

policy response

Advice Services Alliance's response to the Equality and Human Rights Commission's Grants Programme consultation



1 About Advice Services Alliance

- 1.1 The Advice Services Alliance (ASA) is the umbrella organisation for independent advice networks in the U.K. Our aims are to:
- champion the development of high quality information, advice and legal services
 - ensure that people are not denied access to such services on account of lack of means, discrimination or other disadvantage
 - encourage co-operation between organisations providing such services
 - provide a forum for the discussion of issues of common interest or concern to advice organisation.
- 1.2 Full membership of ASA is open to national networks of independent advice services in the U.K. Current full members include:
- AdviceUK
 - Age Concern England
 - Citizens Advice
 - DIAL UK (the disability information and advice service)
 - Law Centres Federation
 - Shelter
 - Shelter Cymru
 - Youth Access
- 1.3 Our members represent some 1,700 organisations which provide a range of services, including advice, to diverse groups throughout the U.K. Most of these organisations offer services within a local area, but some of them are regional or national in scope. They are largely funded through public sector grants and contracts, and charitable fundraising. With some limited exceptions, services are offered to users free of charge and are focused on areas of law which mainly affect poorer people e.g. debt, welfare benefits, discrimination, housing, employment, immigration, education and community care.
- 1.4 A draft of this response was sent to all of our members listed above, and their comments have been taken into account in preparing this final document. We are aware that some of our members will also be responding separately.
- 1.5 For ease of reading, we have structured our response under separate headings.

2 Preliminary comments

- 2.1 We are grateful for this opportunity to respond to the consultation about the EHRC's grant strategy.
- 2.2 This consultation is of significant interest to the advice sector, which has a long-standing commitment to tackling discrimination and disadvantage. We believe that the advice sector can make a considerable and cross-cutting contribution to both the Commission's strategic objectives and statutory duties. We have considerable experience of working with community groups and individuals to increase public awareness on issues of inequality, discrimination and human rights. It is part of our fundamental purpose to reach out to the most disadvantaged by making links with marginalised groups, and promoting our services through outreach and other services.

- 2.3 It is our experience that offering an advice and casework service is not effective on its own in bringing about change. We have received consistent feedback from caseworkers funded under the Commission's interim grants programme that, particularly in relation to the new strands, it has taken time to make links with relevant groups in order to develop the relationships of trust that are essential before individuals will come forward to seek advice.
- 2.4 Further, the advice sector has a track-record of using its experience to advocate on behalf of the most disadvantaged and to inform government bodies, local and national, about the impact of legislation or their practice. We have campaigned and lobbied for change. For example:
- Citizens Advice successfully lobbied the Insolvency Service to introduce a procedure to allow victims of domestic violence with unmanageable debt who are bankrupts or who have applied for a Debt Relief Order to not have their name and address made public, to protect their right to freedom from violence.*
- The Ipswich and Suffolk Council for Racial Equality's advocacy on behalf of young black men repeatedly stopped and searched by Suffolk Police led to the establishment of a reference group. This led to changing police policy and procedures and an improvement in the relationship between the African Caribbean Population and Suffolk Police.*
- Sheffield Law Centre assisted David Allen, a 17-year-old student, to complain about inadequate accessibility at his bank branch under the Disability Discrimination Act 1995. The court judgement stated that the Bank must build a lift and also that they should pay £6,500 in compensation to David. This ruling has been widely publicised.*
- 2.5 We are uncertain whether this consultation covers the Commission's future plans for funding legal advice and casework as none of the questions relate explicitly to this funding stream. The advice networks have spent time discussing a strategic approach to discrimination advice and casework and, as a consequence, have decided to attach an appendix to this response which outlines some proposals for discussion.

3 Strategic and project grants

- 3.1 We accept that it is sensible, in principle, to link the grants programme to the Commission's strategic objectives. As the strategic objectives are currently under consultation, it is difficult to comment further. However, we suggest that the delivery of the grants programme should be integrated with the different delivery departments within the EHRC.
- 3.2 We suggest that the grants programme should also be linked to the Commission's statutory duties, in recognition of the valuable contribution that the voluntary sector can make to the fulfilment of those duties. In particular, the advice sector can play an important role in promoting the understanding of the importance of equality and diversity, promoting awareness, enforcement and legal policy.
- 3.3 We agree with the proposal for three-year Strategic grants. This will give organisations the security of funding to ensure that funding is used most effectively and efficiently. Short term funding can often make it difficult to develop the relationships of trust that are needed, and can cause significant organisational problems.
- 3.4 Whilst we understand the principle behind the proposal for project grants, we question whether it would always be appropriate to provide funding for a year. There

may be occasions where the Commission wants to fund an organisation to deliver a particular output, and this could take 6 months or, indeed, 18 months. Thus the Commission may want to consider a more flexible approach to project funding. We also propose that the EHRC build in support for organisations who are awarded project funding, particularly if they are relatively small.

