

Community Legal Service Partnerships: An Introduction

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1 Introduction

1.1 This briefing describes the structure and function of Community Legal Service Partnerships (CLSPs) in England and Wales. It also identifies some of the issues that have arisen from their operation since April 2000, many of which are considered in more detail in the discussion paper 'Partnerships and the Community Legal Service' published by Advice Services Alliance (ASA).¹ It is hoped that this briefing will be of interest both to agencies that are considering becoming involved with their local CLSPs and agencies that are already involved. Given the government's intention to carry out a review of the Community Legal Service during 2003, it is hoped that the briefing will help agencies to consider their involvement with CLSPs and what has been achieved to date.

1.2 This briefing discusses:

- the aims, objectives and core principles of CLSPs;
- the partners in a CLSP – who they are and what their roles are;
- the scope and tasks of CLSPs;
- the benefits of involvement in a local CLSP;
- the structure of CLSPs – which groups are supposed to do what;
- referral networks and protocols;
- the Partnership Innovation / Initiative Budget;
- the connection between CLSPs and the Quality Mark;
- issues concerning CLSPs;
- further sources of information.

1.3 The core document we refer to and quote from is *Guidance and Information for CLSPs, Issue 1 (December 2000)*, referred to throughout as "the Guidance". It was produced by the Legal Services Commission (LSC) Planning and Partnership Development team, and is available either from the LSC website www.legalservices.gov.uk or from any LSC Regional Office (details of which can also be found on the LSC website).

2 Providing the context: the aims of the Community Legal Service

2.1 The Community Legal Service (CLS) was launched in April 2000 and is being implemented by the LSC. Section 4 of the Access to Justice Act 1999 defines the purpose as being to ensure that people have access to information, advice and legal services (including, by implication, alternative dispute resolution services) that effectively meet their needs. This is subject to available resources and priorities. Section 4(6) places the LSC under a duty, in co-operation with other authorities, bodies and persons, to "facilitate the planning by other authorities, bodies and persons of what can be done by them" to meet the need for such services.

2.2 The aim is to address longstanding problems in the provision of, and access to, quality information, advice and legal services caused by a lack of co-ordinated local

¹ Written by Adam Griffith, dated July 2002, this paper is available via ASA's website: www.asauk.org.uk.

planning, a lack of referral between organisations and an absence of generally recognised quality standards. The CLS has several strands, including funding from the CLS Fund (which replaced the Legal Aid Fund), the work of CLSPs, the development of “a partnership approach to quality”, and the role of information technology, in the particular form of the CLS website, www.justask.org.uk.²

- 2.3 Although the LSC is under a duty to “facilitate the planning” by others of what they can do to meet the need for legal services, there is no duty on anyone else to participate in CLSPs. CLSPs are ultimately voluntary, although there are various incentives for others to participate. There are no statutory provisions setting out how CLSPs should be established, how they should function, or what they should do. The aims, objectives and procedures of CLSPs are, however, set out in the Guidance, which follows the ideas expressed in the government’s original consultation paper on the CLS.³

3 Community Legal Service Partnerships

Aims and objectives of CLSPs

- 3.1 The principal aims of CLSPs are to bring about the improvement of access to information, advice and legal services, greater local planning and co-ordination of these services, and enhanced referral between providers.
- 3.2 The intention of the LSC and the Lord Chancellor’s Department is that the development of CLSPs will ultimately create an integrated and universally accessible service that meets a recognised standard of quality, as represented by the Quality Mark.
- 3.3 To achieve this, CLSPs are expected to “jointly carry out (or commission) activities of mutual interest in promotion of the Community Legal Service”.⁴ The primary tasks include assessing local needs for information, advice and legal services, and mapping existing supply, to identify gaps in provision. CLSPs are expected to agree strategic plans that will inform funder members when making funding decisions, including the LSC via their Regional Legal Services Committees (RLSCs).⁵
- 3.4 It is hoped that the identification of new needs, or those not previously met, will lead to the provision of new services, such as outreach on an isolated estate that has no other access to advice, or expanded provision in a particular area of law or to a particular client group. In time, as the mapping of provision and the identification of unmet need is refined, it can also be anticipated that existing providers will be asked to re-focus some of their provision.
- 3.5 CLSPs do not have the power to directly commission either new services or the extension of existing ones. However, as discussed in section 10 below, the Partnership Innovation / Initiative Budget makes grants available for projects that have been endorsed by their local CLSP.

² ‘The Community Legal Service: A Consultation Paper’ (Lord Chancellor’s Department, 1999).

³ Ibid.

⁴ The Guidance, p.4.

⁵ Further information on RLSCs is provided at section 4 below.

CLSPS and other initiatives

- 3.6 Significant efforts are being made to link the agenda of the CLS with those of other initiatives concerned with tackling social exclusion and neighbourhood renewal. This work is being carried out by the LSC at national level, and by CLSPs at local level. A summary of the most significant of these initiatives, and the connections that have been made with them, is set out in Appendix II.

Core principles

- 3.7 According to the Guidance:

*“Each CLSP should determine its own most suitable structure which will vary with local circumstances. However, **all** should aim to be:*

- flexible and responsive to local needs;
- accountable to the local population;
- transparent in conducting tasks and decision making;
- focused on improving the provision of local legal and advice services to those most in need;
- inclusive and non-discriminatory in determining and renewing membership.”⁶

Who are the partners?

