

# The Partnership Innovation Budget: Proposals for the Second Round

The Advice Services Alliance's response to the  
Legal Services Commission's consultation Paper

## The Partnership Innovation Budget: Proposals for the Second Round

### General comments

We do have some general reservations about the PIB. Whilst we appreciate its importance as an incentive for funders and providers to participate fully in CLSPs (as noted in para 32 of the consultation paper) we are not convinced that it is the most appropriate way in which to distribute nationally available additional resources within the CLS. These arguments are developed more fully in our forthcoming discussion paper 'Partnerships and the Community Legal Service'.

We also have some general reservations about the proposals for the second round. The proposals seem to assume that the main problem is people's lack of knowledge about advice and legal services and how to access them, and that services are generally available to meet the needs of 'excluded' groups. We would agree that there is considerable lack of knowledge about advice and legal services and how to access them, but we doubt if there is very much, if any, spare capacity within existing services to meet much in the way of additional demand. Although we broadly welcome the approach taken in the consultation paper, therefore, we think that there is a serious risk that many of the projects which might emerge in response to it will have the effect of increasing demand which it will be very difficult for existing services to meet.

We also have a specific reservation about 'Community Legal Education' as defined in the paper. The paper seems to be encouraging the provision of education or training which is of a fairly general nature and can be repeated to different members of identified groups over a period of up to three years. What does not seem to be included is any provision which will allow for specific education to be carried out over a more limited period, for instance as a result of a major change in the law, or legal procedures, which might particularly affect specific excluded groups. The need for such education is likely to be more short-lived, more time specific, and harder to predict very far in advance. There may therefore be a case for setting some money aside each year as a fund to which organisations could apply on a "one-off" basis to carry out such work.

With regard to the specific questions raised in the consultation paper, we would comment as follows:

#### **Q1. Is the aim, as outlined in paragraphs 30-34, adequate for the purposes of the second round of the PIB?**

We consider that the aim is generally adequate, subject to two provisos in particular

##### *(a) The link to needs assessments and CLSP plans*

In principle, we agree that a 'bottom up' approach is appropriate. There must be some evidence of need, and preferably one which has been identified by the local CLSP. Problems could arise, however, if the work of a particular CLSP is at an early stage, or if a CLSP's plans are not properly developed, or if a CLSP failed to consider certain ideas, such as the need for ADR services.

Although in general we agree that bids should link to CLSP priorities, we think that there should be a provision allowing bids to be made

- where the CLSP has not yet identified priorities
- where the CLSP has identified a need in general terms, without necessarily referring to the needs of specific excluded/socially excluded/priority client groups

- where it is possible to demonstrate the need of an excluded group, even if that need has not been identified as such by the CLSP
- where the need has been identified by the RLSC, but the applicant agency wishes to provide a service locally, rather than regionally.
- where the CLSP has not considered the form of service proposed (e.g. ADR).

*(b) The issue of measurable benefits*

See our response to Q7 below.

**Q2. Is it appropriate to have a much more defined focus for the second round of the PIB?**

Yes

**Q3. Will this clearly defined focus provide greater clarity for bidders and avoid raising bidders expectations inappropriately?**

We hope so.

**Q4. Should Community Legal Education (as defined) be a focus area for the second round of the PIB?**

We generally agree with this proposal, subject to our comments on the need to include provision for more specific, time-limited projects.

We welcome the recognition that traditional individual advice and case work may not be the best or most effective way of resolving problems (para 47). Group work and/or campaigning/policy work may sometimes be more appropriate.

We understand that the intention is to fund initiatives which will provide or deliver services as well as identify or find them. We would suggest that this is stated more clearly, as the consultation paper is slightly ambiguous on this point (particularly in relation to diversion and ADR services).

**Q5. Should developing links between community groups and advice providers be a focus area for the second round of the PIB?**

Yes

**Q6. Are there other key areas which should be considered for the focus of the second round of the PIB?**

There is a case for including services which

- meet identified needs
- in priority categories of law
- in innovative/more effective ways
- even if they are not specifically aimed at excluded groups (although members of such groups should benefit significantly from them)

An example might be the development of ADR schemes, focused on prevention and/or diversion, such as community mediation schemes in areas of housing, neighbour disputes, employment, debt etc. The Watford and Three Rivers Mediation Service funded in round one is an example.

