



House of Commons
Constitutional Affairs
Committee

**Legal Services
Commission: removal
of Specialist Support
Services**

Fourth Report of Session 2005–06

*Report, together with formal minutes, oral and
written evidence*

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The Constitutional Affairs Committee

The Constitutional Affairs Committee (previously the Committee on the Lord Chancellor's Department) is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Constitutional Affairs and associated public bodies.

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The current staff of the Committee are Roger Phillips (Clerk), Dr John Gearson (Second Clerk), Richard Poureshagh (Committee Assistant), Alexander Horne (Legal Specialist), Anne Woolhouse (Secretary), Tes Stranger (Senior Office Clerk) and Jessica Bridges-Palmer (Committee Media Officer).

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1 Introduction

1. The Constitutional Affairs Committee has taken evidence on the decision by the Legal Services Commission (LSC) to end the provision of Specialist Support Services under the Community Legal Service (legal aid scheme).
2. We focused on the services provided by Specialist Support Services, the way in which the decision to end the scheme was reached and alternative approaches suggested by the LSC.
3. We took oral evidence from Mr Brian Harvey, Acting Chief Executive of the Legal Services Commission and from Mr Crispin Passmore, Director of the Community Legal Service, on 14 February 2006. We also received a number of written submissions from concerned stakeholders including: Shelter; the Legal Aid Practitioner Group (LAPG); the Law Society; Citizens Advice; Child Poverty Action; the Joint Council for the Welfare of Immigrants; and several other organisations which deliver Specialist Support Services.
4. We were concerned that the oral evidence from the Legal Services Commission revealed major flaws in its approach to policymaking. We draw the particular attention of the House to the oral evidence accompanying this Report.

2 The decision to end funding for Specialist Support Services

Background

5. Specialist Support began as a pilot scheme in 2000. It was created in response to the report *Access to Legal Services: The Contribution of Alternative Approaches* by the Policy Studies Institute. The report suggested a need for alternative and innovative approaches to improve the delivery of publicly funded legal and advice services, in terms of both public access and quality.¹ Following an evaluation of the pilot scheme, the LSC let mainstream contracts for Specialist Support services in April 2004. The pilots were funded from the Civil Top Slice Budget.

6. Based on national provision and a tendering process, 17 organisations in England and 2 in Wales were granted contracts to provide specialist support running for a period of three financial years until March 2007² in England and January 2008 in Wales and with a budget of approximately £3m per annum. Nationally, these consist of 11 not-for-profit organizations, 5 solicitors' firms and 3 barristers' chambers.³

7. The services that were provided included the following:

- Advice via telephone, fax, email and letter;
- Support with casework;
- Training Events;
- Direct Casework;
- Direct Supervision.⁴

8. Support was provided in the following categories of law: Community Care; Debt; Employment; Housing; Human Rights; Immigration; Mental Health; Public Law and Welfare Benefits.

9. As part of the Review of Top Slice,⁵ providers of Specialist Support Services together with stakeholders such as the Law Society and LAPG were invited to give their views on the extent to which: Specialist Support Services met the LSC Corporate Priorities; were compatible with the LSC's vision for the Community Legal Service and demonstrated value for money, over a 7-week period (18th August to the 30th September 2005).

1 Ev 10

2 The English based specialist pilots started in 2001 but the Wales Specialist Support Service did not start until July 2002. Whilst 3-year contracts were awarded to English based agencies in 2004, the pilot in Wales did not end until 31 January 2005 and new 3-year contracts were granted to Welsh agencies from 1 February 2005

3 Ev 10

4 *Ibid*

5 The 'Top Slice' budget was set up as part of the newly created Legal Services Commission (LSC) in 2000. The budget covers payments from the Community Legal Service (CLS) Fund on a number of experimental initiatives not already covered by other areas of the legal aid scheme. The review of the Top Slice Budget was undertaken to determine whether these initiatives, some of which started some time ago, should continue to command Top Slice funding

The decision making process

10. Following the consultation, the LSC made the decision to end Specialist Support Services. The providers were given six months notice and informed that the service would cease in July 2006. In oral evidence to the Committee, Mr Harvey admitted that the consultation strategy was flawed, since at no point prior to the decision being made were the relevant stakeholders informed that one option was to cease funding Specialist Support Services.⁶ Mr Harvey also admitted that the Commission made the decision without consulting the Welsh Assembly (which contributes funding to advice provision in Wales).⁷

11. Although ministers were told of the decision, the policy was formed by the LSC.⁸ On 2 February 2006, in an Adjournment debate, the Parliamentary Under-Secretary of State, Bridget Prentice MP, said:

[I]nitially, I shared some of the concerns about withdrawal of funding, so I understand why it worries my hon. Friend and other Members who are here, particularly those from Wales [...] I will continue to monitor the situation carefully and would be very pleased to hear feedback from them [Members] on how the proposals have impacted on their constituents.⁹

Evidence from providers

12. A large number of submissions to us from stakeholders, many of them providers of Specialist Support Services, criticised the decision to end the service. Many also complained about the decision making process. The Legal Aid Practitioner Group pointed out that:

[...] Many of the organisations using the (Specialist Support Services) rely on it to continue in existence at all. The loss of this service will therefore, as a consequence, reduce the number of front-line advisers able to offer help to the public. We are also aware of organisations that were proposing to expand their services by initially relying on the (Specialist Support Services) while they built up their expertise and their caseload. This way of developing new services will fall with the (Specialist Support Services).¹⁰

The Joint Council for the Welfare of Immigrants stated:

Our concerns are two-fold. Firstly we are advising practitioners in an area of law, immigration and asylum, which is increasingly complex given the rate of legislation and plethora of new rules in recent years. One effect may be that non-specialist legal advisers, particularly those working in isolated conditions in smaller legal firms and voluntary organisations, may not be able to continue offering advice in these areas of law if they cannot readily access the expertise and support of their specialist peers. Secondly, we are concerned that this will in turn impact on the ability of a generally vulnerable group, immigration and asylum applicants, to access high quality advice.

6 Qq 1, 39, 49

7 Qq 69–71

8 Q 25

9 HC Deb, 2 February 2006, cols 575–578

10 Ev 14

We are concerned at the potential impact of this decision on those who, by nature of their migrant status, may run a greater risk of poverty, disadvantage and exclusion.¹¹

Citizens Advice, Child Poverty Action Group and London Advice Services posed the question “is it not a huge waste of public money to pilot a scheme for 3 years, carry out a thorough evaluation and award 3 year contracts based on that evaluation and then cut the service?”¹²

11 Ev 18

12 Ev 21

3 Conclusion

13. At the oral evidence session, the LSC indicated that the decision was made in order to refocus the money. In particular, it was suggested that this would allow a greater number of people to be helped, and that specialist advice could be provided through a telephone service the LSC (CLS Direct). The LSC conceded that during the course of the consultation it had not received any complaints about the Specialist Support Services service.¹³

14. The decision to cease providing Specialist Support Services, and the manner in which that decision was made, is likely to cause a number of difficulties. Firms will have problems in making business planning decisions if the LSC chooses simply to remove funding without prior warning. We are also concerned about replacing the current system, which works well, with one which may provide for greater numbers of people receiving advice, but of a lower quality. Many consumers of legal aid services will find it difficult to understand complicated legal advice over the telephone. This is especially so since the advice concerned is specialist legal advice which is being provided to vulnerable groups including those with mental health, immigration and complex public law problems.

15. We do not accept that CLS Direct (which itself uses specialist support) is an adequate alternative to specialist support services. In his evidence Mr Harvey missed the point when dealing with the issue of carrying into effect complicated legal advice¹⁴ Peer review of the quality of that advice can give no guarantee of a client's ability to act on it. Mr Harvey also said that front-line advisers have recourse to CLS Direct¹⁵ but the LSC document¹⁶ certainly appears to limit the service to members of the public. We are also concerned that the resources budgeted for the advertising of the CLS Direct telephone number are likely to be insufficient and note with some anxiety that it is not a free number: callers have to pay a local charge rate.

16. The decision to cease providing Specialist Support Services was based on a flawed consultation process, which failed to indicate to providers that one of the options was to cease provision of the service and consciously omitted to ask the Welsh Assembly Government for its view.¹⁷ We understand that the feedback that has been received about the Specialist Support Services pilots has been positive and that the LSC accepts that the service has been useful. We note that the LSC believes that the money can be more usefully spent providing advice directly to consumers. However, we do not accept that this is a suitable approach for complex areas of the law involving potentially vulnerable people.

17. We are concerned that LSC has chosen to end the pilot, giving firms concerned only six months notice. This clearly demonstrates a lack of engagement with suppliers. It is impossible for firms to conduct proper business planning if the LSC is constantly tinkering with its budget and cutting services. We recommend that the LSC should reconsider its decision to cease providing Specialist Support Services.

13 Q 47

14 Q 68

15 Q 4

16 See LSC's 'Information for Applicants—National Telephone Service'—invitation to Welsh agencies to tender for CLS Direct

17 Q 71

Witnesses

Tuesday 14 February 2006

Brian Harvey, Acting Chief Executive, **Crispin Passmore**, Director,
Community Legal Service, Legal Services Commission

Amanda Finlay, Director, Legal Aid Strategy Directorate, DCA

Ev 1

List of written evidence

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Citizens Advice, Child Poverty Action Group and London Advice Services	Ev 19
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Child Poverty Action Group (CPAG)	Ev 23
Specialist Support Services	Ev 24

Formal minutes

Tuesday 28 February 2006

Members present:

Mr Alan Beith, in the Chair

Piara S Khabra
Julie Morgan

Keith Vaz
Jeremy Wright

Draft Report [Legal Services Commission: removal of Specialist Support Services], proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 17 read and agreed to.

Resolved, That the Report be the Fourth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Several papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[Adjourned till Tuesday 14 March at 4.00pm]

Reports from the Constitutional Affairs Committee

Session 2005-06

First Report	The courts: small claims <i>Government response</i>	HC 519 <i>Cm 6754</i>
Second Report	The Office of the Judge Advocate General	HC 731
Third Report	Compensation culture	HC 754

Session 2004–05

First Report	Freedom of Information Act 2000 — progress towards implementation <i>Government response</i>	HC 79 <i>Cm 6470</i>
Second Report	Work of the Committee in 2004	HC 207
Third Report	Constitutional Reform Bill [<i>Lords</i>]: the Government's proposals <i>Government response</i>	HC 275 <i>Cm 6488</i>
Fourth Report	Family Justice: the operation of the family courts <i>Government response</i>	HC 116 <i>Cm 6507</i>
Fifth Report	Legal aid: asylum appeals <i>Government response</i>	HC 276 <i>Cm 6597</i>
Sixth Report	Electoral Registration (Joint Report with ODPM: Housing, Planning, Local Government and the Regions Committee) <i>Government response</i>	HC 243 <i>Cm 6647</i>
Seventh Report	The operation of the Special Immigration Appeals Commission (SIAC) and the use of Special Advocates <i>Government response</i>	HC 323 <i>Cm 6596</i>

Oral evidence

Taken before the Constitutional Affairs Committee

on Tuesday 14 February 2006

Members present:

Mr Alan Beith, in the Chair

James Brokenshire
David Howarth
Barbara Keeley
Julie Morgan

Keith Vaz
Dr Alan Whitehead
Jeremy Wright

Witnesses: **Brian Harvey**, Acting Chief Executive, **Crispin Passmore**, Director, Community Legal Services, Legal Services Commission, and **Amanda Finlay**, Director, Legal Aid Strategy Directorate, Department for Constitutional Affairs, gave evidence.

Chairman: Mr Harvey, Mr Passmore, Ms Finlay, we appreciate the fact that you have come at relatively short notice for a short session which will concentrate primarily on the specialist support issues—that will be of no surprise to you—although there are two or three other points that we will probably also briefly raise in the latter part of the session. Are there any interests to declare?

Keith Vaz: I am a non-practising barrister. My wife holds a part-time judicial appointment.

James Brokenshire: I am a non-practising solicitor?

Julie Morgan: My daughter works for Shelter Cymru and one of my employees also works for a specialist support service?

Jeremy Wright: I am a non-practising barrister in the field of criminal law.

Q1 Julie Morgan: Mr Harvey, I am sure you are aware of the widespread concern and dismay about the proposal to end the Specialist Support Service. Could you explain why you have made this decision?

Brian Harvey: Yes, of course. By way of brief introduction, perhaps I can set out our position in relation to the CLS. I think, as Michael Bichard said in our consultation document on the Community Legal Service *Making Legal Rights a Reality*, we are passionate advocates of the CLS and we seek to develop and expand it so that people can defend and advance their rights. We have covered all the issues, in general terms, in the consultation document, to which I would like to say at this stage we had very set of positive responses to the general thrust of the way that we intend to develop the CLS. We are currently in the process of finalising those final proposals, following the consultation with ministers, and, hopefully, we will be publishing *The Way Forward* with the CLS in the next few weeks. Just to remind those who may be not familiar with the document, there are three key strategies that we set out in relation to CLS. The first one is increasing individual acts of assistance, the second is taking strategic action where there are underlying issues of concern identified by the frequency with which particular cases are being brought and, finally, providing information to the public at large about legal rights.