- 3.8 CLSPs are supposed to be made up of organisations that fund legal and advice services (such as the LSC, local authorities, local and national charities) and those who supply these services (including both solicitors in private practice and not-for-profit advice organisations).
- 3.9 Membership may also include groups that represent the interests of users of legal and advice services, such as community organisations, tenants’ and residents’ associations, and local organisations representing particular groups such as young people, older people, disabled people, or members of minority ethnic communities.⁷ Community and family mediation providers could also be added to this list.
- 3.10 Other potential partners might include other funders such as the Community Fund, local charitable organisations, private-sector funders including banks and building societies, and government bodies such as the Department of Health and the Probation Service.⁸
- 3.11 Other organisations that might be involved include health authorities, government offices or agencies, and other area-based initiatives or partnerships, eg New Commitment to Regeneration, ConneXions partnerships, Education Action Zones, Consumer Support Networks and local strategic partnerships.⁹
- 3.12 There are now over 200 CLSPs, covering almost the whole of England and Wales. Outside London many CLSPs cover more than one local authority area. Within

⁶ The Guidance, p.18.

⁷ The Guidance, p.8.

⁸ The Community Fund (in its previous guise as the National Lottery Charities Board) indicated that it would work to maintain information and communication links with the LSC and Lord Chancellor’s Department, but would not formally participate in any partnership activities. The Fund and the LSC are in dialogue about developing a national partnership, including the most practical ways of working together, given that the Fund operates regionally whereas CLSPs are local.

⁹ The Guidance, pp.9, 12–15.

London, the CLSP areas coincide with London borough boundaries.

Scope and tasks of CLSPs

- 3.13 The Guidance indicates that CLSPs must be “user” orientated and that the key underlying purpose of their activities is to improve the infrastructure of local information, advice and legal services. The Guidance recommends three key outcomes to work towards when organising the early work of a partnership:
- reducing unmet need and gaps in provision;
 - providing a seamless service for clients;
 - ensuring that clients are always able to access publicly funded services that are quality assured.¹⁰
- 3.14 The initial priority of a CLSP is to agree tasks that further the attainment of these objectives, including the following:
- assessing need for information, advice and legal services;¹¹
 - mapping existing provision of local services;
 - identifying gaps in provision where local needs are not being met;
 - consulting users and potential users of services about current and desired access to advice;
 - strategic planning of services;
 - co-ordinating funding of services;
 - establishing a referral network;
 - supplier development and promoting the CLS Quality Mark;
 - educating and providing information to the public about their legal rights and responsibilities and the availability of local legal and advice services.¹²

4 The role of the LSC in Community Legal Service Partnerships

- 4.1 The LSC is involved with the work of CLSPs in two different ways. Its eleven Regional Legal Service Committees (RLSCs) have a non-executive advisory and evaluation role. The executive role within the LSC is mainly carried out by the LSC’s Regional Planning and Partnership (RPP) teams, although LSC Account Managers are also increasingly involved.

Regional Legal Services Committees

- 4.2 RLSCs have the general function of advising the LSC on the establishment, maintenance and development of the CLS and, in particular, the most appropriate distribution of contracts under the CLS Fund.¹³

¹⁰ The Guidance, p.16.

¹¹ There are various types of needs assessment: some approaches focus on need for advice in specific categories of law, while others concentrate on the needs of particular client groups. More information on models and methodologies is provided in two documents published by the LSC: ‘Guidance on Local Assessment of Legal Need’ and ‘Predicting the Need for Legal Services – Models and Indicators’, both included in the paper edition of the Guidance (and also available as separate downloadable documents on the LSC website). For a further analysis see the report by the Legal Services Research Centre, *Local Legal Need* (LSC, 2001).

¹² The Guidance, p.16.

¹³ An outline of the roles of RLSCs and CLSPs is contained in the Guidance at Annex G.

- 4.3 RLSCs consist of a Chair (who is a member of the board of the LSC), the LSC's Regional Director, and external members with knowledge and experience of legal services, local authorities and the consumer perspective, who are appointed by the LSC.
- 4.4 The committees' work is facilitated by the LSC's Regional Planning and Partnership Manager, who provides the link with CLSPs in a given LSC region. The advice provided to the LSC by an individual RLSC will be based on the need for legal and related services in its region.
- 4.5 Prior to the launch of the CLS, RLSCs conducted regional needs assessment and supply mapping. This initial work formed the basis for further work to be carried out at a local level by CLSPs. In areas where a CLSP either does not yet exist or is at an early stage of development, the RLSC continues to be responsible for supply mapping and needs assessment, although only in respect of the population eligible for Legal Aid.¹⁴
- 4.6 RLSC recommendations to the LSC regarding the CLS Fund take account of the needs assessments and strategic plans of CLSPs in their region, where these are available. RLSCs now publish regional reports, including a list of priorities for Legal Aid contracts, which have formed the basis for regional contracting strategies prepared by the LSC regional directors.¹⁵

Regional Planning and Partnership teams

- 4.7 Each LSC Regional Office has a Regional Planning and Partnership (RPP) team based within it, which is headed by an RPP Manager. The team's job is to support the work of the CLSPs in a region, and they are increasingly being assisted in this role by LSC Account Managers. The RPP team should also compare the activities and findings of individual partnerships in order to identify patterns of common experience, share good practice (and reduce the extent to which CLSPs "reinvent the wheel"), and address discrepancies in the approaches that different CLSPs adopt.
- 4.8 RPP teams may also conduct mapping of provision of legal and advice services on a regional basis, to take into account the work carried out by suppliers who operate across catchment areas larger than individual CLSP boundaries.

