



SCOTTISH EXECUTIVE

Legal Information and Advice Provision in Scotland: A Review of Evidence

Legal Studies



**LEGAL INFORMATION AND ADVICE SERVICES
IN SCOTLAND:
A REVIEW OF EVIDENCE**

**Blake Stevenson Ltd
with OPM**

**Scottish Executive Social Research
2003**

The views expressed in this report are those of the researchers and do not necessarily represent those of the Department or Scottish Ministers.

© Crown Copyright 2003

Limited extracts from the text may be produced provided the source is acknowledged. For more extensive reproduction, please write to the Chief Research Officer at the Office of Chief Researcher, 3rd Floor West Rear, St Andrew's House, Edinburgh EH1 3DG

ACKNOWLEDGEMENTS

We would like to thank all those interviewed during the course of this research for their time and expertise.

Blake Stevenson Ltd

OPM

CONTENTS

1	INTRODUCTION	1
2	AIMS AND METHODS	2
	AIMS	2
	METHODS	2
3	INFORMATION TECHNOLOGY	3
	ON-LINE PROVISION	3
	TELEPHONE HELPLINES	5
	IT TOOLS AND SYSTEMS USED BY ADVISERS	9
	EMAILS, FAXES AND OTHER IT TOOLS	12
	OVERALL USAGE OF IT	13
	BARRIERS TO IT	14
	ISSUES RAISED	16
	KEY CONSIDERATIONS FOR THE DEVELOPMENT OF COMMUNITY LEGAL SERVICES IN SCOTLAND	16
4	IMPROVING ACCESS: OUTREACH AND REFERRAL	18
	OUTREACH	18
	REFERRAL	23
	KEY CONSIDERATIONS FOR THE DEVELOPMENT OF COMMUNITY LEGAL SERVICES IN SCOTLAND	29
5	QUALITY ASSURANCE	30
	REVIEW OF LITERATURE	30
	QUALITY ASSURANCE IN PRACTICE	33
	KEY CONSIDERATIONS FOR THE DEVELOPMENT OF COMMUNITY LEGAL SERVICES IN SCOTLAND	41
6	CONTRACTS FOR CIVIL LEGAL AID IN ENGLAND AND WALES	42
	INTRODUCTION OF CONTRACTING	42
	CONTROLLING COST AND QUALITY THROUGH CONTRACTS	47
	IMPACT OF CONTRACTING ON SUPPLIERS	51
	CHANGES IN SERVICE PROVISION AND ACCESS	52
	CONCLUSIONS AND CONSIDERATIONS FOR THE DEVELOPMENT OF COMMUNITY LEGAL SERVICES IN SCOTLAND	60
7	THE ROLE OF LAWYERS AND NON-LAWYERS	62
	EVIDENCE FROM THE LITERATURE REVIEW	62
	CURRENT PRACTICE IN SCOTLAND IN RELATION TO NON-LAWYERS AND LAWYERS	66
	KEY CONSIDERATIONS FOR THE DEVELOPMENT OF COMMUNITY LEGAL SERVICES IN SCOTLAND	68
8	CONCLUSIONS	70
ANNEX 1	LIST OF ORGANISATIONS INTERVIEWED	72
ANNEX 2	ELECTRONIC INFORMATION SYSTEMS	73
ANNEX 3	SELECTED BIBLIOGRAPHY AND ON-LINE REFERENCES	76

1 INTRODUCTION

1.1 In November 2001, the “Review of Legal Information and Advice Provision in Scotland” was published¹. This report examined how a community legal service (cls) in Scotland could be developed and structured. The Working Group that produced the report did not propose a blueprint for a community legal service but instead focused on a number of key recommendations for further work. Among these recommendations was the need for a review of evidence in a number of subject areas. A further subject (referral) was added after early discussions about the scope and purpose of the review. The areas included in the review are:

- information technology (IT);
- outreach delivery;
- referral;
- quality assurance schemes;
- the role of lawyers and non-lawyers; and
- contracting in England and Wales

1.2 The Scottish Executive commissioned Blake Stevenson Ltd, consultants in social and economic development, to conduct the Review and oversee the project. Blake Stevenson was asked to sub-contract the Office for Public Management (OPM) to conduct the review of the contracting system in England and Wales.

1.3 This report contains the results of the review and is set out as follows:

- Chapter 2 provides a summary of the methods used to undertake this review;
- Chapters 3 to 7 provide the analysis of findings for IT, Outreach and Referral, Quality Assurance, Contracting in England and Wales, and the Role of Lawyers and Non-Lawyers.
- Chapter 8 draws conclusions from the research for the future development of community legal services in Scotland.

¹ Review of Legal Information and Advice Provision in Scotland, Scottish Executive, 2001.

2 AIMS AND METHODS

AIMS

2.1 The overall aim of this project was to draw out key considerations for the development of a community legal service in Scotland by conducting a review of the existing evidence on the following subject areas:

- the use of information technology;
- improving access (outreach and referral);
- quality assurance schemes;
- contracting for civil legal aid in England and Wales; and
- the role of lawyers and non-lawyers.

METHODS

2.2 To address the main aim of this project, a review of existing literature was conducted and on-line searches were undertaken using key words from the topic list. The search period was from 1997-2002. The views of key stakeholders on each topic area were also elicited through a series of face-to-face interviews. A Steering Group for the Review was established at the outset comprising representatives from the Scottish Executive and from the Scottish Legal Aid Board (SLAB). The Group assisted the researchers to identify sources of evidence and potential interviewees.

2.3 We also followed up sources of evidence provided by those whom we interviewed. The level of evidence available varied from topic to topic. For example, there is a substantial amount of source material in relation to the use of information technology, but far less on referral.

2.4 There is a dearth of research material on contracting in England and Wales and, in particular, on the impact of contracting, which is still fairly new. However, some management information, policy statements and documentation about the contracting regime are available from the Legal Services Commission and the Lord Chancellor's Department. Investigations by the National Audit Office, and the Public Accounts Committee provide some analysis of some aspects of contracting – primarily the financial aspects – but not an evaluation of services.

2.5 We complemented the literature search by interviewing 34 key stakeholders in Scotland and England from the voluntary, public and private sectors. We interviewed representatives from local authorities (2), the Scottish Consumer Council (2), Communities Scotland (1), Law Centres and Citizens Advice Bureaux, in Scotland and the north of England (9), the Legal Services Commission (3), the Lord Chancellor's Department (1), Advice Services Alliance (2), Legal Action Group (2), Legal Aid Practitioners' Group (1), the Scottish Legal Aid Board (1), the Law Society (2), Glasgow Barristers Association (1), the Scottish Association of Law Centres (1) and key umbrella organisations in the voluntary sector including Citizens Advice Scotland (4), Money Advice Scotland (1) and Shelter (1).

3 INFORMATION TECHNOLOGY

3.1 This chapter reviews the evidence on information technology and the provision of legal advice and information. We undertook a search based on key words from the review title and the six topic areas and followed this up by examining the bibliographies in reports sourced. A selected bibliography based on this search is produced at Annex 3. We have used both the documentary and on-line evidence we gathered during this process together with the information and views provided by interviewees to set out the main tools and issues arising in the use of IT. We then provide a commentary at the end of the chapter which draws out the key issues in relation to information technology and the development of community legal services in Scotland.

3.2 The first part of this chapter examines the different IT tools used in the provision of legal advice and information. It covers the following areas:

- on-line provision;
- telephone helplines;
- IT systems used by Advisers (information, case management etc.);
- e-mails/faxes and other forms of IT;

3.3 The second part of the chapter examines the overall use made of IT and general barriers to its use.

ON-LINE PROVISION

3.4 There is a vast array of UK-based legal advice websites. From this we have selected the following to provide examples of the range of sites available:

- **Just Ask!** is the online site of the Legal Services Commission, which has a directory of CLS advice providers plus Advice Search to find legal information and advice on selected websites. The website also contains copies of around 30 leaflets drafted by the Consumers Association on aspects of the law. All the information is written: it does not use video links.
- **Dial-a-Law** is the Law Society of Scotland's information and referral service. It has general legal information on 40 different legal topics, and can locate solicitors by specialism and by locality. The same service is also run as a telephone helpline.
- **nationaldebtline.co.uk** is a pilot of the Money Advice Trust in association with the Birmingham Settlement. It is primarily a helpline, but the online site provides an advice pack, a personal budget section, sample letters, factsheets and some limited debt advice.
- **Absolvitor.com** is a Scots-based website set up by a solicitor, Iain Nisbet. It has links to webguides, links to advice services (both legal and non legal organisations), and lists of solicitors by practice area or by locality.

- **advice4all.net** is an online site designed to offer people a brief insight into their rights and will become the homepage for the advice4all.net ISP in 2003. The parent company is Milecheck. The website will be developed in conjunction with a series of Advice Centres manned by Panel Solicitors, Medics and Financial Advisers utilising the advice4all.net intranet for offering advice to members of the public. In addition, advice4all.net is looking to form alliances with 'introducers' who will promote their service.
- **Adviceguide** is the website of the Citizen's Advice Bureaux (CAB) network. It covers all of the UK and provides basic advice on many topics, and a search for local CABs.

3.5 A summary of the main Scottish-based providers' websites is provided in Table 1.

3.6 Most online provision can be divided into online information (such as contact details for relevant organisations), online advice (which tackles common questions) and legal directories (for legal services). Both the commercial and not-for-profit sector cover all three areas. In the not-for-profit sector, there are topic/group specific websites that also provide information on where to get help both from lawyers and non-lawyers e.g. UK lesbian and gay advice; Release (drugs users/ carers); compactlaw (deals with basic legal questions). Many organisations (such as the Child Support Agency, Support for Learning, and Patient UK) recommend both lawyers and non-lawyers to go to for help.

3.7 Some of the large number of commercial websites provide information on how to get help including accidentdirect.com, claimsdirect.com, divorce-online.com, bid4legal.com, canicclaim.com, lawontheweb.com, lawjunction.com. Many others sites put people in touch with appropriate lawyers. Many of these legal firms are taking advantage of the legislation that was introduced in 1995 that allows conditional fees.

3.8 From the interviews undertaken during the course of this review it is evident that providers increasingly use websites to gain access to information themselves in order to help their clients. Interviewees stated that the support which is made available to providers in this way is an important tool in the continuing improvement to service provision. This is further discussed in the section on IT tools and systems used by advisers.

Table 1 Key Scotland-based websites

WEBSITE	WHAT IT OFFERS	WHO SET IT UP
Adviceguide www.adviceguide.org.uk	It covers all of the UK and provides basic advice on many legal and money topics, and a search for local CABs.	Citizens Advice Bureaux
HomePoint HomePoint.ces.co.uk/HomePoint/	Contains details about provision such as housing from Local Authorities and Housing Associations and provision for special needs groups. There are hyperlinks to appropriate external websites and to local versions of the guide. The site offers basic housing text in a range of languages including: Punjab, Urdu, Cantonese, Arabic, French, Farsi and Kurdish (Sorani).	Communities Scotland
Shelter Scotland www.shelterscotland.org.uk	Has a section entitled 'know your rights' that contains information on housing and homelessness	Shelter Scotland
SLAB www.slab.org.uk	Provides information for the public and legal profession about legal aid and the Scottish Legal Aid Board.	Scottish Legal Aid Board
Absolvitor www.absolvitor.com	It has links to webguides, links to advice services (both legal and non legal organisations), and lists of solicitors by practice area or by locality.	Set up by solicitor, Iain Nisbet

TELEPHONE HELPLINES

3.9 Targeted telephone helplines are provided by a range of organisations including the Law Society, the DTI, Citizens Advice Scotland and Shelter. Table 2 outlines some of these and their key features.

3.10 The DTI has pledged £30 million over the next 3 years to roll-out Consumer Direct (a national consumer helpline), beginning with regional pathfinders. A successful pilot in West Yorkshire has served 2.2 million people across five local authority areas, with support from the DTI. The pilot receives around 5,500 calls a month, and satisfaction rates amongst users have approached 90%. Using trained and experienced advisers, it provides consumers with advice on a wide range of consumer issues.

3.11 UK Insolvency Helpline is a free telephone helpline aimed at people in the UK with debt issues. It provides information from accountants and lawyers (the majority of advisers are accountants with advice from the lawyers). It is set up by an independent agency and is funded by donations and subscriptions from a nation-wide network of professional practices in the United Kingdom.

3.12 Advice Direct is in the process of being established by Citizens Advice Scotland. It is intended that it will be operational by summer 2003 and that in the first instance it will serve the City of Glasgow and the Highlands.

Table 2 Information on Helplines

HELPLINE	WHO IS IT FOR?	WHO SET IT UP?	WHEN WAS IT SET UP?	HOW IS IT FUNDED?
Debtline	Free helpline for people in England, Scotland and Wales, who are having problems with debt.	Set up in Scotland as a pilot by the Scottish Executive	1987 (England and Wales) 2001 (Scotland)	In Scotland by Scottish Executive, DTI, and Treasury
Consumer Direct	Free helpline for people in England, Scotland and Wales with consumer problems	DTI	To be announced	The DTI have pledged £30 million for the next 3 years.
UK Insolvency Helpline	Free helpline for people in England, Scotland Wales, who are having debt problems	Independent organisation	1997	By donations and subscriptions from a nation-wide network of professional practices in the United Kingdom.
Advice Direct	Free helpline for people in England, Scotland and Wales, who are having any sort of legal/consumer/debt /welfare rights problem. Aimed to tackle overstretched Bureaux and reach more rural areas.	CAB/ CAS	Hoped to be up and running in two areas (Glasgow and Highlands) by summer 2003	DTI for development Seeking funding from a range of sources
Shelterline	Free 24 hour helpline	Shelter (UK)	Started 1999	Private sector: Bradford and Bingley/ BT

3.13 In addition to these targeted helplines many providers offer a telephone number which users can call to access their service. However, there are a number of drawbacks with telephone helplines. A report produced by Money Advice Scotland on a review of money advice services showed that advisers preferred to give advice face-to-face, and the quality of one-off telephone advice was judged to be of a lesser standard than that of direct casework.² Another barrier noted in relation to organisations' own telephone lines is that they are often engaged and it is difficult to get through.³

3.14 Based on the feedback from interviews with providers during the course of this review, the advantages and disadvantages of helplines and telephone access in relation to use by the public can be summarised as follows:

Advantages

- Access to telephones within the general population is high and therefore the increase in telephone helplines should, in principal, increase access to services offered

² Good, Bad or Indifferent? The Quality of Money Advice in Scotland, Money Advice Scotland, 2002

³ Review of Legal Information and Advice Provision in Scotland, Scottish Executive, 2001

- It is a good first point of entry. When the helpline is professionally managed, the caller can either gain the information/advice they are seeking or be referred on appropriately. Systems for referral are essential to effective management of helplines.
- It is a useful way to impart information and basic advice.

Disadvantages

- The growth in the number of helplines may lead to confusion for the public. The helplines are not co-ordinated. There may be a need for a national/central helpline to act as the main number for people to call.
- Not all individuals are comfortable using telephones for advice/information, particularly for complex issues. (see Money Advice Report below at ¹).
- It requires specific skills to give advice/information by telephone. Some providers choose not to offer a telephone service because of this (e.g. Drumchapel Law and Money Advice Centre does not offer a telephone helpline as it believes that specific skills are required). Other providers may have people providing the telephone line assistance who have not been fully trained .
- Good referral systems become even more essential with the proliferation of helplines.

3.15 Front-line advisers also make use of the telephone to access support and advice. For example, Money Advice Scotland (MAS) provides second tier support to its 152 members by telephone contact. One of the pilot projects currently being provided through Part V of the Legal Aid (Scotland) Act 1986 (which allows the Scottish Legal Aid Board to employ solicitors to provide legal aid services or to support local organisations in their function of giving advice and guidance) is based in the Highlands. This project involves a solicitor providing second tier support to advisers in six CABx and some of this support is provided through telephone contact. Shelter provides telephone advice to CAB advisers on matters on housing law and the Shelter Housing Law Service provides telephone advice to Shelter advisers working in Housing Aid Centres.

