

# Networking...

The national voice of Law Centres

## May Day for Legal Aid !

Last week LCF held another well attended general meeting. The mood was somewhat sombre though due to the changes Law Centres are facing with the LSC contracts and the pressure some Law Centres are under from their local authority funders. With the failure of the private practice boycott of the new legal aid contracts it was recognised by the meeting that we would have to rethink our tactics to defeat the legal aid proposals. The meeting also was concerned about the need to defend Law Centres against cuts from Local Authorities.

## Constitutional Affairs Committee Report

John Fitzpatrick (*pictured*) chair of LCF, and a member of Hammersmith and Fulham's management committee spoke at the Legal Aid demonstration in March.



Steve Hynes, LCF Director

He was joined by speakers which included Dominic Grieve, Shadow Attorney General and Oliver Heald, Shadow Constitutional Affairs Spokesman. Keith Vaz, a Labour member of the Constitutional Affairs Committee and a former minister spoke at the demonstration. Vaz was particularly critical of the Government and LSC's attempt to change the fee system without first understanding the cost drivers.

Much of his speech was a precursor to the Constitutional Affairs Committee report on the legal aid changes which was published last week. As well as recognising the lack of understanding of the cost drivers and impact on ethnic minority firms, which Vaz also pointed out, the report highlighted the fragile state that much of the legal aid supplier base is in and the need therefore to try and limit the risks introducing changes by piloting them first. In perhaps its most damning finding it said the Government had failed to concentrate on the areas where costs are increasing, namely Crown Court defence work and public

## Law Centres Federation

18 Warren Street  
London  
W1T 5LR

Tel: 020 7387 8570  
Fax: 020 7387 8368

EMail: [info@lawcentres.org.uk](mailto:info@lawcentres.org.uk)

Web: [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

## Contents

- Director's Report . . . . . 1
- Legal Services News. . . . . 3
- Law Centre News . . . . . 7
- CLACs and CLANs . . . . . 7  
(and Networks)
- Local Government . . . . . 10
- Employment News . . . . . 12
- Immigration News . . . . . 13
- Welfare Benefits . . . . . 14
- Young People . . . . . 15
- Shorts . . . . . 17



law children cases, but instead had opted to charge ahead with reform across the entire system including those areas in which expenditure is either stable or decreasing. On this the Committee stated ‘...the DCA/LSC’s intention of a nationwide imposition of fixed fees followed rapidly by competitive tendering across the entire legal aid system is a breathtaking risk.’

## Week of Action

A week of action against the legal aid changes has been called by the Access to Justice Alliance for 14th -19th May. LCF plays a leading role in the Alliance and is calling on Law Centres to stage protest during the week.

Please use the posters sent at the same time as this mailing. These have been paid for by AJA. If you need anymore please let us know.

So far Law Centres in the North West led by Bury Law Centre are planning a demonstration in Manchester and Central London Law Centre is co-ordinating a demonstration at the Central London County Court. Many Law Centres are continuing to collect signatures locally on the petitions which were sent out at the beginning of the year. LCF is requesting Law Centres to send these to their local MPs during the week of action.

In the light of the damning Constitutional Affairs Report we hope to persuade the Government to think again over the proposed changes. The week of action intends to highlight the impact that the changes will have on our clients at a local level. Too often the public debate on legal aid is dominated by the issue of lawyers pay, our message is that these changes will deny ordinary people access to justice and that this needs to be understood by the Government.

Finally, please use the LCF website. We have recently redesigned this and there is much more information on it about what is happening in Law Centres and LCF. It even has a button to assist in writing to your MP/s as part of the campaign. (Please do this if you have not already done so).

## Funding Cut Threat to Hammersmith Law

### Centre

In recent weeks Hammersmith and Fulham Law Centre has been threatened with a sixty percent cut from its local authority. The Law Centre is fighting back having held a successful demonstration last month outside the Council meeting and is lobbying hard to persuade the Council to draw back from cutting the Law Centre. They are holding a public meeting on 18th June with speakers including Poly Toynbee from the Guardian (*further details inside*).

### Good News on the Disability Rights Project

LCF heard this week that the Disability Rights Project which funds 14 posts in Law Centres and is managed by LCF has had its funding extended by six months to March next year. LCF continues to work on a continuation strategy for the project beyond this date.

### Staff Changes

Metin Kemal had managed the Disability Rights Project prior to taking voluntary redundancy from LCF at the end of March. Metin had worked at LCF for seven years and made a great contribution to our work on this project and the Law Centres established by LCF in partnership with the LSC. He will be missed by us all and we wish him the best of luck for the future.

We had been forced to make a redundancy due to the ending of the Big Lottery funding, but hope that a bid in the current Advice Plus round will be successful. Meanwhile, Stella Russell and Steve Hynes will provide support to Law Centres outside London.

Steve Hynes  
Director  
Law Centres Federation

## Legal Services News

### Corporate Plan 2007/8 - 2009/10

'Transforming Legal Services' was published by the Legal Services Commission at the end of March 2007. Two themes run through their five-year strategy for the Community Legal Service - an increased focus on the needs of the client and working in partnership across the CLS. This includes *'commissioning new integrated social welfare law services that provide access to an integrated full range of social welfare law and family legal services.'* These new services are to be commissioned jointly with local authorities. The Community Legal Service Direct (CLS Direct) is also to be expanded and will offer more specialist advice *'where this is possible and appropriate'*. Papers are to be published this year on procuring mental health and low volume categories of law and improving access to specialist legal advice for civil legal aid clients.

For cases where social exclusion and offending are linked, the LSC say that they will develop systems with a view to cross-referring clients between the CLS and Criminal Defence System. *'We believe that developments in other areas of the Criminal Justice System, such as identifying and addressing the risk factors that lead to re-offending, will assist us in this work.'*

Strategic Objectives include increasing the proportion of calls to CLS Direct by March 2008. Increasing access to social welfare law includes having 50 Procurement areas each with five categories of social welfare law plus family by March 2008. There will also be 300 contracts offering a combination of at least 3 categories of social welfare law by March 2008. A milestone will be having six Community Legal Advice Centres open from spring 2008.

The LSC aim to have 80% of providers reviewed against Key Performance Indicators (KPIs) by March 2008. 95% of providers are to deliver 95% of their contract hours by 30th September 2007. All civil contract holders with categories in social welfare law and mental health in Phase 1 are to be peer reviewed by 31st March 2008. All providers that have successfully met the first criteria in achieving Preferred Supplier status by 18th January 2008 are to have undertaken a Value for Money Assessment by March 2008.

LSC's vision to be *'Resolutely focused on clients, delivering positive outcomes and providing value for money'* heads up Annex A to the plan. Here it says in summary that the LSC will make specific decisions about the nature, scope and location of supply and select providers appropriately. The majority of payments systems are to be based on output rather than inputs and are to be based on block contracts and fixed prices, obtained through best value tendering.

The initial move towards best value competition was the introduction of a Unified Contract for both the Not-for-Profit sector and private practice solicitors. This caused much heart rendering decision-making. Lawyers doing legal aid work felt that it was a detrimental move as they believe it will have a negative impact on clients and especially so for vulnerable and disadvantaged clients. In the end, almost all (97%) providers signed on 31st March. But as our director says in his frontpage article, protests are not over yet.