5 Local authorities and CLSPs

- 5.1 The LSC recognises that the participation of local authorities in CLSPs is crucial. The Guidance proposes several models of local authority involvement, with councillors and officers being deployed in various combinations of role.¹⁶
- 5.2 Local authority involvement in CLSPs is not mandatory. Although the overwhelming majority of local authorities in England and Wales have now become involved in developing local partnerships, the extent of their involvement varies widely. There are, however, some incentives for local authority involvement, including the link to Best Value and the possibility of applying for Beacon status.

¹⁴ The Guidance, p.89.

¹⁵ The first of such reports and strategies were published in January 2003. Copies can be obtained from LSC Regional Offices or from the LSC website www.legalservices.gov.uk.

¹⁶ The Guidance pp.6–7.

Best Value

- 5.3 Under legislation introduced in 2000, local authorities are now obliged to carry out Best Value reviews of all the services they fund. In terms of reviewing advice services, Best Value applies both to in-house departments, such as Welfare Rights Units, and funded independent organisations. One of the Best Value Performance Indicators requires local authorities to record the percentage of their expenditure on legal and advice services which is spent on services that have been awarded the Quality Mark and meet a priority legal need identified in the CLSP strategic plan for their area.¹⁷
- 5.4 The purpose of Best Value is to secure continuous improvement of services with regard to economy, efficiency and effectiveness. Local authorities are obliged to review all the services that they fund or provide directly, on a rolling basis over a five-year period. Reviews should look at four separate elements (“the four Cs”):
- to *challenge* why and how a service is provided;
 - to *compare* performance with that of other providers (voluntary, public or private);
 - to *consult* with local communities;
 - the use of “fair” *competition* to ensure efficient services.
- 5.5 The fact that CLSPs are responsible for collecting and analysing data regarding advice services is an incentive for local authorities to become involved in CLSPs. By drawing on analysis that is already underway or completed, local authorities should be able to avoid unnecessary duplication of work when carrying out Best Value reviews.¹⁸
- 5.6 It has been pointed out, however, that the link between Best Value and CLSP activity is not entirely unproblematic, given the “implicit risk of funding cuts inherent in Best Value reviews”.¹⁹
- 5.7 Some advice providers and networks have also expressed a concern that, as local authorities become more aware of other sources of public funding to the local advice sector through conducting supplier mapping, they will seek to cut their own funding levels.
- 5.8 However, there are also potential benefits in local authorities becoming involved in comprehensive reviews of the need for, and availability of, information and advice. For example, Manchester City Council, in partnership with the LSC, has undertaken a review of all advice services, in recognition of the role that advice plays in tackling social exclusion. The review aimed to identify all expenditure on legal services paid for by the LSC or the Council (and ultimately spending by all public funders). Having completed the review, the Council and the LSC proceeded to work on a joint funding plan for legal services in Manchester.²⁰ This exercise was intended to replace proposed local Best Value reviews for any work that comes under the CLS umbrella.

¹⁷ BVPI 177 (as amended).

¹⁸ See Moorhead, R. (2001), ‘Community Legal Services and the Beacon Council Scheme – Briefing Report to the DETR’, p.4. Available at www.local.dtlr.gov.uk/research/beacyr3/legal

¹⁹ *Ibid*, p.8.

²⁰ ASA has been informed that the joint funding plan is intended for implementation from April 2003 onwards.

Beacon Councils

- 5.9 The Beacon Council Scheme is a government initiative designed to promote best practice by local authorities. Councils are encouraged to apply for Beacon status by demonstrating good overall performance in up to three main areas or themes, which are nominated by the government.²¹ One of the themes for 2002/3 was the CLS, for which fourteen local authorities were shortlisted, eight of which were successful.
- 5.10 As a condition of achieving Beacon status for the CLS theme, councils should “be able to demonstrate that participation in the local partnerships has led to decisions about funding and services being made in relation to identified local needs, priorities for advice services and the plans of local partners” and “should also show a commitment to becoming involved with other local partners in joint projects and activities to improve advice services”. They will also “be expected to show how through the CLS local people will benefit because they have provided services in more efficient, innovative ways, such as through working with other partners, applying new technology, encouraging outreach services or establishing new advice services”.²²

6 What can your organisation gain from involvement with your local CLSP?

- 6.1 The LSC acknowledges the critical role that advice providers can play in the strategic planning of services, based on their knowledge of local issues and needs. This experience places them in a key position to identify means of improving and reorganising existing services. Providers can be involved in a number of different ways, such as membership of the CLSP’s steering group, working groups or functional groups (see section 7 below), or by attending consultation events or responding to consultations.
- 6.2 The LSC’s aim is that involvement with your local CLSP will enable your organisation to contribute to and influence local discussion and planning on issues relating to advice need and provision in your area, and to liaise with local funders about the service you provide and the needs of your organisation. However, there is no compulsion to participate in your local CLSP, even if your organisation has been awarded a CLS Fund contract.
- 6.3 CLSPs should also provide the opportunity for different individual organisations and types of organisation to gain a clearer picture of the services that other local suppliers provide, which may in turn improve referral links. Providers’ forums may be particularly useful in this regard (see Appendix III for more information).
- 6.4 By meeting with funders in a context that is wider than a meeting to discuss a specific funding request, it is hoped that advice providers will also be able to communicate more clearly their case for maintaining ongoing funding for services that may otherwise be reduced or removed.
- 6.5 With the exception of certain specific areas such as homelessness, there is no statutory obligation on local authorities to fund advice. The existence of an active

²¹ Previously under the Department for Transport, Local Government and the Regions, the Beacon Council Scheme now comes under the Office of the Deputy Prime Minister.