3.16 Providers with access to back-up support through the telephone at CABx and in Shelter valued this service. Managers interviewed from these organisations and from Money Advice Scotland see it as one way to increase the competence of their advisers allowing them to work to the highest level.

3.17 In Access to Legal Services – The Contribution of Alternative Approaches⁴, 31 agencies providing ‘alternative’ services were used as case studies; these agencies were identified through desk-based research and discussions with a group of advice agencies. The ‘alternative’ services fell into the following groups: rural services, services targeted at particular client groups, telephone based services, second-tier services and outreach services. Managers and workers within each agency were interviewed on two occasions, documents

⁴ Access to Legal Services: The Contribution of Alternative Approaches, PSI,1999

were examined, workload data gathered, and two client surveys were carried out. From this study, the benefits and drawbacks of telephone services were seen to be:

- benefits: the service can be provided from a distance, can be easily accessed by new users, can have multiple uses (i.e. gatekeeping, signposting, sorting and some in-depth work) and can increase the speed of interactions;
- possible drawbacks: There will be unwilling users or people who have difficulty using the phone, complex subjects/ subjects that require looking at a lot of paperwork can be difficult; there is a need for highly skilled staff.

3.18 This same report discussed the types of services that can be offered by telephone:

- first contact and stand-alone services, offered either by a single agency or a group of agencies sharing a dedicated first contact service with a single number;
- links to other services;

This report also suggests:

- telephone services can operate effectively in a variety of different types of geographical area, although for advice work that is more dependent on understanding the locality, such as housing advice, the geographical remit of any telephone-based service may need to be carefully considered;
- most advice episodes by telephone in the research were completed in a single call, usually because no further action was required by the agency. Less than 20 percent of contacts required further work;
- the availability of telephone services, the number of staff operating a service and the number of lines can vary greatly. Services open at limited times require greater effort from users who want to access the services. However, limited access can occasionally be effective, such as when specialists are available at specific times, with callers at other times asked to call when the specialist is available. Telephone technology also allows for unmanned access, such as 24-hour answering services;
- a large, well run telephone service can substitute for a main office service where it is not feasible to provide a main office service, due to lack of expertise or a lack of manpower;
- provision of a telephone service can increase the percentages of calls regarding important but less common issues, such as consumer and employment issues;
- telephone services can increase the accessibility of advice services for groups in the population not accustomed to using such services, such as people in work (who are not able to visit advice centres), younger people (who do not wish to visit advice centres) and older people (who cannot travel to advice centres);

- agencies can be specialist/generalist and local/regional/ national in their remit. In the research, stand-alone telephone advice was always given by experienced staff and subject specialists.

3.19 The same report describes the nature and characteristics of an effective telephone service: A successful service was considered to be;

- well planned with clear boundaries;
- one which is considered, by the staff, to be an important element of the agency's work;
- where a telephone service is used as a substitute for a main office service, then the service must offer a high percentage of completion of advice episodes, without further casework or referral;
- one with clear focus in terms of population and geographical catchment;
- one which monitors levels of demand.
- a service which has a clear identity, both of the organisation and of the service on offer, and regular publicity;
- a service which uses modern technology to help with both monitoring of use and management of demand;
- a service which recognises additional skills are needed by staff manning telephone services;

In addition to these recommendations, the report advocated avoiding treating the telephone solely as a first contact point. It was recommended that great care should be paid to the ways in which other services may be integrated with the telephone advice services, in order to fully capture the particular advantages of telephone services.

IT TOOLS AND SYSTEMS USED BY ADVISERS

3.20 We have gathered evidence from those interviewed about the ways in which services make use of IT in their work. The paragraphs which follow summarise this evidence.

Citizens Advice Scotland

3.21 The main uses of IT tools and systems by advisers within CAS/CABx network are as follows:

- electronic information system;
- a case management system (CASE) which is in the process of development;

- web-based information (AdviceGuide);
- email (based on their 2001-2 statistics⁵, 36 CABx can give advice by email which is slightly more than half the total CABx);
- software packages commonly used by advisers are the PG Debt and NACAS statistics programme;
- internal management systems.

Shelter

3.22 Shelter's IT systems comprise:

- electronic case management system (for telephone and advice; during face to face sessions the system is not used, but the information is added to the system afterwards);
- Shelter information system;
- Shelterline (telephone advice service);
- database of other organisation;
- internal management systems.

Money Advice Scotland

3.23 Money Advice Scotland is involved in the following:

- **Wiser Adviser:** a training course with an e-learning aspect available to all money advisers who are registered with MAS or CAS. For each of the three money advice standards that money advisers can attain (Generalist, Skilled and Specialist) certain skills and knowledge in all aspects money advice are required; the training course provides flexible training in a variety of money advice topics, to enable advice workers to reach these standards;
- **Casework system (developed by Highland Council):**
 - MACS (Money Advice Casework System) is able to produce reports, unlike PG Debt.
 - in Fife, Money Advisers are trialling a completely paperless system, where documents are scanned into the MACS system.

⁵ Bureau Characteristics Survey 2001/2002, Citizens Advice Scotland, 2002

Electronic Information Systems

3.24 More detailed information about four information systems (NACAB/CAS; RIGHTNET; SHELTER; CPAG) is contained in Annex 2. The key difference between the CAS and Shelter systems to note are:

- the CAS system is still on CD-ROM and CABx users have to update it on a monthly basis by CD-Rom;
- the Shelter system is available on Internet to Shelter advisers at present but there are plans to make it more widely available through a secure web-based site.

3.25 Some practical issues raised by CAS with regard to the developing use of IT were as follows:

- there can be cultural issues to do with the transition from paper based systems to electronic formats, which have to be addressed;
- in any electronic case management system there is the issue of integrity; it must be ensured that records cannot be changed at a later date;
- IT should be kept as a tool, and therefore there should always be an integrated strategy to avoid time wasters such as needless emails, and personal use of the internet;
- issues to do with electronic referral systems are:
 - are the IT systems compatible?
 - is the system secure enough to allow electronic transfer?
- another issue with increasing use of IT is that it is not always possible to raise an agency's IT capabilities, since people may not understand what is involved to maintain the system properly.

3.26 Based on the perceptions of those interviewed during the course of this review the advantages and disadvantages of IT in helping advisers undertake their work are as follows:

Advantages

- More information can be accessed, more easily and in a greater variety of places due to laptop use.
- Specialists can be used to do the work for which they are best suited and support advisers to undertake advice work to the highest level they are capable of.

- Potentially referrals, internal management systems, training, recording statistical information about clients and retrieving information, will all be enhanced through the use of IT.

Disadvantages

- Not all providers are comfortable using IT. There are issues of upskilling and also in some instances of adviser retention (reported by the CABx).
- Many providers have basic hardware and software needs. There are issues about resourcing both the initial purchase of hardware and software and paying for its ongoing maintenance. There will inevitably be continuing computer support needs which will also have to be resourced.

EMAILS, FAXES AND OTHER IT TOOLS

This section covers the use of emails, faxes and other forms of IT.

Use of Emails

3.27 There is a reported increase by those interviewed in the use of emails to provide advice/information to clients. In some instances (e.g. Shelter) this is happening even though there has been no advertising of the service. It is by no means universal as yet however. For example, just over half of the CABx (36) report that email advice is available.⁶

3.28 Advisers interviewed stated that second tier support by email is useful as documents can be attached. This is much quicker than the normal route of posting such documents. It is also easier to assimilate information than by telephone when an advice query is made.

3.29 There are issues of confidentiality and the protection of client sensitive information when it is being sent by email. These are not insurmountable. Using secure passwords can assist with protection but it is an area about which providers have some concerns.

3.30 Those interviewed during the course of this review commented on the advantages and disadvantages of email use and these perceptions are summarised below.

Advantages

- An email service is seen as potentially a high growth area by the majority of the providers interviewed and from a provider's point of view can allow for easier management of sourcing the information which is being requested and sending the response.
- An email immediately gives a written reference so that the service user can refer back to something. When advice is given face to face there is the possibility that the user does not retain the information or mis-remembers it.

⁶ Bureau Characteristics Survey 2001/2002, Citizens Advice Scotland, 2002

- It is potentially a useful way to deal with demand over weekends and in the evenings.

Disadvantages

- Not all service users have access to a computer and even when they do they may not know how to use email. It requires a fairly high degree both of literacy and computer literacy.
- From a provider's point of view, it can be difficult to control the flow of emails and systems are needed to manage this. Providers may become overwhelmed by the demand.

Fax

3.31 One example where faxes are used specifically to assist in the referral process was identified during the course of this review. In the Part V pilot in West Lothian the idea of "fax back" has been introduced (although it has not been a total success as people forget to use it). When a referral is made, a form is sent to the solicitor's firm to which the client is being referred and this form is then faxed back to the referring agent when the client turns up. This is a means to provide the referrer with some form of feedback as (as is shown in the chapter on referral later in this report) there is little motivation to refer if you never find out whether the person even got to the organisation to which you referred them.

PC/Camera Link

3.32 We found one example of a PC/camera link being piloted to improve access in rural areas. Citizens Advice Scotland has a pilot project in Dumfries and Galloway which has two direct links points in existing information service offices so that the user can be linked directly, on an appointment basis, with a CAB adviser.

OVERALL USAGE OF IT

3.33 A report by the Law and Justice Foundation of New South Wales⁷ considered that the most appropriate use of technology in the case of disadvantaged clients might be to assist agencies to deliver services (rather than focusing on using IT to bring services to the clients). This could be done through access to legal material over the Internet, using expert systems to guide staff through legal issues, using email to support networks and using technology to deliver training.

3.34 An example of how the Internet can be used to assist agencies is the LINK project (see www.ris.org.uk) which is a secure web based client monitoring system which allows an organisation to track details of clients and the work done with them. The main features of the system are a secure "extranet" system, with easy to use search features to find clients. It provides the organisations that use it with instant up-to-date information on work done with

⁷ Gateways to the Law: An Exploratory Study of how Community Agencies assist Clients with Legal problems, Law and Justice Foundation of New South Wales, 2001

clients across services and therefore helps promote sharing of information and referral between different organisations.

3.35 In terms of access for service users, evidence from this review shows that IT is seen as being particularly useful for the provision of information and some users value this mode of accessing information as it provides them with anonymity. For the offering of detailed advice it is generally felt that face to face contact is best⁸

3.36 Ways to reach young people through IT e.g. through texting or through game consoles have not been fully explored. Many providers interviewed recognise the need to find innovative ways to reach young people.

BARRIERS TO IT

3.37 In terms of the barriers which IT itself can cause, the report Closing the Digital Divide⁹ is a useful reference. The research used a combination of desk-based research, research into existing projects, and workshops in deprived areas to measure the attitudes of people to information and communication technology in order to gather information. The research concluded that people in deprived neighbourhoods are less likely to get training in information and communication technologies. Women are also less likely than men to be interested in such technologies, a position that can be exacerbated by cultural constraints in some communities. In these cases, special arrangements such as home outreach, childcare provision and women only groups may be needed. It also states that a range of barriers that prohibit the establishment of successful Information and Communication Technology access points and constrain the involvement of the target audience are:

- lack of a joined up approach;
- poor promotion;
- unattractive/ unsuitable content;
- access problems;
- staff and volunteer availability and competency;
- unsuitable/ inconsistent/ partial or unsustainable funding;
- costs and perceived costs.

3.38 There appears to be a dominant preference for face-to-face contact by the public, and the telephone seems preferable to using the Internet for advice¹⁰. However, the telephone was also considered not to be a useful tool for getting advice in this report, primarily because of negative associations with call centres and ‘infinite’ options.

3.39 IT should help offer information in other languages fairly easily but resources are needed to make this happen. (e.g. the Ethnic Minorities Law Centre reported that its website currently is available in English only as resources are needed to translate to other languages.)

⁸ Good, Bad or Indifferent? The Quality of Money Advice in Scotland, Money Advice Scotland, 2002

⁹ Closing the Digital Divide - Information and Communication Technologies in Deprived Areas (DTI, 2000)

¹⁰ The Public Perspective on Accessing Legal Advice and Information, Scottish Executive, 2001

3.40 A report into methods of delivering governmental services in the UK using new media examined different types of electronic devices/ methods of delivery¹¹. This study showed the problems with various devices including:

- **Internet:**
 - targets predominantly high income households;
 - can have poor connectivity due to phone lines;
 - concerns around the security of personal information.

- **Digital TV:**
 - conflicting standards for each type of set-top box;
 - limited screen displays;
 - cultural barriers – entertainment vs. business;
 - satellite and terrestrial broadcasting require the use of a telephone line for the return path.

- **Mobile devices (including phones):**
 - restricted screen size;
 - limited processing power and memory;
 - restricted input capabilities;
 - user running costs.

- **PC:**
 - relatively high costs may exclude some members of the population.

- **Kiosks:**
 - potential conflicts around government and commercial branding;
 - potential lack of privacy;
 - potentially expensive channel for providers.

The study also showed problems with various types of media including:

- **Email:**
 - difficult to effectively engage customers;
 - manual response is expensive;
 - spam emails can ‘hide’ valuable communications.

- **TV channel:**
 - variety of platforms mean – need to re-author content;
 - cultural barriers – entertainment vs. business;
 - return path via analogue telephone line;

¹¹ Channels Framework – Delivering Governmental Services in the New Economy: Office of the e-Envoy, 2002

- costs of subscription.
- **Instant Messaging (a form of fast online communication):**
 - technology still under commercial development;
 - bandwidth limitations affect performance.
- **Telephone:**
 - cost of outbound fixed line call charges to organisations can be high;
 - in some low-income areas, fixed-line penetration is less than 50 percent;
 - call charges can be high for customers.

ISSUES RAISED

3.41 Based on the evidence contained in this chapter from both the literature review and from the information provided by interviewees, it is apparent that information and communications technology is currently being used in two main ways:

- to improve access to legal advice and information for the general public;
- to help providers of legal advice and information to undertake their work.

3.42 Improving access to advice and information directly to the public and supporting advisers in undertaking their work are both important functions of IT. Arguably focusing on the use of IT to help providers deliver their service more effectively is the priority as this will have a greater impact on the overall provision of services.¹²

3.43 No organisation interviewed for this review is, as yet, specifically evaluating the IT part of its service although aspects of this will be included within the user surveys undertaken by some organisations.

KEY CONSIDERATIONS FOR THE DEVELOPMENT OF COMMUNITY LEGAL SERVICES IN SCOTLAND

3.44 Some of the key considerations in relation to the development of CLS in Scotland will be:

- the cost of resourcing IT equipment and ongoing maintenance;
- advisers require training to be able to use IT effectively;
- avoiding confusion for the end user in the proliferation of websites and helplines;
- avoiding duplication of effort (e.g. in several providers producing a similar information system and finding ways to share the development of IT);

¹² Gateways to the Law: An Exploratory Study of how Community Agencies assist Clients with Legal problems, Law and Justice Foundation of New South Wales, 2001

- ensuring IT is used in the most effective and efficient ways: where resources are limited it may be more appropriate to invest in helping providers to use IT than to invest in using IT to improve direct access to the public.

3.45 IT is likely to play an increasingly important role in the future of legal advice and information as interactive television and computer linked services become more widely available. It will be one important way in which access to services is widened, complementing the development of appropriate outreach and referral which are discussed in the next chapter.

4 IMPROVING ACCESS: OUTREACH AND REFERRAL

4.1 This chapter examines two ways to improve access to services: outreach and referral. The first half of the chapter discusses outreach and examines how it is being used to improve access (based on information provided to us by those interviewed during the course of this review) and provides illustrations from the literature review of other forms of outreach as yet not in common use in Scotland. The second half focuses on referral and on the evidence, both documentary and from informants, about its use and issues arising from this. We draw out some of the key considerations in relation to the development of community legal services in Scotland at the end of the chapter. Some of the IT tools and resources described in Chapter 3 facilitate outreach and referral.