It is in the context of that first one—increasing individual acts of assistance—that I would like to respond to your question about specific specialist support grants or contracts. I have to say at this stage, and I think we have set this out in our submission, it was a difficult decision for us to make because those who had the specialist support contracts had certainly made a significant contribution to the development of the Community Legal Service. They were the right contracts to have at a particular time in its development. It was a difficult decision in the context in which we had to consider it, which is the extreme budget pressures with which we were faced. As I said, we recognise the value of the specialist support contracts, but in terms of meeting our main purpose and commitment to help as many people as possible to receive acts of assistance, we came to the conclusion that, in view of the limited budget that we have available, the money that we were currently spending on specialist support contracts would be better spent on funding direct services either face-to-face or through CLS Direct. I should say at this stage, I think we would accept that the consultation process of arriving at that decision could have been handled better, but we were under a great deal of pressure at the time. Circumstances had changed significantly from the time that we had started to review the specialist support contracts and we were then forced into making decisions about priorities and budgets. There would seem to be a degree of inconsistency from outside, but that was the change in circumstances—increased budget pressures—that we were trying take account of. We felt able to make the decision because of two major themes: our increasing focus on quality assurance to assure ourselves that the specialist contracts delivering face-to-face service were up to the mark in terms of quality and expertise, and this is underpinned by our preferred supplier strategy, which I can go into in more detail later if the Committee would wish me to. It is a process we are still agreeing finally with the ministers, but there may be some general points I may be able to make to meet any enquiries you have on that issue. We have a every confidence that the

specialist support contracts will deliver the quality and the expertise that we set out to deliver to our clients, but perhaps the most important significant change has been the great success and rapid expansion of CLS Direct which is enabling us to deliver, via that mechanism, specialist advice to a very high standard both in terms of the quality of advice being given and the quality of service being provided. Again, if the Committee wishes, I have various statistics that I can share with you which illustrate that. I think those two major considerations enabled us to make the decision, though it was a reluctant one, to withdraw funding from specialist advice contracts with a view that it would have no significant detrimental effect because of these underlying changes that we have made in the delivery of CLS. Again, I have more information. There has been criticism in the past about our ability to meet demand, and certainly since the introduction of the contracting there has been a slight decline in the number of acts of assistance, but I am pleased to be able to report to you today that that decline has been reversed. We had been delivering something in the region of 650,000 acts of assistance at the beginning of contracting. We are now hopeful that the figure for 2005–06 will be in the region of 686/690 and we expect that to continue to grow in 2006–07. Again, this is a reflection of our investment in front-line services, both face-to-face and in terms of CLS Direct. That is a brief explanation of why we came to the decision we did and why we believe it is the right decision, although it was a difficult decision. I suggest I stop there and maybe take questions.

Q2 Julie Morgan: I think that raises a lot of questions. First of all, you mentioned value for money—that you were taking this decision partly because of money. Do you not think it is a huge waste of public money to pilot the scheme for three years, carry out a thorough evaluation and then award three-year contracts based on that evaluation and then just cut the service after six months? I do not know if you could say what your evaluation was of the services as well.

Brian Harvey: I do not think it was a waste of public money. It is like a great deal of things that we do. We are, I think, at the leading edge—

Q3 Chairman: That is not very reassuring.

Brian Harvey: I am sorry; I will rephrase that. What I meant to say is that it is not a waste of public money. It is part of a development programme. We have made a number of investments in the development of CLS through the partnership initiation budgets, CLS development fund, which tried to move forward the delivery of CLS to improve access, to improve quality and at the time that we were considering this, right at the beginning of CLS, we felt that specialist support grants were a sensible step to take. We did not necessarily see them at that point in time as an on-going level of investment or type of investment. As I have said earlier, the progress we have made in those other two areas of quality assurance and CLS Direct give us the confidence that we can move forward and get a

much larger number of acts of assistance for the same amount of money. In terms of value for money, that is a difficult equation, in the sense that we know from the information that we have that something like about 20,000 phone calls are dealt with by the specialist support contract holders. We think, though we have not got any firm evidence for this—we do it by deduction from our own statistics on CLS Direct—that probably equates to something like 10–15,000 individuals, or cases, being helped, but, of course, that is an additional cost on acts of assistance that are already being carried out so it increases our average cost of dealing with those cases. Were we to invest that money directly in direct services, which is what we are proposing to do, either through face-to-face services or CLS Direct or a combination of the two, in our view, we would add another 10–15,000 additional acts of assistance to delivery.

Q4 Julie Morgan: How can you depend on the quality of those acts of assistance? Surely the quality of advice given depends on the degree of expertise. How can you possibly expect front-line advisers to be expert in the whole range of subjects on which people come for help?

Brian Harvey: Increasingly, if they are not able to provide immediate advice, they have recourse to CLS Direct themselves or they can refer their clients to CLS Direct. As I said earlier, our ambition, our mission, is to make sure that our front-line providers can provide that level of expertise. The quality assurance arrangements we are putting place reinforce that. These organisations that have the front-line contracts should have supervisors in place that are able to deal with the range of cases. In the most extreme cases, they can always—and it will continue to be case—refer matters to barristers who are the knowledge experts in the particular field.

Q5 Chairman: Are they are not going to do that a lot more?

Brian Harvey: There is a risk that that is the case. That would impact upon the average price, but the introduction of standard fees in this area would act as a control on that.

Q6 Julie Morgan: It seems to me that that is pie in the sky. You have got a specialist service that is working very well—your own evaluation acknowledged how good it was—the people who use it pay almost universal praise for the way they are able to deal with very complex cases very quickly, very swiftly at a great saving to the public purse. You have got something that is working really well. CLS Direct themselves refer to the Specialist Support Service lines and advisers, so it seems to me that there is no convincing case at all for saying that you are going to be able to provide all that expertise at the front-line.

Brian Harvey: That is our position. That is the conclusion we have come to. The hard facts are that by transferring that money to direct services we will be able to help a lot more people, and that is what is motivating us to make that decision.

Q7 Julie Morgan: The increasing number of acts of advice that you are able to give perhaps is partly due to the fact that you have the specialist service lines backing up the advice that is being given, because of the shorter amount of time that can be spent and the expertise that is available. Certainly in Wales we have encouraged an holistic approach to all the different problems that there are. This has meant that you cannot expect somebody to have expert knowledge on every subject, and that is where the specialist support is so essential. It seems a very risky move.

Brian Harvey: I recognise the point that you make, but I think there is no evidence to support the argument that you put. We can only look at the bottom line, which is how many people are we helping. We have a quality assurance process in place which gives us confidence that people are getting the appropriate advice. Increasingly we have more stringent quality measures, such as peer review, measuring or monitoring outcome measures to make sure that people are getting the right sorts of outcomes from the advice that they are being given. Taking that medium to long-term view, we are confident it is the right decision.

Q8 Julie Morgan: Those are the very measures you have used to evaluate this service, which ended up saying that it is needed and is an important part of future planning, a short period ago. You have just given six months notice for three-year contracts. It seems to me that those arguments do not bear much weight?

Brian Harvey: No. We are clear that the quality of advice being provided on the specialist support contracts was good, and that is what the peer review assessment told us. It comes down to a financial equation at the end of the day in ensuring we help the maximum number of people for the amount of money that we have available to do that.

Q9 Barbara Keeley: I am surprised. I am finding some of your responses a little complacent, and I think other members might be feeling the same thing. This is not in the private sector. This is public funding. You said you did not see this move as a waste of public resources. There are 19 organisations who have worked with the Legal Services Commission to build this up. There have been successful pilots, there has been a successful evaluation and it seems to us that there are no representations allowed and a very unusual, to say the very least, process of just cutting these contracts. Do you think that the organisations involved in this will want to work with you on future projects having behaved towards them in this type of way? Do you think that is an ethical and proper way to use public sector resources, public cash, to allow organisations to take on staff, to build up expertise, to get to the position where they have this number of contracts working well and well evaluated and then just to cut it in the way that you have done? I have to say, I think your earlier answer was exceedingly complacent and it does not seem to me as if that is an appropriate way for public funds to be used?

Brian Harvey: I apologise if it appears complacent. That certainly is not our position. It was a very difficult decision that we had to make. You raise a number of questions there. In terms of whether it is ethical, I think what we have done is entirely ethical. We have evaluated the work that has been done, we have compared it in terms of our overall objectives. In terms of whether people would wish to work with us, hopefully they will. A meeting was held with all those that had these specialist support contracts and explorations will now go forward to see how many of those can assist us in providing face-to-face direct services rather than support services. I do not know whether, Crispin, you want to add anything to that?

Q10 Barbara Keeley: Do you expect to retain the goodwill of organisations when you have let things develop to this point where successful contracts to the value of 2.9 million are running, were then evaluated and then just cut? We have had submissions from a number of organisations complaining about the way it was done, seemingly, in a very underhand way. I have to say, I think you will be destroying confidence in those organisations. I would be very surprised if many of them wanted to trust you again.

Brian Harvey: It certainly was not done in an underhand way. As I said—I did apologise at the outset—the consultation process could have been handled better, and I apologise for that, but we acted with the best information at the time.

Q11 Jeremy Wright: I just want to press you on the questions that Mrs Morgan asked you. What confuses me in this situation is that you have already accepted that in 2003 your assessment of this scheme was that it was a very effective scheme. It was very worthwhile. I understand also your argument that if you get rid of it you can help more people at a preliminary stage than you can at the moment. You have given us the figures for that. In what way, though, has the situation changed in terms of your assessment of this scheme since 2003? Was that not an equally good argument then?

Crispin Passmore: I think there are some quite significant things that have changed. If we go back to why specialist support was created, it was created in an environment where there were some difficulties with access, there were challenges to make sure that the front-line advice was always up to the quality that all of us expect for clients who are often very vulnerable. Specialist support was able to provide three key support services to front-line advisers: one is to general advisers who were not working under legal aid but were working very much as general advisers with a client in front of them who they would not have the expertise to be able to advise; the other two are experienced advisers or lawyers who were working almost definitely under legal aid contracts, where legal aid is paying those solicitors or advisers to deliver the service, and either they have got a client in front of them with a problem which is outside of the areas of law they are contracted for or it is particularly complex case to deal with in terms of their experience. Specialist

support was a very effective way at the time of providing access and maintaining quality through those three routes. What has changed is one key thing, which is CLS Direct. When this was created, when this was evaluated, CLS Direct was very new—it was still going through an evaluation process—and it certainly did not have the capacity to be available to people to phone up and get access direct to specialist advisers. We are now in a position in 2005/2006 and going forward where we are devoting increasing resources to CLS Direct, so that instead of being advised by somebody outside their area of competence with support remotely by the telephone, now somebody can pick up the phone and phone CLS Direct and get straight through to somebody—an adviser, a solicitor—who is competent and specialist in those areas of law and able to provide a better value, more direct service which goes even beyond that which specialist support was able to provide, because you still needed to access a face-to-face service, which can often be difficult in rural areas or where there are inconsistent panels of supply. CLS Direct is able to provide, in people's homes, direct access to specialist advice. That was not available when specialist support started. It is not that specialist support was wrong. It was the right decision at that time, but we have moved on. One of the other things that was piloted alongside specialist support was CLS Direct. That has been a success. Increasing resources are going into that. This year that will handle somewhere between 60 and 70 thousand people. Three years ago it was handling a few thousand people.

Q12 Jeremy Wright: If CLS Direct is better, and not just cheaper, why do you think it is that all of those who are using that service, or at least the vast majority, based on the submission that we have had, would rather keep specialist support?

Crispin Passmore: I do not think there is any evidence that I have seen that says that clients do not want to access telephone advice. The Legal Services Research Centre, which is an independent academic research unit, has conducted a lot of research, not just on the problems that people face but the strategies they are deployed to deal with there. Some of the results of that research will be published in the next few weeks and will say, quite clearly, that around about half the people who have experienced a problem and who seek advice make the initial contact by telephone, and a significant proportion of them choose to go on to resolve their problem to their satisfaction without face-to-face advice. We are not saying to people you cannot access face-to-face advice. What we are saying to clients is, "Here is the choice for you." CLS Direct is driven by clients. If they do not want to use the service, they will not use the service, and we are seeing very clearly that as fast as we expand capacity there is demand out there to use CLS Direct because people are very happy with the service. All of our users have shared this. Surveys of CLS Direct show a happiness rate of well over 90% where they are content.

Q13 Chairman: Is it the case that CLS Direct itself uses specialist support?

Crispin Passmore: I am not aware of that. Perhaps I can check on that and come back to you.

Q14 Chairman: You may find that it is the case.

Crispin Passmore: The specialist support providers, the CLS Direct providers, are contracted as specialists in those areas of law. They do not need to work outside other areas of competence because on the same telephone line you can be put through to somebody who is an expert in housing or an expert in education. You do not have to work outside your area of competence in the way that specialist support helps people to do.

Q15 Keith Vaz: Mr Harvey, do you agree with your Director of Children's Services that the LSC has more pilots than British Airways?

Brian Harvey: I think that may have been the case in the past.

Q16 Keith Vaz: This is January 2006—that is last month?