### The Roll Out

At around the same time as the Corporate Plan was issued, the LSC's Strategy, *'Plan Linking the Roll Out of Quality Assessment for Preferred Supplier and Best Value Tendering'* was published. It provides more detail on their progress towards their planned introduction of best value tendering from April 2009. Tendering will be rolled out in five main civil category bundles: Integrated Social Welfare Law, (i.e. debt, welfare benefits, housing, employment and community care), Private and Public Law Family, Asylum and Immigration and Mental Health. The aim is to run best value tender bids for social welfare and the two family categories at a local level at the same time in each geographical area. In England, the areas will broadly equate to top tier local authority boundaries. The roll out will be in a series of waves across the country starting in April 2009 and completing in 2012 - see *provisional timetable over*.

The work will be preceded by contracting for six to twelve initial integrated social welfare contracts in 2007/08. Family will be included alongside of these 'pilots'.

## Quality Standards

Preferred Supplier status will be a pre-requisite of bidding for a contract in the second round of best value tendering. In the first round of tendering, level 3 (Threshold Competence) will be sufficient, but ratings of 1 or 2 are needed for subsequent rounds. The paper says that a provider will not qualify for full Preferred Status until all categories of law have been assessed. The LSC may award 'provisional status' to providers that qualify for best value competition, but have yet to meet the Preferred Supplier standard.

## Quality Assessment

### Peer Reviews

Peer Reviews will be carried out according to the guidelines that can be found on the LSC and LCF websites. A review will take place on a provider's category with the largest annual value of legal aid work and on any category with a total value of legal aid work in 2006/07 of £50,000 or more.

### File Assessment

File Assessment will take place on categories with a total value of legal aid work of less than £50,000. A pass will be required in all file assessments throughout the Preferred Supplier entry process and prior to best value tendering.

### Civil Timetable

Appendix 2 of the Strategy shows the areas and phasing per category of law. Section 8 gives details for social welfare law, public and private law family. **The initial wave will take place between April and November 2007.** Geographical areas include the Cities of Bristol, Derby, Leicester, Nottingham and Plymouth, Isle of Wight, Manchester, Gateshead, Liverpool and Haringey in London. Phase 2 starts in November 2007 and continues to April 2009. Areas include Birmingham, Stockport, Oldham, Cumbria, Sheffield, Luton, Bradford, Chesterfield, Devon and in London the boroughs of Camden, Hackney, Hammersmith, Hounslow, Lambeth, Lewisham and Wandsworth. Phase three overlaps and starts in January 2009.

Section 4 covers mental health and starts in the first quarter of 2007/08 in the LSC regional offices for London and Liverpool. Manchester continues to June 2007. Leeds, Nottingham and Bristol start in the second quarter of 2007/08 and Cambridge, Cardiff and Birmingham in the third quarter and Reading and Newcastle in the fourth quarter. Mental health areas will be related to individual or groups of mental health units/hospital region by region.

Section 6 covers Immigration. The LSC say that providers will be contacted individually to be informed of when files will be called for, starting in April 2007. They expect to peer review the largest providers first, in line with their plan to move towards larger contracts. Best value competition is likely to be on a national basis, although this is still under review.

The LSC say that the timetable should only be treated as *indicative*. The paper refers to the guidance published by the Institute of Advanced Legal Studies and recommends that all providers refer to these. Interestingly, the LSC have also issued a statement about the guides saying that they are not directives and should not be seen as a protocol or as a single way in which advice is given. Copies of the guides are on the LCF website.

When Law Centres are contacted they will normally be asked to send in 20 specific case files for each category of law. LSC says that where a second peer review is required (i.e. a rating of 4) there will be sufficient time to be re-reviewed.

### File Assessment Process

We are still awaiting the final paper from the LSC on the File Assessment Process but here is broad outline of what to expect.

Many of you will have heard that KPIs (Key Performance Indicators), FAVFM (File Assessment - Value for Money) and FAQs (File Assessment Quality) have arrived. These will be used by the LSC from 1st April 2007 onwards.

## First Stage Key Performance Indicators

This is how Law Centres will be measured in relation to meeting the targets set out in the Unified Contract. These are listed in Annex G of the Unified Contract. You will have to:

- a. Get a RAG status of Green against KPIs for an agreed period of time. (RAG stands for Red, Amber and Green - Green is best)
- b. Regularly use the Commission's e-business services.
- c. Produce a plan for fully electronic processes, electronic case management system, devolved powers, devolved client administration and simplified working.

There are currently *five* KPIs - more may be added. KP1 relates to matters and cases providing a substantive benefit to clients (40% is the minimum); KP2 is for Controlled work (non-fixed fee) where there is a 10% maximum. KP3 is for Licensed work and KP4 is the Fixed Fee Margin which has a 20% maximum. This is the amount by which fixed fees claimed for Contract work exceed your actual costs for that Contract Work that would have been payable other than a Fixed Fee. KP5 relates to Matters Starts usage and is the percentage of the Matter Starts allocated to providers. The minimum is 85%.

The LSC can amend your Civil Office Schedule if the average value of your Exceptional Case claims, in any category of law (or overall), increases by more than 10% in a particular calculation period, or the Fixed Fee Margin of your Controlled Work claims, in any category of law (or overall), is more than 20% in a particular calculation period.

## Second Stage File Assessment - Value for Money (FAVFM)

You need to score a RAG score of Green again in File Assessment Value for Money. FAVFM consists of a series of questions applied by trained file assessors, which will result in a risk rating for a Law Centre on its performance against the Unified Contract, Regulations and Funding Code.

It will result in a report given to the Law Centre. Law Centres will then have 28 days to rectify an issue or make representations.

## Third Stage File Assessment Quality (FAQ)

File Assessment is a new tool designed to be able to indicate whether a provider will be likely to meet the Peer Review standards. A pass at FAQ is equivalent to a rating of 1, 2, or 3 on Peer Review. Failure will result in a peer review. This takes place once a Law Centre has scored a Green rating against the KPIs and FAVRMs and has completed the preparation stage of the Preferred Supplier. At this stage, Law Centres will be eligible for peer review or file assessment quality.

Quality criteria comprises of a series of questions. They will be in specific areas of law, such as debt, family, welfare benefits, mental health, housing and consumer. They cover Obtaining and Amending Information, Level of Advice and Client Care. Other areas of law will be Peer Reviewed.

FAQ is used to indicate the likely peer review rating, help providers to improve performance and identify providers requiring a peer review immediately.

## Transitional Arrangements

The final arrangements are still being discussed. The LSC have accepted that there are likely to be serious cash flow problems and are offering NfP agencies an eighteen months schedule in October, but there are still issues to be resolved. A fundamental issue is the aim to create 'a level playing field' which means that Law Centres are expected to change their case mix, taking on more straightforward cases. However, as we know Law Centres are specialist providers who take up a large number of what are called 'Exceptional Cases'. A large number of such cases is not compatible with the uniformity of provision that is expected under fixed fees. The LSC are expected to publish revised arrangements shortly.

## Specification

Earlier this year, the LCS put out for consultation the civil law specification, due to come into force on 1st October. The LCF submitted a response which can be found on the LCF website. We gave our support to the response made by the Advice Services Alliance and to their comments on the lack of time given for responses - in this case, just six weeks. Our submission focused on the work of Law Centres and their approach to providing a comprehensive community legal service - indeed providing the type of service recommended in 'A Troubled Shared' research reported on page 19. We said that in our view, the proposals threatened this approach. We also stressed that Level One work should be retained. We understand that the final specification will be out on 21st May

## LSC Strategy for Family Legal Aid

The strategy paper was published in March and sets out LSC's priorities for funding family legal aid and a framework for decision making by the LSC for the next five years. The LSC intend to target legal aid where it can be most effective for priority clients. This means:

- > Directing funding towards services for children and adults at risk of abuse and parents whose children are the subject of care proceedings;
- > Providing further incentives for parents in private law proceedings to resolve cases without going to court;
- > Increasing access to services for those at risk of domestic violence;
- > Piloting specialist family advice through CLS Direct;
- > Reviewing the operation of the Funding Code to reflect funding priorities, and last but not least,
- > Purchasing integrated family and social welfare law services.