OUTREACH

Definition

4.2 It is important to define what we mean by “outreach” at the outset. For the purposes of this report outreach is taken to mean:

”the provision of legal advice and information services not in the provider’s main office but in other venues and situations that takes the service to where the client is situated. This may include geographical outreach (e.g. providing a service on a weekly basis in a peripheral estate), outreach to targeted groups (e.g. to asylum seekers) or to specific places where there are likely to be a number of clients seeking such services (e.g. court). Outreach also includes provision of services in people’s homes where they are unable to access the main service directly themselves (particularly suited to the elderly and disabled people).

4.3 Examples of outreach currently in place which have been found during the course of this review include:

- The Ethnic Minorities Law Centre uses a telephone helpline to provide the initial contact to asylum seekers and members of ethnic minority communities living in areas outside Glasgow. This helpline operates at specified times during the week and is paid for by the local authorities in the areas served. It is seen as a useful way for clients living in these areas to have initial access to advice and follow up face to face contact can be arranged if this is seen to be appropriate.
- The PC/camera link in Dumfries and Galloway (described above at paragraph 3.32) is an example of ways to improve access in rural areas.
- Home visits are an important form of outreach used by a number of providers such as CABx and Law Centres. They are particularly useful for those for whom coming to a central point is difficult such as the elderly and the disabled. IT in the form of laptops has made outreach in people’s homes much easier.

- Some providers undertake outreach to geographical areas otherwise not served, in two main ways:
 - by having a space in a “host” organisation on a regular basis (for example, Drumchapel Law and Money Advice Centre has a regular time slot in Drumchapel Opportunities once a week);
 - by having a dedicated space in a building which they use on a regular basis (for example, a CAB room used once a week).

In general, outreach in both these circumstances is seen by providers we interviewed to be more cost effective when undertaken on an appointments basis rather than on a drop-in one. With the latter, the adviser at the drop-in point may find they sit for the duration of the time with few calls on their service.

Targeted outreach sessions are offered by taking the provision to specific places where certain categories of clients are to be found: for example, the Ethnic Minorities Law Centre holds outreach sessions in the hotels where asylum seekers are lodged; Parkhead CAB undertakes sessions in a local mental health project; the Part V Streetwork Project takes services direct to the homeless in Edinburgh; in Aberdeen, Shelter visits prisons on a regular basis; in Glasgow Sheriff Court the Legal Services Agency offers an advice service to those coming to the court;

Targeted outreach to specific geographical areas is available e.g. the Coalfields Regeneration Project run by Citizens Advice Scotland which secured funding to offer advice services in former coal-mining areas;

The CABx have the most comprehensive reach with 70 actual Bureaux and 200 “*extensions and outreaches*” (“extensions” being where there is an actual CAB designated room space and “outreach” being where another organisation’s space is used).

Other Forms of Outreach

4.4 The literature review contains examples of outreach or improved access being offered through a combination of IT (Internet access) and self-help.

4.5 In countries including Australia and the USA kiosks are being used to deliver free Internet advice. In Orange County, California, more than half of the state residents who find themselves in court are self-represented litigants. I-CAN! (Interactive Community Assistance Network) is a network of computer kiosks located in courthouses, libraries, police departments and other public buildings where people go to seek help with legal matters. Amongst other modules, the system provides software-based instructions for preparing small claims forms and restraining orders in domestic violence cases. Using a touch screen interface and audio-visual presentation, it answers frequently asked questions, provides court tours and educates users on the law, filing procedures and the steps needed to defend or pursue their matter. Most of the information is available in English, Spanish and Vietnamese.

The vast majority of people surveyed by UC Irvine School of Social Ecology, have said that it was helpful or very helpful¹³.

4.6 The idea of using kiosks/ATM (Automated Teller Machine) type access points is being looked at in the UK by 'advice4all.net', a commercial site that gives people limited information into their rights. Advice4all intends to place screens in supermarkets in less accessible areas where their Advice Centres (see above) would not be economic, and ATM style access points in some High Street locations.

4.7 In New South Wales, public libraries provide access to web-based, free legal information services (LIAC). All public libraries in New South Wales have the 'Legal Tool Kit' which contains answers to frequently asked legal questions and 'Hot Topics', a magazine style containing information about recent changes and current debates in the law. Some public libraries are also LIAC Libraries, and hold the 'Law Books for Libraries' collection.

4.8 "On the Right Track" in the UK is a touch-screen computer information system for use by young homeless people in London, set up by the Resource Information Service and the Persula Foundation (see www.ris.org.uk). The system allows people to find out for themselves about local services. The kiosks are installed both indoors and outside at King's Cross and Victoria stations. The system provides information about advice services, helplines, day centres and practical help such as free and cheap food and clothing. Details include address and phone numbers, opening times, services and client groups.

4.9 StartHere is a small, not-for-profit organisation that provides public information free at the point of access, for as wide as possible an audience. The information is delivered through public-sited Kiosks, with a simple touch screen interface. StartHere and the Scottish Executive 21st Century Government Unit (through the Modernising Government Fund) worked together to create material designed specifically for Scotland, which has been trialled in Dumfries and Galloway since May 2002. Five kiosks were put in a health centre, a 'one stop shop', a police station, a council office and a hospital foyer. The information is in the form of eight modules covering subjects as diverse as housing through to health. Each module is designed to provide the customer with basic information on the topic of their choice and to signpost them to a first point of contact, although according to a Modernising Government Fund update¹⁴ some users said that they wanted more information with less signposting. The most popular areas of use were medical conditions and housing. Customers are provided with addresses and contact numbers, which they can retain via a print out from the printer attached to the kiosk. The information contained on the kiosks is easy to change to other formats and can therefore be made available on different media, for example the web. It was noted that it was difficult to make sure that the kiosks were working all the time, and that there probably should be someone manning each kiosk in order to help people to use it. It is also expensive to add provider's information into the StartHere database, due to the way that StartHere is built and maintained. (www.starthere.com)

4.10 Research from the Virtual Society research project at Brunel University shows that internet-connected Kiosks in libraries and shopping centres do not attract new users to the Internet, but are used more by those already online. Kiosks and Internet access points only

¹³ I-CAN!: Accessing Rights Through Technology, J. Meeker & R. Utman, 2002

¹⁴ www.scotland.gov.uk/government/c21g/summary.pdf

attract a broader range of people when novices are given help and training during their first sessions online.¹⁵

4.11 Residents of Worcester County, Central Massachusetts, can access ‘LiveJustice.org’, a recently-launched online site that allows users to ‘talk’ online to lawyers / paralegals about housing problems, and also access information on welfare rights. ‘Live Help’ is the name of the online consultation service, which allows the legal advocate to give advice and help the user fill out online forms that can then be printed off. This service is available between 9am – 1pm Monday, Wednesday and Friday, and 3 – 7pm Tuesday and Thursday.

4.12 The Consumer Association (CA) in the UK believes that self-help services must be carefully looked at to ensure that they are realistic for the client groups seeking help. Although self-help services can be used to empower people, their research stresses that some people are too vulnerable (emotionally, physically or mentally) to access such services.¹⁶ Another report by the CA shows that the solutions that work best in overcoming barriers to access are generally resource intensive; therefore remote access solutions, such as the Internet, will have limited impact.¹⁷

4.13 This finding was highlighted earlier in Access to Legal Services – Contribution of Alternative Approaches¹⁸. When looking at outreach services, this report advocates:

- Ensuring that the outreach service is not a substitute for a more substantial service, especially if the service is governed by limited resources;
- Conducting a thorough assessment of the target population and area, including an assessment of the cultural and social makeup of the local population, patterns of movement of potential users, and whether potential venues will be accessible/attractive for certain people;
- Ensuring a well planned and resourced service, in order to create a sense within the agency staff that the service is valuable. Extra resources may include mobile equipment such as phones and laptops, and also resources in terms of management input;
- Ensuring a clear identity for the service, in terms of physical space within the premises and also helping users recognise that the service is being provided by a reputable and well-known agency;
- Considering:
 - access – which can include: drop in, ticket systems, appointments and provision to a group already on the premises;
 - staff – in the case of outreach services, staff need the opportunity to provide a substantial advice service, rather than just an initial contact, in order to avoid de-skilling;

¹⁵ Internet Services – Where are we going?, Martin Jones for the LASA

¹⁶ Self-help Legal Aid – Abandoning the Disadvantaged? Consumer Policy Review, Aug 2002

¹⁷ The Community Legal Service: Access for All? Consumers Association, 2000.

¹⁸ Access to Legal Services- Contribution of Alternative Approaches, PSI, 1999

- follow up – the use of outreach as an initial contact service is unlikely to be effective, since it fails to generate a sense that the venue is an advice venue;
 - advice subjects covered – it is often difficult to have immediate action during outreach sessions, due to limited access to phones, faxes and computers, and limited information resources (including consultation with other advisers). Where telephone enquiries are normally a routine part of advice work, a different approach will be needed. If an outreach contract is awarded for only one subject, this may present administrative difficulties;
 - location and hosts – the suitability of premises depends on the system of access, and a degree of relevance of the subject matter to the host’s activities enhances the likelihood that clients will use the service. Outreach to a specific client group must be located somewhere that is often used by that group or where there is a definite indication that the group will be willing to use it.
- Working with other services to provide outreach if appropriate. An effective form of link is when telephone enquiries lead to outreach appointments. Another good approach for outreach is to run the service as a stand-alone service, with a team of staff spread across a number of venues, serving a substantial client base. In order to be viable, such services need to reach the same throughput as a standard main-office advice agency.

Issues Relating to Outreach

4.14 A summary of issues relating to outreach raised by those interviewed is given in the paragraphs which follow.

4.15 Physical outreach can be costly in terms of time and staff resource but can be very targeted and therefore effective.

4.16 It appears that physical outreach is mostly undertaken on an ad hoc rather than a planned manner. A need is identified or an opportunity arises and the agency seeks to fill it. We found no evidence of providers of advice and information working together to plan what outreach is required in a given area although the Area Implementation Groups in Glasgow, which have been established to cover the nine social work boundary areas of the city, are now attempting to plan provision, including outreach, in a more systematic fashion. The Area Implementation Groups have been established as a result of a Strategic Review of Advice and Information Services in Glasgow¹⁹ which has led both to the creation of the AIGs and to the creation of an overall Strategic Planning Group for the city.

4.17 Targeting outreach sessions e.g. in courts/health clinics is generally seen as more productive than trying to cover outreach through geographically spread outlets. There is no clarity in respect of this or what level of “geographical coverage” is acceptable or ideal.

4.18 Outreach is primarily about improving access to services: consideration needs to be given to the fact that there may be other more effective ways to improve access such as

¹⁹ Strategic Review of Advice and Information Services in Glasgow, Blake Stevenson Ltd, 2002

extended opening times of existing services or through the developing use of IT (as in the “kiosks” examples). There are issues to consider about the cost of outreach, as it has been traditionally provided, and the levels of access it provides. Key to this is what levels of access are to be provided.

REFERRAL

4.19 This section of the chapter starts by examining the evidence on referral from the literature search and then proceeds to provide illustrations from the evidence given by informants.

4.20 The Law and Justice Foundation of New South Wales recommended that there should be strategies to ensure that appropriate referrals occur. This may be part of good interagency co-operation and networks, which can also clarify roles, identify gaps and duplication, improve case management, facilitate the sharing of resources and improve services to clients through the use of second tier services²⁰.

4.21 Research carried out by Jane Steele for the Public Management Foundation²¹ pointed to a lack of co-operation between service providers, which was evident in the absence of effective referral arrangements and their limited knowledge of other services. In this research several principles are suggested for the development of partnerships for planning and funding legal and advice services. These principles are summarised as follows, in Annex C of ‘The Community Legal service – A Consultation Paper’ (Lord Chancellor’s Office, 1999):

- ‘to increase commitment and maximise effectiveness, partnerships should include all stakeholders (funders and service providers) from the beginning;
- new partnerships will bring together professionals and organisations with different cultures and interests. Some may need to be persuaded that they should contribute to a collaborative approach: some statutory bodies show little interest in advice services and many private practice solicitors feel they will not gain from participation;
- clarity and agreement about ways of working can help to create trust and to encourage co-operation;
- it is important to be clear about: the objectives of needs assessment and service planning; what will be done as a result of this work; the decision making process; and the role of different participants;
- partners need a shared language and agreed definitions to enable them to understand the roles of different types of services and to specify standards;
- geographical areas for planning services should be of manageable size in terms of local knowledge and information and should also make sense in terms of travel patterns, the numbers of providers and their catchment areas, numbers of funders and their administrative boundaries;

²⁰ Gateways to the Law: An Exploratory Study of how Community Agencies Assist Clients with Legal Problems, Law and Justice Foundation of New South Wales, 2001

²¹ The Community Legal Service: Developing Joined Up Solutions, 1998

- new partnerships should recognise that past experiences of joint working, both positive and negative, can influence the success of new arrangements. Previous actions by partners will also influence others' approaches to the partnership;
- leadership and commitment from senior people is important to persuade potential partners that an organisation is serious in its intentions, and to ensure that decisions are implemented;
- joint approaches will change the relationships which have previously existed between providers and leadership their funders. Partnerships should acknowledge and manage this transition;
- the inevitable tension between the desire for a planned approach and anxiety about funding allocation can be reduced by separating, as far as possible, the needs assessment process and funding decisions, perhaps by establishing a neutral setting for discussions which is not led by a particular funder;
- the focus of the new partnerships must be on the needs of the community for advice. Consultation with the public and service users, which is almost entirely missing from advice and legal services at present, is an important part of needs assessment and service planning.'

4.22 The report suggested the following principles for the development of co-operation between service providers:

- to be effective, referral systems need to work across sectors, involving both private practitioners and advice agencies. With local exceptions, the cultural differences between these sectors are profound. Recent changes in funding regimes have created some new understanding, but also contributed to tensions which inhibit referral;
- geography influences the formality of referral systems. Cities, with more suppliers, require more formal and structured arrangements than do rural areas or small towns;
- cohesion within the voluntary sector generally contributes to good working relationships between advice services. Co-operation is influenced by the local environment and history, including the approach of the local authority to support for the voluntary sector, opportunities for service providers to meet, and the actions of key local figures;
- partners need a shared language and agreed definitions to enable them to communicate with each other and to understand the roles of different types of services;
- a shared system of accrediting services of recognised quality would facilitate co-operation between providers. The system should be flexible enough to accommodate a range of service types with different functions;

- referral systems should be based on comprehensive and detailed guides to services, compiled on an area-wide basis, for use by all suppliers. Informal sources of information are not adequate, especially in urban areas;
- funders could remove some of the real and perceived disincentives to referral by encouraging each provider to develop a policy for referral, based on a commitment to the core services which it knows it can deliver well, and by asking providers to collect statistics about referrals;
- exercises to explore users' views and experiences would provide a valuable input into the development of co-operative working. At present, statements about users' preferences are based more on anecdote and received wisdom than on reliable evidence.'

4.23 Research by Carole Millar for the Scottish Office²² built the following description of referrals between advice agencies and solicitors in Scotland.

- Level of Referrals:
 - the majority of advice agency clients are not referred to a solicitor, and the enquiry is dealt with by the first adviser with whom the client has contact at the agency;
 - about one in twenty cases are referred to someone else within their own agency;
 - less than 2% are referred to a solicitor within the agency;
 - one in ten clients were referred to another adviser at another agency;
 - the level of referrals to solicitors outside of the agency is low at just over 5%;
 - whilst about one third of all agencies reported that they had at some stage referred clients to a Law Centre (rising to 80% in the Glasgow area, where availability is higher) very few referrals to Law Centres were recorded in the week in which client contacts with agencies were studied. Referrals recorded to Law Centres during this period were less than 0.5%.
- Circumstances for Referral:
 - an enquiry was much more likely to be referred [to a solicitor] if it concerned a subject that was perceived to be a staple of the traditional solicitor's business, such as marital issues, residence of or contact with children or cases concerning personal injury;
 - enquiries were much less likely to be referred in cases within the expertise of the advice agency and for which solicitors did not traditionally cater such as welfare benefits;
 - the most common circumstance leading to a referral to a solicitor was the need to raise a legal action.