²² Beacon Council Scheme Application Brochure 2001; more information on the Beacon Council Scheme can be found at www.idea.gov.uk/beacons.

CLSP should raise the profile of advice and enable providers to present the case for the importance of council-funded advice services with a unified voice.

- 6.6 A CLSP with active provider and local authority involvement can also be a forum for useful dialogue about matters other than funding. It has the potential for widening the initial scope of discussion to include social policy issues of mutual relevance, such as the quality of local authority statutory services as this relates to the problems raised by the clients of advice providers.
- 6.7 Partnership involvement on the part of organisations that assist specific client groups can provide opportunities to present a case for appropriately targeted services and to explain and raise the profile of the particular advice and information needs of those groups.

7 The Structure of partnerships

7.1 In devising best practice guidance on how to structure CLSPs, the LSC drew on the experiences of Pioneer and Associate Pioneer partnerships.²³ The following component bodies were created by the majority of these pioneer organisations and deployed in various combinations:

- steering group/executive body;
- working groups;
- functional groups;
- a wider partnership.

The steering group

7.2 The primary functions of the steering group are to manage the process of progressing specific tasks necessary to develop an effective partnership and to maintain a strategic overview of its activities. The LSC advises that the membership of the steering group should (as a minimum) include the following:

- at least the majority (and preferably all) the local authorities within the area covered by the CLSP;
- the LSC;
- other funders of local services (where they exist);
- providers of local legal services from both the private and not-for-profit (NfP) sector;
- community organisations or user groups.²⁴

7.3 The LSC envisages that the first task of the steering group will be to agree terms of reference covering:

- name and membership of the partnership;
- objectives, tasks and responsibilities and their priority for the partnership;
- constitutional arrangements (the composition of steering and working groups and how these will operate);

²³ These were established to try out the partnership idea before CLSPs were established on a national basis. See Moorhead, R. (2000), *Pioneers in Practice*, Lord Chancellor's Department.

²⁴ The Guidance, p.20.

- means of communication between individual members and component bodies within the partnership.²⁵
- 7.4 The Guidance recommends that minutes of steering group meetings should be circulated to all partners in the wider partnership.²⁶ It also suggests that representatives of funders and providers on the steering group should provide the link with the wider partnership through their membership of functional groups (see paragraph 7.6 below). They will be able to represent their particular constituencies, contribute to steering group decisions, and feed back to their sub-groups.

Working groups

- 7.5 Working groups, which report to the steering group, are responsible for the effective functioning of the partnership and will be expected to carry out the following tasks:
- supplier mapping – designing, issuing, collecting and analysing questionnaires;
 - needs assessment – reviewing existing data and commissioning or undertaking new work;
 - developing a referral network – canvassing the support/likely involvement of potential participants, designing referral and monitoring mechanisms and material, and producing a referral directory.²⁷

Functional groups: funders, providers and users

- 7.6 “Functional groups” is the collective term used by the LSC to describe groups of individual organisations within a CLSP that may come together on the basis of shared interest and identity to discuss common concerns and develop co-ordinated strategies. The three types of functional groups proposed are those comprising funders, providers and users. The aim is that these groups are not only able to discuss the strategy and development of the CLSP amongst themselves, but can also nominate delegates to the steering group and monitor, support and participate in the activities of the working groups.
- 7.7 There are a number of advantages in becoming involved in, or setting up, providers’ forums composed of representatives of local advice providers. An example of the development of providers’ forums is contained in Appendix III.

Funders’ groups

- 7.8 The LSC views the role of funders’ groups as being a forum for those who pay for services to engage in discussions that is separate from service providers themselves. The Guidance stresses that in the interests of transparency “it is vital that the outputs of any Funders’ Group should be widely communicated to the CLSP at large, and the outcome of meetings should therefore be documented and circulated”.²⁸

Regional groups

- 7.9 Regional funders groups may also be set up, to enable organisations with a regional representation or structure to be involved in the work of CLSPs in a way that avoids the need to attend all the relevant meetings held by individual CLSPs within their regional catchment area. Where national umbrella organisations, such as Citizens

²⁵ The Guidance, pp.20–21.

²⁶ The Guidance, p.20.

²⁷ The Guidance, p.21.

²⁸ The Guidance, p.22.

Advice, the Law Society or other bodies such as the Local Government Association have a regional structure, the regional group may be extended to include them.²⁹

8 Initial tasks of CLSPs

Drafting a concordat

- 8.1 Once the potential members of a partnership have been identified, the Guidance suggests that a “concordat” should be agreed and signed by all the partners to formalise the establishment, composition and structure of the CLSP and establish the partners’ roles and relationships with each other. The Guidance suggests that signing such a document when a steering group is set up effectively brings the CLSP into existence.

Agreeing responsibilities and delegating activities

- 8.2 Once the membership of the steering group and working groups has been agreed, the steering group will be responsible for delegating activities to working groups and setting deadlines for completion. These activities include but are not limited to:
- mapping existing supply of information and advice provision;
 - assessing local need for information and advice;
 - identifying gaps in provision based on a comparison between need and supply;
 - developing a referral network, referral mechanisms and a referral directory;
 - developing a strategic plan based on needs assessment, supplier mapping and gap analysis.³⁰

The strategic plan

- 8.3 Among the key aims of a strategic plan are the following:
- to act as a first step towards co-ordinated funding;
 - to bring together and summarise the results of data gathering and analysis and the conclusions to which these have led;
 - to ensure and record agreement on priorities and future plans;
 - to provide a document to present to external bodies with a view to influencing their funding decisions.³¹
- 8.4 The Guidance recommends that, in addition to the collation and analysis of results of needs assessment, supplier mapping and gap analysis, the plan should include a statement of the CLSP’s aims and objectives, information on current funding by partners, and recording of agreed areas and methods of consultation.