Brian Harvey: We are piloting a great number of changes to improve services to clients. In that general context, that could be an observation made.

Q17 Keith Vaz: Do you accept that this, if you describe it as a pilot, has been successful because both you and the Minister, in response to the debate that was initiated by Julie Morgan, have said that this has been a successful service. You are quite pleased with this pilot, are you not?

Brian Harvey: Yes. I think the Minister has said that it provided value in terms of what it was intended to do.

Q18 Keith Vaz: But the real underlying factor is the money, is it not? You want to save this 2.3 million?

Brian Harvey: In the long-term nearly three million, yes.

Q19 Keith Vaz: You want to save it?

Brian Harvey: We want to reinvest it in direct services, yes.

Q20 Keith Vaz: We will come to this point, Mr Passmore, that all over the country there are happy people who are using CLS Direct and being able to get specialist advice in a second, but looking at the overall amount of money the LSC spends on administration, do you know what that figure is—how much you spent on administration last year?

Brian Harvey: Ninety-two million, I would think.

Q21 Keith Vaz: So this is a very small proportion of the amount that you currently spend on administration?

Brian Harvey: Yes.

Q22 Keith Vaz: You believe that by taking this money away from the system that you yourself describe as a success and spreading it amongst all the consumers of CLS Direct you will be providing a better service?

Brian Harvey: By helping more people, yes.

Q23 Keith Vaz: Have you conducted a pilot into this? How do you know this is going to happen?

Brian Harvey: We have conducted a pilot, which is CLS Direct, and we know from the information that we have, which Crispin has already referred to, that it has been very successful in meeting clients' needs, delivering high quality advice and resolving individuals' problems.

Q24 Keith Vaz: You think that will provide a better service to the service that is currently being provided?

Brian Harvey: If the service is delivered to the quality standards that we have set, yes.

Q25 Keith Vaz: Have you consulted ministers before making this decision?

Brian Harvey: No, we advised them of the decision that we were intending to make.

Q26 Keith Vaz: The decision is yours and yours alone?

Brian Harvey: It is.

Q27 Keith Vaz: Because in her response in the debate, again to Julie Morgan, Mrs Prentice said she had concerns about what you were proposing to do. What were those concerns?

Brian Harvey: That it was a difficult decision for us.

Q28 Keith Vaz: You always make difficult decisions, you are in government, you are the LSC, and so we know it is a difficult decision. Accept that we accept that you have to make difficult decisions. What were the concerns that Mrs Prentice expressed to you about what you were proposing to do?

Crispin Passmore: I think you will need to speak to the Minister to get her view on what her concerns are, but my understanding of what was said was that there were concerns about the fact that specialist support had been successful and, therefore, it was a big decision to backtrack from something that had been successful and move that money to something else. It is right that we were questioned on that.

Q29 Keith Vaz: Did the Minister ask you to think again about your decision. Did she say this was £2.3 million? You currently spend £1.1 million on the cost of your commission and the Executive Board, including benefits or extra benefits in kind, and so it is almost the same kind of level of cuts that you are envisaging. Did she ask you to look again?

Brian Harvey: No.

Q30 Keith Vaz: She did not?

Brian Harvey: Not to my knowledge.

Q31 Keith Vaz: When she expressed her concern, when ministers expressed their concern, did you go back and have a look again at your evaluation, your consultation process?

Brian Harvey: We discussed the various issues. I was not present at the time.

Q32 Keith Vaz: Did you discuss it with the people who were providing the service? You actually had a meeting with those groups and individuals who provide this service, at your offices or elsewhere, where you discussed what you were proposing to do. You have had that discussion, have you, with the people who have been providing this service?

Crispin Passmore: No.

Q33 Keith Vaz: Mr Harvey, you keep looking to Mr Passmore. You are the Acting Chief Executive, are you not?

Brian Harvey: Yes. I can deal with the question. The consultation process, which asked people to comment on various key questions, was the information that was used by the executive to make their decision. The decision was then communicated to the Minister. The Minister then asked various questions, but supported the decision, and then we communicated the decision to the contract holders that we were going to terminate the contracts. Subsequently, a meeting was held with the contract holders to discuss how we might move forward from that position.

Q34 Keith Vaz: You have never had a discussion, I have understood that process. A lot of communications, a lot of information has been communicated, but you have never had a discussion with the people who have been providing this service over the last three years before you came to your decision?

Brian Harvey: Only via the consultation process that I referred to. Not a direct discussion, no.

Q35 Keith Vaz: You have never had a direct discussion?

Brian Harvey: No.

Q36 Keith Vaz: You have sent them surveys and pieces of paper and they have responded?

Brian Harvey: Yes.

Q37 Keith Vaz: Do you have the results of that consultation with you here today?

Crispin Passmore: I have got summary of it, yes.

Q38 Keith Vaz: Are you going to be able to let the Committee have a copy of the consultation?

Crispin Passmore: Yes, absolutely.

Q39 Barbara Keeley: I wanted to ask a point on this specifically. In our submission from Shelter they say that at no point was it made clear to them that terminating the contract was an option. They have received letters from you but say that they did not at any point understand that terminating the contract was an option. Do you agree with that comment? You did not at any point make clear that you would be terminating contracts and that is what you were consulting on.

Brian Harvey: At the time that the request for information was given, no, it was not made clear that that was an option.

Q40 Barbara Keeley: It was a consultation where you did not make clear what the end option was?

Brian Harvey: In that sense, yes.

Q41 Chairman: Was that deliberate?

Brian Harvey: No.

Q42 Chairman: You forgot to mention that you might drop the service, or is it that in the course of this process it occurred to you that it might be an idea to drop the service?

Brian Harvey: In the course of the process we were dealing with questions of the budget and how we could make sure that we invested the money which we had to best effect.

Q43 Chairman: When you started the consultation it was a genuinely open consultation, but halfway through your budgetary issues came to the fore and so, in effect, the nature of the process changed from that moment, did it?

Brian Harvey: Yes.

Q44 Jeremy Wright: Can I ask, following on from that, what brought about the consultation? What was the cause for the consultation in the first place?

Brian Harvey: We were carrying out a consultation on what we call the total of our top-slice budget, so it was a whole range of different investments, development projects totalling some 24 million.

Q45 Chairman: Did you get a less favourable report on any of the other top-slice elements than you got on the support service?

Crispin Passmore: I am not quite sure I understand the question.

Q46 Chairman: You are looking at all the things that are top-slice from your budget.

Crispin Passmore: Yes.

Q47 Chairman: You were talking about one which had gone very well, and nobody questioned that it was working extremely well. Were there any of the top-slice elements which had a less favourable report than that?

Crispin Passmore: No. There were decisions taken that some things would be left to their natural conclusion, which was very close, and would not be

renewed. There were certain things that we decided to continue with as part of the top-slice, but it was a wide-ranging review across a significant amount of expenditure in the light of other priorities—the financial situation and the CLS Strategy, which had only come out in July of that year—that allowed us to refocus the CLS, five years in, having learned lots over the first five years, to say, “This is the way forward, having learnt what we have learnt over the first five years” having responded to quite a wide range of views and reviews of the CLS, which, I think, often expected us to go back and work harder to increase the number of people helped within the CLS, and I think we responded very positively to that.

Q48 Julie Morgan: You did not consult with the specialist service providers on the proposal to end the service?

Crispin Passmore: Indeed.

Q49 Julie Morgan: That is the position?

Crispin Passmore: We wrote to them to say we were undertaking the review and told them the terms of reference. We did not say explicitly, “And one of the options is that we end this”. I think that is something we regret.

Q50 Julie Morgan: You did not consult with them about the possible ending of the service in the consultation phase?

Crispin Passmore: No, we asked for their views again to say how the project, amongst other top-slice projects, contributed to our CLS strategy, to our corporate priorities and value for money.

Julie Morgan: You did not consult about the possibility of ending the service?

Q51 Chairman: I think we have got that clear.

Crispin Passmore: Some did.

Q52 Julie Morgan: You seem reluctant to say that.

Crispin Passmore: Some people responded to the letter and explicitly gave their views on whether it should be ended or not.

Q53 Julie Morgan: Yes, but you did not put that in your bit?

Crispin Passmore: We did not say explicitly because we did not want people to think we had already made a decision.

Q54 Chairman: Hang on a minute. I thought I had got this right. Now you are telling me it was because you did not want them to think you had made a decision, even if you had. My understanding was that the process changed halfway through.

Crispin Passmore: The process certainly changed as the process evolved and the financial situation changed, but you have got to be very careful when you start a review that you do not say, “And one of the options we are looking at is this”, because that leaves you open to a challenge that you have already made your mind up. This was a genuine look at what

is the right way to spend money to deliver our objectives to the CLS Strategy and to deliver value for money.

Chairman: I think we can form our own conclusions.

Q55 Keith Vaz: It sounds like a very flawed process. You are going to have to look at this again, are you not? You seem very worried about Mr Passmore, that your Director of Communications says that he regrets the way in which this was done. You are going to have to look at this again, are you not?

Brian Harvey: In what sense?

Q56 Keith Vaz: In the sense that the system and the consultation process appears to be flawed, that you did not tell the groups concerned that it was an option that this service would stop. You have not received any complaints, have you, from them? Nobody has written and said, "This is an awful service. Close it down tomorrow." In all the responses you have received—and I know you are going to give us a summary—nobody said, "Stop this service. It is a complete waste of money"?

Brian Harvey: No.

Q57 Keith Vaz: Therefore, do you not see why there is a need to look again at the process that you have adopted and to perhaps review your decision?

Brian Harvey: I think there are two issues. One is was the consultation process adequate? As I said at the outset, it could have been better. If we were to go through a process, "Is there any likelihood that the decision would change?," I would have to say the answer is, "No". Therefore there is the question about the efficacy, the value of going through a process which is not going to change the decision.

Q58 Keith Vaz: It is just the fundamental principle that you are not telling people who are in receipt of public money that they are about to lose that money and that that is one of the options that you are considering. On the CLS Direct, this has all been done for the CLS to create this wonderful organisation that we have not heard a lot of in the last five years, so that people can go to CLS Direct, pick up a telephone and get expert advice. You wander into a CAB in Bangor in North Wales—you are a genuine asylum seeker—you go in there seeking advice, you pick up a phone and at the end of the phone you get this wonderful advice under your system. Is that right? Somebody can give you expert advice on immigration if you live in Bangor?

Brian Harvey: Yes.

Q59 Keith Vaz: What is the telephone number of the CLS Direct?

Crispin Passmore: 0845—

Q60 Keith Vaz: Mr Harvey, you are the Acting Chief Executive.

Brian Harvey: I cannot remember.

Q61 Keith Vaz: If you cannot remember, how do you expect the public to know how to get access to these services?

Brian Harvey: Because in the places that you describe all the information is available as to where, what to phone. It is advertised in the Yellow Pages. All the agencies have the number and will advise their clients that is the number to phone.

Keith Vaz: It is just that you do not know what it is.

Q62 Jeremy Wright: When that phone number is called, the service which it is replacing is the Specialist Support Service which, and you will correct me if I am wrong about this, is there in order to help lawyers who do not have the particular expertise in a particular area of law. In other words, it is advanced further understanding of a particular area of law they are not expert in. Is that right? That is what the Specialist Support Service does?

Crispin Passmore: It is part of it, yes.

Q63 Jeremy Wright: CLS Direct is designed to replace the Specialist Support Service?

Crispin Passmore: It is an alternative way of accessing the advice generally. It is not face-to-face in some cases.

Q64 Jeremy Wright: Following on from Mr Vaz's question, assuming that someone can remember the number, are you confident that what comes at them from the other end of the phone line is going to be comprehensible and useful to them?

Crispin Passmore: All the evidence we have supports that proposition where we analyse, on an on-going basis, the perception of the service by clients, and ratings in excess of 95% in terms of quality advice, resolving problems are what we are seeing reported. We are contracting with organisations that are meeting the specialist standard. The way the system works is that calls come into a call centre and then, on a rota basis, they are passed to senior case-workers who meet the standards and can deliver the specialist quality standard.

Q65 Chairman: You are measuring the current success of CLS Direct in the situation where the support services exist and are therefore used on behalf of a significant number of those who go to the other providers, whether it is the CAB or whether it is another solicitor, and even CLS Direct itself can make use of that service if it wants to do so. So you are taking measurements from a period where the service exists and assuming that they will be as good when the service is not there. Is that not a bit risky?

Crispin Passmore: As I said a moment ago, we have no evidence of CLS Direct advisers seeking specialist support advice services. Obviously, if there is any information, that will be of interest, because the contract with those providers is that they should be providing that service. They should not need to go to a specialist support contract holder to provide the service that they are contracted to provide. On the basis that we believe that is the situation, we are confident that the quality of the service will continue and, hopefully, will continue to improve.

Q66 Barbara Keeley: I think we have ascertained that CLS Direct actually use specialist support themselves. With these contracts being cancelled, presumably the staff in the 19 organisations will move away to do other things. How will CLS Direct manage without the support once the support collapses through the contracts not being there? You have admitted that this process was flawed, you did not consult well. Organisations do seem to us to be outraged at the way you have behaved over this. You use part of this service yourselves. You are saying the solution is switching funding to CLS Direct. How is CLS Direct going to manage without the specialist support if the specialist support just vanishes?

