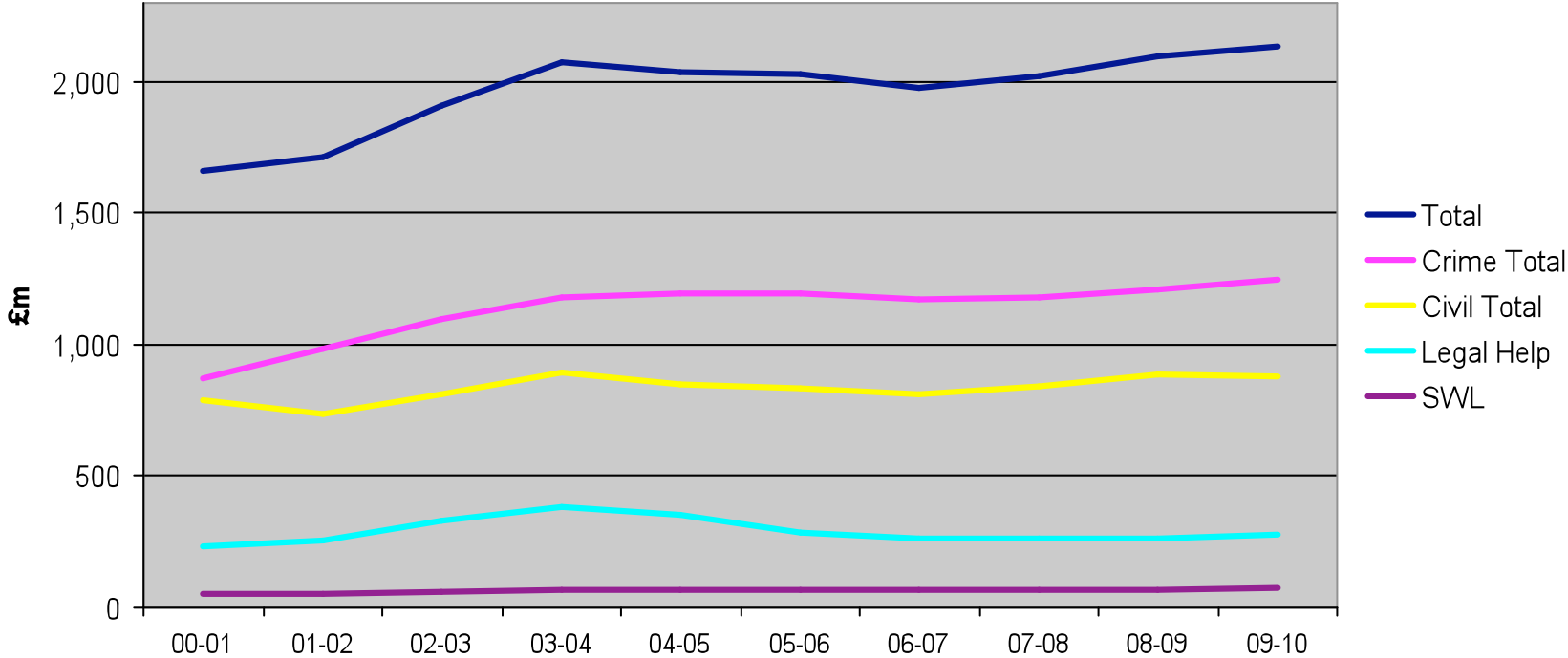
## A Changing Market

- The number of SWL Providers has dropped by 10% from 2004/05 to 2008/09 whilst the number of cases (CLA and Contracts) has gone up by 115% in the same period (based on year end predictions)
- That increase in cases came with spend growing only a little (based on year end predictions)
- In 2004/05 just under 70% of areas had coverage in at least four SWL categories, with 2.7% having just one. By 2008/09 that had increased to over 80% with at least four categories and only 0.75% (one area) with just one
- In 2008/09 over 25% of SWL providers now hold contracts for at least three SWL categories, compared with 18% in 2004/05