The top priority will be children at risk of abuse. They are to have a access to the full range of services from information to representation. The lowest priority will be adults without dependent children who are seeking an undefended divorce and *'ultimately this advice may be limited to telephone advice or information as to how to conduct their own divorce'*. The strategy says that there are no plans at the moment to remove any low priority area from the scope of legal aid altogether. However, if costs are not contained the LSC may look at removing certain areas in order to protect services to priority clients.

The LSC will be increasing access to domestic abuse services via improved information and by contracting for services to be provided in different ways. They will contract specifically for the provision of advice and representation for victims of domestic abuse where they are most likely to access them. This could be in refuges or allied to a specialist domestic violence courts, for example, Integrated Domestic Violence Courts where civil and criminal matters are considered by the same judge.

---

## Ministry of Justice

The Prime Minister announced the setting up of the new Department on 29th March. Alongside the establishment of a new Ministerial Committee for Security and Counter-Terrorism at the Home Office, the Prime Minister announced the creation of a Ministry of Justice bringing together the main agencies dealing with the offender. The National Offender Management Service (including the Prison and Probation Services) and lead responsibility for criminal justice and sentencing policy moved from the Home Office to the new Ministry on 9th May.

Marcel Berlins in his article *'Three looming legal disasters'* in the Guardian on 7th May identified the speed with which the new Ministry was set up as a possible disaster. He said, *'..it is being done in an unnecessary hurry, with insufficient time to have thought properly about its practical, administrative, legal and constitutional consequences'*. A concern of course, for us, is the safety of the legal aid budget in the face of ever-rising financial demands of the prisons.

Home Information Packs was one of the other disasters, but the most serious, he wrote, was the government's insistence of going ahead with its 'draconian' reforms of civil legal aid, 'unashamedly aimed at controlling expenditure'. 'The outcome ..is that fewer and fewer solicitors will be able to afford to carry on offering legal aid, including a disproportionately high number of firms catering for ethnic minority, and more and more people with legal problems but modest incomes will be unable to get the professional help they badly need.'

## Law Centre News

### Hammersmith Law Centre fights back

The Conservative administration elected in 2006 announced a proposal on 3rd April 2007 that the Law Centre would lose 60% of its Council grant from 1st October 2007. The proposal was finalised at a cabinet meeting on 16th April 2007 (just after the Easter holiday). The cut means that 4 out of 12 solicitor posts are immediately under threat. The decision was made despite the fact that according to Council officers the Law Centre meets all the Council's own priorities for funding.



About 400 people rallied outside the Town Hall to protest this and other voluntary sector grant cuts. Many London Law Centres including Brent Law Centre, South West London Law Centre, Camden Law Centre and Kingston Law Centre joined the rally and spoke in support of the Hammersmith Law Centre.

The Tories claim that the total budget to the voluntary sector has remained stable. This has been refuted by members of the previous administration who have shown that there has been a significant cut in the budget. The lobby moved inside to make representations to the cabinet meeting but when one voluntary group was prevented from speaking such was the anger that the councillors had to retreat to a private room to take their decision to proceed with the cuts.

A new umbrella group The Hammersmith and Fulham Voluntary Sector Funding Campaign has been formed to campaign on behalf of all the voluntary groups hit by the Tories, with further meetings and actions already planned, including a discussion with Polly Toynbee on the panel. The local MP Andrew Slaughter has raised the issue briefly at Prime Ministers Questions, and fully in an adjournment debate. Hammersmith Law Centre is going to fight on to achieve a reversal of this cut.

### Northern Ireland Law Centre

A new legal service was launched at the Law Centre last autumn to increase provision for people with mental health problems. The service consists of a mental health legal team that will provide legal representation for people who are receiving treatment in hospital because of mental health problems, and those who do not have access to the services they need in the community.

### CLACS and CLANS

There remains some uncertainty about Community Legal Advice Centres (CLACs) and Community Legal Advice Networks (CLANs). As we reported on page 3, the LCS's Corporate Plan states that the LCS expect to have 6 open by next year. There has been predictable problems with getting local authorities on board and this may get worse, if Hammersmith and Fulham Council is anything to go by, and when more local authorities change their political allegiances. However, it may be that the LCS will seek to establish CLACs without local authority input, which would of course speed up the whole process. In addition, in some areas it looks likely that the concepts of CLACs and CLANs will merge.

## Networking..

A conference to pave the way for the first CLAN took place at the Eden Centre in Cornwall on 13th March. The conference was in recognition of the agreement made by the LSC and Cornwall County Council to develop a Network.



LCF and Devon workers at the conference in Cornwall in March

Gateshead Community Legal Advice Centre is the first CLAC to be set up and is to be launched on 24th May. Gateshead Law Centre and Gateshead CAB are joined by three law firms to deliver services through the new Centre. The LCS is due to launch a paper on '*Integrated Social Welfare Law Services*' later this month, which may a clearer picture of what is likely happen. The policy is likely to be published to coincide with the launch of the Gateshead CLAC.

Many of you may have heard of approaches made by the LSC to your local council about establishing a CLAC or CLAN in your area. Vera Baird QC MP speaking at the conference in Cornwall said that the LSC 'expected to announce further Centres and Networks in the near future'. In preparation for this, some Law Centres are already setting up their own Networks. These are just some of them.

### Sheffield Law Centre

The Consortium of advice agencies in Sheffield had its official launch in March 2007. The Community Legal Advice Services for South Yorkshire (CLASSY) has a steering group of NfP advice agencies including the Law Centre, CABx and independent advice agencies. Its membership will be open to individuals and to all the advice agencies in the not for profit sector

based in Sheffield that have a commitment to providing free, independent advice and have quality assurance standards in place.

The Consortium plan to set up a Support Unit /Central Hub which will have a staff team of 4 full time workers: an Executive Director, a Contracts/Operations Manager, a Monitoring Officer and an Administrator. The Unit will be responsible for:

- > Co-ordinating joint bids to funders including the Local Authority, and submitting city wide tenders to the LSC;
- > Managing and developing quality assurance standards;
- > Submitting information / data returns to the LSC, Local Authority and other funding and regulatory agencies;
- > Facilitating meetings of consortium members and promoting the sharing of information skills an resources;
- > Providing advice, guidance and training on new initiatives, funding opportunities, use of IT, personnel and finance issues.

The Support Unit will be funded by the Consortium members by top slicing of contract funding of approximately 10%.

CLASSY plans to establish itself as a charitable company limited by guarantee. It will have a governing body comprised of a Board of Trustees elected from its membership.

The development of the Consortium has received financial support from Advice Centres Support in Sheffield (ACSIS) and Citizens Advice and received advice from a local, independent consultant.

CLASSY plans to approach Lloyds TSB for funding to develop further its structure an operations. The aim is to be operational by July 2007.

Contact: Anne Hudson  
Sheffield Law Centre Tel: 0114 273 1501  
E-mail [anne@slc.org.uk](mailto:anne@slc.org.uk)

## Nottingham Law Centre

The Law Centre has formed a consortium with 8 other NfP advice agencies, that been meeting since July 2006, and has set up an infrastructure organisation, 'Advice Nottingham'. With funding from Lloyds TSB, Advice Nottingham has employed Alison Lamb from ADP consultancy to develop an advice strategy for Nottingham.