### **Q7. Should all PIB projects have measurable outcomes?**

We consider that this proposal is extremely problematic. We share the reservations expressed in the editorial in Legal Action, June 2002.

Projects should of course provide value for money. We suggest that they should have demonstrable outputs, rather than measurable outcomes.

Projects should be required to demonstrate

- What they have done
- Who they have reached and how
- Where possible, how effective their work has been
- The quality of the service provided (e.g. by peer review or other means)
- The likely ongoing/future benefits or other effects of the work which has been carried out

While we understand the thinking behind the proposal for measurable outcomes, we doubt whether the suggested measurable outcomes in paras 48 and 49 are likely to be viable. For example:

- (a) Ensuring access to services which increase available options will not necessarily produce a measurable outcome. If a client goes to an agency which can offer ADR but the client decides against it, or the ADR service is overloaded, there will not be a measurable outcome, unless the agency records and counts every time that ADR options are discussed. If there is an increased use of ADR services this will of course be a measurable outcome, although there may still be difficulties in proving causation.
- (b) “A reduction in the number of cases that would have resulted in court proceedings” seems to us to be virtually impossible to prove. “A reduction in the number of cases that . . . resulted in court proceedings” would itself be very hard to prove. Even if you can prove it, it would be difficult to show that it happened because of the PIB project in question, unless it resulted from a change in policy or procedure which benefits an excluded group.
- (c) “An increase in the number of individuals helping themselves to resolve their problem” will be difficult to establish unless you can show
  - how many do so now
  - how many do so as a result of the PIB-funded project.

We do not see how you can easily establish either. The paper seems to imply that you could prove an increase by showing a reduction in the number of people seeking help from advice agencies e.g. with debt problems. At the moment however, agencies have no way of knowing who has tried to contact them, but without success. It is therefore likely to be very difficult to establish how many people are currently seeking help from advice agencies with particular types of problems.

(d) “A marked increase in the number of appropriate referrals” or a “measurable increase in clients accessing the services that the professionals are highlighting to them” might be an indicator that problem noticers are being effective, or community groups are referring people to appropriate providers, but it assumes

- that it is possible to agree definitions of “appropriate” and “inappropriate” referrals

- that providers are identifying as such and monitoring all referrals to them, and monitoring the proportion of “appropriate” and “inappropriate” referrals (as you need figures for ‘before’ and ‘after’)
- that there is spare capacity in the system to accept more referrals

(e) “A change in policy or procedure which benefits an excluded group” would be a measurable outcome, and would most likely be achieved as a result of group or policy work.

**Q8 Is it appropriate to change the name to the Partnership Initiative Budget**

Yes

**Q9 Are the criteria in para 58 appropriate?**

In general, we agree with **a, b, f, g, i, and k to q.**

With regard to **c, d and e**

See our comments in response to Q1 concerning the link to the work of CLSPs.

“Regional” services are defined as covering an area larger than that of a single CLSP, but criteria **d** seems to imply that a bid to provide such services must relate to services identified as priorities by the RLSC. However, we do not see why a bid to provide a service over the area of two or more CLSPs should not be allowed if it is supported by one or more of the CLSPs concerned.

See our comments in response to Q7 above on the issue of measurable benefits

Although the terminology used is slightly different, it appears to us that there is a contradiction between criteria **c** (a priority need can be *either* a priority category or an ‘excluded’ group) and criteria **e** (bids *must* outline the specific ‘socially excluded’ group that would benefit).

With regard to **h**, we do not think that “innovative” approaches are necessarily “more effective”. There may be projects which are innovative but no more effective than existing services. There may be projects that are more effective but not necessarily innovative.

With regard to **j**, we hope that the 25% match funding can be provided in kind (including the time of volunteers)

We hope that our comments are of some assistance to you.