



Adam Griffith, policy officer at the Advice Services Alliance (ASA), summarises a new ASA report that raises a number of concerns about Community Legal Advice Centres (CLACs).¹

CLACs: are they worth it?

Introduction

CLACs have generated a lot of interest and fear, heightened perhaps by the time they have taken to get off the ground. There will, however, soon be five CLACs up and running: in Gateshead, Leicester, Derby, Portsmouth and Hull.

Each CLAC has been established following a tender process. An examination of the various tender documents allows a comparison to be made between the idea of CLACs and the likely reality. This gives rise to a number of concerns, which are described below.

This article does not attempt to balance these concerns with the positive results that CLACs may achieve, as these cannot be assessed until a number of CLACs have been in operation for some time. The Legal Services Commission (LSC) has confirmed that there will be an evaluation of the first round of CLACs. This article identifies a number of issues that may need to be considered in that evaluation.

The idea

CLACs are ultimately a simple idea. The aim is that a combination of LSC and local authority funding will provide a 'one-stop-shop' for the solution of social welfare law problems by providing a service that:

- is responsive to local needs;
- takes legal services to groups of people who currently do not access mainstream services and to clients who are particularly vulnerable;
- is independent of funders and the government;

- takes strategic action to resolve the causes of problems;
- is quality assured;
- delivers a seamless service, from basic advice and assistance to specialist representation in the highest courts;
- covers a broad range of categories of law, including, as a minimum, debt, housing, welfare benefits, community care, employment and family;
- covers other categories of law where there is a specific need;
- is able to deal with 'clusters' of problems; and
- reduces the extent to which clients need to be referred, and refers effectively when this is necessary.

The role of the local authority

While LSC funding is limited to expenditure on specialist services within the scope of the legal aid scheme for eligible clients, the role of local authority funding in CLACs is undefined. It is expected to cover the generalist advice service, specialist services for ineligible clients and services that are out of scope, notably tribunal representation. However, there is no identifiable minimum standard for such services and the specifications for the first five CLACs reveal considerable variation. ASA's analysis identifies a number of other concerns.

Structural issues

CLACs are required to provide a range of services as a monopoly supplier in a particular geographical area. This gives rise to a number of issues:

- The CLAC specifications are highly prescriptive about the type of services to be provided and the numbers of cases of different kinds that are required. This creates a risk that CLACs will be inflexible in their operation, and unable to respond to demands for their services that differ from those specified.
 - Establishing CLACs as local monopolies creates difficulties for clients, if the CLAC is unable or unwilling to help them.
 - It also creates problems for funders, who will have 'put all their eggs into one basket'.
 - There is ambiguity about the extent to which the CLAC's services are to be limited to residents of the local authority concerned.
 - Requiring CLACs to provide generalist and specialist advice may be problematic, as the provision of both types of advice within one organisation is largely untested, particularly on the scale envisaged.
- Regulatory concerns also arise, including:
- whether solicitors in the CLAC will be responsible for supervising the generalist service; and
 - the need to be clear about which organisation owes the client the duty of care. If a family case, for example, is handled by a firm of solicitors which is a subcontractor, is the client a client of the firm or the CLAC (or even both)?

The CLAC's relationship with other providers raises a number of issues that have yet to be resolved, or indeed included within the contract between such providers and the LSC – do they have any obligations to refer certain cases to the

CLAC or to accept referrals from the CLAC? How much will they be allowed to do under tolerance in categories of law that are otherwise monopolised by the CLAC?

Responding to need?

The needs analyses prepared in each CLAC area tend to follow a similar pattern and reach similar conclusions. They vary in the extent to which they identify a need for immigration and mental health advice, but when they do so, their recommendations are often not followed. There also appears to be a contradiction between the needs data provided by the LSC's Legal Services Research Centre, which suggests that the level of need is relatively constant between different wards, and the emphasis which is placed in the needs analyses on deprivation indices and the need to target services on people from the more deprived wards within the CLAC area.