²² Referrals Between Advice Agencies and Solicitors, Scottish Office, 1999

- Appropriateness of referrals:
 - agencies were confident of their ability to recognise which cases should be referred to a solicitor and most solicitors agreed that the majority of referrals they received were appropriate;
 - there were nevertheless concerns raised (largely by solicitors) that, in a very small minority of cases, the advisers at the agencies were unable to recognise that a legal solution might exist;
 - some solicitors had also had experience of receiving referrals later than they would have preferred, which had on occasions resulted in restricting the options open to the solicitors to resolve the problem;
 - when referring clients to a solicitor, the majority of agencies will not recommend a specific solicitor, but provide a short list of appropriate solicitors from which a client can choose.’

4.24 Key barriers to accessing advice which have been identified,²³ and which have a bearing on referral are:

- the source of the problem was typically regarded as having responsibility for resolving the problem (for example, the Benefits Office);
- knowing where to get help;
- the effort required to get appropriate advice and information;
- for some problem types, there is the fear that seeking help might escalate the problem;
- fear of cost.

4.25 A recent report²⁴ looked at areas of partnership theory and practice, with regards to the Community Legal Service in England and Wales. It showed that:

- The distinctive nature of Community Legal Service Partnerships has an effect on how they work, for example:
 - there is a lack of financial incentives for partners to work together;
 - the individual partner organisations may have greatly differing interests and natures, which may make it difficult for them to agree on the overriding objectives of the partnership.
- In terms of how the partnerships work:
 - There have been achievements in terms of targeting particular groups, tangible improvements in some services, innovative ways of promoting services and funding from organisations such as ‘Invest to Save’ and ‘New Deal for Communities’.
 - The remit for CLSPs is vague and there is also confusion about whether alternative dispute resolution falls within the remit of the CLSPs.
 - Too many tasks may have been assigned to the CLSPs, as set down originally, and they might not be realistic in terms of funding.

²³ The Public Perspective on Accessing Legal Advice and Information, Scottish Executive, 2001

²⁴ Partnerships and the Community Legal Service, Adam Griffith, July 2002

- There are issues regarding the local focus of CLSPs, for example, how to cope with regional supply and demand and cross-border advice seeking. The parochialism of CLSPs could also be an issue when they are asked to support more regional work (this is more likely to be a problem in large urban areas containing several CLSPs).
 - There are a number of risks to the sustainability of CLSPs, including political change, cuts in local authority funding to service providers, conflict between funders and providers, loss of key individuals in partnerships and new initiatives dominating the local partnership agenda.
 - The structure of CLSPs is an area that has not been focused on, and there appears to be little regulation in terms of size, number and location of CLSPs.
- In terms of central-local issues:
 - There is confusion over the extent of local autonomy as compared to central decision making, and there is a tension between the national agenda and the partnership’s agenda;
 - There is lack of clarity as to who is responsible for the outcomes of CLSPs, whether the government or more local stakeholders is responsible;
 - It was recommended that there should be some nationally agreed service levels, especially if national funding is to be transparent and coherent.

4.26 ‘A Good Practice Guide on Referral for Adult Guidance Networks’, produced for the Scottish Guidance Group²⁵ (a body of key representatives from organisations dealing with adult guidance established by the then Scottish Office to examine issues relating to the provision of adult guidance services in Scotland and which existed from 1998-2001) has some useful general information about the establishment of a referral framework and systems. Although the referral systems in this publication relate to referral for adult educational and employment advice and guidance providers it could be a helpful starting point for those engaged in the establishment of referral systems in relation to money and legal advice.

4.27 In terms of practice by providers examined during the course of this review it is difficult to find many examples of formal or regularly used referral systems. The following are some examples of referral which were found during the course of this review:

- the In Court Advice Service (Glasgow) which refers clients to the most local advice agency;
- the Part V pilot in West Lothian, where the Part V solicitor provides a diagnostic interview and, if there is a legal issue to be addressed, the client is referred on to one of a number of private solicitors (30 participating firms) in the area who have signed up to be involved in the scheme;

²⁵ Referral for Adult Guidance Networks, Blake Stevenson Ltd, 2001

- the CABx, in general, have to have written procedures on referral as part of the CAS Membership Scheme;
- Parkhead CAB has developed an “active referral” approach. The adviser discusses with the client the intention to refer and phones to make an appointment or writes a letter of introduction as appropriate setting out information that the client and CAB have already covered so that they do not have to repeat it again. Its actual referrals however are few and tend to be to private solicitors for specific issues e.g. Mortgage Rights Act issue about property. The CAB has access to trainee advocates through the free representation unit. In addition to this the CAB may occasionally refer to the Legal Services Agency for a solicitor but apart from these they tend not to refer to anyone else;
- the Ethnic Minority Law Centre does not have a formalised referral system but refers to other advice agencies for debt/benefits issues. It has a clear understanding of its own specialisms namely: immigration; asylum; employment discrimination;
- Shelter is similarly clear about its own areas of work: housing, homelessness and housing benefits. It refers on for other types of advice;
- an example cited of a good casework system for tracking clients is the Money Advice Casework System devised by Highland Council. This shows where someone comes in and goes out of the system.

4.28 CABx, Law Centres and money advice projects report inward referrals from a range of agencies including social workers, police, Councillors, MSPs, home helps and carers, housing workers and solicitors.

4.29 Some organisations have no referral policy at all. In December 2000 Money Advice Scotland undertook a survey of its 152 members: 17.8% had no referral policy or mechanisms in place.

4.30 Some of the reasons given by those interviewed during the course of this Review as to why there are not more referrals were as follows:

- There is a culture of “referral as failure” in some organisations such that people are unlikely to refer even if systems are in place. Referral in such a culture is seen to suggest that the organisation is in some way lacking because it cannot handle the whole of the client’s advice needs itself;
- There is no feedback once clients are referred on which gives little motivation to the “referrer” as they will never know the outcome;
- Advice agencies in an area may not know each other well enough to know who to refer to or may not trust each other enough to do so. Directories of local advice agencies help but by themselves are not enough: agencies need to meet each other and develop a sense of trust in each other’s services;

- Advice agencies require clear understanding of each other's remits and need to know their own boundaries. It is clear from the work of the Area Implementation Groups in Glasgow that this is often not the case.

4.31 To sum up, most agencies agree that referral is important but in practice there is limited referral taking place.

KEY CONSIDERATIONS FOR THE DEVELOPMENT OF COMMUNITY LEGAL SERVICES IN SCOTLAND

4.32 Key considerations relating to outreach and referral for the development of community legal services in Scotland are as follows:

- Planning of services for each area is essential. This will allow appropriate outreach services to be put in place with IT use built in as required;
- Targeted outreach is perceived to be the most effective form of outreach;
- Each area will also require a referral framework and protocols. In addition, providers (all staff members) will be supported to refer if they have opportunities to meet with other providers in their area and have a basic Directory of Providers to find contact details;
- Motivating providers to refer (such as the fax-back idea) will be essential if referral is to take place.

5 QUALITY ASSURANCE

5.1 This chapter gives an overview of the literature on quality assurance and provides an analysis of the main quality assurance systems in use in Scotland. The final section of the chapter draws out some of the key considerations for the development of community legal services in Scotland.

REVIEW OF LITERATURE

5.2 There is a shortage of research into quality measurements for legal services. The Law and Justice Foundation of New South Wales identified this problem in 1998²⁶ and there does not appear to have been a comprehensive piece of research in the UK since 1994²⁷.

5.3 In relation to the quality of on-line legal information, websites do not guarantee the quality of the advice received from the sources they name, and many also include disclaimers (e.g. absolvisor, uklinks.org). Civil Justice 2000 also highlights the information overload caused by the amount of information available over the Internet, and the fact that some of the information found may be confusing or even contradictory.²⁸ This may lead to issues of legal liability for mis-information.

5.4 In Australia, the Legal Information Services Council has produced best practice guidelines for Australian legal websites. There is no such counterpart in the UK. However, in the Legal Aid Board's guidelines for a CLS, they suggest that quality standards should be dictated by the clients' views as well as by legal practitioners' views. This could result in organisations taking responsibility for undertaking client surveys and implementing the findings themselves.²⁹

5.5 The Telephone Helplines Association has produced a quality standard accreditation, although it is not enforced but only available if organisations want to use it. The standard includes making sure that there is an effective process to make people aware of the service.

5.6 The Law Society of Scotland imposes various quality controls on Scottish solicitors, including continual professional development, a master policy for professional indemnity insurance, a guarantee fund and Client Relations Committees.

5.7 A report published in 2001³⁰ showed that the qualities of service that the public were found to value were: speed (people wanted help quickly), access to people with appropriate knowledge and good interpersonal skills, and confidentiality.

5.8 Money Advice Scotland carried out research in 2002³¹ which showed that quality of advice was linked to:

²⁶ Future Direction of Pro Bono Services in New South Wales, Law Foundation of New South Wales, 1998

²⁷ Lawyers-The Quality Agenda, HMSO, 1994

²⁸ Civil Justice 2000, Lord Chancellor's Report, 2000

²⁹ The Community Legal Service: A Consultation Paper, LAB, 1999

³⁰ The Public Perspective on Accessing Legal Advice and Information, Scottish Executive, CRU, November 2001

- Staffing levels (and whether staff are arranged in teams or not): moreover;
 - patterns of staffing varied markedly between agencies;
 - over half the agencies interviewed felt that having more staff to see people with financial difficulties would enhance the service;
 - it was shown that agencies where there were less than two equivalent full-time money advisers were more likely to have cases judged to be below the minimum acceptable standard;
 - staff arranged in teams tended to provide a better quality service due to information sharing and support;
 - in agencies where there are lone/ part-time money advisers, the standards may not be so good, due to lack of support and monitoring;
 - poor pay and a lack of career structure make it difficult to retain staff.

- The size of the caseload was too high or too low:
 - taking into account the fact that there are going to be different levels of pressure in different money advice service, the research proposed that 150 new cases per adviser per year was a manageable caseload (depending on the types of case), a number consistent with earlier research findings³²;
 - the degree of pressure under which advisers work impacted the quality of casework. Quality tended to be higher among agencies where their money advisers had high caseloads, unless the number of cases was too great for the levels of staff. However, if the adviser was not seeing enough cases to maintain and expand their skills and expertise, then the quality of casework was also likely to drop slightly.

- Training and experience:
 - recent investments in training throughout the UK appear to be leading to a highly skilled workforce of money advisers;
 - training not only improves the skills of advisers but also helped build their confidence in dealing with clients;
 - cases dealt with partly or wholly by advisers with five or more years' experience were twice as likely to be judged as very good compared with those handled by less experienced advisers. Advisers with more experience were less likely to overlook issues;
 - however, work pressure generally means that it is difficult to get time off for training, or to get time to disseminate knowledge;
 - many agencies looked at had no 'training infrastructure' in place.

³¹ Good, Bad or Indifferent? The Quality of Money Advice in Scotland, 2002

³² Credit and Debt: the PSI report, PSI, 1992

- Administrative support; information technology; support from colleagues; systems to manage client demand; and agency ethos:
 - administrative support can lead to more time to spend with clients;
 - the impact of information technology was more difficult to assess;
 - all agencies had systems to manage client demand, to relieve pressure on staff;
 - at agencies with a lack of leadership and managerial support, and a lack of commitment to money advice provision, there is a distinct loss of quality.
- Case review and case recording:
 - at agencies where there is regular monitoring, quality of handling cases is deemed to be higher;
 - case review is also regarded as a means of improving advisers' skills and knowledge;
 - agencies with casework of a high quality also had high standards of case recording.
- Whether advice was given over the telephone or not:
 - the lack of technological infrastructure and the fact that few advisers are trained to deliver money advice by telephone probably contributed to the poor standard of advice provided to one-off enquiries.

5.9 The report Facing Up to Debt ³³ identified that although membership of advice networks was relatively high amongst housing debt advisory agencies, quality assurance systems (both internal and external) and access to training are notably absent. According to a MAS survey cited in the report,

‘The vast majority of service providers did not have any form of externally accredited quality assurance system (four out of five). The most common single system was the Scottish Quality Management system and HomePoint standards. CABx were covered by the CAS membership scheme. The MAS survey also reported on the use of Scottish Vocational Qualifications as a tool to ensure quality. With the exception of the CAS membership scheme, voluntary agencies were least likely to report an externally accredited Quality Assurance System.’

5.10 Despite the introduction of the Quality Mark standard in England and Wales, which all Community Legal Service suppliers must reach, it has been noted that the costs of extra investment required to attain the Quality Mark are not matched by the potential payback and therefore potential suppliers may not apply.³⁴ An article by the Advice Services Alliance showed that the Quality Mark is disadvantaged by excessive bureaucracy and the length of time it takes to put an application together.³⁵

³³ Facing Up to Debt: Housing Debt Advice and Counselling in Scotland, Scottish Executive, 2001

³⁴ CLS: The Introduction of Contracting, National Audit Office, 2002

³⁵ Quality-Where to Now? Advice Services Alliance, 2002

5.11 The Consumers Association also felt that the Quality Mark is too process oriented and does not focus enough on the consumer's experience. According to the research report,³⁶ "The stated aim of the CLS is to enable vulnerable consumers to have access to quality legal services and redress mechanisms. The only way to measure the success of the CLS with regards to this aim is to assess the quality of advice from the consumer's perspective, not from a policymaker's point of view of what makes a good legal service. This can only really be done by measuring the outcome and the consumer's experience at 'point-of-sale'." They recommend mystery shopping as a way of testing this. This issue might be addressed if a CLS in Scotland were to look to the Consumer Support Network Quality Mark Scotland, which was set up in 2000 and is geared to encourage a consumer focused approach to services.³⁷ Consumer Support Networks are an initiative of the DTI set up to give consumers access to expert, accurate and timely advice. In order to become a member of a CSN, an organisation must meet the standards of the Quality Mark (Scotland).

QUALITY ASSURANCE IN PRACTICE

5.12 Providers interviewed for this Review made a number of comments about potential quality assurance systems for future community legal services in Scotland. Two issues which arose several times are recorded here:

- A comprehensive, quality assurance system for advice and information providers should cover both the organisation and its systems and the quality of advice provided. This relates to the competence (and ways to ensure competence) of advisers.
- There are already a number of quality assurance schemes in place and providers expressed the view that they would not wish to see additional burdens placed on them by a community legal service in terms of a completely new quality assurance scheme. They are keen that if a community legal service is established, that it makes use of what already exists in terms of quality and finds ways to supplement it, where necessary, rather than establishing a new quality assurance system altogether.

5.13 In order to take the issue of quality assurance forward this Review has included an examination of the existing quality assurance systems to determine the similarities and gaps in the existing systems.

Cross-Analysis of Existing Quality Systems

5.14 Table 3 sets out an initial cross-analysis of the main quality standards which exist in relation to the provision of advice and information. This has included examination of the following:

- CAS membership scheme and competencies development;
- HomePoint's National Housing Standards;
- Quality Mark Scotland;

³⁶ The Community Legal Service: Access for All? Consumers Association, 2002

³⁷ Quality Mark Scotland, Consumer Support Network, 2001

- Fife Rights Forum Quality Standards;
- FIAC membership application;
- Money Advice Standards for Scotland (Money Advice Trust) and the development of money advice accreditation;
- CLS Quality Mark (England and Wales);
- Law Society Regulation and Accreditation Scheme;
- SVQ Advice and Information.