Baseline requirements for CLSPs

- 8.5 Annex A of the Guidance sets out “baseline requirements”, which are defined as the minimum levels of service and organisation that an “active” partnership should have achieved by the end of its first year. The key points are:
- the establishment of a steering group with agreed objectives and terms of reference;

²⁹ The Guidance, p.22.

³⁰ The Guidance, p.16.

³¹ The Guidance, p.54.

- completion of a needs assessment;
- a survey of the local population;
- supply mapping;
- an outline strategic plan;
- consultation on the plan;
- an agreed referral protocol and draft referral documentation;
- a concordat, signed by at least the members of the steering group, supporting and reflecting the strategic plan.

9 Referral networks and referral protocols

9.1 One of the core functions of CLSPs is to bring together organisations offering legal information and advice services in local referral networks to ensure that the public has access to legal help and advice (and mediation) of the right type, at the right level, and which is quality assured.

9.2 Referral network members could potentially include solicitors, Citizens' Advice Bureaux, Law Centres, other local advice agencies, local authority services (including libraries), community centres, family and community mediation providers, and a range of other organisations providing information and advice.

Developing referral systems

9.3 Section 3 of the Guidance provides detailed information about the issues that need to be considered and the steps that need to be taken in order to set up an effective local referral system. It recommends that advice providers (both private practitioners and NfP organisations) either set up a working group distinct from the steering group or arrange meetings through the local providers' forum, if one exists. The purpose of these meetings is both to develop relationships of trust between individual organisations and types of advice provider, and to discuss/clarify the following points:

- why a coherent local referral system is necessary;
- who the local client population is and what their needs are;
- what practices are currently followed when referrals need to be made;
- what barriers stand in the way of developing a referral system.³²

9.4 A discussion of the potential benefits of devising a referral system should form a basis for agreeing the objectives and criteria of a local referral network, such as providing a guarantee of quality assurance and devising mechanisms for dealing with enquiries that fall outside the remit of the CLS.

9.5 CLS Support Quality Mark briefing no.7 "Signposting and Referral"³³ discusses Quality Mark signposting/referral requirements in detail.

Practical steps towards ensuring an effective local referral network

9.6 Once initial objectives and criteria have been agreed the following practical tasks will need to be undertaken:

- designing a referral protocol, ie a statement of aims and principles;

³² The Guidance, p.37.

³³ Available from ASA.

- devising standard documentation to facilitate referral and provide a basis for monitoring the referral system;
- compiling a local supplier directory.³⁴

10 The Partnership Innovation / Initiative Budget

- 10.1 In 2001, the Lord Chancellor's Department (LCD) created a £15 million Partnership Innovation Budget (PIB) to be allocated over a three-year period. Grants were awarded to organisations submitting successful bids for the delivery of innovative advice and information services. All bids were required to have the endorsement of the local CLSP, and bidders were obliged to guarantee match funding from another source. A total of 76 organisations have been awarded grants from a first round of bids.
- 10.2 Under the terms of the renamed Partnership Initiative Budget, a further £6 million will be allocated over a further three-year period from June 2003. The focus of the second round is on getting services to excluded/priority groups with specific relation to community legal education projects and/or projects that develop or promote links between community groups and legal advice providers.³⁵

11 CLSPs and the Quality Mark

- 11.1 The CLS Quality Mark is a quality standard for advice, information and legal services and has several levels corresponding to different types of provision.³⁶ The LSC's intention is that the Quality Mark will become a generally recognised quality standard for information and advice services. For more information, please refer to CLS Support Quality Mark briefing no. 1, "Introduction to the Quality Mark".³⁷
- 11.2 As noted above, a "partnership approach to quality" is seen by the government as a key feature of the CLS, and the promotion of the CLS Quality Mark is one of the initial priorities for CLSPs, according to the Guidance. A further link is made by the Best Value Performance Indicator mentioned in paragraph 5.3 above.
- 11.3 A report on the CLS published in February 2002 by the LSC notes that
*"the Quality Mark had an undocumented link with the development of partnerships, in that it became both a 'carrot' and a 'stick' to potential participants. (A carrot in the sense that the partnerships would benefit from knowing that providers at all levels were reaching required levels of quality; a stick in the sense that it became clear to provider participants that before long their funding from all sources might be dependent on Quality Mark accreditation)."*³⁸
- 11.4 There has therefore been an increasing trend by other funders, especially local authorities, to require agencies to have the appropriate Quality Mark (or to achieve it by a specified date) as a condition of further funding.

³⁴ See section 3 of the Guidance for further details of these matters.

³⁵ Bids had to reach the relevant RLSC by 31st January 2003.

³⁶ There are five different levels within the Quality Mark – Self-help Information, Assisted Information, General Help, General Help with Casework, and Specialist. The LSC has also prepared other Quality Marks in relation to specific forms of legal services.

³⁷ Available from ASA.

³⁸ 'Post-Implementation Review of the Community Legal Service' (LSC, 2002) p.29.

- 11.5 Advice providers and networks have, however, expressed concern that local authorities will make the amount of funding an organisation receives contingent on the level of the Quality Mark that the organisation has applied for.
- 11.6 Most LSC Regional Offices are involved in providing development and training support to advice providers who are working towards the Quality Mark, either through RPP teams, contracting teams, or a combination of the two. Further help in working towards the Quality Mark is available from a number of sources including individual advice networks and ASA's CLS Support Project.

