

SETTING UP A LAW CENTRE

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Section One

WHAT IS A LAW CENTRE

A Law Centre is a voluntary organisation which offers a range of free legal services to individuals and groups who live, work or operate in their defined catchment area.

A Law Centre is independent and run by an elected management committee which represents the local community and ensures community accountability.

The legal services are provided by paid and unpaid staff including solicitors, barristers, rights and advice workers and community workers.

The Law Centre will take on cases for clients and because they have legally qualified staff can see them through from the start to finish through the legal system. They will take on test cases, judicial reviews and representation.

Law Centres specialise in those areas of law (commonly called "social welfare law") which are most needed by disadvantaged members of the community who cannot afford to pay for legal services, or for which legal aid is not available, and in which private practice solicitors have not developed an expertise. Such areas of law include welfare rights, housing and homelessness, education, employment, community care, immigration and nationality, sex and race discrimination, disability rights and children's rights.

Because of limited resources Law Centres target their services at those groups of people within their local community who are most disadvantaged and oppressed. These may include women, the unemployed, black and ethnic minority communities, disabled people, refugees, the low paid, etc.

Law Centres do not just undertake legal case work. They also undertake community work with groups of people; provide training and information about the law and peoples' rights; they produce leaflets and factsheets on rights; they provide resources and support and legal advice for other local voluntary organisations; they take on cases that clarify and extend rights for the public; they comment on and campaign for improvements in the law as it affects their clients.

Law Centres are accessible. They provide a professional service but in a friendly and informal setting: staff composition usually reflects the local community so that local people feel confident in using the Centre.

The majority of Law Centres receive their core funding from their local authorities and from the Legal Services Commission. Additional income comes from one-off grants from Charitable Trusts, such as The Big Lottery and donations.

WHY THERE IS A DEMAND FOR LAW CENTRES

Many people are unable to access legal advice either because they do not qualify on financial eligibility grounds or because legal aid does not cover the areas of law in which they require representation. While expenditure of legal aid overall may have increased to about £2.1 billion in recent years, the growth has been due to increased expenditure on family and criminal legal aid work. The expenditure on 'social welfare' has fallen by 24% since 1997.

In 1979, 72% of households were eligible for legal aid. In 1993 the eligibility criteria for receiving legal aid was cut in an attempt to reduce overall expenditure on Legal Aid. This meant that more people (approximately 50%) than ever did not qualify for free legal advice and representation despite being on low incomes and in some cases on benefit. It is estimated that this figures has now dropped to just 40%.

The Legal Aid Scheme doesn't extend to representation before certain Tribunals (e.g. Employment Tribunals, Social Security Appeal Tribunals, or Asylum and Immigration Tribunals) or at Coroners Inquests. Tribunal cases are often complex, particularly if they are based on discrimination issues. Many Law Centres have developed particular expertise in this area.

Private practice solicitors are in commercial business. They will only provide a service to those who can afford to pay or who will be eligible for legal aid. Where and how they practice, and the areas of law they cover will be determined purely by commercial considerations. Traditionally, private practice solicitors have not developed expertise in the field of "social welfare law" whereas Law Centres and the independent advice sector have. The number of solicitor's firm doing legal aid has dropped considerably in recent years from a steady figure of around 11,000 firms to just 4,361 in 2004.

Many people are prevented from taking legal advice because of fears of cost, lack of understanding of the complexities and changes in the law, or intimidation at the prospect of approaching "professional" agencies and government departments.

Other advice agencies, such as Citizens Advice Bureaux, neighbourhood advice centres, housing aid centres, money advice centres, are generally not in a position to offer specialist legal help to clients (either because few of them employ legally qualified staff, or they offer a generalist service, or they specialise in other areas such as debt advice). Their services are complementary to those of a Law Centre to whom they will refer on clients needing legal assistance in the knowledge that a Law Centre can take a client's case right through the legal system if necessary.

However, no Law Centre can take on all the cases that are referred to it. It needs the back up of existing organisations to refer cases on to so that it can concentrate on areas of specialisation and work strategically. (National Consumer Council's "Good Advice For All" suggest one Law Centre worker for every 12,500 of the population).

The benefits of Law Centres are that they are accountable to their local community; they target their work to those groups of people most in need in their local area; they specialise in areas of social welfare law not provided for by other local agencies; they plan their services in an attempt to be proactive; they have the flexibility to respond to changing needs; their service is not dependent upon a person's ability to pay.

See 'Legal Aid' on our website for more information

THE IMPORTANCE OF PLANNED LAW CENTRE DEVELOPMENT

People interested in setting up a new Law Centre should read these notes and make with contact with one of the Law Centres Federation's development manager. They can advise on whether a Law Centre already exists and on whether there are other local people engaged on a similar project.

In 2006, the Legal Services Commission introduced Community Legal Advice Centres (CLACs) and Community Legal Advice Networks (CLANs). It will be a good idea in future to see where CLACs and CLANs have been established so that new services can be complementary. For more information, go to: 'Legal Aid'.

To establish a new Law Centre, a management committee will have to be set up. The committee has the responsibility and power for the management of the Centre.