Crispin Passmore: CLS Direct contracts with broadly the same providers as are delivering face-to-face services. It is not provided in-house. It is us contracting with CABs, law centres, and private solicitors, who are broadly the same people as those delivering face-to-face services. They have to meet the same quality standards. They have to have a supervisor who has to rate their competence.

Q67 Barbara Keeley: That is not the question I am asking. You are admitting to a flawed process in which you are cancelling contracts to 19 organisations and yet you rely in part for CLS Direct on that same support?

Crispin Passmore: What I am saying to you is that our service provider facility should not be relying upon the Specialist Support Service. They are contracted to deliver that specialist service in that particular area of law, and I would quite like to see the information on that—I was not aware of it—and we will go away and look at that and discuss it with CLS Direct. We want to make sure that CLS Direct is able to look at the specialist advice it is contracted to deliver.

Q68 Julie Morgan: If people get advice from CLS Direct on very complex situations—asylum applications have been mentioned, complex housing situations—how do you have confidence that they would then be able to go away and implement the advice given by CLS Direct, whereas we know the specialist support services have played a very valuable role in supporting on-going casework and taking things forward?

Brian Harvey: They will be subject to exactly the same quality assessment process the specialist support contracts were assessed under, which is peer review, which is the principal process, but supported by other on-going quality assessment processes that we have. That is the mechanism.

Q69 Julie Morgan: I wanted to ask another question about consultation. Why did you not consult the Welsh Assembly Governments about the proposals to end the Specialist Support Service in Wales? I think you know there is a particular service that is provided in Wales and the Welsh Assembly Government has specific advice strategies?

Crispin Passmore: We engaged in quite a long dialogue with the Welsh Assembly Government as we looked to develop an appropriate way to take forward the CLS strategy for England and Wales within Wales which recognises the unique environment of Wales—that is an on-going discussion. We look at how we pilot new ways forward, how we make sure that services are appropriate to the particular context of Wales, for example, ensuring that CLS Direct services are provided in the Welsh language in a way that is comprehensive and in a way that we have not been able to deliver face-to-face in specialist support services. From April we will be tendering to expand Welsh language CLS Direct and we will be continuing to work with the Welsh Assembly Government in taking that forward. We consult with them on a broad strategic level rather than at an individual level on issues that are not devolved.

Q70 Julie Morgan: You do not think you should have consulted with the Welsh Assembly Government, who you are working in partnership with, about ending these specific services?

Crispin Passmore: I think it is important that we work with the Welsh Assembly Government and with local government in Wales, the same as we work with local government in England, to make sure that services that we commission are relevant to local communities. I think we do that on a strategic level and, in terms of particular services where we can work most appropriately, jointly with the funding that they put in, I think we have been very good at that with the Welsh Assembly Government best of all. I do not think it is necessary for us to consult on each contract decision with every single stakeholder.

Q71 Julie Morgan: This on specific strategic decision you did not think it was necessary to consult the Welsh Assembly Government?

Crispin Passmore: No.

Q72 James Brokenshire: How much have you allocated in your budget for promoting awareness of CLS Direct in the current financial year and the next financial year?

Crispin Passmore: I do not have the numbers

Q73 James Brokenshire: Obviously, I think, from discussions today, promoting awareness of CLS Direct is quite a good factor in terms of knowing that the availability of the service is there and I would hope to see a reasonable figure allocated to it.

Brian Harvey: I have not got the figures in my head, but it is a relatively small amount because it is largely done through Yellow Pages, the reason being that the rate of demand is accelerating for longer and we do not want to be in a position where we cannot meet demand.

Q74 James Brokenshire: Therefore, it is your intention not to promote awareness of it too much in case the department thinks it is too great?

Brian Harvey: No, we have promoted it, but if you had an expectation for spending vast sums of money on promoting it, I am saying that is not what we need to do because the demand is there and the usage is increasing. The big problem, which we are managing at the present time, is to make sure the capacity that we are putting in place on a progressive basis is meeting the demand as it emerges.

Q75 James Brokenshire: You made one central issue in terms of advocating the use of CLS Direct: that you measured on the basis that you would help more people and yet, from what you have said, you do not want to help too many people?

Brian Harvey: We can only help as many people as our budget allows?

Chairman: We have some other business to do this afternoon, and I therefore do not propose to go into things that we can discuss with you later, like Carter, but there are a couple of specific questions that relate to two bits of work we are doing currently which I think we could very quickly deal with.

Q76 James Brokenshire: One other issue that we have been looking at is the NHS redress scheme, and, in particular, if it is established, how that fits into the legal aid framework. Do you envisage that claimants would have to pass through the scheme first before they would be entitled to legal aid?

Crispin Passmore: I think what we have said is we will wait to see the full details of the NHS redress scheme and then consider them before we decide how that best plays into civil legal help and civil representation.

Q77 James Brokenshire: To be very clear on this, obviously there are some indications as to what the format of the approach would be. You are unclear and uncertain, as yet, as to whether you would require people to go through that first before being able to obtain legal aid?

Crispin Passmore: It is very difficult for us to make a final decision until we have seen the final proposals.

Q78 James Brokenshire: You have not ruled that option out?

Crispin Passmore: No, but we have not made the decision until we have seen the final scheme.

Q79 Dr Whitehead: I would like to ask a question about legal aid for asylum appeals. That arises from the inquiry that this Committee did a little while ago when we expressed concerns about the Government's funding mechanism for legal aid. Subsequently it transpired that the LSC had also, in its meeting minutes of 26 January 2005, expressed concern particularly at the conditional nature of subsequent legal aid after initial hearing. You stated that you had highlighted the serious risk associated with the policy but the proposal had met with the

agreement of ministers. What were your reservations and do you think they have come to be justified in the light of experience?

Brian Harvey: As a general comment, the difficulty we have in responding to the question about where we are at is not sufficient cases pass through the system to be able to evaluate what is going on. Most of the cases going through at the moment are under the transitional previous arrangements. In terms of concern, the major concern was cost, whether or not costs would be higher under such an arrangement. I do not know whether Crispin has anything to add to that.

Crispin Passmore: We are working with the Department to undertake a review of the commitment that was made. I think the position of the review, which is yet to report, is that there are simply not enough cases, given the nature and the length of this process, for us to come to any findings. I think most of the cases that have come through since April 2005 are cases that were transitional, in that they started through the process under the old scheme, and so it is very difficult to make conclusions about incentives and disincentives and overall costs until we have seen a significant cohort of cases come through that started and went to conclusion under the new scheme. We are very keen to continue that evaluation when we get that cohort of cases.

Q80 Dr Whitehead: At what stage do you think that evaluation would be significant? At what stage do you think you could make a conclusion about that in terms of cases coming through?

Brian Harvey: It is very difficult to predict in terms of actual numbers, because it depends on the length and speed of the process and volumes of asylum appeals. My best estimate at this stage is that it will be six to 12 months before we have enough to be able to draw firm conclusions.

Q81 Dr Whitehead: What would you do with those conclusions as a commission?

Brian Harvey: We would be involved in those discussions and be reporting to ministers.

Q82 Dr Whitehead: Do you have any views on the impact on legal aid providers at this stage or would you say there is a similar issue there?

Brian Harvey: I think it is difficult to draw conclusions. What we know is that the number of people providing advice has declined slightly over the last 12 months, but not as much as you would expect given the fall in asylum volumes overall. We know that there is still significant over capacity compared to the number of asylum seekers coming in, which is an overhang to why asylum intake is much higher, but as to any course of relationship between the two, I think we have no evidence either way.

Chairman: Thank you. You will know that the issue which has taken most of the time this afternoon is clearly a matter of very great concern to members of the Committee. We are grateful to you for giving evidence this afternoon.

Written evidence

Evidence submitted by the Legal Services Commission (LSC)

FUNDING OF SPECIALIST SUPPORT SERVICES

The decision to withdraw funding from the legal aid budget from Specialist Support contracts to focus resources on quality assured first-tier specialist legal advice is consistent with the vision for the Community Legal Service set out in the consultation strategy “Making Legal Rights a Reality”. It should be considered in the context of the overall strategic direction of civil legal aid as set out in the strategy.

THE SPECIALIST SUPPORT SERVICE

Specialist Support began as a pilot scheme in 2000 as part of a suite of pilots created in response to the report “Access to Legal Services: The Contribution of Alternative Approaches,” by the Policy Studies Institute. The report suggested a need for alternative and innovative approaches to improve the delivery of publicly funded legal and advice services, in terms of both public access and quality. Following an evaluation of the pilot scheme, the LSC let mainstream contracts for Specialist Support services in April 2004 from the Civil Top Slice Budget. The purpose of the budget is to fund ad hoc projects that are experimental in nature or are more appropriately co-ordinated at a national level rather than a regional one. Money so used comes from the capped legal help budget and thus reduces funds that are available for mainstream legal advice. Based on national provision and a tendering process, 17 organisations in England and two in Wales were granted contracts to provide specialist support running for a period of three financial years until March 2007 and with a budget of approximately £3 million per annum. Nationally, these consist of 11 not-for-profit organizations, five solicitor firms and three barristers’ chambers (see appendix for contract values).

SERVICES PROVIDED

The main objective of the service is to raise the competence of the legal practitioners working for the organisations which access it, predominantly LSC contract holders. Services provided are:

- Advice via telephone, fax, email and letter.
- Support with casework.
- Training Events.
- Direct Casework.
- Direct Supervision

in the following categories of law:

- Community Care, Debt, Employment, Housing, Human Rights, Immigration, Mental Health, Public Law and Welfare Benefits

THE DECISION-MAKING AND CONSULTATION PROCESS

The Commission’s Consultation Code applies to large-scale major contract change on a national basis. As the Committee is aware, the Commission consulted widely on “Making Legal Rights a Reality”, which sets out very clearly the intended direction for the Community Legal Service.

The Consultation Code does not apply to activities funded through Top Slice expenditure (through which non-mainstream and ad hoc activity is managed, as already noted). Top Slice activity is considered against the following criteria:

1. How does the initiative support the LSC’s Corporate Priorities, as set out in the Corporate Plan 2005–08?
2. To what extent is the initiative compatible with the LSC’s vision for the Community Legal Service, as set out in the strategy for the CLS?
3. Does the initiative demonstrate value for money in light of continuing financial constraints on the legal aid budget?

As part of the Review of Top Slice, providers of Specialist Support services, together with stakeholders such as the Law Society and LAPG, were invited to give their views on the extent to which Specialist Support services meet the above criteria over a seven-week period (which ran from 18 August to 30 September 2005).

The Top Slice review concluded that Specialist Support services did not represent the most cost-effective approach to delivering more and better services for clients, since the Commission operates to well-established quality assurance processes. All first tier advice providers from whom the LSC commissions services should be able to demonstrate their effectiveness against LSC quality criteria. There are procedures for dealing with providers who fail to do so as part of its overall approach to quality assurance.

REDUCED NEED FOR SPECIALIST SUPPORT SERVICES

The most significant difference in the sector since the introduction of specialist support is the provision of additional specialist direct casework through the expansion of CLS Direct. If a supplier is not able to help the client directly, the client can now receive specialist help directly from the CLS Direct telephone service in many categories of law. Crucially, in calling or being referred to CLS Direct, a client is accessing highly cost-effective quality-assured specialist advice.

This decision should also be considered alongside decisions regarding other initiatives funded through Top Slice flowing from the Review. The Select Committee report in 2004 expressed concern about recruitment of lawyers into the legal aid sector, and recommended that the Commission turn its attention to this problem. The Commission invests a considerable amount of resource in training grants for solicitors, a strategy which aims to embed the development of the sector firmly within first tier advice services.

To date we have launched three rounds of the Training Contract Grants Scheme (TCGS) on an annual basis and have provided nearly 400 grants to 338 solicitor and 49 Not-for-Profit organisations. Following an agreement in January 2005 from DCA which enables Training Support Grants to operate on a £10 million rolling basis, the Commission will shortly be announcing details of a further 100 more training contracts for solicitors supporting vulnerable clients with problems relating to family, mental health, immigration and criminal law.

Moreover, there are now systems in place within the Civil Legal Aid scheme and in the Community Legal Service more widely to ensure that, without specialist support, clients receiving first tier services can receive a high quality specialist service, even if the supplier they first access is not able to provide this. It should be noted that some of these systems were not in existence when specialist support began:

- Within the Specialist Quality Mark there are requirements for all holders of LSC contracts to meet requirements for direct supervision, delivered either in-house or externally, and remuneration rates for both solicitor firms and not for profit agencies include provision for this.
- Most suppliers, and larger organisations in particular, have developed internal systems of peer support and support with casework.
- There is already a considerable amount of training provided by a range of private and public organisations, including, for example, the Legal Action Group.
- For extremely complex cases, solicitors can seek advice from counsel.

IMPACT

The Commission has a well-established process of quality assurance and performance monitoring by which we monitor both the level and the quality of legal aid services. Data collected through these normal processes will enable us to monitor the increase in specialist services provided as a result of refocusing money from specialist support to first tier services.