The Quality Mark and referral arrangements

- 11.7 The Quality Mark requires that organisations applying at General Help level and above have signposting and referral arrangements in place, and that Assisted Information level organisations have systems for signposting.
- 11.8 There are differing requirements at all levels of the Quality Mark (except the Self-help Information level), that prescribe the extent to which organisations should have regard to, or incorporate, local CLSP referral arrangements. In terms of meeting Quality Mark requirements, however, there is no absolute compulsion at any level of service to use standard documentation or follow local CLSP referral arrangements.
- 11.9 Similarly, there is no overarching obligation imposed by the LSC stipulating that referral protocols must fully comply with Quality Mark requirements relating to signposting and referral. However, the LSC has recommended that:
- Quality Mark terminology should be used in all referral protocols.
 - Referral protocols should not conflict with Quality Mark requirements.
 - Where applicable, protocols should be explicit that they do not fully meet Quality Mark requirements.

12 Issues concerning partnerships³⁹

- 12.1 Things are not always quite as simple and straightforward as sometimes seems to be suggested by the Guidance. CLSPs exist in the real world, involving organisations, groups and individuals who have their own interests and agendas, however strong their commitment may be to the aims of the CLS and the objectives of CLSPs.

- 12.2 This is recognised in what is perhaps the key passage in the Guidance:

“Working towards any measure of joint strategy requires a number of issues to be explored in the CLSP. In particular, it is important that an understanding of each other’s approaches is established early in the process of the Partnership. The issues to be explored include:

(a) each organisation’s role and expectations in relation to the Partnership;

(b) how the CLSP fits with the organisation’s broader objectives;

(c) the constraints under which each organisation operates;

³⁹ For a detailed analysis of the problems and issues concerning CLSPs, see the discussion paper published by ASA, ‘Partnerships and the Community Legal Service’, by Adam Griffith (2002), available on the ASA website at www.asauk.org.uk.

(d) the issues they perceive in joint-working;

(e) the possibility of leverage under joint or complementary initiatives; and

*(f) the role of the organisation's representative on the Partnership and the process by which they influence the organisation's funding decisions."*⁴⁰

- 12.3 It must also be recognised that CLSPs operate under significant constraints. In particular:
- There is no obligation on anyone other than the LSC to participate.
 - There is no duty on anyone apart from the LSC to fund services.
 - No resources or funding are provided to assist the work of CLSPs, apart from the LSC's Partnership Support Fund.⁴¹
 - There are no financial incentives to encourage participation, or further the agreed aims of the CLSP, apart from the Partnership Innovation / Initiative Budget.
- 12.4 Advice networks and providers have expressed concern that a lack of resources to carry out the tasks associated with an active CLSP may result in needs assessment and supplier mapping being carried out on an inadequate basis. A further concern is that the strain on staff resources created by involvement in a CLSP is proportionately far greater for small advice organisations than it is for larger ones.
- 12.5 Serious issues have also arisen about the balance between the different partners involved in CLSPs in terms of the commitment they have shown, the extent of their participation, the resources they are able and willing to contribute, and the power they have wielded within CLSPs.
- 12.6 Although the Guidance specifies the initial tasks which CLSPs are expected to carry out and the "baseline requirements" they are expected to meet, there is no effective procedure for monitoring CLSPs or holding them to account. The local RLSC will consider the recommendations made by CLSPs in its area, in terms of the award of Legal Aid contracts by the LSC, but neither the RLSC nor the LSC (nor indeed the Lord Chancellor's Department) has any power to tell CLSPs what to do or any sanctions to impose if CLSPs do not behave as they are expected to do.
- 12.7 There is an unresolved question about the place of alternative dispute resolution (ADR) within the CLS, and therefore within the remit of CLSPs. The Access to Justice Act 1999, section 4(2), lists the services within the CLS as including "the provision of help in preventing, or settling, or otherwise resolving, disputes about legal rights and duties". This passage is cited in the preface to the Guidance. Beyond this mention, however, the Guidance is silent about the place of ADR within the CLS and therefore within the remit of CLSPs. In general, it would seem that CLSPs have failed to consider the role of or need for ADR services when analysing need and preparing their strategic plans.
- 12.8 Some further concerns about CLSPs have been raised by organisations and individuals with whom we have consulted in the course of drafting this briefing:
- the possibility that CLSPs, through their steering groups, will become dominated by a small number of large, well-resourced advice providers, leading to the needs of specific client groups – which are serviced by small, under-resourced organisations – being overlooked;

⁴⁰ The Guidance, p.55.

⁴¹ This is used to contribute to the administrative and running costs of CLSP-related activities, such as room hire or photocopying charges for training events convened by LSC Regional Offices.

- where unmet need is identified, a concern that funding to provide new services is more likely to be awarded to larger “mainstream” organisations. It might therefore be necessary to ensure that, where a need for advice by a specific client group has been identified, an organisation that already targets their service to that group is involved in the steering group, if only on a temporary, co-opted basis;
- a view by some organisations that the agendas of individual CLSPs are being dominated by local authorities and the LSC, without sufficient scope for the views of the NfP advice sector to be heard;
- a tendency within some CLSPs for funders (other than the local authority and the LSC) and users to be far less involved than providers.