A Law Centre management committee:

- * Employs staff
- * Maintains the premises
- * Has responsibility for the finances
- * Has responsibility for ensuring legal services are accountable to the community
- * Has responsibility for policy affecting the Law Centre
- * Acts as Trustees (if registered as a charity) and Company Directors (if registered as a Company).

Developing a Law Centre management committee that is able to fulfill these tasks is a long and complex task.

In order to ensure that legal services are accountable and relevant to the community it is important that those sections of the community who suffer disadvantage are represented on the management committee.

In order to achieve this, it is important that Law Centre development is well planned and that problems and difficulties are anticipated and solved.

There are numerous tasks to be undertaken in order to develop a Law Centre:-

1. Development of a Steering Group
2. Research into the need for a Law Centre
3. Finding the funding
4. Decide on what services to provide and how best to provide them
5. Developing a Constitution, Equal Opportunities Policy, Company and charity status, membership of the Law Centres Federation
6. Development of a Management Committee
7. Finding premises and recruiting staff
8. Developing policies

Section Two

DEVELOPING A NEW LAW CENTRE

The first Law Centres were opened in 1970 in London. There are now over 60 Law Centre outlets, spread across England, Wales and Northern Ireland, mainly in cities and in large urban centres although there is a growing recognition of the need to extend into rural areas. Each Law Centre has developed individually and fairly uniquely. Many have taken years to get off the ground, others have taken just a couple of years.

In some areas a group of interested people have come together and formed a steering group. That group has then either researched need, worked out a development plan, sought support and funding on its own, or it has raised funds for researchers to undertake the first two stages and to identify possible funding sources.

In other areas the initiative may have come from outside, e.g. from the Law Centres Federation who have then made contact with local agencies and held a Public Meeting from which a Steering Group has been set up to carry out the above.

In yet other areas it has been the local authority which has undertaken research into local need and advice provision (possibly as part of an Anti-Poverty Strategy) and come up with a plan for developing a Law Centre. In some areas, the Legal Services Commission has taken a lead and has helped to establish new Law Centres by providing contracts to carry out priority areas of work.

Wherever the original initiative has come from, the tasks required to be undertaken are still the same, and local people and organisations will need to be involved fairly early on if the Law Centre is to fulfill the Law Centre Federation's requirements of independence and local accountability. Each of these tasks will be looked at in detail.

Since 2000, the LCF has set up 8 new Law Centres. One of our development managers wrote a list of key learning points in 2005 which were published in the LCF Annual Report. Go to 'Publications' to find a copy.

THE ROLE OF THE LAW CENTRES FEDERATION (LCF)

One of the key functions of the Law Centres Federation is its role in assisting in the development of new Law Centres. The LCF employs development managers, part of whose role it is to undertake this work. They, and members of the LCF Executive Committee, can provide the following:

- * A comprehensive range of written background information
- * Speakers for public meetings
- * Advice on campaigning and setting up a Steering Group
- * Practical support to the Steering Group
- * Negotiations along with, or on behalf of the Steering Group, with key funders and local authorities
- * Copies of feasibility studies, budgets, funding applications, and constitutions produced by other Law Centres
- * Advice on training and help in setting up training sessions (particularly for new managers)
- * Contact with existing Law Centres and other Steering Groups via a network of

regional meetings

- * The LCF provides specific courses and workshops for managers of Law Centres and Steering Group members. The LCF Annual Conference provides training and the opportunity to network.

THE TASKS INVOLVED IN ESTABLISHING A LAW CENTRE

As you will see from the following detail, establishing a Law Centre can be a long process. Members of a steering group will have different expectations and agendas for developing a Law Centre and it will take time and commitment to weld a group together. There will probably be a turnover of steering group members with people dropping out and new members being recruited.

The eight tasks identified at the end of Section One are not necessarily to be followed in chronological order - some may run concurrently, and local circumstances may dictate a different order.

Development of a Steering Group

A group of interested people may already exist, or individuals and organisations may volunteer or be nominated to form a steering group following a Public Meeting or series of meetings.

The size of the steering group doesn't matter too much, what is most important is that there exists a core of people with the time and commitment and skills to undertake the work, and that the group as it develops represents a good spread of relevant local interests. It may be that your local authority or Council for Voluntary Service can put some community worker time in to support the group.

Organisations with local interests whom you should consider inviting onto the Steering Group might include: - Citizens Advice Bureaux, Independent Advice Agencies, any Specialist Advice Agencies, local SHELTER or housing pressure group, or the local Law Society, sympathetic private practice solicitors, local Council for Racial Equality, local Council for Voluntary Service or Development Agency, Women's Groups, Disabled Peoples' organisations, Black and Minority Ethnic groups, sympathetic councillors, relevant local authority officers from potential funding authorities. Other people can be co-opted as and when required.

It is important to remember that those on the steering group will not necessarily form the future Management Committee. The steering group is essentially there to research the unmet need, provide a case for a Law Centre and to secure funding. The people with the skills for these tasks may not be the same people who will later go on to manage and control the Centre. It is also important to recognise that many groups or individuals will be coming to the meetings with different sets of ideas or expectations about what the Law Centre will be doing so it is important to quickly establish a method by which to ascertain the most pressing areas of need and the type or model of Law Centre best placed to meet those needs.