Table 3 Cross-Analysis of Quality Assurance Systems

QUALITY STANDARD	AGENCY COMPETENCE	INDIVIDUAL COMPETENCE			ARE STANDARDS ASSESSED	ARE THE STANDARDS PROACTIVE (AUDIT) OR REACTIVE?	DOES ACCREDITATION RELY ON STANDARDS BEING MET?
		Generic Skills/ Advice	SUBJECT-BASED KNOWLEDGE/ COMPETENCE	STAFF APPRAISALS			
Quality Mark Scotland - Information (Consumer Support Networks)	Yes	Yes – but no specific training standards	Yes – but no specific training standards	Yes – as part of agency audit	No	Proactive – Random audit (after award) Reactive – complaints procedure	Yes
Quality Mark Scotland - General Help (Consumer Support Networks)	Yes – also passports in CAS standards if applicable	Yes – but no specific training standards	Yes – but no specific training standards	Yes – both internally and as part of agency audit	Yes – case file assessment and review of quality of advice (by trained auditors)	Proactive – Biennial audit Reactive – complaints procedure	Yes
Money Advice Standards for Scotland (Money Advice Trust)	No	No - presumed underlying knowledge	Yes	No – up to agency	Yes – trainee’s skills are assessed by trainers	No	Yes – to be accredited, Money Advisers must complete certain training modules
Citizens Advice Scotland (CAS) Membership Standards	Yes	Yes – specific training (either CAS training or other training recognised by CAS)	Yes – specific training (either CAS training or other training recognised by CAS)	Yes – both internally and as part of agency audit	Yes – peer review of quality of advice	Proactive – audit of quality of advice/ organisational audit every 3 years Reactive – complaints procedure	Yes
Fife Right Forum Quality Standards	Yes	Yes – no specific training standards, but appropriate staff training has to be demonstrated	Yes – no specific training standards, but appropriate staff training has to be demonstrated	No	No	Reactive – complaints procedure	Yes – at start, but no ongoing audit

QUALITY STANDARD	AGENCY COMPETENCE	INDIVIDUAL COMPETENCE			ARE STANDARDS ASSESSED?	ARE THE STANDARDS PROACTIVE (AUDIT) OR REACTIVE?	DOES ACCREDITATION RELY ON STANDARDS BEING MET?
		Generic Skills/ Advice	SUBJECT-BASED KNOWLEDGE/ COMPETENCE	STAFF APPRAISALS			
HomePoint Quality Standards (Communities Scotland)	Yes – also passports in other advice standards (CAS, FIAC, SAIF, and so on)	Yes – but no specific training standards	Yes	Yes – for competence	Yes – peer review of quality of advice (pool of auditors are being recruited from the sector)	Yes – a 3 yearly process audit, carried out by HomePoint auditors (An annual ‘competence’ audit is also being investigated)	Yes – first audit will be in Autumn 2003
FIAC membership application	Yes	No	No	No	No – but processes for gauging customer satisfaction are required.	Reactive	Not accreditation but membership details.
SAIF Standards for Disability Information and Advice Provision in Scotland	Yes – both Agency and Local Authority (the standards have a section addressed to funders of such services)	No	No	No	No formal review, but annual outcome/ customer satisfaction reviews are advised.	No	No – there is no accreditation, just guidelines
CLS Quality Mark – Information (England and Wales)	Yes	Yes – but no specific training standards	Yes – but no specific training standards	Yes – part of agency audit	Yes – transaction criteria but moving towards sample peer reviews	Proactive – annual declaration and random audit carried out by CLS auditors. Reactive – complaints procedure	Yes

QUALITY STANDARD	AGENCY COMPETENCE	INDIVIDUAL COMPETENCE			ARE STANDARDS ASSESSED?	ARE THE STANDARDS PROACTIVE (AUDIT) OR REACTIVE?	DOES ACCREDITATION RELY ON STANDARDS BEING MET?
		Generic Skills/ Advice	SUBJECT-BASED KNOWLEDGE/ COMPETENCE	STAFF APPRAISALS			
CLS Quality Mark – General Help	Yes – this includes being a member of a recognised representative body	Yes – but no specific training standards	Yes – but no specific training standards	Yes – both internally and as part of agency audit	Yes – transaction criteria but moving towards sample peer reviews.	Proactive – annual audit carried out by CLS auditors. Reactive – complaints procedure	Yes
CLS Quality Mark – Specialist Help	Yes – this includes being a member of a recognised representative body	Yes – but no specific training standards	Yes – but no specific training standards	Yes – both internally and as part of agency audit	Yes – transaction criteria. Client satisfaction being investigated	Proactive – annual audit carried out by CLS auditors. Reactive – complaints procedure	Yes
Law Society Regulation	Yes	No	Yes	20 hours continuing professional development a year (must be recorded)	No	Proactive – agency audit every 2 years by Law Society Audit Team Reactive – all complaints are checked	Yes
Law Society Accreditation Scheme – Specialisations	No	Yes	Yes	No	Yes – peer review and case studies	Proactive – No audit but must apply for reaccreditation every 3-5 years (some areas of law change more rapidly than others.	Yes
Law Society Accreditation Scheme - Mediation	No	Yes	Yes	No	Yes – peer review and case studies	Proactive – No audit but must apply for reaccreditation every 3-5 years (some areas of law	Yes

QUALITY STANDARD	AGENCY COMPETENCE	INDIVIDUAL COMPETENCE			ARE STANDARDS ASSESSED?	ARE THE STANDARDS PROACTIVE (AUDIT) OR REACTIVE?	DOES ACCREDITATION RELY ON STANDARDS BEING MET?
		Generic Skills/ Advice	SUBJECT-BASED KNOWLEDGE/ COMPETENCE	STAFF APPRAISALS			
						change more rapidly than others.	
SVQ Advice and Information	No	Yes	Yes	No	Yes – certain skill/ knowledge levels must be demonstrated	No	Yes

- The analysis contained in Table 3 shows that:
 - agency competence is part of most quality assurance schemes;
 - the area of measuring the competence of the individual appears to be the weakest. There are few requirements for specific qualifications to be held. The Law Society is an obvious exception to this;
 - peer review of the quality of advice is undertaken in two of the Standards: HomePoint Quality Standards and CAS Membership Standards. Interestingly it is the lack of measurement of *quality* of advice that has raised concern in the CLS Quality Mark in England and Wales such that there is now the intention to undertake a sample of peer reviews for the quality of advice (see Chapter 6 of this report).

5.15 The similarity between the different Standards in relation to Agency Competence is illustrated in Table 4 on the next page where a number of aspects of what is measured have been analysed across five Standards:

- Quality Mark Scotland (CSN);
- CLS Quality Mark England and Wales;
- CAS Membership scheme;
- Fife Rights Forum Quality Standards;
- HomePoint Quality Standards.

Table 4 Greater Detail on Quality Standards

QUALITY STANDARD	AGENCY COMPETENCE								
	Access to service	Seamless service	Running the organisation	Running the Services	Meeting the clients needs	People Management	Commitment to Quality	Awareness of local/ national policy	Willingness to work for/ with the local community
Quality Mark Scotland (Consumer Support Networks)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
CLS Quality Mark England and Wales	Yes	Yes – through referral if necessary	Yes	Yes	Yes	Yes	Yes	Yes (at General Help level)	Yes
Citizens Advice Scotland (CAS) Membership Standards	Yes	Yes – although more emphasis on empowering clients/ meeting clients needs with CAS than referral.	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fife Right Forum Quality Standards	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
HomePoint Quality Standards (Communities Scotland)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes

KEY CONSIDERATIONS FOR THE DEVELOPMENT OF COMMUNITY LEGAL SERVICES IN SCOTLAND

5.16 Key considerations for the development of community legal services in Scotland are as follows:

- In reflecting on the areas covered by existing assurance schemes, it appears that for a fully comprehensive quality assurance system the following are required:
 - Standards by which to measure agency competence;
 - Standards by which to measure individual competence (with a sense that greater formal accreditation may be needed in this area);
 - An independent audit to assess agency competence *and* the process and outcomes of the advice provision itself.
- Current systems appear to address the first of these. There is greater variety in addressing individual competence and the process and outcomes of advice provision.
- The Strategic Planning Group which leads the work of the Glasgow Money and Legal Advice Network has a sub-group on Quality Assurance which includes representatives of key providers. The sub-group is in the process of working on a system for quality to cover the Network which could provide a blueprint for any future community legal services in Scotland.

6 CONTRACTS FOR CIVIL LEGAL AID IN ENGLAND AND WALES

6.1 This chapter of the Review sets out the results of the research into contracting for civil legal aid in England and Wales.

6.2 The aim of this part of the Review was to consider :

- the nature of contracts used in England and Wales;
- the range of providers who have been issued with contracts;
- any geographical and/or sectoral gaps in provision that may have arisen, and their impact on users;
- any changes in level of access to legal services and in the use of civil litigation

6.3 The study focused specifically on the structure and impact of the contracting regime, a component part of the wider CLS programme in England and Wales. The CLS provides the context in which contracting operates, but contracting is only one element of the CLS. Contracting is a vehicle which government hopes to use to contribute to some of the objectives of the CLS.

6.4 This chapter begins with an account of the introduction of contracting in England and Wales and the nature of contracts. This is drawn mainly from documentary sources. It then goes on to discuss, based on an analysis of the limited documentary evidence available, and on the experience of our interviewees:

- controlling cost and quality through contracting;
- impact of contracting on suppliers;
- changes in service provision and access (including gaps in provision and the ability of the contracting regime to target need);
- conclusions and considerations for the development of community legal services in Scotland.

INTRODUCTION OF CONTRACTING

6.5 In April 2000, the Legal Services Commission (the Commission) replaced the Legal Aid Board as the body responsible for administering civil legal aid in England and Wales. The Commission was given responsibility for establishing and maintaining the Community Legal Service, through which the Commission funds directly the provision of legal help and representation by suppliers meeting its quality standards and also works in local partnership with other funders and suppliers to promote quality of advice and access to services.

6.6 The Legal Services Commission is accountable to the Department for Constitutional Affairs (to the Lord Chancellor's Department until June 2003) and is expected to contribute to the achievement of the Department's wider strategic objectives³⁸. Within this context, the Commission's vision for the Community Legal Service is to:

³⁸ Legal Services Commission, Annual Report 2001/02

- Help people get quality legal services that tackle real needs;
- Contribute to making a justice system fair, accessible and affordable for all
- Combat social exclusion.

6.7 The Community Legal Service is also expected to contribute to the achievement of the Lord Chancellor's Public Service Agreement targets:

- to secure year on year improvements in the value for money in the delivery of the Community Legal Service;
- by March 2004, to reduce the proportion of disputes which are resolved by resort to the courts and to increase by 5 per cent the number of people who receive suitable assistance in priority areas of law involving issues of fundamental rights or social exclusion.

6.8 The Government has given a number of reasons for introducing the contracting regime as part of the Community Legal Service. Firstly, it is designed to help control costs, which were escalating under the previous "green form" system that did not effectively cap budgets. Through the contracting regime the government has set specific budgets, which cannot be exceeded by spending on "controlled" categories of civil legal work – that is, legal help, equivalent to advice and assistance under the previous system.

6.9 Secondly, the regime is designed to help the government better match supply to real needs and priorities, such as socially excluded groups. This is seen as a major improvement on the past approach: *"Under the old civil legal aid scheme there was no ready match of suppliers to need. Generally suppliers concentrated on personal injuries, family and crime, as there was sufficient work in these areas, and it was almost all certificated work (involving representation) which paid higher rates."*³⁹ Through the contracting regime, the Government has more control over where it directs its budgets and which kind of supplier base it wants to develop. It is this feature of the new system that enabled, for example, the Government to deliberately nurture more suppliers of immigration advice to meet the growing numbers of people needing immigration legal help.

Scope of Funding for Civil Legal Aid

6.10 Ministers are responsible for determining the broad scope of the civil legal aid funding scheme and for providing guidance on the relative priority to be attached to different areas of law. Currently, the support provided through the Community Legal Service Fund is classified in two main categories: family and non-family law. Under non-family, there are a number of sub-categories: clinical negligence, community care, consumer debt, education, employment, housing, immigration, mental health, personal injury, public law and welfare benefits.

6.11 In April 2000, some areas of law including personal injury casework were taken out of the scope of legal aid and are now offered to clients on a conditional fee - "no win no fee" - basis. (Contracts for personal injury work exist to allow suppliers to complete cases started before conditional fees were introduced)

³⁹ National Audit Office: The Community Legal Service: The introduction of contracting, 22 November 2002, p 7

Clients' Eligibility for Services

6.12 Clients have to satisfy a test for financial eligibility (see below) and also a merits test applied to their case. The merits criteria are determined by a Funding Code, approved by Parliament, which came into effect in April 2000 and provides guidance on which services are eligible for support within each category. The Code is intended to provide a more flexible set of rules than the previous system, by allowing the Commission to direct resources where needs and priorities are greatest. The Code can be changed to restrict the types of cases that are eligible or to add new ones. Subject to Parliamentary approval, the Code's criteria can be varied to control overall expenditure or reflect changing priorities.

Contractors

6.13 The Commission administers civil legal aid through contracts with firms of solicitors and not-for-profit bodies, such as Citizens Advice Bureaux, law centres and other voluntary sector advice agencies. At 31 March 2002, 4,543 solicitors' firms and 389 not-for-profit agencies had contracts with the Commission and a further 389 solicitors' firms were licensed to carry out legal representation work only⁴⁰.

6.14 In December 2002 the Chief Executive of the Commission told the Public Accounts Committee that £49m of the total £800m spending on civil legal aid contracts was spent with the not-for-profit sector and that he did not expect this proportion to increase⁴¹. The Lord Chancellor had stipulated that a minimum of £20m should be spent in the not-for-profit sector⁴².

Types of work included in contracts

6.15 Funded services fall under the headings of work Controlled Work and Licensed Work

Controlled work

6.16 Controlled Work comprises legal help as well as legal representation in a few settings: Mental Health Review Tribunals, the Immigration Appeal Tribunal and immigration adjudicators. All Controlled Work is provided from within a controlled budget. This means that, each year, the Government should know that the money it sets aside for this service will not be exceeded, and it should be able to plan on that basis. In order for that to be achieved at regional and national levels, each individual contract has financial controls built into it.

6.17 The decision about whether to provide services in a case is made by the supplier, under a contract that limits the number of cases that may be taken and limits expenditure on individual cases to specified approval thresholds. Solicitors are authorised to start up to an

⁴⁰ The Legal Services Commission Annual Report 2000/2001 p8

⁴¹ Public Accounts Committee, Evidence Presented by Sir Hayden Philips GCB, Permanent Secretary, Lord Chancellor's Department and Mr Steve Orchard CBE, Chief Executive, Legal Services Commission, on 11 December 2002

⁴² Lord Chancellor's Direction, Community Legal Service Fund Specific Budgets 2001-2002, 2 April 2001

agreed number of cases - "matter starts" – during the financial year within the specified categories of law for which they have contracts.

6.18 Control on the volume of work by not for profit suppliers, and thus on expenditure, is exercised by limiting the number of casework hours for which they will be paid during each contract year.

Licensed Work

6.19 Licensed Work, which may be carried out by solicitors only, covers all legal representation before the Courts. This includes very expensive cases, which are managed, in addition, under individual case-by-case contracts with the Commission. The administration of licensed work was unchanged by the introduction of the Community Legal Service and there is no budget ceiling on suppliers. Most work on representation follows on from previous advice cases.

Letting the first round of contracts

6.20 More than 5,000 solicitors' firms signed contracts with the Commission at the beginning of the contracting regime. Not all firms who had previously been paid for work by the Legal Aid Board went on to become contractors, but people we interviewed from suppliers' organisations believe that any firm that wished to have a contract was able to secure one. Some commentators told us that they believe this had two important impacts. It constrained the Commission's ability to plan service provision and to target need, because it was tied into contracts with these suppliers for some time to come, and it allowed a number of poor quality suppliers into service provision.