4 Outcome-focused funding

- 4.1 In principle, we agree that grants should be awarded on the basis of an outcome-focused funding regime.
- 4.2 However, as recognised in the consultation document, this approach is not straightforward in relation to equalities work where the benefits are not always easily measurable in the short term. Further, outcomes can be multi-faceted – supporting an employee to make a claim to the Employment Tribunal will benefit the individual, but may also benefit their colleagues and lead to a change in behaviour by the employer and, indeed, other employers. Some cases can have unexpectedly strategic outcomes, for example, and can lead to a change in the law. We refer you to ASA's Practice Guide to Outcomes for Advice, which sets out some of the issues involved in this work¹.
- 4.3 We would encourage the EHRC to support partnership working through an outcomes approach that recognises partnership or network development itself as an outcome.
- 4.4 It is also important to note that an outcome based approach can impose significant administrative/managerial burdens on agencies². ASA, together with our partners in the Working Together for Advice Project³ are working on helping advice agencies to define, measure and evaluate the outcomes of advice work and so enable the sector to better demonstrate the value of its work.
- 4.5 We are ready to work with the Commission on how the outcomes of advice can be measured and to ensure that an outcome-based approach can be made proportionate.

5 Which organisations?

- 5.1 In our view, the Commission's grants programme should not be made available to organisations or individuals who seek to make a profit. We therefore suggest that eligibility should be limited to organisations with charitable aims, not-for-profit bodies or community interest companies for whom tackling inequality is a key objective.

¹ ASA's Practical Guide to Outcomes for Advice can be found on ASA's website: <http://www.asauk.org.uk/fileLibrary/pdf/outcomesguide.pdf>

² Please see our most recent report on this work http://www.asauk.org.uk/go/MiscPage_114.html

³ Working Together for Advice Project involves six organisations delivering eight workstreams. The six partners are: Advice Services Alliance, Citizens Advice, AdviceUK, Youth Access, Age Concern, Law Centres Federation. For further information, please see ASA's website: <http://www.asauk.org.uk/wtfa>

- 5.2 We note the suggestion that funding might be made available to networks and consortia. We agree that this can be an effective method of ensuring that organisations work together, and there are many examples of effective partnership working within the advice sector. However, it is our experience that this can also be time-consuming and involve disproportionate resources. The Commission's grant budget is relatively modest and we would suggest that account is taken of the resource implications on agencies of requirements to work in partnership. We refer the EHRC to the recently published guidance by the Office of the Third Sector⁴ which emphasises both the benefits and costs of consortium working.

6 Improving communications

- 6.1 We are pleased to say that we have already had fruitful contact with Commission staff and have discussed future liaison and joint work. For example, the Commission's Legal Department has provided advice agencies with contact details of lawyers working at a regional level. Our understanding is that this is working well. Representatives of the advice sector are also working with the Commission on ensuring good web-links between our organisations.
- 6.2 Having said this, we are sure that more work is needed. For example, our members report some concern about grant monitoring. We recognise, of course, that the EHRC needs to ensure that funded organisations meet their objectives. However our members have found that, on occasion, the approach to monitoring has focused on the detail of specific activities rather than the achievement of overall objectives. We would welcome a more flexible approach, and are happy to discuss this with you further.
- 6.3 Another challenge will be in ensuring that the communication is between the right people. Communication needs to be not only between the Commission as funder and the funded organisation but also with the relevant delivery department within the Commission. Indeed, the need for communication may not always depend on the existence of a current funding relationship.
- 6.4 ASA and its network members are very happy to facilitate these links at a national and regional level.

7 Quality framework standards

- 7.1 We understand that the Commission will want to ensure that it funds well-managed organisations which can demonstrate their ability to deliver good quality services.
- 7.2 However, we are anxious that the Commission should not duplicate quality standards that already exist in the advice sector and suggest that you may want to consider passporting organisations which meet some existing standards.
- 7.3 For example, some 400 advice agencies and Law Centres have contracts with the Legal Services Commission to deliver legal advice. These organisations are required to meet the Specialist Quality Mark (SQM) – a quality assurance system which, for example, sets out minimum supervision arrangements and equalities requirements. Unfortunately, it is our understanding that the SQM is now only available to organisations that wish to contract with the Legal Services Commission.