The strategy outlines a service delivery structure that will consist of:

- > Core advice services that provide triage, general advice and casework services on a co-ordinated timetable to provide access to advice across the City and timely referral into specialist casework.
- > One public telephone number as a point of entry to Advice Nottingham services. This will supplement the open door access triage service and the service will make referrals and appointments with advice providers as appropriate;
- > A reconfigured advice service that will enable the development of cross city specialist and niche projects to meet the needs for advice in specific advice areas or to specific client groups;
- > An integrated LSC contract that funds core providers to deliver casework and specialist advice. The Law Centre would be the lead agency and would hold the contract and put arrangements in place with other agencies to deliver the required outputs. The Law Centre would be responsible for all quality, monitoring, targets and liaison with the LSC;
- > Consistent quality control and co-ordinated city wide policies on referral, confidentiality, advisor competence, training and workforce development.

The proposed Advice Nottingham structure will comprise of:

- > An overarching strategic advisory body with members drawn from key strategic bodies, from councillors and, on a rolling basis, from advice providers;

- > An infrastructure organisation, constituted as a charitable company limited by guarantee. This body would employ a co-ordinator and an administrator and be responsible for the delivery of the strategic plan, co-ordinate operational service delivery activities, maximise new funding opportunities, oversee needs assessments and report to the strategic board;
- > Community Advice Groups that will advise on local area strategic development and advice;
- > An advice providers forum.

Advice Nottingham proposes to implement the strategic plan in stages over the next couple of years. They have applied for funding from the Big Lottery for the development of the network and have been successful in securing funding from the Charities Aid Foundation for further consultancy work and core costs.

Contact: Cheryl Weston  
Nottingham Law Centre Tel: 0115 978 7813  
E-mail: [nottlawcentre@btconnect.com](mailto:nottlawcentre@btconnect.com)

## Tower Hamlets Law Centre

Tower Hamlets Law Centre has a lead role in the community advice network in the borough. A partnership of agencies, drawn together through the local CLSP, has submitted an application for funding to the Big Lottery to set up the network. The partnership comprises of 12 organisations including the Law Centre, the CAB, independent advice agencies and private practice legal aid solicitors. The number of agencies involved may increase in the future.

If successful in achieving lottery funding, the Tower Hamlets Advice Network plans to employ a Network Link Manager and 3 'roving' Link Advisers. The advisers will provide general advice where it is most need at any point in time. These workers will be able to speak local languages and/or have skills to engage with other disadvantaged communities.

The work of the Network staff team will be overseen by a Steering Group drawn from the partner members.

# Networking..

The Network plans to establish:

- > A legally constituted partnership body that will contract centrally with key funders, such as, the LSC and the Local Authority;
- > An online website / referral system giving people access to the advice network through any partner entry point;
- > Shared advertising and branding making partner advice services more visible;
- > A shared quality control system ensuring consistency of services;
- > Systems for shared administration and monitoring.

An external consultant will be employed to undertake an independent assessment with each partner, present proposals for a formal legal structure, and periodically review the work of the network and evaluate the process.

The Network plans to be formally constituted by April 2008.

If funding is not achieved, then the partnership will still work together towards its aims by drawing on other potential funding sources, where possible.

Contact: Georgina Morgan  
Tower Hamlets Law Centre 0207 247 8998  
E-mail: g.morgan@thlc.co.uk

## Collecting Information

LCF development worker Stella Russell is collating information on all the networks and consortia being set up.

Stella can be contact on 0117 952 3367 or via email: stella@lawcentres.org.uk.

## Local Government

Following the White Paper on local government last autumn, the Local Government and Public Involvement in Health Bill was published in December. During the past few months the Bill has had its Second Reading and was in Committee up until April. It is expected to receive Royal Assent this October.

**Unison** has been lobbying on the Bill saying that the White Paper could lead to one of the most fundamental changes in local government since the 1835 Royal Commission on Municipal Corporations. Unison believe that it will cause:

- > A major acceleration of the drive for councils to become 'enabling authorities' - merely commissioning services with little role in direct service provision
- > A requirement for most public sector service providers to work together to achieve improvements in services through Local Area Agreements and,
- > A substantial shift of Government funding away from councils towards unelected Local Strategic Partnerships.

The Bill is only the first part of the government's plans. There is an increased emphasis on partnership working. NCVO have identified three main elements: Local Strategic Partnerships, Sustainable Communities Strategies and Local Development Frameworks. Local Area Agreements will be the 'delivery plan' for the Strategy.

## Local Area Agreements

A Local Area Agreement is an agreement between central government and local authorities and their partners. They are now to be put on a statutory footing. Each will have around 35 improvement targets drawn from 200 national performance indicators. There will be a new duty on named partners to co-operate in the agreement of the targets which then be submitted to the Secretary of State for approval. A list of partner authorities are in the Bill.

From April 2008, there will be a new single pot Local Area Agreement grant covering four themes: Children and Young People, Healthier Communities and Older People, Economic Development and the Environment and Safer and Stronger Communities. In a paper 'Developing the future arrangements for Local Area Agreements' the department for Communities and Local Government say that Local Strategic Partnerships must represent the full range of service providers as well as the

local community. *'The Bill provides an opportunity for service providers from the Third Sector to be involved where appropriate, in sharing responsibility with local authorities for developing and delivering against targets set in the LAA'*. This is to be expanded in statutory guidance.

### **Place-shaping: a shared ambition for the future of local government**

Sir Michael Lyons has published the much anticipated final report from his independent Inquiry into the future role, function and funding of local government on 21st March. He said:

*'In my final report, I call for a new partnership between central and local government. This needs to be based on changes in behaviours from all tiers of government to achieve a stronger relationship - creating a shared ambition for the future. Central government needs to leave more room for local discretion and recognise the value of local choice; while local government needs to strengthen its own confidence and capability, engage more effectively with local people, make best use of existing powers, and stop asking for central direction.'*

*'Some of these changes can start immediately, building on current changes to the performance framework and Local Area Agreements; others can be taken forward in the Comprehensive Spending Review; whilst some require primary legislation.'*

Short term recommendations include:

- > greater flexibility for local authorities to place-shape with less control from the centre - by reducing specific and ring fenced grants, a new power to levy a supplementary business rate in consultation with business, and a new power to charge for domestic waste to help manage pressures on council tax, and an end to capping of council tax;
- > changes to improve fairness of council tax, recognising that council tax benefit is a rebate, automating the system to ensure 1.8 billion pounds in unclaimed benefit helps the poorest households,

and raising the savings limit for pensioners to 50,000 pounds;

- > improving transparency in the funding system by being clear about the contribution made by national taxation, and ensuring a more independent voice to inform Parliament and the public; and,
- > improving incentives for local authorities to promote economic prosperity and growth, initially through reform of the Local Authority Business Growth Incentives Scheme.

### **Varney Review of Public Service Delivery**

An important report by Sir David Varney published in December on reducing public sector expenditure. Usefully the report has a section on face-to-face provision. He identified 9 principles for essential face-to-face provision. These include:

- > where there is a need to mitigate the failure of delivering services via other channels to citizens at critical times in their lives (for example, the failure of a benefit payment);
- > where transactions require significant dialogue, clarification and expert judgment to complete,.....;
- > when it will be possible to resolve the complex interaction in one session rather than have multiple telephone calls, letters and other contacts.

He also reports on the role of the Third Sector saying that it has considerable strengths:

- > the sector is well placed to provide feedback on the suitability of government provision from the perspective of the citizen;
- > the third sector is effective in providing personalised services, particularly for the most vulnerable individuals and groups. This enables them to be particularly effective intermediaries,.....;
- > the sector has considerable experience in highlighting users' needs and suggesting new service models to meet

those needs in innovative and effective ways.

