

## Launch of Sustainable Advice in Hackney

### Keynote address by Colin Low

I'm delighted to be here because I feel there is so much in common between the report of my commission on the Future of Advice and Legal Support on Social Welfare Law and the work of the local advice sector here in Hackney. I'm very proud to be a patron of Hackney Community Law Centre. We've heard what an effective organisation it is and how many awards it has won. But beyond that, there's such synergy between my report and what you're doing here - and I'm referring not just to Hackney Community Law Centre but to the whole of the partnership which has won this Advice Services Transition Fund grant - East End CAB, City and Hackney Mind, Age UK East London, Halkevi, Hackney Caribbean Elderly Organisation and Hackney Migrant Centre. I hope our report can be of help to you as you develop the project - I'm certainly confident that you will be able to demonstrate many of the themes of our report in action.

We head our report with the following real life situations:

A young couple are unable to get their landlord to undertake essential repairs

A nurse who has worked in the NHS for 20 years cannot rent a new house because her immigration status has not been regularised

A person in debt has started suffering from severe anxiety and depression and is in danger of losing his house and his job

A person has been unfairly dismissed

A disabled person loses her benefits after having been wrongly assessed as fit for work

An older person living in a cold house is not able to get advice on maximising her income to enable her to heat the house properly.

I have an abiding image of the person with the paper bag full of unopened bills which Campbell Robb, Chief Executive of Shelter, left us with at our first evidence-taking session.

When people get into difficulty in their daily lives, as in these examples, they need to be able to get the right information and advice as early as possible. That's where you come in. These are the kind of problems you are dealing with and sorting day in and day out, and the reason our commission was concerned to create a blueprint for a sustainable advice sector. That shows how much we have in common and why I'm such a keen supporter of your work.

The aim of the Advice Services Transition Fund is that funding will be used to help the not-for-profit sector transform and adapt to a new funding environment by renewing service models to reduce duplication and by bringing providers together to be more efficient and effective. This is exactly the kind of thing you are doing and we are concerned to encourage, which makes you a natural for a grant from the Fund.

The project also offers a unique opportunity to think from a client's perspective about how to improve service provision and to develop and evaluate new ways of working. In this connection we were very attracted by the approach known as systems thinking developed by Advice UK. It has the following characteristics: It looks at users in the round and not at problems in silos; it

looks not just at the presenting problem but also at the background in poverty, unemployment, homelessness and poor health, especially mental health, drug and alcohol addiction, etc.; it bears down on inefficiencies in the system from the bureaucracy's mistakes, incomprehensible letters, trying and failing to speak to someone, finding out why money has been stopped with no explanation, etc. Advice UK have told us about a system in Portsmouth which moved from one which involved waiting for two hours; then seeing a volunteer for twenty minutes; then making an appointment to see a specialist - altogether potentially involving 13 steps before you saw an adviser who could actually help you - to one which dispensed with triage or rationing; put specialist staff in the front line with expertise in one area but who also knew about others and could pull in other specialists as necessary rather than simply referring on; enabling you to see someone within 20 minutes. Advice UK has shown that approaches based on systems thinking can achieve savings of at least 30 % and sometimes, as in their work in Nottingham, as much as 95 %. So, although it may seem like a Rolls Royce service, it can end up costing less in the long run.

The Commission was set up in October 2012, by the Legal Action Group, with funding from a range of charitable trusts and foundations, to develop a strategy for advice and legal support on social welfare law in England and Wales in face of the challenge posed by major reductions in public funding for advice and legal support and by increased demand for services. Social welfare law covers benefits, debt, employment, immigration, special education and many aspects of housing - perhaps disproportionately problems of those who are less well-off, but really problems of everyday life that could affect anyone at any time.

We received evidence from 250 individuals and organisations, including providers, funders, policy makers and politicians, and heard from some 400 others through one to one meetings, roundtables on particular topics and consultation meetings around the country. What stands out about our report is its independence, the varied experience of our commissioners - the Vice-Chair had only recently retired as a senior civil servant at the MoJ so she knew where the bodies were buried, and the other commissioners brought a wealth of experience of the not-for-profit, private and public sectors, economics, local government and the provision of legal services in different parts of the country. Finally what I think distinguishes our report is the comprehensive approach we have adopted.

We reckon that £89m PA has been taken out of legal aid for social welfare law and that at least a further £40m will have gone from local authority funding for advice and legal support by 2015. As a result, services are closing or retrenching on a significant scale. To take just a few examples, in Birmingham, the CAB lost more than half its local authority grant (down from £590 to £265), plus £700,000 in legal aid funding. The law centre was forced to close due to the loss of half its income from legal aid, and the leading legal aid practice has been forced to make its very experienced welfare benefits and debt supervisors redundant. In Swansea and Neath Port Talbot, the CAB has had to axe 12 out of 36 adviser posts because of a 30 % cut in its budget. Shelter has had to close nine of its advice centres as a result of a £3m cut in its legal aid funding. Law centres are now on average only able to assist one in three of the cases they would have done before. And all this is happening at a time when austerity and massive changes in the

welfare benefits system are giving rise to increased demand for services on an unprecedented scale. To take just one example, in Sutton, the CAB has seen a trebling in demand for welfare benefit appeal advice in the last three years.