12.9 Many of these issues were highlighted in a ‘Post-Implementation Review’ of the CLS, as at April 2001.⁴² The findings included the following:

- There have been varying degrees of commitment and interest shown by local authorities. Clarification is needed as to the duties of local authorities and whether they should be required to participate in CLSPs.
- There has been a lack of solicitor participation in some CLSPs.
- Many CLSPs were over-dependent on LSC resources. This would often create a resulting imbalance in the partnership, due to the fact that one partner was doing a lot of the work.
- Some advice sector providers felt threatened by the close relationship between local authorities and the LSC.
- In some partnerships the agenda of the funding organisations did indeed dominate the CLSP.
- There have been tensions between funders on the one hand and providers on the other, and a failure by local authorities to recognise possible conflicts of interest.
- There have been tensions between one funder and another, especially when the local authority needs to achieve budget cuts. This has led some NfP providers to “wonder whether the CLS partnerships add real value to the local situation”.
- Partnerships felt that they were facing a tight timetable, with a “top down” agenda, which meant that they required significant input from the LSC in terms of resources, tasks were performed in a hurry, outputs were compromised, and there were “some fundamental flaws in key areas – the assessment of need, for example, which appears to be simply too big a task for the available resources.”
- Many participants reported “partnership fatigue” due to the proliferation of different but related initiatives. There was also a conflict with new initiatives, eg neighbourhood renewal and local strategic partnerships.

12.10 The review concludes by analysing the most significant risks attached to CLSPs, which it describes as follows:

- political change, both locally and nationally – CLSPs are fragile and could be damaged by a change of political direction;
- the problematic role of the LSC, which dominates many partnerships by being the only organisation to commit significant resources;

⁴² See n.38 above. The report was written by Rachael Naylor, who was then the Development Manager (Planning and Partnership) at the LSC. It covers the period up to April 2001 and was published by the LSC in February 2002.

- local authorities cutting funding to advice services – such cuts are entirely outside the control of the CLS unless a statutory funding duty is imposed on local authorities;
- conflict between funders and providers;
- the loss of key individuals in partnerships;
- new initiatives dominating the local partnership agenda, such as neighbourhood renewal.⁴³

13 Further information

- Appendix I to this briefing explains where you can obtain further information about CLSPs.
- Appendix II discusses other social exclusion initiatives relevant to the work of CLSPs.
- Appendix III provides further information about providers' forums.
- ASA employs a policy officer with particular responsibility for CLSPs. If you have any partnership-related issues that you wish to raise, please contact Adam Griffith on 020 7939 0772 or at adam.griffith@asauk.org.uk.

Appendix I: Further information about CLSPs

- Organisations wanting more information about, or wishing to become involved with, their local CLSP should contact their LSC Regional Office and ask to speak to a member of the Regional Planning and Partnership team.
- Many LSC Regional Offices publish their own newsletter – find out if yours does and ask to go on the mailing list.
- The LSC publishes a quarterly newsletter, “CLSP News”, which reports on regional initiatives developed by individual CLSPs and details links being developed with government initiatives such as the Consumer Support Network and ConneXions. Each newsletter focuses on a particular theme, such as referral or the advice needs of young people, and always includes an update on Quality Mark developments.
- *Guidance and Information for CLSPs, Issue 1 (December 2000)*, compiled by the LSC's Planning & Partnership Development team, is available on the LSC website, www.legalservices.gov.uk, and on request from any LSC Regional Office. The Guidance is based on the Development team's own research and consultation with CLSPs and incorporates best-practice guidance provided by CLSP Pioneers, umbrella organisations (ASA, advice networks and the Law Society), government representatives, and some individual NfP advice providers and solicitors. The LSC intends to update the Guidance in due course.
- The CLS website www.justask.org.uk contains basic information on CLSPs generally and details of the majority of partnerships, such as area covered and the partners involved.
- The LSC has published guidance and information relating to needs assessment in the form of two documents – ‘Guidance on Local Assessment of Legal Need’ and ‘Predicting the Need for Legal Services – Models and Indicators’. These are included in *Guidance and Information for CLSPs*, and are also available as separate documents on the LSC website.

⁴³ ‘Post-Implementation Review of the Community Legal Service’ (LSC, 2002), pp.43–44.

- A further analysis of the issues arising in needs assessment is contained in *Local Legal Need*, a research paper by the Legal Service Research Centre published in January 2001 by the LSC.
- advice^{uk} London Region's briefing on providers' forums can be requested from John Mulligan, FIAC London Region Development Team Manager, 12th Floor, New London Bridge House, 25 New London Bridge Street, London, SE1 9ST (tel: 020 7407 6622; email: john.mulligan@adviceuk.org.uk).
- ASA have published a discussion paper, 'Partnerships and the Community Legal Service', by Adam Griffith, which can be obtained from ASA (currently for £7.50) or downloaded from ASA's website, www.asauk.org.uk.

Appendix II: CLSPs and other social exclusion initiatives

Neighbourhood renewal and local strategic partnerships

In January 2001, the government launched its 'New Commitment to Neighbourhood Renewal: A National Strategy Action Plan', with the stated intention of "narrowing the gap between deprived neighbourhoods and the rest of the country, so that within 10–20 years no-one should be seriously disadvantaged by where they live. The aim is to deliver economic prosperity, safe communities, high quality education, decent housing, and better health to the poorest parts of the country".⁴⁴ The emphasis generally is on better use of existing budgets, by more appropriate targeting and delivery. Additional funds for the most deprived 88 local authority areas are, however, provided through the Neighbourhood Renewal Fund.⁴⁵

The plan is to be implemented nationally by the Neighbourhood Renewal Unit, supported by the Government Offices for the Regions, via a range of methods, including:

- redrafting the programmes of relevant government departments so that services can be focused on the 88 identified priority areas;
- involving local communities and residents through the creation of Community Empowerment Networks (supported by the Community Empowerment Fund and Neighbourhood Renewal Community Chests);
- creating local strategic partnerships (LSPs).