You may wish to (and LCF would recommend that you) formally constitute the steering group at some point. This may be particularly relevant if the group wants to raise money to support its work. It may also be a useful move to counter any suspicion or accusation of

elitism or self-interest. A copy of a Steering Group constitution is at 'Steering Group Constitution'. Whether formally constituted or not, it pays to appoint a Chair and Secretary, (and Treasurer if there is any money) and have a contact address for the Group.

Steering group member organisations may absorb some of the costs (mailings, publicity, materials, phone calls, meeting room hire, travel expenses) or you may be able to obtain some seed money from your local authority. If you are handling money it may be wise to open a separate Bank Account.

How often you meet is for you to decide. To spread the work out, and if you have a large steering group, it may be worth setting up ad hoc sub-groups to take on particular tasks (e.g. fundraising, research, constitution etc.).

Ongoing publicity for the work of the steering group will keep alive the idea and drive for the Law Centre. This can be done via articles in the local press, public meetings, stalls at events, producing leaflets, using other organisation's mailing lists and so forth.

Research into the need for a Law Centre

It may be that you can obtain some professional assistance to undertake the detailed research required from a local College or University or freelance researcher, but this may well cost the group money. As a one-off piece of work you may be able to secure funding from a Charitable Trust or your potential funding authority. If you do decide to employ "outsiders" to undertake research and to produce a feasibility study then you need to give careful consideration to what you want and from that draw up a brief inviting applicants to tender for the work (the LCF has model that you could use). It may be that you cannot or do not need to buy in professional assistance as the skills, knowledge, and time required to carry out the research already exist within members of the steering group.

Whoever is to conduct the research, the aims of it should be :

- * To establish what legal and advice provision already exists in the area
- * To assess what gaps exist in service provision
- * To assess local needs for Law Centre provision

As a group you will need to define your geographical catchment area before beginning the research. It may be difficult to establish precisely what the catchment area of the Law Centre should be at this stage, but it might be helpful if you make sure that the area to be researched corresponds to local authority boundaries, although you may need to consider the edges of neighbourhood authorities. As for where the Law Centre should be sited within the area being researched there may be a number of possible alternatives depending upon transport routes, main centres of population, shopping and commercial centres, etc. A Law Centre may be sited in one area but have other outreach advice points throughout the catchment area. Options need to be kept open at this stage.

Gathering Information on Existing Provision and any Gaps

The best way to gather this information is by means of a questionnaire to all local providers (The LCF has a sample you could use). The questionnaire needs to elicit the following information:

- * Is there a local Community Legal Advice Centre or a Community Legal Advice Network
- * Which agencies provide an information and referral service only
- * Which agencies provide an advice and casework service
- * What subject areas are covered by what firms or agencies
- * Which agencies provide representation at which tribunals and in the courts
- * Which agencies employ solicitors
- * Which agencies offer a telephone advice line, and for how many hours
- * Operational matters such as opening times, whether appointments are offered, whether at more than one location etc.
- * Which agencies are based in physically accessible premises, and the degree of accessibility
- * Which agencies offer Law Clinics\free legal advice sessions run by local solicitors
- * The level of resources including numbers of paid and unpaid staff
- * The catchment area and client community served by the agency
- * What social policy work is undertaken
- * What training is provided by the agency, and to whom
- * The provision of different kinds of group work, community and outreach work
- * Who funds the agency, and how much funding do they receive
- * What relationships exist between agencies
- * What community languages do you provide a service in.

You could also use the questionnaire to gauge attitudes towards a Law Centre and to find out what agencies would most like from a Law Centre. If you were to do this then you would need to include information about Law Centres and give examples of the type of work they can undertake (such as tribunal and court representation, test cases, judicial reviews, second-tier telephone consultancies, group work, training, rights packs, etc.).

In deciding who to send the questionnaire to think quite widely. Don't just send it the obvious advice providers such as CABx and those organisations with "advice" in their title. Many other agencies offer advice and/or information, as a secondary function (for example, Age Concern, Women's Aid, some local disability organisations, Race Equality Councils, libraries, community centres etc.). Members of your steering group should have this local knowledge between them.

Analysing the information from the questionnaires should give you a fairly comprehensive picture of what provision exists and where the obvious gaps are geographically and in terms of client groups serviced, subject areas covered, and levels of representation at tribunals and in courts.

Gathering Information on Local Needs

The second most critical area of research is into levels of social need, and trying to establish where the needs are greatest and amongst which client communities. Personal knowledge of steering group members and local contacts is a good starting point. For instance, tenants' activists know more about problems of disrepair or dampness or heating bills facing council tenants than any set of statistics will show. Trades Council representatives will understand the real local effect of increases in unemployment or decreases in investment in different industries far better than any graph can show. This local knowledge can be used in the form of case studies or anecdotes to supplement more general, official information which you will need to gather to put forward your case for a Law Centre in any funding applications.

Official sources of information which might need to be studied are :

- * Census information
- * Local government's Local Strategic Plans and Local Area Agreements
- * Levels of deprivation in the area or region