To ensure the advice delivered by first tier agencies is of the required quality, the Commission has developed and utilises a number of quality of advice assessment tools and initiatives such as Peer Review which uses an experienced practitioner in the relevant category of law to review a sample of a suppliers files against a quality framework. Peer Review directly measures the quality of advice and enables organisations to monitor their legal competence, which ensures that clients receive a high standard of legal advice.

File Assessment, where questions are asked of suppliers in relation to quality of advice, client care and value for money, also allows us to monitor the performance of first tier providers. Similarly, Quality Profiles works by having a series of category specific indicators that are drawn from case information that suppliers report to us at the conclusion of every case. This allows us to monitor areas for improvement.

Depending on the performance after application of these tools, the Commission can take actions to ensure the agency will improve its quality, including auditing, corrective action request, and repeat use of the quality of advice tool. If it does not improve it may lead to termination of their contracted work.

THE WIDER CONTEXT

The decision to terminate the contracts should be understood in the context of the consultation strategy for the Community Legal Service, “Making Legal Rights a Reality”, the Commission’s Corporate Targets, and the increasing pressure on the Fund.

Research into legal need

The research that underpins “Making Legal Rights a Reality” demonstrates high levels of legal need for first tier advice services; levels above the existing provision in areas of high demand. The Select Committee in its 2004 report was also concerned about a reduction in the number of clients receiving advice from our first tier services. Specialist support services are primarily second tier services that assist first line services.

Corporate Target to increase Acts of Advice and Assistance

The Commission must consolidate the progress we have made in improving access to first-tier services, following confirmation that we have begun to reverse a previously declining trend in the number of new cases started on behalf of clients. For the current financial year to date, the number of new cases started is up 10% on the same period for 2004–05. This includes additional new case starts for face-to-face advice and a significant increase in the number of specialist cases carried out over the telephone by Community Legal Service Direct.

This turnaround, is however, very recent, and has been achieved through a renewed focus. It would be unwise to assume that this improvement can be consolidated without refocusing resources as far as possible.

Pressures on the civil legal aid budget

The uncapped Criminal Defence Service (CDS) impinges on the funds available for civil legal aid. The Commission manages the civil legal aid budget in a different financial environment today than five years ago, when the concept of the Top Slice was created. The pressure on the legal aid budget has led to the DCA initiating changes in order to control and reduce costs.

SUPPORT FOR HOUSING MATTERS IN WALES

During April–November 2005 the Community Legal Service provided help via face to face services in 16% more Housing cases than during the same period in the previous financial year. The LSC considers that the overall impact of the decision to withdraw funding from Specialist Support services will have a positive impact on provision to support the housing legal needs of clients in Wales by increasing the available resource available for first-tier specialist advice direct to clients, and to ensure that this figure continues to rise.

Since the introduction of Specialist Support services, the introduction and development of CLS Direct has resulted in significantly improved direct access to first-tier specialist housing advice. In Wales

In Wales Community Legal Service Direct provides free information, help and advice direct to the public on a range of common legal problems through its helpline, website and leaflets, including Housing. All of these services are available bilingually. The Commission is currently tendering to expand the capacity of CLS Direct to take calls and advise Welsh speaking callers in Housing (as well as Welfare Benefits and Debt).

The Commission also funds an emergency advice and representation service through a duty scheme to those in immediate danger of losing their homes, and will be introducing new schemes in the near future.

NOT FOR PROFIT

This decision does not represent a cut of funding to the not-for-profit sector. The LSC has invested more in this area year on year. This demonstrates the continuing commitment to the sector and recognition of the value of its work. The LSC continues to fund not for profit agencies at record levels and sees their involvement as key in the future.

CONCLUSION

Our first responsibility remains with ensuring the adequate provision of face-to-face and telephone advice for those most in need. We are therefore obliged to refocus all available resource so as to best provide high quality services that deliver value for money.

For the reasons outlined above, the Legal Services Commission decision to terminate specialist contracts has been fully endorsed by DCA Ministers. During an adjournment debate on 2 February, the Minister for Legal Aid, the Right Honorable Bridget Prentice MP, invited fellow Members of Parliament to provide feedback on how the proposals have impacted on their constituents. We echo this invitation.

Annex

SPECIALIST SUPPORT CONTRACT VALUES

<i>Provider</i>	<i>Specialist Support Hours</i>	<i>Payment Rate (£)</i>	<i>Training Admin Hours</i>	<i>Payment Rate (£)</i>	<i>Service Admin (£)</i>	<i>Schedule Value (£)</i>	<i>Vat Value (£)</i>	<i>TOTAL SCHEDULE VALUE (£)</i>
1 Pump Court Chambers	1,230	71.75	50	20	4,900.00	94,152.50	16,476.69	110,629.19
Doughty Street Chambers	324	71.75	25	20	3,150.00	26,897.00	4,706.98	31,603.98
2 Garden Court Chambers	3,358	79.18	90	20	10,900.00	278,586.44	48,752.63	327,339.07
Christian Khan Solicitors	360	71.75	50	20	4,900.00	31,730.00	5,552.75	37,282.75
Public Law Project Solicitors	1,003	71.75	400	20	4,900.00	84,865.25	14,851.42	99,716.67

<i>Provider</i>	<i>Specialist Support Hours</i>	<i>Payment Rate (£)</i>	<i>Training Admin Hours</i>	<i>Payment Rate (£)</i>	<i>Service Admin (£)</i>	<i>Schedule Value (£)</i>	<i>Vat Value (£)</i>	<i>TOTAL SCHEDULE VALUE (£)</i>
Public Law Solicitors	780	67.65	50	20	4,900.00	58,667.00	10,266.73	68,933.73
Scott-Moncrieff, Harbour & Sinclair Solicitors	215	71.75	25	20	4,900.00	20,826.25	3,644.59	24,470.84
Citizens Advice Bureau (Debt)	1,150	67.65	150	20	7,900.00	88,697.50	15,522.06	104,219.56
Citizens Advice Bureau (Emp)	3,076	67.65	50	20	4,900.00	213,991.40	37,448.50	251,439.90
Child Poverty Action Group	1,450	71.75	100	20	4,900.00	110,937.50	19,414.06	130,351.56
Disability Law Service	388	71.75	100	20	4,900.00	34,739.00	6,079.33	40,818.33
Joint Council for the Welfare of Immigrants	3,150	71.75	50	20	5,900.00	232,912.50	40,759.69	273,672.19
London Advice Services Alliance	1,450	71.75	100	20	6,600.00	112,637.50	19,711.56	132,349.06
Liberty	844	71.75	50	20	4,900.00	66,457.00	11,629.98	78,086.98
MIND	208	71.75	40	20	1,900.00	17,624.00	3,084.20	20,708.20
Shelter	4,081	71.75	50	20	4,900.00	298,711.75	52,274.56	350,986.31
Terence Higgins Trust	430	71.75	80	20	4,900.00	37,352.50	6,536.69	43,889.19
Morgans Solicitors (WALES)	4,333	67.65	0	20	3,900.00	297,027.45	51,979.80	349,007.25
Shelter Cymru (WALES)	1,487	67.65	0	20	25,176.60	125,772.15	22,010.13	147,782.28

Legal Services Commission

February 2006

Evidence submitted by the Legal Aid Practitioners Group (LAPG)

1. This is a briefing note for the Constitutional Affairs Select Committee highlighting a number of areas of current concern to the Legal Aid Practitioners Group.

2. LAPG is an independent membership organisation representing firms working in the legal aid scheme on both the civil and criminal sides. We have around 600 member firms. We have developed a “policy of positive engagement” with the Legal Services Commission, and have been contributing to the work of Lord Carter’s review of procurement of publicly funded legal services.

3. In this briefing note, we concentrate on the axing of the Specialist Support Service (SSS). There are other concerns we have at present which, if the Committee has time, may be worth their while looking into. These are set out in summary form in Annex B to this note. If the Committee does decide to look into any of them, we will gladly provide a more detailed briefing.

4. The SSS has been, in our view, one of the successes of the LSC’s first five years. It is a key service which enables people living in rural areas or in advice deserts to get expert advice on the issues they face, without being expected to travel unmanageable distances to access the help they need.

5. We also believe that the scheme is essential in the context of the Community Legal Service Strategy on which the Commission consulted last year. The Strategy was published in July 2005, and proposes a reduction in face to face services in favour of telephone services. We noticed at the time that no reference was made to the SSS, and said, “We believe that telephone services have been a real success story of the past five years, and support their expansion. We note with disappointment that this section does not refer to the specialist support service, which we consider to have been a particularly valuable way of delivering expert services to clients who would have been unable to access them due to geographical access difficulties, disability or a reluctance to visit a solicitor’s office. We hope that it is intended that these services should be expanded as well.”

6. This could suggest that the decision to remove the SSS may actually predate the outcome of the Top Slice Review by some months; or at the very least that its abolition was under active consideration at the time the CLS Strategy was being devised, despite the possibility not being raised and justified in the strategy.

7. A number of our members have contacted us since the decision was announced. Copies of what they have said are included in Annex A to this note.

8. The LSC argues that by axing the SSS, they can help almost 9,000 more people with face to face advice. This claim does not hold water.

9. First, many of the organisations using the SSS rely on it to continue in existence at all. The loss of this service will therefore, as a consequence, reduce the number of front-line advisers able to offer help to the public. We are also aware of organisations that were proposing to expand their services by initially relying on the SSS while they built up their expertise and their caseload. This way of developing new services will fall with the SSS. One of these organisations has contributed comments quoted below.

10. Moreover, at the moment the LSC has issued contracts allowing solicitors to start over 635,000 new cases over the year 2005–06. Solicitors are actually on target to start only 517,000, a slight increase on last

year, but a significant drop on the 582,000 cases started in 2003–04, and the 690,000+ the previous year. Allocating the savings from the SSS to new case starts will do nothing to increase the number of clients actually helped.

11. The announcement about the SSS came at the same time as publication of the latest Annual Report on the Public Defender Service. This Report shows that the service has cost £14 million over four years, with running costs of £4 million last year, to provide work that has been assessed by independent peer reviewers as no better than “competence plus” (the highest rating being “excellence”) at a cost significantly greater than the cost of private practitioners undertaking the same work. The SSS has delivered clear, measurable and substantial benefits, it had an obvious role in the future of the Community Legal Service, and it delivered very good value for money. The PDS has delivered questionable benefits and questionable value for money, and there is no clear rationale for retaining it rather than reverting to delivering the same volume of casework more cheaply through private practice lawyers. In our view, if it is a question of saving money, the PDS should have been a far higher priority for the axe than the SSS.

12. We therefore consider the abolition of the SSS to be counterproductive and highly damaging both to clients and to the future development of the system. But we see this as part of a wider picture within the Commission. The LSC has “more pilots than British Airways”, according to its Director of Children and Family Services, (quoted in the January 2006 issue of *Independent Lawyer*). Money is repeatedly diverted from mainstream services to test out new ways of doing things. Some projects, such as a proposal to run a salaried immigration service from the Birmingham Public Defender Office never get off the ground due to practical difficulties. Some, like night courts, are imposed on the LSC and prove as unsuccessful as their critics predict. Some of them, even when proved a success, are then cut for lack of money. We believe that a lot of money is wasted on unsuccessful pilots or on successful pilots that then do not proceed anyway due to lack of money to implement them fully.

13. The SSS is not the first victim of this approach. Last summer, funding for a project to develop a system for delivering advice over the internet, which had been running for many months, was abandoned just after an article in the LSC’s *Focus* magazine praising its results to date.

14. The benefits to be offered to firms in the preferred supplier project were very limited due to a lack of resources; despite this, the pilot was evaluated as a complete success, and was very popular with most of the firms involved. Yet implementation of the scheme has been on hold for over a year since the pilot concluded.

15. This sudden about turn has a significant impact on firms as businesses. The firms delivering the specialist support have invested to be able to do so on the understanding that the pilot had been evaluated as a success and the service had a long-term future. Other firms had developed business plans that relied on the existence of the service. Their plans are now in turmoil. Sadly this is not an isolated example. The LSC’s priorities change on a regular basis, to the detriment of good business planning.

16. The most far-reaching example of this is the way that for the last 10 years, firms have been encouraged to specialise. The use of “tolerances”, enabling firms to provide services outside their main areas of specialisation, has been discouraged and disallowed. When the latest round of social welfare law contracts was awarded in April 2004, the LSC chose a mechanism for awarding contracts by which it stopped some firms from continuing to provide services they wanted to provide, with the result that they have lost the skills in these fields either by making the relevant staff redundant or by allowing their knowledge of the law to lapse. And one should not underestimate the impact of the uneconomic remuneration rates in causing many firms to drop all but their major areas of work over the past five years. Now the Commission has decided that it wants firms to deliver a holistic service like they used to do after all. Yet in abolishing the SSS, they are axing the key service that would enable firms to make that transition back to the broader service for clients.

17. We have recently urged the LSC to do less but do it better. With the CLS Strategy, CDS Direct, the Family Help pilot and the Carter review, we fear that the reverse is happening, and we fear additional waste as the Government pilots or implements more new ideas that will not work in practice.