He recommends, *'that central and local government work together to facilitate and increase the use of third sector intermediaries in improving public services'*.

## Employment News

### Resolving Disputes

The Department for Trade and Industry issued a consultation in March on resolving disputes in the workplace. The review stemmed from evidence provided in report by Michael Gibbons which found that the current system is costing all parties too much in terms of both money and time. They found that the 2004 statutory procedures had negative consequences including an increase in the number of disputes reaching a formal stage, an increased use of legal advice and a greater focus on following a process rather than reaching an outcome.

The Government therefore is considering:

- > Repealing the Employment Act 2002 (Dispute Resolution) Regulations 2004
- > Providing (statutory) guidance on good practice, building on the work carried out by ACAS
- > Penalties for those who *'make little or no attempt to resolve their dispute before an employment tribunal (ET) hearing.'*
- > Guidelines for using alternative dispute resolution.

### New Advice Service

The Department is considering providing a new advice service on dispute resolution accessible by telephone and internet. The Gibbons Review recommended that anyone who is considering bringing a claim, or who is finding out how to respond to one, should receive the advice of this service. The new service would tell parties what help is available and how to access it. It is estimated that the costs of setting up the new advice service will be £10 million spread over two years. The consultation asks for views on

whether such an advice service should be the entry point for potential employment tribunal claims and how best it should be structured.

The paper says that the Government's view is that it would be most appropriate to target pre-claim Acas activity on the following types of dispute:

- < Those disputes that are likely to be most costly and time-consuming for the parties if they become claims, e.g. discrimination and unfair dismissal cases
- > Those where the employee is still in employment and
- > Those involving small businesses with fewer than 250 employees.

Outside of the workplace they are also considering a *'new, swift way to settle straightforward monetary disputes without the need for ET hearing'*, encouraging earlier conciliation and removing fixed conciliation periods.

### Employment Tribunals

The Government seeks to make the system simpler and cheaper by simplifying forms, unifying time limits and the grounds for extension, improving procedure, simplifying the management of multiple-claimant claims, the handling of weak claims and vexatious claimants and considering when chairs should sit alone in employment tribunals.

Tribunals could be given discretion to consider the behaviour of parties to a case and to penalise those who make either no attempt, or inadequate attempts, to reach an outcome to the dispute prior to the hearing. This would include parties' willingness to make use of alternative resolution service where available. This would cover behaviour from the initial occurrence all the way up to the tribunal hearing.

### Multiple-Claimant claims

The paper reports that employment tribunals are receiving an increasing number of multiple-claimant claims, particularly equal pay cases. In 2005/06 more than half of all employment tribunal claims were multiple-claimant claims.

The consultation asks for views on whether there should be a change the powers available to Tribunals. They are also considering whether ET's are the most appropriate and efficient way of resolving these claims, or whether other mechanisms might *'might better serve the interests of all the parties involved.'*

### Discrimination Cases

A Discrimination Law Review was undertaken by the department of Community and Local Government which considered possible ways of improving the resolution of discrimination disputes. The evidence it gathered and the changes it had considered were passed to the Gibbons Review. The Review had therefore considered whether there was scope for ETs to contribute to promoting employers' compliance by helping them to learn from the experience and rectify discriminatory processes. Further, the ET could make recommendations aimed at protecting not just the claimant, but others who could be affected by the acts of unlawful discrimination which had been proved in the case. However, the Government has concluded that widening the scope of the power to make formal recommendations *'is not the most appropriate way of achieving (the idea of spreading good practice and helping employers to understand their obligations under the law) this, since the policy aim can be better addressed through advice and guidelines for employers on employment law.'*

The paper adds that once the Commission for Equality and Human Rights is established in October 2007 it will play a key role in providing advice and information for individuals and employers on the rights and responsibilities under discrimination and human rights law, supplementing the work of existing bodies such as Acas.

The Government estimate a four year time frame to allow for set-up and implementation. They aim to have the new structure in place from 2009/10 onwards when the number of ET hearings will fall by 30%.

**Philip Tsamados**, employment lawyer based at

Central London Law Centre comments:

*'Whilst there is a lot to be welcomed from the review by Michael Gibbons and the resultant DTI consultation, the basic problem seems to be the failure to understand that parties will only settle a dispute if they want to. So forcing them to negotiate under the threat of costs or compensation penalties simply reproduces the system we have at present and erodes the absolute right to have your claim heard in a court of law, particularly so in discrimination cases.'*

*'The compulsory nature of any scheme of dispute resolution in the workplace largely undermines the possibility of settlement because all that happens is the lawyers get involved at an earlier stage. What any reform should focus on is the provision of services which make it easier to negotiate if you want to.'*

The paper says that any changes will be tested through regional piloting of early dispute resolution procedures.

The consultation closes on 20th June 2007. Please either contact the LCF or Philip at Central London Law Centre if you would to meet to discuss these proposals.

---

## Immigration News

### Border and Immigration Agency

This new agency (currently with shadow status) in the Home Office was set on 1st April. The agency aims to enact the proposals laid out in a strategy paper, *'Enforcing the rules: A strategy to ensure and enforce compliance with our immigration law'* published on 7th March by IND. In the agency newsletter, they say, *'The strategy will allow the Agency to progressively deny work, benefits and services to people who are in the UK illegally by working with key partners, including tax authorities, benefits agencies and other government departments, the police, local authorities and the private sector, increasing our information sharing and working towards joint targets to help us carry out our enforcement work effectively.'* Part of the strategy *'is to create immigration crime partnerships across the country, across government agencies and*

across public services to tackle the harm caused by illegal immigration.' The strategy is backed by an extra £100m to increase enforcement resources.

The 'Enforcement Strategy' includes the appointment of Lord Triesman as the special envoy on returns. The agency hope that this will improve obtaining Travel Documents from foreign embassies, *'or better still, to be able to remove more nationalities using EU letters.'* A new Immigration Factual Summary aims to help the agency *'where judicial review is delaying removal'*. The pro-forma gives a brief immigration history. From 12th March the agency has to give 72 hours notice of removal, and service the new pro-forma with the Removal Directions. The Chief Immigration Officer adds, *'Of course it means extra work, but the good news is that, in line with this new policy, Operational Support and Certification Unit will no longer automatically have to defer removal simply on receipt of a threat of judicial review or an Administration Order reference number.'*

## New points based Migration system

On the 18th April, Immigration Minister Liam Byrne, unveiled the timetable for introducing a new Australian-style points based system for migration. The new scheme, which will be phased in from early 2008, will enable the Government to manage migration to the UK more *'effectively, tackle abuse and attract the most talented workers into the UK economy'*.

The new system, will allow migrants to come to the UK under one of five tiers replacing more than 80 existing routes of entry:

- Tier 1 Highly skilled, e.g. scientists or entrepreneurs;
- Tier 2 Skilled workers with a job offer, e.g. nurses, teachers, engineers;
- Tier 3 Low skilled workers filling specific temporary labour shortages, e.g. construction workers for a particular project;
- Tier 4 Students; and,

Tier 5 Youth mobility and temporary workers, e.g. working holiday makers or musicians coming to play a concert.

A new Migration Advisory Committee will be set up to advise ministers on where migration might sensibly fill gaps in the labour market.

The first tier, for highly-skilled migrants such as scientists and entrepreneurs, will be launched at the beginning of 2008. It will be followed later in the year by the new tiers for skilled workers like nurses, teachers and engineers with job offers, temporary workers and young people on working holidays. A further tier for students will follow at the beginning of 2009. A system of sponsorship by employers and educational institutions to ensure compliance with the immigration rules is being introduced at the beginning of next year.