Nature of contracts

6.21 As discussed above, only those solicitors and not for profit agencies with contracts with the Commission receive payment from the Commission for civil legal aid work. Contracts can be for controlled work only or, for suppliers that employ solicitors, for controlled and/or licensed work. Contracts are for work in one or more categories of law. To qualify for a contract, suppliers have to pass an audit to test their compliance with the Quality Mark standards.

6.22 Contracts are normally for three years. A one-year contract may be awarded to suppliers who have not yet passed the full audit on their quality systems.

Financially eligible clients

6.23 Suppliers have to ensure that all the clients they serve as part of their contract with the Commission meet the Commission's criteria for financial eligibility, and that all cases pass the merits test (see p 4). There are 'shortcuts' to checking financial eligibility. For example, clients who are in receipt of certain social security benefits are 'passported' to eligibility. Solicitors may begin work on a case before eligibility is established, but if the information

that is necessary to prove eligibility is not provided, payment may be claimed for no more than two hours work⁴³.

6.24 The rules are slightly different for not for profit suppliers. In recognition of the not-for-profit sector's concern about having to turn ineligible clients away, their contracts allow them to spend up to 10% of their contract time on initial advice for clients for whom eligibility has not been established. Eligibility checks must be carried out after twenty minutes contact with a client; further work for ineligible clients does not count as work under contract and will not be paid for by the Commission⁴⁴.

Contracts with solicitors and not for profit agencies

6.25 Contracts with solicitors and not-for-profit agencies are very similar. Both types of supplier have to comply with the same quality systems and requirements. The main differences are in the measurement of outputs, the payment arrangements and some aspects of performance assessment. However, the Commission is taking steps to bring performance requirements for the two groups into closer alignment. The Commission reserves the right to terminate contracts in cases of persistent non-compliance with the required standards, but will give twelve months notice of such an intention.

Solicitors

6.26 For controlled work, solicitors have contracts for a certain number of 'matter starts' (broadly, new cases) in each category of law for which they have a contract, each year. The Commission will pay set hourly rates for work done within this framework. Suppliers may not exceed the number of matter starts without the agreement of the Commission. At present, the Commission guarantees that it will authorise for payment, in the second year of a contract, at least 80% of the number of matter starts paid for in the first year. The contract also authorises a number of cases that may be done as 'tolerance' – that is, outside the categories for which the supplier has a contract. Typically, suppliers are allowed to do about 10% of their cases under 'tolerance', but this proportion may be much higher for some suppliers, particularly in rural areas

6.27 Suppliers provide the Commission with monthly reports showing the numbers and details of completed cases and numbers of new matters started. The Commission makes monthly payments, based on information about the average length and cost of cases. A process of reconciling these estimates with actual costs allows adjustments to payments to be made, if necessary. The Commission undertakes contract compliance audits to validate the amounts claimed by suppliers.

Not-for-profit agencies

6.28 Not for profit agencies are contracted to provide a certain output, measured in time spent on casework. The general pattern is that the Commission funds one full-time

⁴³ Legal Services Commission, General Civil Contract (solicitors)

⁴⁴ Legal Services Commission, General Civil Contract (not for profit)

caseworker plus administrative, management and supervisory support, to provide 1100 hours of casework in a year.

6.29 It is not necessary for all the work to be done by the funded post, but agencies must be able to demonstrate how they will determine which matters count as contract work. They must also be able to demonstrate that additional work is being done by the agency because of Commission funding. All workers providing casework under contract must be doing at least 12 hours work each week in the agency, and be working under the supervisory arrangements stipulated by the Commission contract. These requirements are intended to ensure that volunteers and part-time paid staff who contribute to contract work are adequately supervised and are doing a sufficient volume of work to maintain their expertise and breadth of experience.

6.30 Suppliers provide the Commission with monthly reports on completed cases and new cases on which work has started. The Commission makes standard quarterly payments to the agency, within 14 days of the start of each quarter.

CONTROLLING COST AND QUALITY THROUGH CONTRACTS

6.31 The Commission has developed auditing processes to monitor compliance with contract conditions. Both Commission and LCD interviewees point out that while contracting offers the ability to control spending and quality, and to direct the allocation of resources, these benefits can only be realised through considerable investment in monitoring and analysis. As a result of this, more information about services and suppliers is available now than was ever the case before contracting was introduced.

6.32 Audit and monitoring processes have been refined on the basis of experience; Commission staff acknowledge that the organisational change management task has been a considerable one and they have had to develop new expertise in contract management. The Commission believes that this experience, and the development of management information about each supplier, will enable it to take a more targeted approach to auditing and the control of costs and quality.

6.33 Commission staff told us that, in future, they hope that the level of audit input to each firm will be determined by its profile and past performance, enabling the Commission to decide how much of a risk it poses. Low-risk suppliers, such as those who perform well on quality and cost one year and whose costs increase only by inflation the following year, will receive less attention than those which give the Commission cause for concern.

Controlling costs

6.34 For the Commission and the Lord Chancellor's Department, contracting has provided a vehicle for exercising a control over expenditure that was not possible in the past. It is possible for them, as purchasers of services, to know much more about services than was previously possible. (The paucity of comparable information from the pre-contracting period makes comparisons between the two regimes very difficult).

6.35 The National Audit Office's recent review confirms that the new contracting regime is helping to control costs of civil legal aid. After increasing steadily through the 1990's to a

high point in 1998/99 where spending reached £848,438m, the overall expenditure on civil legal aid has started to drop. It was £734,500m in 2001/02.

6.36 Within this total, however, there has been a steady increase in expenditure on legal help (from £189,170m in 1998/99 to £258,300m in 2001/02) and, more dramatically, on immigration work (from £58m as recently as 2000/02 to £138m in 2001/02). These rises in costs have largely been offset by the steady fall in expenditure on legal representation from £659,268m in 1998/99 to £476,200m in 2001/02⁴⁵. The expansion in immigration and asylum was funded by an additional ring-fenced budget of £60m in 2001/2.

6.37 According to the NAO, the introduction of contracting has helped reduce overall costs of civil legal help by enabling the Commission to set strict limits on expenditure under most categories of law. The NAO concluded in its report that “the introduction of contracts for legal help has led to better scrutiny by the Commission of the work of its suppliers, and in a number of respects, a greater degree of control over this element of the civil legal aid budget.”⁴⁶

6.38 However, the average cost of completed legal aid cases has risen since the advent of contracting. In its report, the NAO found that costs of legal help cases across all categories (excluding immigration) increased by around 20% in 2001/02. According to the Commission’s figures, the average cost of family cases, for example, increased by over 15% in the last 12 months, while for social welfare law the increase was around 21%.

6.39 The reasons for this increase in costs are not fully understood, but the Commission’s data show that billable time in a number of areas of legal help has risen dramatically: from 155 minutes in January 2000 to 240 minutes in January 2002 for completed debt cases; and from 147 minutes in January 2000 to 147 minutes two years later for family cases⁴⁷.

6.40 None of the suggested explanations for this rise in billable time have been substantiated. Some are to do with the impact of the contracting regime on suppliers; others are to do with the targeting of resources to priority groups. One possibility suggested to us is that the increasing ‘bureaucratisation’ of the service under contracting encourages suppliers to itemise all their activities and time spent more accurately. However, interviewees from both the Commission and Lord Chancellor’s Department and from suppliers’ organisations all have more positive explanations. They believe that the rise in costs may be due to the success of targeting services on the most complex cases. It was also suggested to us that cases in general may be becoming more complex. Finally, the Lord Chancellor’s Department suggests that controls exercised through contracting may have been successful in eliminating the cheap cases that were essentially abuses of the previous green form system, which had limited controls on the work of suppliers.

6.41 The contracting system involves the Commission scrutinising costs by examining a sample of case files. From the point of view of the Commission and the Lord Chancellor’s Department, the ability to know much more about the level of over-claiming and then to tackle it, are important advantages of contracting. When the NAO reviewed the Commission’s auditing process it concluded that 35% of suppliers were over-claiming in excess of 20% and thus fell into ‘category 3’ of the classification of suppliers’ claiming

⁴⁵ National Audit Office: The Community Legal Service: The introduction of contracting, 22 November 2002, p 7.

⁴⁶ National Audit Office: The Community Legal Service: The introduction of contracting, 22 November 2002, p 2.

⁴⁷ National Audit Office: The Community Legal Service: The introduction of contracting, 22 November 2002, p 11.

practice. While the new system empowers the Commission to disallow significant proportions of costs claimed on help and advice work, and if necessary to withdraw contracts from suppliers, the NAO, expressed concern about the high numbers of suppliers overcharging⁴⁸.

6.42 Concerns about the Commission's record on controlling the number of over-claimers was also expressed during the recent questioning of Sir Hayden Philips and Steve Orchard by the Public Accounts Committee in Parliament⁴⁹. Steve Orchard told the Committee that 26 firms had had their contracts withdrawn for overcharging, 30 were currently under termination notice and 69 had withdrawn as a result of their category 3 costs assessment. A committee member responded, "It is still a tiny percentage of the 5,000 firms contracted to provide legal aid."

6.43 For the not-for-profit sector, the Commission is planning changes to contracts from April 2003 in order to tighten up on cost control. These changes stem from increasing concern at the Commission that some not-for-profit suppliers were not delivering their full number of contract hours or were spending too long on individual cases.

6.44 The new contract emphasises the importance of suppliers meeting their contract hours in full. Payment in full may be made for underperformance of up to 15%, but only under exceptional circumstances over which the agency had no control and which meant it continued to incur full costs, such as flood damage to the premises. In other circumstances, failure to meet contracted output will lead to a requirement for an action plan to correct the problem and possibly to a reduction in contract hours and thus of payment.

6.45 The Commission will introduce a new element to the audit process in not-for-profit agencies, in which auditors will examine a sample of files to consider whether the amount of time claimed for the work was reasonable. The auditors will refer to time guidelines for each category of law, which will indicate the amount of time and the range of activities that would be expected in different types of cases.

6.46 In addition, the Commission will set payments for not-for-profit agencies at national rates rather on the basis of agreement with individual agencies. Payments for salaries will be based on midpoints on local authority pay scales, on-costs will be at a fixed percentage and running costs will be paid at a fixed rate per 1100 hours of casework. Support costs will be reduced for suppliers with more than three funded caseworkers, where economies of scale are expected.

Controlling quality

6.47 Since April 2002, all providers of legal and advice services contracted by the Commission have to apply for and comply with a Specialist Quality Mark, which is a set of quality assurance standards intended to raise the quality of legal aid provision and ensure effective and consistent scrutiny of suppliers. To attain a Specialist Help Quality Mark, the

⁴⁸ National Audit Office: The Community Legal Service: The introduction of contracting, 22 November, 2002, p 15

⁴⁹ Public Accounts Committee, Evidence Presented by Sir Hayden Philips GCB, Permanent Secretary, Lord Chancellor's Department and Mr Steve Orchard CBE, Chief Executive, Legal Services Commission, on 11 December 2002

Commission requires suppliers to meet standards that cover seven key quality areas: access to service; seamless service; running the organisation; running the services; meeting the client's needs; people management; and commitment to quality⁵⁰. These standards are used as a proxy for the quality of the advice itself.

6.48 There is little research on the impact of this new system, which has been in operation for less than a year, although the previous system, Legal Aid Franchising Quality Assurance Standards or LAFQAS, had been in place since before the introduction of contracting. In its review of the contracting regime, the NAO found there to be both positive and negative evidence about the scheme. In terms of positive responses to the scheme, they found that a large number of suppliers felt that it had helped them improve the way they run their businesses. This was confirmed by our interviewees from suppliers' organisations who felt that many of the management requirements, such as file review, were helpful.

6.49 Several suppliers complained to the NAO that the new system was overly bureaucratic and placed both new costs and workload on firms, particularly smaller firms⁵¹. Another concern, echoed in our interviews, was that the Quality Mark, while helping to improve the running of organisations, did not focus enough on improving the quality of services received by clients or on the outcomes of services. The Commission points out that the requirements of the Quality Mark act as a proxy for the quality of the advice itself. They point to the difficulty of developing practical alternatives, which would focus more on quality of service and on outcomes.

6.50 To address this problem, the Commission has recently begun to experiment with the use of peer review to assess the quality of work done under contract. Qualified, specialist practitioners examine files in detail. Peer review is being piloted in housing, debt and welfare benefits and also with a number of suppliers in rural Wales where low case volumes mean that they cannot meet the normal criteria for receiving a contract. Peer review is now also being used to target suppliers that the Commission suspects are delivering poor quality, particularly suppliers of immigration advice in London. The Commission feels that this approach has a lot to offer - the Chief Executive told MPs that '[we should] extend the use of peer review to get a closer fix between the quality of work being done and the time that is being claimed for it'⁵²

6.51 Our interviewees, who believe that the Commission's current approach to quality assurance cannot adequately assess the quality of work done for the client, welcomed this approach. Many commentators and suppliers' organisations have long advocated such an approach. Both the Commission and organisations of suppliers feel that peer review is a more effective approach to assessing quality. However, Commission staff told us that it is too expensive a system to use as a matter of routine.

⁵⁰ Legal Services Commission, Specialist Quality Mark, April 2002

⁵¹ National Audit Office: The Community Legal Service: The introduction of contracting, 22 November, 2002, p 21

⁵² Public Accounts Committee, Evidence Presented by Sir Hayden Philips GCB, Permanent Secretary, Lord Chancellor's Department and Mr Steve Orchard CBE, Chief Executive, Legal Services Commission, on 11 December 2002

IMPACT OF CONTRACTING ON SUPPLIERS

6.52 Interviewees outside the Commission told us that relations between suppliers and the Commission have deteriorated since contracting was introduced. For suppliers of both types, the main sources of dissatisfaction are: the amount of administrative work involved in contracting; the level of remuneration; and the audit regime.

Impact on solicitors

6.53 Since the introduction of contracting, there has been a decline in the number of solicitors firms providing legal aid services. In its most recent annual report, the Commission highlights a “marginal” reduction of solicitors firms carrying out Controlled Work contracts that year from 4,606 in March 2001 to 4,543 in March 2002. The Commission expressed concern about this and, in particular, about predicted trends. It states: “We are picking up intelligence through our regional offices that up to 50% of firms are seriously considering stopping or significantly reducing publicly funded work⁵³.”

6.54 The Law Society strongly echoes these concerns. In July 2002 the Law Society commissioned Moulton Hall Ltd to undertake a telephone survey of legal aid practitioners, designed to gather the views of solicitors about the viability of legal aid and whether their firms would remain in legal aid in the short, medium or long term. The report, “Access Denied”, found that, in the majority of areas of work, there is a predicted decline in the number of firms expecting to undertake work for legally aided clients in the future. Sixty per cent of respondents said the most important reason why their firms would stop legal aid work was that the work was uneconomical⁵⁴.

6.55 Levels of remuneration for solicitors had not been raised for some time. An increase in 2001 (10% for licensed work, 5% for controlled work) was followed by another standstill year in 2002. This seems to be an increasing cause of resentment among solicitors. The potential impact of not increasing remuneration rates on the willingness of suppliers to renew contracts has been recognised by the Chief Executive of the Commission⁵⁵. Funding has not, however, been forthcoming from government. The Law Society is planning detailed research on the profitability of legal aid work⁵⁶.

6.56 Solicitors also complain about the burden of administration required of them in contract work. Certainly the administrative requirements, in terms of recording time and activities, of being open to audit and of developing and operating office systems, have increased with the introduction of contracting. The Commission and the Lord Chancellor’s department point out that such requirements and monitoring are necessary for propriety in spending public money. We are not aware of any independent assessments of the fitness for purpose of the administrative arrangements. Such an assessment would be the best way of investigating the extent and validity or otherwise of anecdotal evidence of solicitors’ complaints.

⁵³ Legal Services Commission, Annual Report 2001/02, p 8.