18. We do have a certain amount of sympathy for the LSC. They have been put in a position where every decision they could take will be wrong, because of the failure of Government to fund the additional burdens on the legal aid system. These burdens have been caused by, among other things, the various factors identified by Ed Cape and Richard Moorhead in their research report “Demand induced supply”, changes in complaints procedures for police and medical cases, and new procedures by local authorities before initiating care proceedings. The problems have not primarily been caused by the LSC, who have been set an impossible task. They cannot be solved by the LSC.

Annex A

COMMENTS FROM LAPG MEMBERS ON THE SPECIALIST SUPPORT SERVICE

From Dowse and Co, East London

Our firm has recourse to Specialist Support in welfare benefits, employment and housing issues and although we can be held on line waiting for a connection for too long, this is a reflection of the calls made on the advisors rather than their inefficiency. Unfortunately, I cannot produce figures for use as we do not keep them. But I personally have needed to consult LASA and CPAG on obscure welfare benefits issues which I have not been able to answer from the good library we have and I have from time to time taken advice on employment issues in recently changing law. I do not know the cost of these services but I frankly do not trust the bean counting that produces the formula “we intend to re-focus the money to deliver an increased number of acts of advice and assistance direct to clients” (LSC letter January 2006).

I have had uniformly good feedback from the advice services and if others have not, they are not persistent enough. It is a profligate waste of expertise to axe them.

From Otten Penna, Manchester

We have contracts in Mental Health and Community Care Law. As far as I know, we’ve tended to make most use of the Community Care services as we’re developing our expertise in this area (with the encouragement of the local LSC office who really want us to continue with the contract despite our finding it isn’t to date financially viable). I have to say that I doubt whether we will be able to continue with our community care contract without the input of the SSS, because of the guidance they give and also provision of subsidised courses we wouldn’t otherwise be able to afford.

We have two solicitors in our Community Care department, both of whom have used the SSS on a number of occasions. We have been greatly impressed, re-assured and enthused by their input into cases and by training courses we’ve attended. We’ve used Public Law Solicitors and the Disability Law Service for help with casework (and attended courses provided by both). We have found the advice and support given extremely useful and backed up by case law, with copies of relevant cases provided, which has been invaluable given financial constraints which restrict our access to case reports. Their response has been immediate, and they’ve suggested approaches to cases which we would have overlooked. Both services have been incredibly thorough and clear.

I’ve used Scott Moncrieff Harbour & Sinclair on an unusual [mental health] case and again we were able to progress the case more effectively as a result.

We’re based in Manchester, which has only three publicly-funded providers of Community Care Law advice, including us and the CAB. There’s a desperate need for more providers. The SSS is a vital component in our development as Community Care Law specialists and I think that axing the service is a threat to suppliers like us who already have a contract as well as a death-blow to suppliers who might provide a service if given the right input.

From Fisher Jones Greenwood, Colchester, Essex

These specialist support services are used extensively by fee earners at this firm who provide a range of legally aided services to the public.

We obtained a Community Care legal aid franchise in April 2004 and since then have been developing this service. We are the only providers in the county. These cases arise where there is concern about the approach taken by social services in the care of a vulnerable adult. Community Care law is remarkably complex with many different sources of legislation and often 4 different funding agencies, Social Services, Social Security, the NHS and in immigration cases, the National Asylum Support Service. Advice from the Specialist Support Service was essential to one intervention, involving the real threat of Judicial Review to prevent one severely disabled resident in a nursing home being removed against her wishes, against the wishes of her carers and without the knowledge of her parents to a different nursing home.

We have used the Public Law Solicitors Community Care support service extensively as we have developed our own work and expertise, for casework advice, advice on recent guidance/policy, merits for public funding, advice on drafting legal background for letters before claim for Judicial Review proceedings, dealing with the effect of recent House of Lords judgements on existing cases and even tactical advice. Where a case has an immigration slant, the service is invaluable as immigration caselaw and legislation impacts upon the already complicated community care legislation.

Public Law Solicitors are sometimes involved from the earliest stage of a case up to when funding is available for a barrister to get involved. Their expertise, combined with our own, has led to successful outcomes for nearly all of our clients. For example, in one case, a destitute mentally ill woman in her late 70s was living on the streets and begging in London. She was in the country illegally, and following emergency Judicial Review proceedings in the High Court, interim relief was ordered by the High Court and

before the hearing Social Services agreed to accommodate and support her. In another case a destitute asylum seeker was living on the streets in Kent, eating out of dustbins and sleeping rough. Following a letter before claim threatening High Court action, Social Services agreed to accommodate him and specialist mental health services were also provided. In another case a deaf without speaking asylum seeker who could not communicate at all was housed by NASS in wholly inadequate accommodation and he was receiving no support whatsoever. A letter before claim threatening High Court action resulted in a community care assessment being obtained, adapted accommodation being provided and support and sign language classes being offered, funded by Social Services.

In yet another case advice was obtained on challenging a refusal to grant public funding to obtain counsel's opinion on judicial review, following further representations funding was granted and a successful outcome obtained for the client.

From Christina Fakhouri, East London

The withdrawal will directly affect the aims of the Community Legal Service, which include the provision of service to those in need who are unable to access services. This is because for many organisations, the only way they can help vulnerable groups, such as the mentally ill, is to provide a holistic service covering key inter related areas such as housing, welfare, debt, community care, mental health. Vulnerable persons are often not able to go to more than one organisation or indeed more than one individual within an organisation. The specialist support services can therefore enable a provider to weave a completely holistic patient approach to the client with complex needs.

The Community Legal Service undertook its own research into the benefits of its specialist support services, in which I participated. The feedback was positive enough for the providers to be granted new contracts.

I have personally used the service on many occasions. Mostly I have sought advice in relation to welfare benefits which is a specialist area of mine, from LASA. This has enabled me on many occasions to take on emergency cases involving complex points of law and seek instant advice on issues. By doing so I have helped individuals to retain important benefits.

From a third East London practitioner

Our firm has used the service provided by specialist counsel at 2 Garden Court Chambers on many occasions in matters which are complex and where time is of the essence.

We have contracts in immigration, welfare and housing and deal with situations which become critical and therefore urgent very quickly. For example, where a person is being threatened with destitution or removal directions at very short notice and a second opinion is required on recent untested legislation before action can be taken to prohibit the action by the executive or administrative authority.

Given that this is exactly the sort of client who does not have access to funds and given that unless we can cite tested case law public funding is likely to be refused (even if consideration could be given to it quickly which in our experience does not happen) the support we receive from such a specialist service is invaluable for our clients. By being able to discuss our views and have them confirmed by specialist counsel, we have been able to act very quickly in a number of cases and thereby prevent clients from being removed and/or from being made homeless and destitute.

I should add that we have no doubt that there are "advice deserts" which exist. We have clients who come to East London to see us from all over the country because there is nothing that they can access closer to home. If there is a service available locally, they are unable to access it because there is a waiting list and the particular matter on which they seek advice is of its nature urgent.

In our experience, a client does not travel hundreds of miles to see a solicitor if there are adequate publicly funded services close to home.

It is of concern that these services are now being threatened. I have now doubt that there will be clients falling within this vulnerable group of people who will be deprived of access to justice as a result.

From Laurence Singer, a family mediator and solicitor in Buckinghamshire

I specialise in Family Law. There are other matters such as homelessness, debt and welfare benefits which frequently affect clients who are separating or divorcing. I can give a certain level of advice with "Tolerances", and by having a Support Service of experts in the field means I need not refer the client to someone else. If I have to refer, even if it were in-house, this will involve the specialist caseworker needing to see the client again, obtain similar details I already have, possibly liaise with me to keep me informed (and probably discuss the implications on the aspect of the clients problems I am dealing with, and there would be considerable duplication and increase of costs. Remember, each time a client tells their story, time is taken up, and moreover clients are generally unable to focus easily on just telling the case worker what they need to know.

The advantage of there being a Specialist support service is that it enables the client to have just one case worker who can co-ordinate all aspects of advice to that client.

Furthermore, even if a greater number of matter starts could be issued, case workers still need back up where advice is necessary at a detailed level.

If that back-up is unavailable, then the quality of advice will be severely diluted.

Finally, having a specialist service means the “front-line” caseworker can be anywhere in the country. If this service is lost, the hapless client may otherwise need to make a long journey before getting the advice he needs.

Remember that on Legal Help we are generally dealing with the most disadvantaged and inarticulate members of society. They are the last people we want to send from pillar to post in getting the advice they need.

From Hywel Davies, solicitor, Bala, Gwynedd, Wales

It was with dismay that I read of the imminent withdrawal of the Specialist Support Service for Legal Aid Practitioners. Solicitors have for years been urged to specialise. The drive for specialism has, in turn, tended to make us uninformed in spheres of work outside one’s own field of work. Small offices offering Legal Help to the disadvantaged and impoverished have drawn great support from this Scheme. The rate of remuneration available does not allow for detailed research outside one’s own field of work. The Specialist Support Scheme has provided a much needed support for the busy legal practitioner, outside his own field of work when a particular problem needs an answer outside his own specialism. It is the most disadvantaged of our communities who will suffer.

From HLC Hanne and Co, South London

Without Garden Court, for example, providing an excellent level of knowledge over the telephone concerning immigration matters, I would be compelled to prepare a written application for a funding certificate taking at least half an hour and then would need to ask for at least £200 to obtain an opinion and time to read that opinion and then consider the impact on a client’s case. This is a very conservative estimate based on a simple matter. The JCWI line is also very useful for matter where I may not need a barrister’s opinion but I have another solicitor to give me their opinion on a matter that is either relatively new to me or that I have conflicting advice on from current guidance and for a second opinion.

Annex B

OTHER CURRENT ISSUES OF CONCERN TO LAPG

(a) DCA White Paper: The Future of Legal Services: Putting Consumers First. LAPG has submitted a detailed response to this White Paper, in which we set out our concerns that the White Paper proposals represent a serious threat to the independence to the legal profession, in breach of the United Nations Basic Principles on the role of lawyers, and that the introduction of alternative business structures will inevitably lead to a weakening in the regulatory structure to the detriment of clients. A Bill is due to be published by the end of this Parliamentary Session. We presume that the Committee will be reporting on this White Paper and/or the Draft Bill in due course.

(b) Recoupment of payments on account. The LSC has recently written to firms seeking repayment, in some instances of six figure sums, in respect of payments on account. These payments were allegedly made and not recouped on legal aid certificates going back up to 20 years. In many cases, firms have long since destroyed the files, after keeping them for the length of time recommended by Law Society guidance. This matter may be better approached as possible maladministration to be referred to the Parliamentary Commissioner.

(c) CLACs and CLANs. The CLS Strategy proposed the development of Community Legal and Advice Centres and Networks. We were promised further consultation papers which would set out in more detail how they would operate, and an Advisory Board to oversee the development of the pilots. No such consultation has taken place, and the proposed Advisory Board has not been set up.

(d) Use of success rates in immigration matters. A number of firms with immigration contracts have received letters from the LSC telling them that they have succeeded in less than 40% of their cases at the Asylum and Immigration Tribunal, and asking them what they propose to do to improve the success rates they report in the next couple of months. The use of raw success data in this way would be objectionable even if it was looking at the situation over the longer term, but to use it to make short term decisions about a firm’s contract on a month to month basis is intolerable. There is a real risk that firms will be driven to breach their professional duties to their clients by fear of having their contract terminated.

(e) What constitutes good value? In a Commons Answer to a question from Peter Bone MP on 12 January 2006, the Solicitor-General Mike O'Brien indicated that the costs of the Treasury Solicitors Department, which worked out at £134 per hour, represented good value. Legal aid lawyers understandably want to know, therefore, why the Government is imposing freezes and cuts in their rates of under half of this sum, arguing that they need to deliver better value for money.

Legal Aid Practitioners Group

February 2006

Evidence submitted by the Joint Council for the Welfare of Immigrants (JCWI)

The Joint Council for the Welfare of Immigrants is an independent, voluntary organisation working in the field of immigration, asylum and nationality law and policy. Established in 1967, JCWI actively lobbies and campaigns for changes in law and practice and its mission is to eliminate discrimination in this sphere. We are one of number of NGOs who have just been warned we will be losing our contract for second tier specialist legal advice in July for reasons of the LSC's strategy.

JCWI is a small national NGO comprising 16 members of staff, seven of whom constitute the legal casework team, including a casework director and two supervising members. Members of the team include a mixture of solicitors and barristers, and one individual who is a specialist in nationality and citizenship rules with some 30 years' experience of giving immigration advice—a quality of resource which is otherwise not readily available throughout the country. JCWI has invested considerable time and money in ensuring that its casework staff are accredited according to LSC requirements.

Members of the team carry out legal casework, including strategic High Court challenges, participate on a rota basis in providing advice to detainees in Harmondsworth, and provide a telephone advice line to individual callers on immigration and asylum matters in addition to fulfilling the Legal Services Commission specialist advice and training contract.

