

Advice Uncovered – The Real Value Of What We Do

Timely or what? At the end of the week in which the LSC published its consultation paper on preferred supplier, its CLS Strategy, and the second edition of *Causes of Action*, and the DCA published the report by Matrix on the size and nature of the civil legal advice sector, ASA held its annual conference on 24th March 2006 at Friend's House, Euston Road. We are not saying that it went perfectly, but the place was buzzing!

Time and resources only allow a brief report. We set out below the main themes covered in the plenary session. After that, as requested by many participants, we post the presentations given at most of the workshops.

The plenary session

'Challenging times ahead' was the message from **Brian Harvey**, Acting Chief Executive of the Legal Services Commission, 'more so than ever before, but this will provide opportunities for those providers who want to rise to meet those challenges.' The LSC's aim is to get the best possible outcomes for the maximum number of clients within the available budget. The number of people helped has increased in 2005-06 and the NfP sector has made an important and greatly valued contribution. More people must be helped this year, although the LSC expects a number of suppliers to give up legal aid. Success in obtaining the LSC's overall objectives will be vital in achieving a favourable settlement in the 2007 Spending Review.

The key points of the 'reform programme' are Preferred Supplier, the Carter reforms, the CLS Strategy and the transformation of the LSC itself. In addition, the post Clementi reforms will accelerate changes in the legal services market. There will be new business structures, and new players entering the market, including the legal aid market.

The Preferred Supplier strategy will lead to a smaller number of larger or strategically important suppliers and provide a real opportunity for good providers to expand. In implementing the CLS Strategy, the LSC will be 'moving away from current arrangements whereby we largely fund services that providers wish to provide to commissioning services (with other funders where appropriate) to deal with clients' needs holistically.'

As far as NfP agencies are concerned, performance will have to improve. The LSC will be 'focusing on ensuring we get 100% performance.' 85% will not be acceptable, save in very exceptional circumstances. NfP case costs 'are significantly more than solicitors, which cannot be accounted for in terms of outcomes achieved or complexity of cases/clients.' As far as contracting is concerned, Lord Carter has endorsed the LSC's programme for introducing standard or graduated fees or block contracts to cover the great majority of civil cases. The LSC is proposing to bring the civil solicitor and NfP contracts into line. They will be proposing that NfPs will either be paid the same standard fees as solicitors or possibly will be paid by block contracts. They will be consulting on these proposals later on in the year.

Major changes are on the way, agreed **Richard Jenner**, Director of ASA, and providers will need to adapt. Nevertheless, given the LSC's modest record of achievement, '**some modesty is required**' in developing the new CLS Strategy. The LSC should beware giving the impression that providers do not care about clients and simply pursue narrow self-interests. Providers have valuable insights into client need, and how to deliver effective services, and the LSC needs to listen to us. The wider CLS has not been a success. CLSPs have not achieved their key objectives. The Quality mark was a welcome step forward but the LSC is no longer auditing services at General Help level. In the words of a colleague in one of the networks 'they marched us up to the top of the hill and they marched us down again.' The LSC's decision to cut funding to the Law Centres Federation is 'completely short-sighted and sharply demonstrates the need for a proper and coherent government strategy to support national infrastructure for advice provision.'

We have a range of concerns about CLACs and CLANs, the centrepiece of the CLS Strategy. They must be adequately funded. Case targets for the number of clients helped must be realistic and flexible. There must be no fettering of independent governance or casework independence. They must be independently evaluated, in relation to cost, quality and their impact on local provision. CLACs risk creating monopoly or near monopoly provision. They risk disrupting high quality provision, especially in the NfP sector. Account must also be taken of niche suppliers, including sub-regional providers such as Shelter.

As far as legal aid is concerned, morale amongst suppliers is low. There is continuing pressure to deliver more for less, which is unsustainable. There is also widespread cynicism about the government's true commitment to legal aid. On the plus side, however, we support the LSC's approach to quality and the intention to replace the current auditing regime with a simpler and less intrusive approach. The emphasis on quality and on quantity (in terms of minimum case targets) will set major challenges for suppliers. There are risks involved in what the LSC is proposing. The drive to improve quality must be balanced against the need to maintain access. There is a real tension between the LSC's quality agenda and their desire to maximise the numbers of people helped. The challenge will be to create a scheme that is sufficiently flexible to avoid both cherry picking and a dumbing down of provision.

Richard finished with two recommendations, which are key demands of the Access to Justice Alliance, which he urged everyone to support. Firstly, the time has surely come to protect the civil legal aid budget by ring fencing it. Secondly, he hopes that Lord Carter will recommend that a duty is placed on government to assess the likely impact on the legal aid budget of changes in legislation, legal procedure and social and economic policy, and adjust the budget accordingly.

The workshops

We are very grateful to the workshop leaders who have agreed that we may post their presentations as part of this report.

A1: Big Lottery Fund – advice programme

Presentation by Michael Ashe, Big Lottery Fund

A3: Preferred Suppliers

Presentation by Jonathan Lindley and Katherine Pears, Legal Services Commission

A4: Regulating legal services

Presentation by Katherine Dillon, Department for Constitutional Affairs

A5: What do clients say about advice?

Presentation by Simon Bottery, Citizens Advice

B.1: Developments in local authority funding

Presentation by Rick Emmerson, Citizens Advice

B.2: NfP Audits: the findings

Presentation by Mike Jeacock and Elliot Miller, Legal Services Commission

B4: Action, inaction and awareness of advice provision

Presentation by Nigel Balmer, Legal Services Research Centre

C1: Making Legal Rights a Reality

Presentation by Emma Knights, Legal Services Commission

C5: Disability Discrimination

Presentation by Steve Hynes, Law Centres Federation

C6: Age discrimination – new regulations

Presentation by Nony Ardill, Age Concern

Presentation by Carla Garnelas

C7: How to deal with a problem

Presentation by Martin Jones