LSPs are intended to "bring together public, private and voluntary sector service providers with the community and business sectors to help co-ordinate national and local initiatives to improve people's quality of life".⁴⁶

LSPs are not restricted to the 88 priority areas and are being set up in many areas of the country. The intention is that they will develop and deliver local neighbourhood renewal strategies and co-ordinate the work of other local partnerships, including CLSPs.

CLSPs are therefore seeking representation on all LSPs, with varying degrees of success to date.

⁴⁴ The Vision for Neighbourhood Renewal (on www.neighbourhood.gov.uk)

⁴⁵ For an overview, see Ali Gee, *Regeneration and Renewal: A Good Practice Guide for London Advice Agencies* (LASA, 2002)

⁴⁶ Supporting Communities (on www.neighbourhood.gov.uk).

ConneXions

ConneXions is a partnership-based government scheme created by the Department for Education and Skills (DfES) to provide guidance, advice and support to young people, primarily on issues relating to education, training, skills and employment. Individual support to young people is provided by ConneXions personal advisers.

ConneXions and CLSPs are required to conduct similar tasks in their respective areas of responsibility, such as needs assessment and supply mapping. In the view of Youth Access, “there is considerable scope for linking the work carried out by CLS and ConneXions partnerships, eg through the development of cross-initiative referral networks, supply mapping and needs assessments, to improve young people’s access to appropriate information and advice services”.⁴⁷

The LSC and Youth Access, working both separately and in tandem, have established links with ConneXions. The LSC states that links are being made with ConneXions at national, regional and local level on issues of planning, policy and quality assurance. ConneXions partnerships are represented on a number of CLSPs and vice versa. For example, Middlesbrough CLSP and Tees Valley ConneXions have been funded by the Partnership Innovation Budget (PIB) for a worker to raise awareness of legal issues among project staff and provide diagnostic, general help and referral services for young people.

Sure Start

Sure Start is a cross-departmental government initiative managed by the Sure Start Unit. Its overall aim is “to work with parents-to-be, parents and children to promote the physical, intellectual and social development of babies and young children – particularly those who are disadvantaged – so that they can flourish at home and when they get to school, and thereby break the cycle of disadvantage for the current generation of young children”.⁴⁸ The government is rolling out the scheme through the creation of local Sure Start programmes, based in areas with high levels of child poverty.

For example, West Somerset Advice Bureau has been funded by the PIB to provide advice and information to parents and prospective parents on issues such as benefits, returning to work and debt matters. This work is being carried out in partnership with Sure Start, from whose premises the service will be provided.

Better Government for Older People

The Better Government for Older People (BGOP) Network is the legacy of the BGOP Programme, a partnership between central and local government, the voluntary sector (including Age Concern and Help the Aged), academia and older people themselves. The Network acts as an advice and development forum for local authorities, other service providers, older people and organisations that represent them.

The aims of the original programme were to “improve services for older people by:

- Better meeting their needs
- Listening to their views and

⁴⁷ Youth Access (2001), ‘Building links between the Community Legal Service and ConneXions – a summary for ConneXions Service planners’, p.2.

⁴⁸ www.surestart.gov.uk.

- Encouraging and recognising their contribution.”⁴⁹

The majority of the programme’s work was conducted through 28 pilots led by local authorities and involving partnerships between central government and the voluntary, private and community sectors, and older people themselves.

The LSC’s Planning and Partnership Development team has made links with the BGOP at national, regional and local levels on planning, policy and community consultation issues.

Appendix III: Providers’ forums

advice^{uk} London Region (formerly FIAC London Region) is actively involved in the promotion and development of information and advice providers’ forums as a means of ensuring that the needs and priorities of providers are clearly voiced within the context of CLSPs. The intention is that organisations will be more likely to commit to active CLSP involvement if they can see the benefits of doing so in terms of greater control over the direction of partnership activities.

advice^{uk} London Region has initiated provider forums in several London boroughs, where it is responsible for arranging and servicing meetings and facilitating discussions between local information and advice organisations.

In advice^{uk} London Region’s view there are a number of practical potential benefits in becoming involved with providers’ forums, including the following:

- Forums provide an opportunity for consultation and information exchange between steering group members and the wider advice sector on issues such as the appropriateness of referral protocols/documentation or needs assessment models.
- The workload generated by partnership-related activities can be shared among a larger number of organisations.
- Provider forums create the opportunity for greater involvement from traditionally marginalised small organisations, particularly those providing a service to refugee or migrant communities.
- Referral protocols are likely to be tailored more closely to existing local services, and there will be an opportunity to break down historical relationships of mutual mistrust between providers, where these exist.
- Providers acting together will be likely to feel more confident about raising social policy issues related to local authority services (such as housing benefit maladministration) than they would have been as isolated individual organisations.
- Forum members can create economies of scale by pooling resources for the joint provision of activities such as training.

advice^{uk} London Region has published a briefing paper on local providers’ forums, which includes good-practice notes on composition, structure, servicing and communication among members. If you would like a copy, please refer to Appendix I for contact details.

⁴⁹ The lead central government department involved in BGOP is the Cabinet Office. BGOP Programme objectives are listed on the Cabinet Office website at www.cabinet-office.gov.uk.