Our concerns are two-fold. Firstly we are advising practitioners in an area of law, immigration and asylum, which is increasingly complex given the rate of legislation and plethora of new rules in recent years. One effect may be that non-specialist legal advisers, particularly those working in isolated conditions in smaller legal firms and voluntary organisations, may not be able to continue offering advice in these areas of law if they cannot readily access the expertise and support of their specialist peers. Secondly, we are concerned that this will in turn impact on the ability of a generally vulnerable group, immigration and asylum applicants, to access high quality advice. We are concerned at the potential impact of this decision on those who, by nature of their migrant status, may run a greater risk of poverty, disadvantage and exclusion.

During 2005, under its LSC contract the JCWI team provided advice during the course of 2,692 calls to advisors calling from 621 organisations. The vast majority of these calls—just under 84%—concerned immigration issues or appeals. The remainder concerned asylum issues or appeals. Most of the people who call us work in Citizen's Advice Bureaux, advise on a voluntary basis or are more inexperienced advisors. However we do get called by very experienced lawyers to discuss more complex questions. We receive calls from those who are specialists in other areas eg housing law, who represent clients that may have immigration issues. While the majority of calls come from traditional urban areas of migrant settlement, such as London, Birmingham and Manchester, JCWI is seeing more calls from areas of the new migration such as the West Country, Lincolnshire and Staffordshire.

We would point out that the supply of legal services in some respects is a function of demand. In those places, which are not traditional migrant settlement areas, where there are not many people needing immigration advice, it is unlikely that there will exist suppliers with high levels of expertise in immigration and asylum law. The specialist support service provides a vehicle through which people living in areas of low supply and demand may still benefit from high quality specialist help.

While we welcome the LSC's declaration that they would like to see more immigration applicants receiving face-to-face and holistic advice, we are not satisfied that this can be delivered to a high quality unless the non-specialist and voluntary advisors who ensure supply lower areas of demand are able to readily access second-tier specialist advice. We believe that removing the second-tier service may actually remove the incentives to non-specialists to practise in more complex areas of law such as immigration. We do not see how more face-to-face advice can be achieved both cost-effectively and to a high standard within current budgetary constraints without the second-tier, or "trickle down", structure. We also believe that the net effects of this will be to jeopardise the Government's strategies on social inclusion, integration and equalities.

Joint Council for the Welfare of Immigrants (JCWI)

February 2006

Evidence submitted by Citizens Advice, Child Poverty Action Group and London Advice Services

By statute, the LSC is committed to developing a Community Legal Service (Access to Justice Act 2000) intended to ensure “that every community has access to a comprehensive network of legal service providers of consistently good quality”. The CLS extends to all services holding the LSC quality mark, but was established to provide a “seamless service” from basic advice through to specialist help—in other words the CLS is predominantly a network of generalist agencies which may access more specialist services for eligible (legally aided) clients.

Specialist support enables frontline advisers to see more clients because they can spend less time on complex cases with specialist assistance, as well as recognising cases without merit and not taking them forward unnecessarily.

Specialist support is a highly successful and much-needed scheme. It increases access to high quality advice and represents value for money. There is a demand for this service by front-line advisers and it adds significant value to the advice giving process. We believe that the Government should press the LSC to reconsider their decision to withdraw specialist support funding.

Specialist support provides expert help in all areas of social welfare law to front-line advisers in Citizens Advice bureaux, solicitors’ firms, law centres, and advice agencies. It gives advice on complex one-off queries, and provides support with casework and training.

The LSC have decided to terminate all specialist support contracts contrary to its corporate priorities and its proposals for the Community Legal Service to:

- ensure clients have access to quality services—specialist support enables and ensures that the client has access to the highest quality of advice;
- ensure a more holistic approach to advice—the specialist support enables front-line services to provide a more holistic service giving access to advice on complex issues across several areas of law which would not otherwise be available to the client; and
- focus on categories of law that have the greatest impact upon those who face poverty, disadvantage or exclusion—these are the areas covered by the SSP.

The decision is also contrary to the LSC’s own evidence. In its 2004 evaluation of specialist support the LSC stated that the scheme provides access to quality advice services. In line with DCA targets it was found to provide quick, early and accessible information for vulnerable and socially excluded individuals. The LSC’s evaluation accepted that specialist support services achieve this at an acceptable cost, utilising economies of scale while not compromising on quality. In this context the decision to withdraw all funding from July 2006 is very surprising. In addition, the LSC’s report on specialist support to Fundamental Legal Aid Review stated there is a need for specialist support and highlighted that demand will rise.

QUESTIONS RELATING TO THE LSC DECISION TO TERMINATE SPECIALIST SUPPORT CONTRACTS AS OF JULY 2006

Consultation and the Decision-Making Process

- What materials were before the commissioners when they reached their decision, in particular were the consultation paper and responses and the top-slice report before them?
- What evidence is there that specialist support is no longer needed and what analysis have you done on the likely effects of your decision to cut specialist support?
- Do you agree that the more than 8 of the 19 contract holding organisations would have responded to the consultation if it had been made clear that the total withdrawal of funding was a possible outcome?
- Why did the LSC decide not to consult the Law Society, the Bar Council, or any of the frontline organisations which depend on specialist support before making its decision?
- Beyond the 19 contract holding organisations did which organisations/individuals did the LSC consult before making the decision?
- How far through the decision making process was the LSC when the consultation was issued?

Consequences of the LSC’s Decision

- Where are people who got expert help in the past through accessing specialist support going to get expert help once specialist support has gone?
- What account have you made of the large amount of time front-line advisers save by using specialist support, as evidenced in the Pilot Evaluation Report at paragraph 2.24?
- Surely the important thing is for a member of the public to get the correct advice, rather than just having access to advice per se. Are the LSC not prioritising quantity over quality by directing money at front-line services whilst withdrawing access to the expertise to deal with the most difficult cases?

-
- One specialist support provider recently took a call from a local CAB in need of urgent specialist debt advice relating to a client who had turned up with a warrant for committal to prison for seven days for failing to attend court in a debt case. The advice was needed instantly and no-one in the bureau had any idea of what to do. Is that kind of instant specialist advice going to be available to front line staff after the specialist support service has ended and if so how?
 - One of the assertions made by the LSC has been that agencies with a Specialist Quality Mark should not need specialist support, as they are “specialists”. Does that also apply to organisations with a General Help With Casework Quality Mark which increasingly access the service?
 - Has the LSC compared the likely “outcomes” of a client accessing legal advice that has a second tier support service, to one that has not?

The Role of the LSC

- How does your decision fit with your first corporate priority, as set out in your Corporate Plan, of ensuring your clients have access to quality services?
- With the current model, advice workers and solicitors have access to the best practitioners in the various fields of law all year round for advice and training. How do you propose to improve on this model?
- Was it not precipitous to terminate the specialist support contracts while the broader review of the proposed reforms to the CLS was still ongoing?
- Is it not a huge waste of public money to pilot a scheme for three years, carry out a thorough evaluation and award three year contracts based on that evaluation and then cut the service?
- What has changed since those contracts were awarded?
- Are you expecting front-line advisers and solicitors to acquire the same level of knowledge as attained by legal professionals and organisations like Shelter, CPAG and JCWI?
- Is the LSC aware that CLS Direct themselves use specialist support—indicating the need for specialist support?
- If the LSC’s model of CLACs and CLANs is to work, there must be a period of transition between the current system and the new models. Is there not a potential role for a specialist support service during this transition?
- You state in Appendix 2 to the Top Slice Review that “If there is a need for specialist support, we must revisit what we are purchasing at a specialist level and investigate why the gap in expertise exists”. Would it not therefore have been sensible to have investigated this before cutting specialist support and creating an even bigger gap in access expertise?

Citizens Advice, Child Poverty Action Group and London Advice Services

February 2006

Evidence submitted by Shelter

Shelter welcomes the Constitutional Affairs select committee’s decision to invite the Legal Services Commission to give evidence. This briefing note outlines Shelter’s concerns about the termination of the LSC’s specialist support contract.

1. Shelter’s legal team currently receives just under £300,000 from the Legal Services Commission to provide specialist housing advice under a Specialist Support Contract. The legal team has provided this advice since the scheme was originally piloted in 2001. In 2004 and 2005 we have advised 11,000 callers. The team has also carried out training in housing law across the country and this has been free to lawyers and advisers.

2. Advice has been given to housing aid centres, citizen advice bureaux, law centres, solicitors firms and advice agencies. Some have a specialist quality mark and some have a general help with casework quality mark. These advisers may have limited housing law knowledge.

3. Shelter’s first objection to the termination of the contract is the decision making process of the LSC. If the advice had proven to be of poor quality and of little effect then we could understand the desire to put the money into face to face and telephone advice. However the LSC evaluation in 2003 highlighted the success of the service. The pilots rolled out into three year contracts. The LSC highlighted this service as a success in its report to the Fundamental Legal Aid Review team. We understand the constraints of the LSC budget and that criminal cases are taking up a huge amount of the budget. We understand that the LSC has to constantly focus on what work to prioritise. We understand the drive to increase acts of advice. However we consider that the process of reviewing top slice funding has been less than transparent. The decision has not taken into account all material considerations.

- By a letter dated 27 July 2005 providers were told by the LSC that the LSC would “have to delay implementation of the Schedules until after the review”.
- On 18 August 2005 providers were sent a letter stating that top slice funding was under review.

At no point was it made clear that terminating the contract was an option. Further, the letter in August was so unclear many did not realise that it was about the specialist support contract and if they did they were unclear about the terms of reference.

Providers stated in their responses that this is a useful service. The LSC may consider that that amounts to self interest but it did not consult users. They state that they consulted the Law Society and Advice Services Alliance. What did they say? No evidence has been presented.

4. This is a time of change. As such, this is an incongruous time to cut the service. Lord Carter is due to announce the results of his Review into Criminal Legal Aid Procurement any day. His civil legal aid review is due out in March or April 2006. The consultation paper from the LSC “Making Legal Rights A Reality” proposed that there should be a pilot of CLACs and CLANs to start in April 2006. There may well be some slippage in this timescale. There is to be a consultation on rolling out the preferred suppliers pilot. There will be a lot of changes in the legal aid world and that organisations will be planning their futures in this period of uncertainty. The specialist support advice lines enable organisation to take on work under tolerances or to give fuller advice. At least until the changes have been piloted it seems that this is not the time to cut this service.

5. The LSC believe that specialist quality mark holders should be able to advise without a second tier service. It is portrayed as a duplication of work. This does not stand up to scrutiny.

- Advisers with tolerances can ring the advice lines thus ensuring that clients who for example consult a family lawyer can access specialist housing advice. That family lawyer can ring a housing advice line and obtain advice.
- Some advisers work in advice agencies with limited resources. They may be the only person advising in that area of law. If for example they do not have a lawyer in their team a question about a court case may not be within their knowledge. At present they could ring up the helpline and deal with the case. Without the advice line what will they do? Give poorer advice or try to refer the client on?
- Specialist support agencies have built up resources—individuals with lots of knowledge, online resources and libraries. Spending time absorbing new legislation, new casework, procedural changes at courts—these are all built into their work. By definition front line advisers juggling clients and funding difficulties will find it almost impossible to have this knowledge.

6. Effect on advisers. We can see no evidence that the effect on advisers has been adequately considered. They were not consulted in August 2005. We have been presented with no evidence about what the representative organisations said. When users were consulted for the LSC evaluation in 2003 there was a very favourable response. Will advisers feel confident to take on cases without specialist support as a resource? Some organisations have accessed supervision under the contracts to build up knowledge to take on an extra area of work. All with quality marks have been able to attend training in social welfare law thanks to the wide ranging courses provided.

7. We hope the LSC will be persuaded to continue these contracts to the end of March 2007 in accordance with the contract and to carry out a proper evaluation once the Carter reviews and the response to the Making Legal Rights A Reality are published.

Shelter

February 2006

Evidence submitted by the Law Society

SPECIALIST SUPPORT CONTRACTS

INTRODUCTION

1. The Top Slice Review was a review of the Commission’s spending under the CLS Fund excluding that made under the General Civil Contract. This spending is referred to as top slice and is how a number of experimental initiatives are funded. The Commission wrote to the Law Society in August 2005 inviting a response to the Top Slice Review Terms of Reference. The Society responded to specific requests regarding contributions to the costs incurred by solicitors gaining professional accreditation and on the training contract grants fund. In January 2006 the Review of the Civil Top Slice Budget was published and the Commission announced that Specialist Support (SS) contracts would be terminated on the 19 July 2006.

SPECIALIST SUPPORT CONTRACTS

2. The Scheme began as a pilot in 2000, Specialist Support providers gave advice and support over the telephone, for solicitors and legal advisers in specific areas of law. The final evaluation of the pilot was very positive and satisfaction surveys confirmed a high level of satisfaction.

THE COMMISSION'S REASONS FOR TERMINATING THE CONTRACTS

3. The Commission's press release insisted that the reason for this termination was to release money for the provision of 9,000 additional acts of assistance (matter starts) or the expansion of CLS Direct. The Commission states that the Specialist Support Budget will free up £2.3 million in 2006–07. As the total budget is £800 million, this represents an increase of approximately 0.25%—an infinitesimal amount.