---

## Welfare Benefits

### Employment and Support Allowance

From 2008, ESA will replace Incapacity Benefit and Income Support. At the start, claimants will enter an assessment phase, usually lasting 13 weeks, during which they will attend a personal capability assessment and an interview with a personal adviser to discuss what help they need to manage their condition and return to work. During this time claimants will receive payments equivalent to the basic Jobseeker's Allowance. ESA claimants will then move into the main phase where if, with the right support, a return to work is feasible in the short or medium term, they will enter the work-related activity group. Claimants will receive additional amounts providing they participate in work-related interviews, agree action plans and, in the future, take part in some form of work-related activity. People with health conditions where it would be 'unreasonable' to expect them to participate in interviews or work-related activity will enter support group where they will also receive an extra amount.

### Local Housing Allowance

Again, this likely to come into force in 2008. It is a new way of working out Housing Benefit for tenants living in private rented accommodation.

The amount of LHA a tenant can receive will be capped. The size criteria will be limited to bedrooms rather than bedrooms and living rooms, and the rates will be set to more accurately reflect the range of rents in the area. LHA will be rolled out to new claims only.

### **Child Support**

The Child Support Agency is to be replaced by the Child Maintenance and Enforcement Commission (C-MEC) led by a new Commissioner for Child Maintenance. The new organisation will be a non-departmental public body and is due to be in place from 2008-09.

There will be a greater emphasis on parents establishing their own private arrangements for child maintenance. Parents will be given better information and guidance to help them. Tougher penalties are to be introduced to target parents who refuse to pay - proposals include tagging, curfews and removal of passports. A change in the law is proposed which would require parents to put both names on birth registration documents.

Government has said that it will not write off large amounts of debt. The current CSA and the new C-MEC will be given additional powers to collect money owed, including from the estates of deceased non-resident parents.

### **Independent Case Examiner**

From 1st April, the ICE service was extended to cover the Pensions Service, the Disability and Carers Service, the Child Support Agency, the Rent Service, Debt Management and the Financial Assessment Scheme. ICE offers an impartial investigation of complaints that have not been addressed to the satisfaction of claimants.

### **Armed Forces**

On the 1st April, the Armed Forces Personnel Administration Agency and the Veterans Agency merged to become the Service Personnel and Veterans Agency. The new Agency will deliver a wide range of pay, pension and administrative services to members of the armed force, veterans and their immediate dependants.

## **Young People**

### **Access to Advice Denied**

Youth Access has published research showing that the civil justice system has failed young people.

The research highlights that:

- > The cost to individuals, public services and wider society of young people's unresolved social welfare problems - such as homelessness, debt and discrimination - is very significant. Half of the most vulnerable young people experience stress-related illness as a result of their problems, a quarter suffer physical ill-health and many experience loss of home, employment or income.
- > Socially isolated young people, young disabled people and young parents are particularly prone to experiencing social welfare problems.
- > The majority of young people (58%) face complex problems without getting advice. Alarming, only 20% of 18-24 year olds with welfare benefit problems and 44% with homelessness problems managed to get advice, although many tried. Young people are reluctant to access adult advice services (such as the CAB or solicitors) and youth services do not possess relevant expertise.
- > Young people are 70% more likely to have tried and failed to get advice than people aged 25 and over - 22-24 year olds face the greatest difficulties getting advice, indicating a service gap for young adults in the transition from children's to adult services.
- > When young people do manage to get advice, it can lead to spectacular improvements in their health and well-being, education, relationships, offending behaviour and involvement in their communities. Good legal advice makes a significant contribution to all five of the Every Child Matters outcomes.

## Networking..

- > Contrary to the assumptions of many service planners, young people are considerably less likely to use either telephone or internet-based advice and information services than other age groups. Overwhelmingly, they prefer face to face advice.
- > The 'Youth Access Law Centre' model - involving targeted legal advice services integrated within accessible youth provision - meets young people's needs effectively, achieves good results and should be replicated.

The Mike Bell Associates Evaluation Report analysed the outcomes achieved for clients at **Streetwise** Community Law Centre and **Streetlegal** at Enfield Law Centre. The results are a staggering vindication of the model and a dramatic reminder of how important this work is - when asked where they thought they'd be if they had NOT received legal advice, 20% of young people said they'd be dead, and others mentioned being sectioned, imprisoned, having children taken into care, self harm and homelessness.

Barbara Rayment, Director of Youth Access, said:

*'This vital research uncovers shocking levels of unmet need for advice amongst young people on issues like housing, benefits and employment rights. Too often those with the power and authority to ensure young people's rights are respected - social services, housing departments, employers - fail to protect them. Rights are of little use without a means of enforcement - it is a national scandal that most young people simply have nowhere to turn for competent advice on their legal rights, entitlements and options.'*

The papers can be downloaded from the Youth Access website: [youthaccess.org.uk](http://youthaccess.org.uk)

### We've got the evidence ..... what now?

#### **On a local level - Children's Trusts:**

Law Centres wanting to increase their services to young people are advised to present this evidence to their local Children's Trusts by asking to attend a meeting of the Children's

Trust Board, or sub-groups. Informing Children's Trusts is key in developing these services - Children's Trusts will be commissioning youth services from 2008, and it is crucial that young people's legal advice is on the agenda as a vital way of supporting young people and meeting the Every Child Matters outcomes. Law Centres can compliment this national evidence with local information from their local Children and Young People's Plans, available on local council websites.

#### **On a London Level:**

Mandy Wilkins, LCF Young People's Project Manager is arranging to present this evidence to: The Association of London Directors of Children's Services, The London Funders Group, and Government Office for London. The Greater London Authority attended the Youth Access seminar about the research and are supporting the young people's project.

#### **On a National Level:**

The LCF and Youth Access are meeting with Legal Services Commission policy staff and Chief Executive, Carolyn Regan, to discuss young people's legal advice needs and will present this research.

### Young People's Project Update:

#### **Supporting existing projects:**

The project continues to work closely with **Streetwise** Community Law Centre in South London, **Streetlegal** in Enfield and dedicated young people's solicitors in Kingston & Richmond and Thamesmead Law Centres.

#### **Developing new projects:**

New projects are being developed across London all the time. Recent initiatives to expand housing and benefits advice to young people include:

- > **Barnet Law Centre's** benefits worker is running outreach sessions at a local youth centre;
- > **Hackney Community Law Centre** housing worker is running outreach sessions at a local college;
- > **Tower Hamlets Law Centre** housing workers are running outreach sessions at Connexions.

**Education:**

The **Law Centre Education Working Group** shares good practice and is working towards Pan-London coverage. We are meeting with Carolyn Regan, Chief Executive of the Legal Services Commission to discuss the impact of the legal aid reforms on the most disadvantaged young people and parents needing education advice.

**Partnership with Save the Children:**

Save the Children's presentation and report on their education advocacy work in Enfield paid tribute to the partnership work with **Islington Law Centre** and **Streetlegal** in Enfield Law Centre. We are excited that the next phase of the advocacy project is being hosted by **Brent Community Law Centre**.

**Immigration:**

A meeting is being arranged of all the London Law Centre immigration workers to discuss how we can meet the needs of young unaccompanied asylum seekers, and other young people in need of immigration and asylum advice. Discussions are also underway with the Legal Services Commission about this area of work. The Young People's Project is working together with the Refugee Council's Children's Panel and the Medical Foundation for the Victims of Torture. There are specific projects and initiatives in several Law Centres, including **Hackney, Tower Hamlets, Hillingdon, Southwark**.