⁵⁴ Moulton Hall, Access Denied – the results of telephone interviews with legal aid firms, August 2002

⁵⁵ Clare Dyer, Poor face legal aid crisis as solicitors pull out, Guardian Dec 30 2002

⁵⁶ Law Society, Future of publicly funded legal services: a consultation paper. Law Society Feb 2003

6.57 We heard anecdotal reports of contract compliance audits that solicitors had thought to be prone to mistakes and misjudgements, which then required time and effort to correct. There are complaints, in particular, about the ability of auditors to make what solicitors would accept as realistic judgements about whether reasonable amounts of time were spent on casework. It seems that remuneration levels, administrative work that is experienced as costly and time-consuming and dissatisfaction with the contract relationship are combining to persuade some suppliers to consider withdrawing from contracting altogether, and some to actually withdraw.

Impact on not-for-profit agencies

6.58 Not for profit agencies voice similar concerns about the level of administrative work involved in contracting and the experience of audit by the Commission. The contracting requirements to record time spent and to operate office management and quality assurance systems were completely new for most not for profit agencies. Traditional funders of these agencies were very unlikely to have ever required anything similar. The impact of the regime associated with the new funding regime was therefore all the more marked.

6.59 Interviewees from the sector told us that some agencies believe the administrative work to have increased since contracting was first introduced, to a point where they judge it to be disproportionate to the value of the service they are able to offer clients with Commission funding. It is also said to make it increasingly difficult to recruit and retain advisers to work in services funded by the Commission. This problem is exacerbated by a general shortage of advice workers, who can therefore choose to work outside the constraints of a legal aid contract.

6.60 Not for profit agencies also express a view that the values and ethos of their organisations are being undermined by the structures of legal aid contracts. The Commission's increasing scrutiny of how they spend their time is felt to threaten the agencies' commitment to providing what they describe as an holistic service to clients who may, for example, need help with form filling as well as with strictly 'legal' matters. This, together with communication or language difficulties experienced by some clients, lengthens the time spent on a case. Some agencies feel that the Commission's approach does not fully support services that attempt to meet such needs.

6.61 The context for these views is the wider debate about the role of voluntary sector agencies as contractors for the provision of public services. Advice agencies, perhaps more than many other voluntary sector agencies, have traditionally been used to being funded through grant aid or service level agreements, which involve less scrutiny or prescription of their activities than funding through contracts. Not for profit agencies and the Commission therefore have very different experiences and expectations of the contract relationship and of levels and types of monitoring and accountability. It is hardly surprising that they disagree about what would be appropriate.

CHANGES IN SERVICE PROVISION AND ACCESS

6.62 In this section we consider, first, the impact that contracting has had on service provision and access to legal services and, secondly, the ability of contracting, as it is currently operated in England and Wales, to target need and reshape access.

Impact of contracting on service provision and access

6.63 As discussed above, objectives for the Community Legal Service include the encouragement of access to quality assured legal services that tackle real needs and combat social exclusion. We consider whether contracting has had an impact on service provision and access in these or other ways.

Access in areas of law

6.64 The table below outlines the numbers of contracts awarded to solicitors and not for profit organisations between April 2000 and March 2002 under the categories of law covered by contracting.

Contracts awarded to solicitors' offices and Not For Profit organisations

Contract Categories	April 2000	March 2001	March 2002
Family	4,243	4,039	3,760
Actions against the police, etc.	37	60	71
Clinical negligence	250	251	300
Community care	27	38	49
Consumer	193	151	113
Debt	618	549	515
Education	35	44	52
Employment	403	373	316
Housing	840	788	707
Immigration	483	548	591
Mental health	334	355	352
Personal injury	2,333	1,888	1,494
Public law	9	26	28
Welfare benefits	673	636	588
Total	10,478	9,746	8,936

Source: Legal Services Commission Annual Reports, 2000/01 and 2001/02

6.65 Access to legal services in some areas of law has improved overall through the introduction of contracting. The involvement of the not for profit sector has helped to strengthen provision in those areas of social welfare law, particularly welfare benefits and debt, in which solicitors traditionally do not specialise and which they may be reluctant to develop. Not for profit agencies have greater experience and expertise in these areas, in which cases are often complex and time consuming but do not lead to representation and certificated work.

6.66 In immigration and asylum law, the Commission has considerably expanded provision as a result of a programme of supplier development. This programme, which we describe in more detail below, has brought over 100 additional advisers into this subject field.

6.67 It is widely accepted among the people we interviewed that contracting, and the planning process and the mapping of supply that is associated with it, has exposed, rather than created, some pre-existing gaps and shortfalls. However, the table above shows an overall reduction in supply from the position in 2000 and a particular reduction in some categories, including family, debt, employment, and housing. Emerging and anecdotal evidence suggests that these changes are not a result of deliberate action by the

Commission but are the result of difficulties with the contracting regime that make it difficult or impossible for the Commission to contract with suppliers for particular needs.

6.68 Anecdotal evidence from a number of our interviewees suggests that the withdrawal of suppliers from contracts has left areas of the country without housing advice. Commission staff told us that in London potential suppliers of debt advice have been unwilling to contract with the Commission. Even in the best-served category, family law, there are concerns about widening gaps in provision. Indeed, family law has seen the largest fall in the number of suppliers. This is particularly worrying because the network of contractors in family law is the foundation of provision as a whole. If a solicitors' firm withdraws from family law, it is very likely to withdraw from any other categories in which it also has a contract.

6.69 As a measure of the concern the Commission has about family law, Steve Orchard, the Chief Executive, was recently quoted as saying: "*Our real concern is round the family supplier base, the rate of attrition there is 16.8 per cent who have dropped out of family law since we launched the contract. The Report suggests remuneration is at the heart of that.*"⁵⁷

6.70 Contracts specify the proportion of their work that suppliers may do in areas of law outside those covered by their contract, under the tolerance system. This system is recognition of the fact that a client's problems will not always fall neatly into a specific category; the client may need related aspects of a complex problem to be addressed together. For example, debt and housing problems are often associated with marital breakdown and divorce.

6.71 The use of tolerances is also intended to help fill gaps in the supply of services in particular subject areas. Commission staff told us that at present, for example, 79% of debt work in London is done under tolerance. There is growing concern about the quality of work done under tolerance by non-specialists. Research for the Commission, which is currently being validated by peer review before it is published, suggests that in debt, welfare benefits and housing, work done under tolerance produces outcomes for clients that are 15% worse than in areas for which suppliers hold specialist contracts⁵⁸.

6.72 This is a further example of information that has become available through the contracting regime. Such information about quality was not previously available. In the light of the picture now emerging, the Commission has announced its commitment to reducing the use of tolerances where specialist supply exists. Where it does not, it will be necessary to find a way to manage work under tolerances to improve its effectiveness⁵⁹.

Access to services in different geographical areas

6.73 The introduction of contracting reduced the total number of suppliers. This has been followed by a further loss of supply as solicitors withdraw from contracting. This loss, as we have seen, is attributed mainly to solicitors' concern about the remuneration rates,

⁵⁷ Public Accounts Committee, Evidence Presented by Sir Hayden Philips GCB, Permanent Secretary, Lord Chancellor's Department and Mr Steve Orchard CBE, Chief Executive, Legal Services Commission, on 11 December 2002

⁵⁸ Legal Services Commission, Contracting priorities and strategies: an overview, 2003

⁵⁹ Legal Services Commission, Contracting priorities and strategies: an overview, 2003

exacerbated about concerns about the administrative workload and the audit arrangements associated with contracting.

6.74 Most of our interviewees accept that the initial reduction in the number of points of access was a necessary price to pay for the introduction of quality assurance systems. There are now fewer suppliers than before contracting, but more certainty about the quality of their work. The suppliers who did not move from the old legal aid system into contracting were generally doing a small amount of legal aid work – ‘dabbling’ – and did not see it as worth their while to invest in the development of the necessary quality and management systems.

6.75 In some geographical areas, the Commission believes there are still more suppliers than is necessary to meet the needs. This applies to family law, the largest category, in some large urban areas. From the Commission’s point of view, in some urban areas, it might be more efficient to have fewer suppliers, perhaps each doing a larger volume of cases. Contracting offers a vehicle to allocate resources in this way, over a period of time.

6.76 It is no surprise to find that rural areas experience the most serious, general problems of access to services. Of course, this difficulty is characteristic of access to services in rural areas generally and cannot be attributed to contracting per se. However, contracting does appear to have deterred some potential rural suppliers from continuing with or entering into legal aid. From the suppliers’ point of view, the cost of investment in supervision, administrative and management systems is too high when set against the value of the types of low volume contract that the Commission may wish to let to meet rural needs. The Chief Executive of the Commission told MPs that he recognised this problem: ‘the less reliant you are on publicly funded work, the easier it is to decide to give it up’⁶⁰ The Law Society has also commented that ‘legal aid is becoming inaccessible to people in some suburban or rural areas’⁶¹

6.77 There is also the concern that a strategy of meeting rural needs through tolerances may result in unacceptable quality, as discussed above. Poor quality work by rural suppliers, attempting to meet a wide range of needs without specialist expertise is likely to have existed before contracts were introduced. As noted above, it is another example of an issue that has come to light under contracting rather than being directly caused by it. Once the issue is recognised, it is possible to address it. For example, it may be possible to use different methods of service delivery, which are more suitable for rural areas and more sustainable (see below)

6.78 In addition to concern about the impact of contracting on rural areas, there is also growing concern about provision in areas of high prosperity, such as Surrey and Hertfordshire in the South East and prosperous cities, such as Chester. The MP for Swindon told the House of Commons that there was a lack of housing advice in the town, due to the withdrawal of solicitors⁶². In these areas, where need for legal aid persists in the more deprived parts of the community, there is a lack of solicitors’ firms willing to carry out legal aid work. They have little incentive to do so when there is more than enough work available from private clients and legal aid remuneration makes publicly funded work unattractive.

⁶⁰ Public Accounts Committee, Evidence Presented by Sir Hayden Philips GCB, Permanent Secretary, Lord Chancellor’s Department and Mr Steve Orchard CBE, Chief Executive, Legal Services Commission, on 11 December 2002

⁶¹ Law Society, Future of publicly funded legal services: a consultation paper. Feb 2003

⁶² House of Commons Debates, Feb 13 2003

Access to the type of service that is needed

6.79 At present, contracts are almost entirely for services that operate a traditional casework service, based on one-to-one and face-to-face interaction, in the supplier's office, between supplier and client. Some people we spoke to feel that a greater diversity of approaches is needed to meet a wide range of needs among different client groups.

6.80 The Commission is indeed experimenting with some alternative methods of delivering one-to-one casework services. These include the use of outreach services and telephone-based services, both of which might contribute to meeting needs in rural areas and to very specific types of need in urban areas. Evaluations of these developments are currently in progress.

6.81 There are currently 17 contracts for telephone advice. Suppliers include not for profit agencies, solicitors and a commercial call centre. The pilot is exploring the effectiveness of telephone-based services in meeting the needs of a low density population or in addressing problems that have a low incidence. Some of the pilot projects have taken a long time to become known and are still working below capacity. This raises questions about the value for money of new services that take a long time to become established. Issues of concern to the Commission include: the need to establish quickly a caller's eligibility for the service, at the beginning of the call and the need to integrate regional or national services into local provision.

6.82 The Commission has also been piloting outreach services. During the pilot, some outreach services were also commissioned as part of mainstream contracts. From April 2003 the results of the pilot will allow the Commission to standardise its approach to contracting for outreach. This will incorporate payment for the additional costs involved in outreach services - travel time and the additional time required to develop and maintain services at locations away from the main office base. The Director of the Commission's regional office in Wales told us that the development of an outreach service by Shelter had been very successful in filling a gap in housing advice across rural areas in Wales.

6.83 There are currently 25 contracts for specialist support services, which provide telephone advice and training to suppliers and who also accept cases on referral from suppliers. The contracts cover almost all areas of social welfare law and include both regional and national services and both solicitors, barristers and not for profit agencies. Commission staff told us that interim research into users' satisfaction at the end of 2002 found that suppliers thought the services to be very helpful to their clients.

6.84 The Commission is also investing in initiatives that widen the range of approaches to tackling legal need, beyond traditional casework. From 2001, the Partnership Innovation Budget funded 75 projects based in the not for profit sector and in local authorities to develop new services. The second round of the Partnership Initiative (sic) Budget is currently accepting applications from organisations who wish to develop services that focus on excluded groups, offer services and approaches in addition to traditional casework, encourage education and develop links between providers. Six million pounds will be made available over three years from June 2003.

6.85 These developments are taking place alongside mainstream contracting. Not-for-profit agencies believe that approaches other than casework, such as social policy work or

community development might be more effective in the long run, in meeting certain needs, and would like to see more flexibility in contracts in the future.

6.86 There are examples of policy development to prevent the escalation of problems that can lead to legal needs. For example, the London regional office is working with the Association of London Government and four London boroughs to try and improve the operation and delivery of housing benefit systems in order to prevent clients falling into debt and being taken to court. The aim is to save resources for the whole system of public agencies. Such initiatives recognise the impact of the actions of other public agencies on the demand for legal services, and of the provision of legal help in reducing demand on other agencies.

6.87 Although such initiatives are limited at this stage, they have been made possible by contracting. The contracting regime and the planning process have given the Commission an entrée and a legitimacy in opening dialogues with other suppliers about ways of addressing legal needs. They also provide the Commission with a means of directing its resources, providing suppliers are available and willing to contract with the Commission.

Access for clients with the most pressing needs

6.88 While the rise in the average cost per case, noted above, is poorly understood, it is thought by some commentators to reflect success of contracting in delivering a service to people with the most complex cases and/or language and other communication difficulties. Certainly, the not-for-profit suppliers have been shown to take longer on cases than solicitors and this is likely to be explained, at least in part, by the nature of the cases they deal with and the characteristics of the clients who approach them for help.

6.89 Not-for-profit agencies point out that the resolution of, for example, debt and welfare benefit problems can involve lengthy negotiation on behalf of clients, a heavy administrative workload and the completion of complex application and other forms for clients. Further, not for profit agencies are more likely to attract clients with communication difficulties that prolong casework. It was generally agreed by our interviewees that the involvement of not for profit agencies in contracting has extended access to groups who would be unlikely to approach solicitors for help.

Access when help is needed

6.90 Solicitors have contracts for a fixed number of matter starts each year. Not-for-profit agencies have contracts to deliver a set number of hours of casework. Some interviewees from suppliers' organisations expressed concern about solicitors using their full quota of matter starts before the end of the financial year and being unable to offer a service for the last months or weeks. We were told that this has rarely, if ever, been an issue in the past as the Commission had sufficient finance to approve applications for more matter starts.

6.91 Anecdotal evidence suggests that budgetary constraints are making this extension of contracts less routine and that gaps in provision can appear before the end of the financial year. However, the Commission will not necessarily agree with this position. For example, the London office told us that it received around 200 representations against its decision not to grant more matter starts in immigration. Its response, after investigation, was to allow

more matter starts to only two suppliers, as it felt that other suppliers could provide adequate coverage for the remainder of the year.

6.92 Certificated work, of course, remains demand-led, as there is no ceiling on spend by each supplier.

The ability of contracting to improve access and target need

6.93 Contracting provides the Commission with a vehicle for allocating resources to meet needs that it identifies as priorities. This was not possible under the previous system. The planning process for identifying priority needs is based on the use of Community Legal Service Partnerships, which map supply and identify needs at local level, and the work of Regional Legal Services Committees, which develop an overview to inform regional strategies for prioritisation and letting contracts. This process is still relatively new. Experience of partnership working in other areas of public service confirms that it takes a considerable length of time for partnerships to develop ways of working that have a real impact on activities.

6.94 The Lord Chancellor's Department is to commission a review of the CLS, with a focus on the effectiveness of the partnerships, this year. This should provide empirical evidence about their work and contribution. In the meantime, our interviewees, both inside the Commission and the Lord Chancellor's Department and outside, point to a number of issues that may limit the ability of the Commission to identify needs through the current process. There are also some questions about the capacity to direct resources, through contracting, to the most pressing needs.