4. Anecdotal evidence is constantly received by practitioners as to the large numbers of clients they are obliged to turn away due to lack of capacity. Legal aid practitioners are constantly dropping out of the system, the LSC statistics showed a drop of 45 solicitor contracts last month. However, no evidence has been received as to a shortage of matter starts, in fact, on the contrary firms report they are constantly being offered more matter starts than they can take on.

ADVICE DESERTS

5. National Specialist Support Services are operated by those who are experts in their field and cover a broad spectrum of categories offering assistance for specialist practitioners in complex and unusual cases. This enables clients in advice deserts around the country to receive high quality legal services.

6. The Top Slice Review states . . . “it is questionable that we should be buying in second tier services at an improved rate when with contracting, the assumption is that we are buying requisite specialist services at the first tier.” (Recommendations, page 13).

7. It is naïve to assume that even the supervisor of two to three categories of law in a rural market town can achieve the same level of knowledge as Garden Court Chambers, Doughty Street Chambers and the Terence Higgins Trust to name but a small sample from the list of Specialist Support Services.

8. The Law Society believe that the termination of these contracts will simply increase costs as firms, when dealing with complex and unusual cases will have no alternative but to instruct Counsel. We also believe that the termination of these contracts will deter firms and not for profit agencies from actually taking on difficult and unusual cases thus reducing further access to justice, particular in rural areas.

9. As Kevin Martin, Law Society President stated “many frontline voluntary agencies depend on this service for immediate, specialist advice and training in unusual and complex cases. The removal of this service will have a huge effect. It will leave clients abandoned in rural areas where there are already acute shortages of advisers. It is a further erosion of vulnerable people's ability to access high quality legal advice.”

VALUE FOR MONEY

10. Provision of second tier support leads to a net saving of public money as it enables advice to be given that leads to the early resolution of cases, an aim of the CLS Strategy. If there is no case to answer then this is established at an early stage and prevents the waste of valuable caseworker time and public money. Specialist support enables work to be done more quickly and cheaply than if generalist providers act alone. Specialist intervention may mean there is less need to instruct counsel.

11. SS supports advisors through cases rather than taking it over, disseminating knowledge for future cases. The client receives high quality advice and the advisors skills and confidence in dealing with the advice increases. Advisors are able to progress matters more quickly and confidently and reduce the time taken to solve client's problems. Increasing knowledge of front-line advisors for a very small sum of money and ultimately creating a better front-line service.

12. Front-line services would be unable to develop and maintain the same level of expertise of the two tier provision. Telephone consultancy provides good value for money. The specialist advice is provided from a central service which is again more cost-effective.

13. The specialist advice prevents cases from being referred on which again provides value for money. In addition, the need for a seamless advice service for disadvantaged groups is echoed throughout the Commission's Strategy and the SS service provides such seamless advice.

The Law Society

February 2006

Evidence submitted by Child Poverty Action Group (CPAG)

Specialist support is a highly successful and much-needed scheme. It increases access to high quality advice and represents value for money. There is a demand for this service by front-line advisers and this service is of direct benefit to current and future clients.

- The Specialist Support Project (SSP) provides expert help in all areas of social welfare law to front-line advisers and lawyers advising members of the public in Citizens Advice bureaux, solicitors' firms, law centres, and advice agencies¹. It gives advice on complex one-off queries, and provides support with casework and training. The SSP is funded by the Legal Services Commission (LSC). It is provided by highly reputable lawyers and advice organisations with many years of experience in their specialist areas free to eligible organisations. The training is subsidised and tailored to meet the needs of the advisers.
- Following a successful Pilot which ran for three years, the LSC made a strategic decision to make Specialist Support a mainstream contracting option from 2004—three year contracts were signed in 2004. The Pilot was thoroughly evaluated. Two user surveys formed part of the evaluation and in the 2003 user satisfaction survey 92% of those that responded said that the service led to successful outcomes for the client. The evaluation looked at access, quality, cost and impact. It found that Specialist Support does increase access to legal services for clients as it gives them access to higher levels of expert help which may not otherwise be available. The quality of help was found to be extremely high—one of the most positive impacts was that users reported that they were able to progress matters more quickly and more confidently and had improved their knowledge of the law. Users valued it as an expert service which meets a real need and felt that it was of a high quality with good level of responsiveness and availability.
- In late 2004, the LSC wanted to revise some of the terms in the SSP contracts and these were negotiated and agreed on between November 2004 to June 2005—revised contracts were to be duly sent to contracts holders for signature.
- On 27 July 2005 SSP contract holders received a letter from the LSC informing them that the “Top Slice”, of which SSP is a part, was to be reviewed and that the LSC regretted needing to delay implementation of the newly agreed schedules until after the review. Several of the contract holders submitted a response to the Top Slice Review.
- At no point had the LSC informed the SSP contract holders that there was a possibility of termination. Yet on 16 January 2006 the LSC notified all SSP contract holders of its decision to terminate all the SSP contracts on six months notice. Despite the fact that the review accepted that the SSP meets the LSC corporate priorities, some of the Community Legal Service strategy proposals and its value for money (the Top Slice Review Terms of Reference) and that it does help ensure access to quality advice, the LSC says that funding for SSP is not sustainable in the current climate.
- The LSC's decision to terminate SSP contracts is contrary to its corporate priorities and its proposals for the Community Legal Service to:
 - ensure clients have access to quality services—the SSP enables and ensures that the client has access to the highest quality of advice;
 - ensure a more holistic approach to advice—the SSP enables front-line services to provide a more holistic service giving access to advice on complex issues across several areas of law which would not otherwise be available to the client; and
 - focus on categories of law that have the greatest impact upon those who face poverty, disadvantage or exclusion—these are the areas covered by the SSP.
- The decision is also contrary to the LSC's own evidence which shows that the SSP increases public access to frontline advice services and to its report on the SSP to Fundamental Legal Aid Review which stated there is a need for specialist support and highlighted that demand will rise.
- The LSC should not pull the plug on the SSP. Without the SSP some of the very positive proposals set out in the vision for the Community Legal Service will not be properly realised. To promote the seamless, accessible, quality assured advice system the LSC says it wants, any development in front-line services needs to be matched by an availability of second-tier support. Much of the time and money that has been spent on setting up this valuable and successful project will have been wasted.

Child Poverty Action Group

February 2006

¹ The SSP funds organisations including Citizens Advice Bureaux, Child Poverty Action Group, London Advice Services Alliance, MIND, Terrance Higgins Trust, Joint Council for the Welfare of Immigrants, Shelter, Shelter Cymru, Liberty, Disability Law Service, Public Law Solicitors, Public Law Project, Christian Khan Solicitors, Doughty Street Chambers, Two Garden Court Chambers, 1 Pump Court Chambers, Scott-Moncrieff, Harbour & Sinclair, and Morgans Solicitors

Evidence submitted by Specialist Support Services

OBSERVATIONS BY SERVICE USERS ON THE PROPOSED CLOSURE OF THE SPECIALIST SUPPORT SERVICE

The following comments have been received by three of the SSS organisations (Morgans; LASA and CPAG) over the last few weeks, since the termination of the Specialist Support Service was announced. They are representative of all areas of work.

- “In order for the LSC and Government to adequately attempt to meet their commitments to reducing poverty, improving public services then advice is an essential part.”
- “We have always found the service to be very helpful and informative, especially in developing areas of social security law, eg right to reside. If the service is withdrawn it will make matters very difficult for us and many other advice agencies, which will of course have a direct and negative effect on client welfare.”
- “All the Specialist Support services are vital to the quality and availability of advice in the voluntary sector. Losing these services will have a massively negative effect on access to justice for clients”.
- “Major backwards step—Makes a mockery of access to justice if SSS ceases to exist”
- “I am an expert family lawyer helping amongst others vulnerable clients in the inner city. At times I need advice re: Welfare Benefits due to the impact of a financial settlement in divorce proceedings and we have no one in house to provide such advice”.
- “Loss of the SSS will have a marked effect on the quality and level of advice we can give. We are a very rural area where there are no solicitors offering legal aid in benefits, clients have nowhere else to go other than to their CAB. Without Specialist Support the level of expertise offered by the CAB will reduce.”
- “The SSS provides an invaluable service for sounding ideas and gaining new insight, it is a very efficient way of providing expert knowledge to a vast number of clients”.
- “the ability to access other organisations for expert guidance has been invaluable . . . the removal of the service will leave the public in a worse state of provision for their needs”.
- “This is an invaluable service for us and our clients. We have very good, well trained and informed advisers who also recognise when they need to obtain in depth information on a topic . . . Clients are able to receive the most comprehensive advice in the shortest possible time . . . Our advice work covers housing law, welfare benefits law, debt law and human rights. Clearly we cannot be expected to have specialist knowledge in all of these areas and it is extremely beneficial to be able to access specialist support”.
- “The excellent advice we have received has enabled us to pursue successful benefit appeals . . . and avoid taking cases where the outcome would not have been successful. The service is cost effective—saving public money on the time spent by the caseworker researching law and avoiding futile cases”.
- “We are aware that the LSC have budget constraints. However, their rationale that they are cutting back on specialist support to better help clients ie to provide more case starts to clients does not make sense. Specialist support provides better training and more exposure to advisers which in turn allows them to identify issues more quickly and effectively which benefits clients. The quicker an adviser can resolve a case the more cases an adviser can deal with—which is the aim of legal aid (I think)”.
- “As one fee earner in the Social Welfare dept of a large firm of solicitors I, along with my colleagues am appalled by the withdrawal of funding for what is supposedly a community based service. Without this valuable asset there will be further dwindling of access to justice for those who need it most. Although an experienced advisor of 15 years there have been times when I have needed to access the Specialist Support Services for help and advice for issue beyond my expertise. Welfare law is one of the most complex and although we are a firm with dozens of solicitors, none of them have the knowledge of welfare law required to give their opinions. Without the SSS I would not have been in a position to proceed with a number of cases for some of my most vulnerable clients. I have had excellent advice from the SSS which has a substantial impact on the outcomes of cases and alternatively those cases without sufficient benefit have not progressed thereby reducing the LSC funding costs”.
- “I believe that the LSC need to appreciate that in the areas of law covered by Specialist Support services, those seeking advice are in dire need or are teetering on the edge of financial, health or social ruin. Poor advice can wreck lives but even specialist front line services are faced with a dilemma as to who to help. When faced with a complex case that could take 40 hours to research and ultimately resolve but on the other hand 20 other people with straightforward inquiries that could all be helped with the same resources, how does the advice provider decide what to do? With the assistance of the specialist support lines the provider now has a fighting chance to do both which gives a life line to many clients. I also believe that diverting current resources away from the

specialist support services and into front line may be a false economy. Without support, complex cases will take longer and may result in unmeritorious cases being taken forward unnecessarily. I consider withdrawal of specialist support services a serious concern to specialist and non-specialist providers alike”.

- “We are very concerned at the LSC proposal to withdraw funding for Specialist Support. We hold a Housing franchise but can do 10% other work under Tolerance. This is mostly welfare benefits work where clients also have welfare benefits issues. We are not Welfare Benefits specialists and need access to Specialist Support. We would otherwise have to refer cases out. Where welfare benefits and housing issues are linked it is more efficient to deal with the whole case in house and allows us to provide a holistic service to clients. Access to Specialist Support has meant that we have gained expertise in dealing with cases and this would be lost over time if support services go. As a Housing specialist we are dismayed at the loss of Two Garden Court Chambers. We will have to refer cases to a solicitor to obtain a barristers opinion and the LSC will have to pay for this. Have the LSC considered how this may impact the overall budget? I am sure that many agencies like ours will be in the same position”.
- “In order for the LSC and Government to adequately attempt to meet their commitment to reducing poverty, improving public services then advice is an essential part”.
- “I work in two communities designated as disadvantaged, I have a disproportionate number of clients on welfare benefits and I work under heavy pressure. I will be hard put to continue achieving good results for clients if the Specialist Support Service is cut”.
- “Access to specialist expertise in respect of difficult and complex cases is invaluable. The loss of the service will result in a worse outcome for our clients, most of whom are vulnerable. We may also have to refer clients to other agencies and, in our particular case, this would involve travel to the nearest town when they have a limited income”.
- “I am the only solicitor in my practice dealing with mental health work and it has proved invaluable to be able to contact others and discuss a case to gain advice. The price of courses is so competitive at a time when our rates of pay are so low”.
- “I feel most strongly that the funding for the Specialist Support Services should not be withdrawn. I would urge MPs/funders to change their decision. I regularly use the Specialist Support Services. All advisors are helpful, friendly and extremely knowledgeable. This has saved me an immense amount of time and as such I have been more productive in my own work. This also means that my clients have benefited”.
- “All the Specialist Support Services used by the Centre have been of assistance and provide invaluable back up to enable us to advise and advocate on behalf of clients. We are an independent housing aid centre who do not have the same back up as nationally affiliated agencies. The charitable and voluntary sector in Cheltenham and Gloucester is coming under increasing pressure in terms of volume of case load and funding. The loss of such a valuable service is the effective removal of another brick in the wall as far as the independent advice sector is concerned. We believe that we are reaching a critical point for the future of the sector as it currently stands”.

Specialist Support Services

February 2006