**Mental Health:**

**Springfield Law Centre** were successful in their bid to Comic Relief for a young people's mental health worker, based at the Law Centre, in the hospital. Plans are underway to begin recruiting for the post. This is an innovative and much needed project - the young people's project will ensure that good practice models are shared across Law Centres, youth agencies and mental health services.

**Providing services sub-regionally:**

The long-term strategy for Pan-London provision rests in sub-regional partnerships. **South London Law Centres**, led by Streetwise Community Law Centre, and **North/ East London Law Centres**, led by Tower Hamlets Law Centre, have been invited to bid in the second round of London Councils homelessness funding. There is also discussion

around a **West London Law Centres** partnership for future bid rounds. These funding bids provide an opportunity to map out how services would work sub-regionally. Fingers crossed that we'll also be successful!

**Training:**

Youth Access are running training on '*Advising Young People Experiencing Mental and Emotional Distress*' on June 19th. It is suitable for Law Centre staff and CPD points are available.

For more information on the young people's project, please contact Mandy Wilkins: 0207 121 3324 [mandy@lawcentres.org.uk](mailto:mandy@lawcentres.org.uk)

**Shorts (and longer Shorts) !****Solicitors Regulation Authority**

The Solicitors Regulatory Authority was established in January 2007 to regulate solicitors in England and Wales. It is independent and sets and maintains standards for solicitors, with the aim of giving the public full confidence in the profession. Key tasks are to :

- > Set the standards for qualifying as a solicitor.
- > Draft the rules of professional conduct, particularly to make sure they protect the interests of clients. A new **Code of Practice** comes into force on 1st July 2007. Section 13.09 refers to Law Centres and can be found on the LCF website under Law Centres and '*How do Law Centres Operate*'.
- > Provide authoritative guidance and rules to solicitors on ethical issues, laws and regulations that affect solicitors' work.
- > Administer the roll (register) of solicitors and provide information to the public about solicitors, their work and the standards the public is entitled to expect.
- > Monitor solicitors and their firms to make sure they are complying with the rules. They also investigate concerns about solicitors' standards of practice and compliance with the rules, where necessary taking regulatory action such as reprimanding the solicitor.

## Networking..

For a full list of tasks go to: [sra.org.uk](http://sra.org.uk). This also has contact details for getting in touch with SRA about issues relating to professional conduct and ethics.

In February, the SRA published a consultation on a new **framework for assessing trainee solicitors' performance**. The new framework includes work-placed learning and would replace the current fixed, two-year contract with a flexible period of development based on assessment against clear standards and regular reviews with appointed supervisors. The new framework is to be piloted from September 2007.

Four Law Centres were successful in gaining LSC Training Contact grant last time: Avon and Bristol, Devon, Kirklees and Sheffield. Well done to them.

### Bar Standards Board

The Bar Standards Board, set up in January 2006, has published a strategic plan for 2007 to 2009. There are five strategic objectives: Protecting Consumers, Access to Justice, Independent Regulation, Excellence and Quality and Diversity.

The Board seeks to establish a credible independent regulator of barristers, devise and introduce a targeted quality assurance process, ensure that complaints and disciplinary procedures are efficient and improve access to the profession.

For more information visit:  
[barstandardsboard.org.uk](http://barstandardsboard.org.uk).

### OISC New Code of Standards

The Office of the Immigration Services Commission (OISC) has published a Code of Standards for the regulation of immigration advice. This is the second edition of the Code and will take effect from 2nd July 2007. The guide covers who the Code applies to, matters covered, regulated advisers, adviser behaviour, organisational standards, running the organisation, including the use of experts.

Note that the Code says that all advisers and/or those in actual control of a regulated advice organisation must notify the Commission of any significant changes in their personal or business

circumstances within 10 days of those changes occurring (para 5 of the Code).

The guide also includes the Commissioner's Rules. OISC have also published Guidance on Competence for regulated advisers.

### Advice Forward: Developing Skills

Advice Forward has published a workforce development plan for the legal advice sector. The Law Centres Federation was a member of the consortium which was set up over three years ago to look at development needs in the sector. This included developing National Occupational Standards (NOS) for legal advice. There is also a new framework for Foundation Degrees in legal advice that could provide alternative entry routes to education and encourage young people in to the sector.

Over the past year, the Project has worked closely with 'Skills for Justice' to develop a toolkit to help the sector implement and use NOS. The responsibility for NOS now rests the Sector Skills Development Agency which is responsible for the creation and development Sector Skills Council networks. The report stresses the need to get a legal advice sector qualifications strategy agreed and then to have a Sector Skills Agreement. This would *'map out exactly what skills employers need their workforce to have, and how these skills will be provided and funded now and the future.'*

Further information on the Project's website:  
[nos4advice.org.uk](http://nos4advice.org.uk)

### Reducing the Risks

The Governance Hub based at NCVO (National Council for Voluntary Organisations) has published a useful guide *'Reducing the Risks: A Guide to Trustee Liabilities'*. It has written by James Sinclair-Taylor and the Charity Team at Russell-Cooks Solicitors. The guide includes suggested material for trustee induction packs and other useful references to further information.

### Mergers

A Guide to the literature on mergers for voluntary and community sector organisations has also been published by NCVO.

## Social Exclusion

The Cabinet Office report that new data shows that over 140,000 families are at risk of social exclusion, suffering 5 or more indicators of social exclusion *'and need more family-tailored support packages at "critical moments"'*.

The indicators includes: living in a workless household, living in bad housing, parents having no qualifications, mother has mental health problems and the family income is 60% below median.

Hilary Armstrong, Cabinet Minister for Social Exclusion said, *'Excluded families have more need for personalised services as their problems are complex, difficult and entrenched'* A Review is taking place on how well services are working together to provide a *'whole family'* approach to delivery support to parents.

A new head of the Social Exclusion Task Force, Naomi Eisenstadt is responsible for social exclusion policy across government and overseeing the delivery of the Social Exclusion Action Plan. Ms Eisenstadt recommends an holistic approach requiring contributions from a range of agencies. Hopefully, the Task Force will be more aware of the role of access to legal and advice in helping combat social exclusion and we will see advice being fully integrated into future proposals.

### A Trouble shared - Legal problem clusters in solicitors' and advice agencies

Research was published by the Department for Constitutional Affairs in November 2006. It was carried out by Richard Moorhead and Margaret Robinson from Cardiff Law School together with Matrix Research and Consultancy. There is much of interest including a look at the nature of holistic services. The authors list a number of elements to the idea of *holistic* or *seamless* services:

#### Understanding:

Seeing a client's legal problems in their wider social context, and addressing the legal problem within that context

#### Diagnosing:

Diagnosing the dealing with all of a client's legal problems (i.e. going beyond the presenting problem or the problem that a particular adviser is geared up to deal with, to see what other legal needs might be present)

#### Delivering or networking:

Ensuring a client receives appropriate levels of advice on their legal problems through appropriate provision by the advisers themselves, or through referral/signposting to colleagues or other providers in the system.

#### Broadening:

Seeing a client's non-legal problems as requiring some level of intervention if the client's legal problems are to be addressed and delivering those interventions directly or through signposting/referring the client to the relevant services and ensuring those services are carried out.

#### Taking some strategic initiative:

Identifying and tackling the root causes of a client's legal problems (to use a medical analogy, tackling the causes not symptoms).

It is good to see this definition in this important report.

The paper looks at lessons for future delivery. Some of these are:

- > Not all service users need or require the same level of service delivery. High need and high risk individuals receive the highest level of intervention and support.
- > An individual assessment of a client's need determines the initial route taken by that service user. To achieve a seamless service, as assessment must serve to reduce repetition and potential delays. Assessments must identify multiple needs and risk factors.
- > Following on from an assessment of needs, is a decision about what level of service an individual requires. This is sometimes called *'risk stratification'*.