# Community Legal Services

## Legal Aid Spend (Cash - 2000 - 2010)



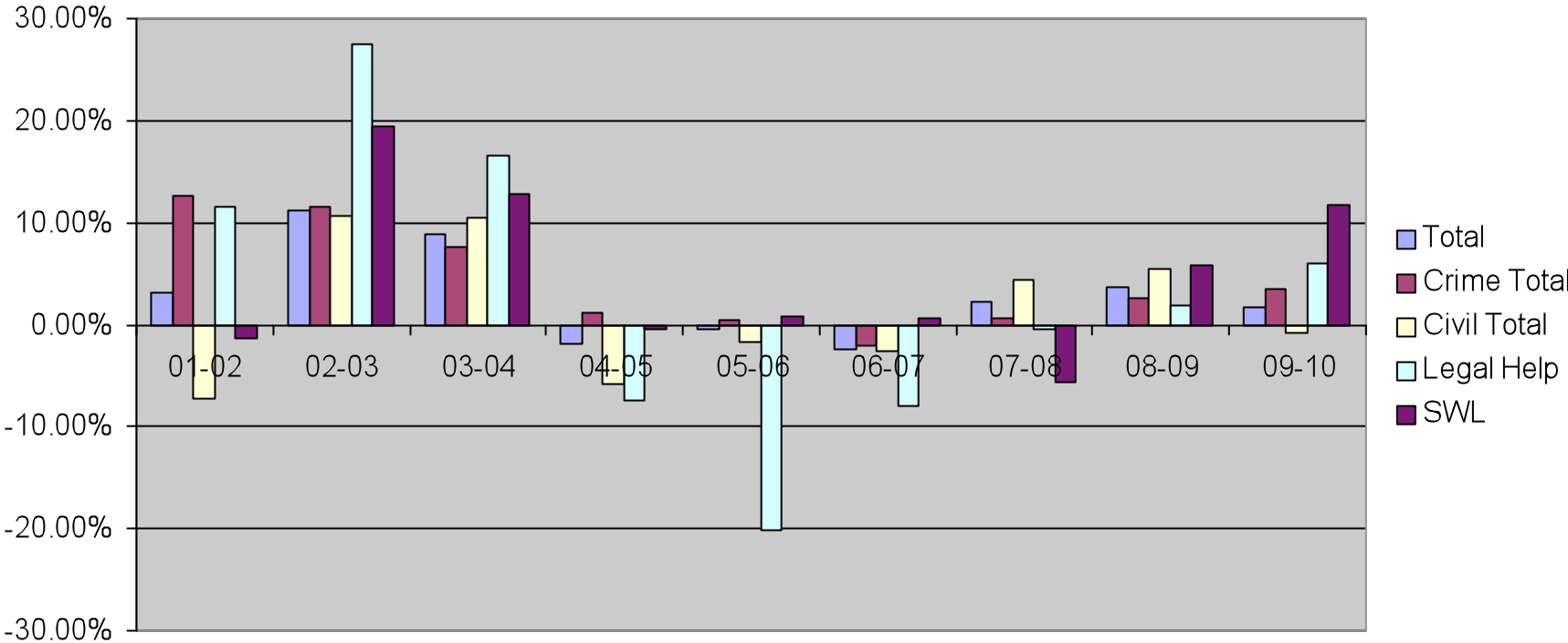
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# Community Legal Services

## Legal Aid Cash Spend - Year on Year Change





# Community Legal Services

How are we making these changes?

## **Cost control**

Tailored fixed fees

NfP contract performance

Unified contract with fully fixed fees

Best value tendering

## **Clear priorities and targets**

Volume of face to face case

Volume of telephone cases

Integrated services

Filling gaps in services

Aligning money with priorities



# Community Legal Services

## Joint Commissioning

- Recognising complementary roles and responsibilities
- focus on clients first and professional second
- Sharing best practice and cross fertilisation of ideas
- Linking local and national priorities
- Pooling budgets to maximise value for money and impact
- Creating links between legal aid services and other local services
- Developing a scale of services that is attractive to providers
- Introducing contestability to drive innovation and value for money





# Community Legal Services

## What next for community legal advice services in England & Wales?

### Context

- Legal services reform changing the wider legal services market
- Increased use of technology and systems approaches
- Scarcity of public resources
- Pressure on services from recession

### Next steps

- New contracts in 2010 will be further integrated
- Continue to expand what we have done so far – help more people
- Identify other opportunities to jointly commission services
- Integrate different delivery channels





# Community Legal Services

## Response to recession

- We are better placed to meet this challenge than 5 years ago
- Expanding contracts to increase capacity
- Impact of recession on eligibility
- Exploring new services, including further joint work with key partners
- Makes services broader and deeper
- Level of help appropriate to priorities and client need



# Community Legal Services

## To conclude

- Social welfare law services are neither in decline nor in crisis
  - more money for social welfare law
  - more people being helped
  - exciting new ways to make services accessible
- But still so far to go
  - on offending and re-offending
  - on health
  - on generational cycles of poverty
  - and the cost of unresolved problems on other public services