⁴ <http://www.cabinetoffice.gov.uk/media/107235/consortium%20guide%20final.pdf>

- 7.4 Similarly, approximately 2,000 organisations have in the past achieved the General Help Quality Mark. Unfortunately, the Legal Services Commission has ceased to support this standard. However, the Working Together for Advice Project, referred to in paragraph 4.4 above, is developing a national scheme for accrediting agencies providing advice services at the current General Help Quality Mark level. Our aim is to deliver a piloted and sustainable quality mark for the advice sector by the end of 2010.
- 7.5 We are very willing share our experiences with Commission staff and to work to ensure that there is no duplication.

8 Partnership arrangements – a local compact

- 8.1 We welcome the suggestion that the Commission should develop a “local” Compact with the voluntary sector. Our understanding is that the Commission is subject to the Compact, as agreed by the Westminster Parliament. However, a negotiated agreement based on the existing English Compact and which applies to all the home countries covered by the Commission would be a very helpful development. In particular, we would welcome support from the Commission for the principle of full cost recovery.
- 8.2 ASA and its members are very willing to take part in developing such an agreement/document.

9 Practical implications

- 9.1 We understand that the EHRC needs to manage funding over a three year period. It may be that 3-year strategic grants will need to be made at the beginning of the three year period, but that project funding will need to be phased.

10 Appendix: legal advice and casework

- 10.1 As we have already stated in paragraph 2.5, we are unclear about whether this consultation covers the Commission's future plans for funding legal advice and casework.
- 10.2 It is our understanding that, during the interim period 2008-9, some £3.3 million was allocated to legal advice and casework. This is, of course, a welcome contribution to the funding of discrimination and human rights advice in Wales, Scotland and England. However, it is also a relatively modest amount. On the assumption that each full-time adviser costs around £60,000 p.a.⁵ the current budget for legal advice and casework would fund some 55 FTE advisers - roughly one adviser per million head of population.
- 10.3 This amount is clearly inadequate, and we look forward to working with the Commission to secure an increase in the amount of funding available for this work.

⁵ This figure is based on an estimate of the cost of an advice worker on a full cost recovery basis. It is probably a conservative estimate - particularly for some areas of the country, such as London and the South East, where salary costs for experienced and skilled advisers are significantly higher.

- 10.4 As the Commission is aware, ASA has been awarded funding by the Big Lottery Fund to develop discrimination advice in England, working in partnership with our members⁶. The Project aims include increasing the availability of high quality discrimination advice.
- 10.5 As part of this work, we have been discussing with members how the Commission might best support the provision of legal advice and casework in discrimination and human rights. The proposals below outline a possible strategic approach, although we must make it clear that not all of our members agree with every aspect of the proposal. We hope that these ideas will assist the Commission in developing its thinking. We are, of course, very happy to meet with Commission representatives for further discussions.
- 10.6 We propose that the grants budget should be used to establish local or subregional advice partnerships or centres of excellence in Wales, Scotland and England. We acknowledge that, in the short term, the limited budget means that these will need to be regional or sub-regional.
- 10.7 We suggest that these partnerships or centres should be responsible for the following activities:
- undertaking legal casework and advice on behalf of members of the public
 - promoting equality and human rights by developing links and providing consultancy support and training to community groups, advice agencies, problem noticers and other organisations funded by the EHRC
 - raising public awareness of discrimination and human rights issues in their area as well as developing individual/community ability to respond to discrimination
 - using evidence from their work to effect change through campaigns and policy work.
- As we understand it, the first activity i.e. legal casework and advice would be funded from a casework grants budget.
- 10.8 We propose that a proportion of the general grants budget is combined with the legal casework budget to enable these partnerships or centres to deliver on all of the activities outlined in paragraph 10.7.
- 10.9 It is our experience that the public receive a significantly more coherent, accessible and effective overall service if legal casework and advice is combined with promotion and awareness-raising as well as campaigns and policy change. Our vision is that these partnerships or centres would be responsible for developing networks of agencies within their region who would work together to ensure that members of the public are given the advice they need. This network would also support policy initiatives to tackle systemic problems.
- 10.10 We further propose that the EHRC should invite advice agencies and other voluntary organisations to apply, including as partnerships or consortia, for grant funding to run these partnerships or centres in the countries/regions. We suggest that the criteria for selecting the organisations, partnerships or consortia best able to deliver could include:
- the ability to provide services that are accessible to individuals from all groups which are likely to experience discrimination.

⁶ Further details of this project, known as "Working Together for Advice" can be found on ASA's website <http://www.asauk.org.uk/go/wtfa>

- experience of providing good quality discrimination advice and representation or the ability to develop this capacity working to an agreed plan and timescale
- established links with local community groups, advice agencies and problem noticers, or the ability to create and maintain such links
- ability and experience of delivering training
- ability to gather and use client evidence for campaigns or informing policy change

10.11 We hope that these ideas are helpful, and look forward to further discussions with the Commission.