## Networking..

- > The level of assessed risk determines an appropriate approach to the co-ordination of the care of individual service users. High need and high risk individuals might be provided with a more intensive level of support, such as 'case management' activities.'
- > Relating to case management is 'care planning' where objectives are clarified and milestones set.

It is interesting to compare the findings of this research with the 'whole family' approach described in the news about Social Exclusion on the previous page.

The analysis shows the complexity of providing a legal service. The report suggests that there are gaps in our knowledge in relation to addressing advice needs. There is a range of responses between dealing with client's problems atomistically and dealing with them truly holistically, and little specification of what is required from legal aid suppliers expected to engage 'seamlessly' with one another. *'This knowledge gap needs to be addressed.'*

### Out of Reach: Benefits for Disabled Children

A report by the Child Poverty Action Group found that families with disabled children face significant problems accessing benefits, including:

- 46% believe they have missed out on benefits and tax credits because they have not been told they could apply;
- 43% have not claimed Disability Living Allowance or took more than 2 years to find out their child could be entitled;
- 39% had been put off applying because of the claim forms;
- 30% had not had advice about benefits entitlement in over a year.

### Poverty and ethnicity in the UK

A review has been undertaken by Lucinda Platt at University of Essex of poverty and ethnicity research since 1991. Findings were published in April and describe differences in poverty rates and experiences by ethnic group. The study found that:

There are stark differences in poverty rates according to ethnic group. Risks of poverty are highest for Bangladeshis, Pakistanis and Black Africans, but are also above average for Caribbean, Indian and Chinese people. Muslims face much higher poverty risks than other religious groups.

The differences in poverty rates are found across poverty measures (income poverty, material deprivation) and across sub-populations (older people, children). The high rates of child poverty in some groups are of particular concern, both for their present welfare and their future opportunities. Over half of Pakistani, Bangladeshi and Black African children are growing up in poverty.

Evidence suggests that there is variation between ethnic groups in both the reasons for lower sources of income (for example, lower and less regular earnings, lower use of particular benefits) and in the numbers of people likely to need supporting from low income.

Educational qualifications, employment sector, labour market experience, discrimination, location, disability, ill health and family form and structure all play a role in different poverty rates.

When the contribution of individual characteristics (such as fewer qualifications) to employment disadvantage is analysed, there are some unexplained outcomes. For example, Black Africans have very high rates of higher education qualifications, but also suffer from high rates of unemployment and poor occupational outcomes. This 'ethnic penalty' includes the effects of discrimination.

There also appear to be 'ethnic penalties' in access to social security benefits and other financial support.

## Understanding differences in poverty

Analysis of employment disadvantage found that it could partly be explained by characteristics such as education, but that an *'ethnic penalty'* tended to remain. This was the case both for chances of being in a job and for rates of pay, though the ethnic penalty when in employment was more important.

Ethnic penalties varied across groups. Despite high levels of qualifications, Black Africans did not achieve the employment outcomes that might be expected. Indians also faced a penalty relative to their employable characteristics. Taking account of characteristics reduced the employment gap for Pakistanis and Bangladeshis, but a substantial ethnic penalty was still found. This was particularly the case for Pakistanis - although they did not appear as poor as the Bangladeshis, the ethnic penalties they faced were often more intractable.

The other side of the poverty equation to income are needs - the demands on available income. Household sizes were substantially higher than average for Bangladeshi, Pakistani and Indian households, meaning there were greater demands on available income. Lone parent families were much more prevalent among Black Africans and Black Caribbeans. Lone parent households are known to have higher risks of poverty due to the pressures of combining work and child care for a single parent. While mothers in lone parent Black Caribbean households are more likely to be in employment than those in other households, this does not necessarily prevent poverty and could impact on other aspects of welfare such as social contact.

Rates of sickness and disability were much higher among Bangladeshi households. Sick and disabled people have low employment rates and they can also reduce their carers' employment options. Moreover, the extra costs associated with disability were not typically taken into account in estimates of poverty, which may suggest even more severe poverty for these households than already observed. Costs of living also showed some variation by ethnic group.

## Equalities Review

The Equalities Review published its final report, **'Fairness and Freedom'** on 28th February 2007. The report offers a definition of an equal society which they recommend to the Commission for Equality and Human Rights (CEHR) as a basis for future action on equality.

*'An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish'*

*'An equal society recognises people's different needs, situations and goals and remove the barriers that limit what people can do and can be'*

The report sets out ten steps to greater equality.

Step one is defining equality followed by building a consensus on equality. Step three is about measuring progress towards equality and the introduction of an *'Equality Scorecard'* which any organisation could pick up and adapt to its own needs. It also recommends that a cross-cutting government review of current data needs to take place. Step four encourages the public sector to more transparent: publishing data and analysis. The CEHR should set out a required standard format for this reporting and the report recommends that it convenes a working group of benchmarking organisations to develop a performance assessment framework for private and voluntary sector organisations, based on the Equalities Scorecard.

Step five is on targeted action on persistent inequalities. For central and local government this will involve:

- > Adopting specific measures, service by service;
- > Recognising how services are designed, organised and accessed, to meet needs, paying particular attention to the needs of the most disadvantaged groups;
- > Empowering disadvantaged groups to take action to shape, and to obtain better and fairer, public services; and

implementing balancing measures to accelerate progress.

It recommends that the CEHR conduct further research to fully understand the depth and patterns of prejudice and to identify effective levers and interventions to counter prejudice.

Step six refers to the Equality Act. The report says that the Act should:

- > Focus on a simpler, more coherent framework;
- > Facilitate action to help groups as well as individuals;
- > Cover equality on the basis of sexual orientation, gender, disability, ethnicity, religion and belief, transgender, and age.

Step seven says that there should be more accountability and recommends the establishment of an Equalities Select Committee and that PSAs (Public Service Agreements) should cover targets for narrowing equality gaps.

A new public sector duty is introduced in Step 8. The report proposes that it should incorporate a specific requirement for public bodies to use procurement as a tool for achieving greater equality.

Step 9 is titled '*Enabling and supporting organisations in all sectors*'. It recommends that the CEHR (and its partners) should provide tailored, targeted support for employers, to help them improve their performance on equality. This includes providing advice on good practice and equality law.

The report also recommends that CEHR convene a **working group of advice-giving organisations**, to develop and establish a coherent network of advice sources. At the moment this does not include the NfP sector.

Finally, Step 10 calls for a more sophisticated enforcement regime. It says that the CEHR needs to play a more dynamic role in enforcement including overall responsibility for monitoring compliance with the new public sector duty. '*Public sector inspectorates should be required, under a duty, to promote equality by evaluating the performance of the relevant bodies in this area.*'

The Equality Review Panel chaired by Trevor Phillips has now been disbanded. The Commission for Equality and Human Rights will come into force on 1st October 2007.

The report can be found at:  
[theequalityreview.org.uk](http://theequalityreview.org.uk).



**Please let us know if you have news about your Law Centre:**

**Staff Changes • New Initiatives • New Funding • Case Successes • Meetings and AGMs**

The Law Centres Federation is funded by Baring Foundation, The Big Lottery, Bridge House Estates Trust, Disability Rights Commission, Legal Services Commission and London Councils. We are also grateful to donations from our supporters.

A special thanks to our supporters of our Annual Conference last year: Allen & Overy, AON, The Independent Lawyer, Legal Action Group, Mayer Brown Rowe and Maw and Anglia DNA, Garden Court North Chambers.