We were under pressure to recommend simple reinstatement of the cuts from two quarters - lawyers obviously, who thought our recommendations were too "front-loaded" and insufficiently recognised the importance of legal interventions for resolving social welfare law problems, and those who resist changes in patterns of funding for public services such as the introduction of the market. But rather than recommend simple reinstatement, we preferred to think in terms of a continuum of provision, including public legal education, informal and formal information and generalist advice (often provided by local authorities), specialist advice, legal help and legal representation. We took the view that it was important to tackle the whole of this continuum in an integrated fashion, and that legal aid should be seen as just one part of it and not in isolation as a stand-alone funding mechanism. We don't under-estimate the importance of legal interventions for solving people's problems - sometimes it takes a lawyer to bring a recalcitrant defendant to the table - but with cuts of the order of £100m in legal aid, it seemed clear to us that the advice end of the spectrum was going to need to take more of the strain. The relative importance, in purely quantitative terms, of advice and legal support was graphically illustrated for us one day when a firm of solicitors told us that as a result of the cuts they would be able to handle 300 fewer cases a year. Down the road we found the CAB was dealing with over 30,900. But we're absolutely clear that there does need to be provision for legal help and representation at the legal end of the spectrum.

Our report contains 100 recommendations. The six most important are:

1 Public legal education should be given higher priority, both in the school alongside financial literacy, and in education for life, so that people know their rights and where to go for help;

2 Central and local government should do more to reduce preventable demand (e.g. by requiring DWP to pay costs on upheld appeals);

**3 We should improve systems of dispute resolution (e.g. by getting things right first time, taking action early, getting courts and tribunals to work more efficiently by providing better help for litigants and utilising alternative forms of dispute resolution);**

**4 The next UK government should develop a National Strategy for Advice and Legal Support in England for 2015-20, preferably with all party support, and the Welsh Government should develop a similar strategy for Wales. There should be a Minister for Advice and Legal Support within the MoJ, with a cross-departmental brief for leading the development of this strategy;**

5 Local authorities, or groups of local authorities, should co-produce or commission **local advice and legal support plans** with the local not-for-profit sector and commercial advice agencies;

6 The next UK government should establish a ten-year National Advice and Legal Support Fund of £50m PA, financed by the MoJ, the Cabinet Office and DWP, and administered by the Big

Lottery Fund, to help develop provision of information, advice and legal support on social welfare law in line with local plans. And we believe that a similar amount could be raised from alternative sources of funding such as clinical commissioning groups, housing associations, the Money Advice Fund, a levy on payday loan companies, dormant funds that lawyers hold for clients who can't be traced and companies that have gone out of business.

In addition, greater use needs to be made of new technology and helplines for those who can manage to access these forms of communication and are not digitally excluded. This will free up resources to ensure that more face to face, in-depth and intensive support can be targeted at those most in need.

There will always continue to be a variety of sources of telephone and web-based advice, but we would like to see a one-stop national helpline, and associated website, providing a comprehensive advice service for the general public and a safety net for those with nowhere else to go.

We would also like to see a more open and collaborative advice sector. There is considerable scope for local advice agencies to work more closely together and in some cases even to merge. We would also like to see the national umbrella bodies, such as Citizens Advice and Advice UK, work more closely together and share their resources and experience more widely.

Although I said we weren't arguing for a simple restoration of the cuts, that doesn't mean to say that we wouldn't like any of them to be reversed. We'd like to see funding reinstated for housing cases, for instance, before they reach crisis point. As a result of the cuts in legal aid, you can now only get legal assistance when you're on the point of eviction and losing your home. It would be much less stressful, and far more cost-effective, if people could get help much earlier on before things reached crisis point.

And the exceptional cases scheme, which was introduced as a safety net for funding cases which would now be out of scope of legal aid following LASPO but where human rights or EU law require the provision of legal aid, needs radical reappraisal because as things stand it just isn't working. It was estimated that there would be between five and seven thousand of these cases a year, ie about 1500 a quarter, but in the first three months there were only 233 applications of which only 6 were granted. This is hardly surprising, as funding for all the preparatory work on these incredibly complex and technical cases is only provided if the application is successful, so solicitors aren't exactly falling over themselves to take them.

If you want to know about any of the other recommendations, you'll need to read the report.

In summary, our strategy is to suggest ways of reducing preventable demand and ways in which the system can be simplified and made to work more efficiently, and to put more weight on the advice end of the spectrum and suggest ways in which it can work more effectively. We believe that by investing in a wider range of information and advice, with some legal help and representation, many of the undesirable consequences of the LASPO Act can be avoided and we

will actually end up saving money.

We are planning a second phase of our work in which we will aim to work with government and political parties; local government; the judiciary and the Civil Justice Council; the advice sector; funders; and Welsh interests to promote our recommendations and seek their adoption and implementation. If there is any way you can help us with this, we will be most grateful for your assistance.