The CLAC specifications require variously that between 50 per cent and 85 per cent of services should be provided to clients belonging to 'priority groups'. However, there seems to be little logic in the identification of such groups, or the extent to which services are required to be provided to members of them. Some of the groups seem to be particularly vague, notably 'low income' groups and members of 'faith communities'. It is not clear how CLACs are expected to monitor clients' membership of the different groups, nor how the targets set can achieve the results apparently desired. In ASA's view this whole issue requires serious reconsideration.

Independence

There are concerns about the extent to which CLACs will be, and will appear to be, independent of their funders. These concerns arise particularly in relation to the CLAC's relationship to the local authority and its services, and its strategic role.

Local authorities play several roles, as tax collectors, benefit authorities, service providers, employers and landlords. Recent research by Richard Moorhead and others into 'clusters' in advice agencies and solicitors' firms found that 37 per cent of the clients observed had problems which involved their local authority.² The authors comment that: '... robust mechanisms need to be in place to ensure that [CLACs] are not tempted to under-represent clients with problems to be pursued against local authorities.'³

The relationship with the local authority is also problematic where the local authority has in-house advice

services (in benefits, debt or employment) that are to be linked in with, or form part of, the CLAC. In Derby, it is stated that the council's own service, Derby Advice, will operate as part of the CLAC, 'as a delivery partner', enabling the centre to provide a wider range of services, including outreach sessions, representation in welfare benefits cases, training, campaigning and strategic policy work. In Hull, the CLAC is expected to incorporate the council's welfare rights advice service and is also required to provide services through the council's eight customer service centres.

The CLAC's strategic role appears to have been redefined as the specifications have developed. The original formulations included references to casework strategies and litigation that are not repeated in the later specifications. This suggests that the strategic role has been watered down. It appears also to have been redefined in the later specifications, with an emphasis on benefit take-up campaigns and strategic policy work aimed at improving local services. In Hull, the centre is required to produce a Financial Inclusion Strategy for the city and to co-ordinate activities necessary to progress the strategy. There is a danger here that CLACs are being tied too closely into the strategic objectives of the local authority.

Funding and service issues

There are doubts about whether the funding is sufficient to match the expectations which are likely to be created by the establishment of CLACs.

■ With the possible exception of Hull, the amounts involved are not very large.

■ The amounts allowed for the general advice service are far from generous, and are likely to make it difficult to provide appropriate training and support for generalist advice volunteers.

■ Funding for services for ineligible clients, and for tribunal representation, varies dramatically between the CLACs.

It is arguable that the generalist advice service is being asked to achieve too much for too many people given the resources available. CLACs are expected to do a lot for large numbers of clients – diagnosis of their problems, provision of information, initial assistance and/or referral to specialist services inside the CLAC or outside – within a limited amount of time. However, the generalist advice service is likely to face conflicting pressures. It is not clear what it is expected to do when referrals cannot easily be made. Many clients are likely to be disappointed by the

limitations that will inevitably be placed on the service.

Quality

There are serious concerns about quality, now that CLACs are no longer required to obtain a score of 1 or 2 at peer review. CLACs will be monopoly providers of social welfare law in their areas. It is now clear that they will only have to achieve 'threshold competence' and there will be no incentive for them to provide a higher quality service.

Evaluating the initial CLACs

The LSC has promised that there will be a proper evaluation of the initial round of CLACs. The evaluation will need to consider all these issues and, more generally:

- whether CLACs have increased access to services, both generally and in respect of groups of people who do not currently access mainstream services or are particularly vulnerable;
- whether CLACs actually work better than their alternatives (including community legal advice networks);
- if CLACs, or some of them, do provide added value, what are the conditions (including financial conditions) in which they are most likely to do so?;
- whether any gains or benefits are proportionate to the costs involved in the tender process for both funders and providers, and the impact on the wider advice sector in each area affected.

1 *CLACs – are they worth it?*, ASA, is available at: www.asauk.org.uk/whatsnew.

2 Richard Moorhead, Margaret Robinson and Matrix Research and Consultancy, *A trouble shared – legal problems clusters in solicitors' and advice agencies*, DCA research series 8/06, November 2006, pp11 and 26–27, available at: www.dca.gov.uk/research/2006/08_2006.pdf.

3 See note 2, p92.