6.95 First, the process of mapping local supply and identifying needs is not universally reliable. It is generally agreed by our interviewees that Community Legal Service Partnerships vary enormously in their effectiveness. Some are supported by committed partners from all sectors, but others have required considerable investment from the Legal Services Commission and others, sometimes to little effect. As the Law Society noted '*many solicitors believe that their local CLSP strategic plan is nothing to do with them*'⁶³

6.96 Secondly, the Commission is faced with the very difficult situation of patterns of legal need that can change very quickly in response to, for example, local employers making staff redundant, housing associations changing repossession policies, or new minority ethnic groups moving into a local area. It would not be practical for the Commission to 'micro-manage' the work of suppliers, by specifying more closely the sort of work they should be doing. Also, suppliers have objected to suggestions that the Commission could move in this direction. They would be likely to resist such attempts.

6.97 Thirdly, the Commission recognises that suppliers require the security of three year contracts to make their investment in the necessary management and quality systems worthwhile. The Commission needs a stable and committed supplier base and, to secure this, has committed itself to renewing contracts unless there is a record of poor performance or other 'exceptional' circumstances. It has to balance stability of supply with responsiveness to changing needs.

⁶³ Law Society, Future of publicly funded legal services: a consultation paper. Feb 2003

6.98 Fourthly, the limits on the budget for new contracts make it very difficult for the Commission to expand provision through regional office funds. No additional funding has been made available from central government. Funding only becomes available when suppliers withdraw or matter starts are unused⁶⁴. At present the Commission guarantees that each supplier will be paid for a minimum of 80% of the matter starts in the contract, but this level may be reduced. However, the room to manoeuvre is limited and the capacity to shape provision through regional budgets is therefore tightly constrained.

Contracting priorities from 2003

6.99 In February 2003 the Commission published details of its priorities for new contracts, should money become available⁶⁵. It records the highest priorities for spending in each region in a summary that is underpinned by more detailed reports for each region. The Commission emphasises that these priorities will guide spending on contracts as and when money becomes available, as '*we cannot realistically expect this to take the form of new money*'.

Supplier development

6.100 Although regional budgets are constrained, there may be occasions when the Commission would like to encourage solicitors to open services in new locations. The greatest effort in supplier development by the Commission has been in immigration and asylum. Funding was made available centrally in response to a national need identified by the Home Office and Lord Chancellor's Department. Solicitors were offered incentives to develop services in this field, including help with start up costs. More than 100 new suppliers were signed up, the majority in London, where need is concentrated.

6.101 However, the success in supplier development has been accompanied by problems with the quality of services and over-claiming by suppliers. Many of the problems identified by the National Audit Office were attributed in evidence to the Public Accounts Committee and by some of our interviewees to immigration suppliers in the London area.

6.102 Contracting offers the Commission a vehicle for this type of special initiative to expand supply. Without special incentives, the start-up costs and levels of remuneration may be inadequate to make a contract for civil legal aid appear as an attractive business opportunity. For suppliers, there are perceived risks in developing new services, especially if these involve opening new offices. They would be concerned that their new venture would be vulnerable to changes in government policy that affect legal need and eligibility for services.

6.103 The Partnership Initiative Budget, described above, contributes to supplier development for mainstream contracting as well as to the development of new and innovative approaches. For example, there are plans for a new law centre in Reading, supported by the PIB.

⁶⁴ Legal Services Commission, Contracting priorities and strategies 2003

⁶⁵ Legal Services Commission, Contracting priorities and strategies 2003

Encouraging Referrals

6.104 One of the intentions of the Community Legal Service was to increase access by ensuring that, wherever a client entered a network of suppliers, they would be referred on to the service that could best meet their needs. To this end, CLSPs have been developing directories of suppliers and referral protocols. Regional offices have also been developing particular approaches to referral systems. For example the East Midlands and Brighton offices have developed region-wide systems to facilitate referrals between CLSP areas and to support the development of protocols.

6.105 As yet, there is no evaluation of these approaches or results from audits that might indicate their impact. Commission staff told us that unpublished research for the Commission indicated a high volume of signposting of clients to alternative sources of help, but a very much lower incidence of proper referrals, which involve the original supplier asking another specialist to work on a client's case. The evaluation of referrals and referral systems is intrinsically difficult: the incidence is low and it is very difficult to compare areas or patterns before and after the introduction of systems.

6.106 Many of our interviewees believe that formal referral systems have, as yet, had little or no impact on suppliers' behaviour. In their view, referrals take place between suppliers who know and trust each other. The CLSP may be able to facilitate referrals if it is able to develop these relationships. The influence of CLSPs, which are still young in terms of partnership working, on relationships and referrals is as yet unknown.

CONCLUSIONS AND CONSIDERATIONS FOR THE DEVELOPMENT OF COMMUNITY LEGAL SERVICES IN SCOTLAND

6.107 The experience of contracting in England and Wales, though still relatively new and therefore little researched, raises some issues that will be important for Scotland to consider in developing its own approach.

6.108 The introduction of contracting has enabled the Commission and the Lord Chancellor's Department to make progress on its policy objectives in the following ways:

- contracting has brought some improvements in access to legal services by the groups in the population, and in the subjects and geographical areas that can be recognised as important priorities for the agendas on social inclusion and access to justice;
- access to legal help has been improved in particular. For reasons that are not fully understood, spending on certificated work has decreased. Thus there has been no increase in the use of civil litigation through the legal aid scheme;
- these improvements have been achieved within a controlled budget. Contracting has enabled the Lord Chancellor's Department and the Commission to control expenditure on legal help;
- alongside this, the contribution of the quality regime to improving the running of organisations and operation of services is also widely agreed upon.

- experiments with different forms of service delivery and the funding of innovations have served to illustrate the value of contracting in providing the Commission with a means of responding to different forms of legal need. The ability to fund and develop different approaches, alongside standard models of contracts for casework, is particularly important;
- contracting has provided a vehicle for facilitating the development of service provision to meet new needs, as demonstrated by the expansion package for the legal services in immigration and asylum.

6.109 There are, however, worrying signs of gaps opening up in the existing network as suppliers withdraw and new ones are unwilling to enter into contracts. This demonstrates the difficulties inherent in a public body relying on other sectors to provide a public service, when it is unable to offer incentives and rewards that seem sufficiently attractive. There is an important balance to be struck between the levels of financial remuneration and the effort for suppliers involved in work under contract. If the balance appears unfavourable to suppliers, they may be deterred from taking up contracts. This is particularly true for those suppliers for whom legal aid work is a small part of their business.

6.110 In principle, contracting offers the Commission the opportunity to direct its resources to areas of greatest need. In practice, its capacity to do this has been limited. The initial letting of contracts committed the Commission to a large number of contracts, which were not necessarily targeted to the emerging - and changing - pattern of highest priority needs. Suppliers understandably require the security of a long-term commitment from the Commission, and this further limits the Commission's capacity to direct resources. Further, limits on spending and remuneration for suppliers affect the Commission's capacity to sign up new suppliers.

6.111 Since the introduction of contracting, the Commission has been developing community legal service partnerships as a means of assessing local needs so that it may target resources more accurately. There is general agreement that these vary enormously in their effectiveness. It would be necessary to evaluate them quite carefully before reaching a decision about their cost-effectiveness as part of the planning system.

6.112 Any public body wishing to move in this direction should not underestimate the change management effort involved in the transition from the old legal aid system to contracting. New skills and considerable investment in monitoring and audit systems are required. There are particular issues involved in developing contract management for the voluntary sector, whose ethos and ways of working were unfamiliar to the Commission. For the sector itself, there was a need to develop its capacity to respond to contracting and to make informed decisions about the extent to which it wished to participate.

7 THE ROLE OF LAWYERS AND NON-LAWYERS

7.1 This chapter starts with an overview of the literature on the role of lawyers and non-lawyers in the provision of advice services and examines practice in organisations in Scotland.

EVIDENCE FROM THE LITERATURE REVIEW

7.2 Clarifying the appropriate roles of lawyers and non-lawyers is central to the future provision of publicly funded legal services including the development of community legal services. In a recent Consultation Paper⁶⁶, the Law Society in England and Wales set out a number of issues relating to the best use of lawyers and non-lawyers, given the limited legal aid budget. It examines the use of lawyers in private practice and lawyers who are salaried to provide civil law and family work. The Law Centres are one example of the latter although the authors recognise that the number of Law Centres is low in comparison to the number of advice agencies. It goes on to consider a “two tier” service where the solution would be:

“.....to entrust the bulk of this work [advice provision] to the voluntary sector. This would leave representation to be provided exclusively by accredited lawyers.”

7.3 This raises questions about cost-effectiveness. There is some limited evidence from the Commission in England and Wales to suggest that some voluntary sector agencies may take more time with cases and therefore be more costly (see Para.6.43). However there were also concerns that some not-for-profit suppliers were not delivering their full number of contracted hours.

7.4 The Consultation Paper sets out four potential models for the delivery of civil and family work:

- Publicly funded civil and family legal services delivered through private practice;
- A two tier system with advice and assistance being predominantly provided by the voluntary sector with representation by private practice;
- Either of the above models but with an expanded role for the Law Centre model to provide a viable alternative to both the voluntary advice sector and private practice
- A civil and family legal service based on the Law Centre model working closely with the voluntary sector and referring complex and specialist cases to private practitioners.

7.5 In Scotland, for some years now, the role and relationship between lawyers and non-lawyers in the provision of legal advice and information relating to social welfare has attracted increasing attention as illustrated in the examples which follow:

⁶⁶ The Future of Publicly Funded Legal Services, The Law Society, 2003

- In 1987, the Debtors (Scotland) Act (1987) made provision for parties to be represented in proceedings under the Act by people who are not solicitors or advocates. This was to encourage greater use of lay representation such as debt counsellors and advice workers on behalf of debtors, and credit control personnel on behalf of pursuers.
- In 1998, SLAB recommended that having solicitors in advice agencies would be of benefit to the agency clients.⁶⁷ The Part V project has put this into practice in five different models:
 - in the Highlands a solicitor provides second tier support to six CABx and undertakes a small number of more complex cases;
 - in West Lothian a solicitor offers a half hour diagnostic interview for clients who have been referred to him by advice agencies to assess whether there is a legal case to address and if there is he refers the client on to an appropriate solicitor.
 - in Glasgow there are two projects focusing specifically on the needs of asylum seekers; and
 - in Edinburgh a solicitor works alongside a homelessness organisation to offer direct legal assistance to those on the streets.
- In 1999, research for The Scottish Office⁶⁸ examined the possible advantages and disadvantages of solicitors working within advice agencies. It was considered that the advantages were:
 - easy access to a solicitor with expertise in the subject area;
 - enhanced training for the agency staff and volunteers;
 - a seamless approach for clients.

Disadvantages were considered to be:

- little interaction between the advisers and the solicitor;
- insufficient volume of work to keep one solicitor fully employed;
- difficulties in funding solicitors;
- complications arising from becoming involved in the legal aid system;
- possible conflicts of values between the advisers and solicitors;
- issues of professional accountability.

7.6 The research concluded that a possible way forward would be to place solicitors within second tier agencies. It was considered that this model would largely achieve the advantages which agencies saw in having an in-house solicitor, without incurring many of the disadvantages.

7.7 The Scottish Consumer Council report 'Consensus without Court'⁶⁹ stresses the importance of alternative dispute resolution, and in particular mediation, in resolving civil

⁶⁷ Opening the Door, SLAB, 1998

⁶⁸ Referrals Between Advice Agencies and Solicitors, C. Millar, Scottish Office Central Research Unit, 1999

⁶⁹ Consensus without Court, Scottish Consumer Council, 2001

disputes. It suggested that the increased availability of mediation (which can be offered by non-lawyers and lawyers) would assist in improving access to justice for consumers.

7.8 In England and Wales the introduction of contracting through the Community Legal Service (see Chapter 6 of this report) has allowed non-lawyers a greater role within the system than previously. There were a number of research papers and articles leading up to the establishment of the community legal services model in England and Wales and some of these are noted here for reference:

- Alternative Methods of Delivering Legal Services, PSI, 1996: This study evaluated 11 projects that aimed to provide legal services in an alternative way, through the provision of written advice services, specialist support to front-line workers and the identification of test-cases. The study found that some methods (second tier, group work and test cases improved access to legal services and that group work and test cases) were effective ways of targeting service provision. Second tier work and telephone services required further development work to improve targeting. Further work was also required to develop quality assurance methods suitable for these alternative methods.
- Extending Legal Aid Franchising to Non-Solicitor Agencies, PSI, 1995: This study recommended a set of standards for casework supervisors and casework supervision for use by the Legal Aid Board in piloting franchises in non-solicitor agencies. The recommended standards, which were intended to provide assurance of a quality standard for services not provided by workers subject to solicitors' professional qualifications and regulation, set requirements for both experience and the nature and amount of current casework practice by supervisors in advice agencies.
- Fast, Friendly and Expert? Legal aid franchising in advice agencies without solicitors, PSI, 1996: This examined the benefits of extending legal aid funding to advice centres, and recommended that the run by the Legal Aid Board was successful and should be extended. Advice centres provided access to legal services to client groups who would not generally use solicitors often covering subject areas not well supported by solicitors. The report makes comprehensive recommendations for implementing contracting between the Legal Aid Board and advice agencies, including: funding on the basis of 1,100 hours casework effort per caseworker annually, arrangements for improving access and further increasing and assuring quality.
- The Price of Success, PSI, 1997: This study assessed how effective conditional fees are as a method of paying for legal services. This research, carried out at an early stage in the implementation of conditional fees as a method of paying for legal services, suggested that they were enabling some people to go to law who would not otherwise have been able to afford to do so. However, some concerns were raised about the assessment of risk and the setting of the uplift (the fee payable to the solicitor if the case is successful).

7.9 Further afield, a review of American and Canadian research, carried out for the Ontario Attorney General, compared various models of service delivery for community legal services.⁷⁰ The two main models they looked at were the 'judicare' model, which uses only

⁷⁰ Ontario Legal Aid Review: A Blueprint for Publicly Funded Services, 1986

private solicitors, and the ‘staff’ model, where lawyers and support staff are hired directly by the legal aid administration. This review showed that:

- Costs were not comparable for different models, due to the huge number of variables. It was suggested, however, that a judicare model might be more cost effective in small rural or remote communities, in which the demand for legal aid is insufficient to sustain full-time staff.
- Quality of representation was variable. It was noted that staff programmes rather than judicare models have the greater potential for quality control, but the large number of variables did not allow for a direct comparison. Some of these variables were:
 - Case Outcome – although the overall findings on the question of guilt were the same for both staff and judicare clients, staff counsel entered more guilty pleas at an early stage, and staff clients had lower incarceration rates. However, judicare clients received significantly more absolute discharges.
 - Continuity of representation – staff counsel made contact earlier with clients and remained with their clients through different stages of the proceeding more often than judicare counsel.
- Specialisation was rated as being more important in family aid, rather than criminal matters, since there are often many other factors around the presenting family legal issue.
- Caseloads were raised as an issue for the staff model, but it does not appear that high caseloads mean that clients are receiving an inferior service. However, the report suggests that a mixed model of delivery allows for greater flexibility with case loads.
- In terms of education and preventative work, it was found that staff systems were more likely to lead to a ‘long-term improvement or avoidance of deterioration in living conditions’ than pure judicare models. It appeared that generally staff systems are better positioned to carry out educational and preventative work; it can be done through the use of staff lawyers, community legal workers, by social workers or advice offices near to low-income client groups.
- Access to legal services was variable. The key challenge is to identify the mode of delivery that is most appropriate for particular communities of consumers or for particular areas of law. This will vary according to the needs of different clients, who are trying to access legal aid services. According to the Ontario Legal Aid Review, the different models have different strengths and weaknesses:
 - Judicare:
 - The legal aid rate that can be paid (to lawyers) for providing services has a significant effect on the quality and experience of counsel who will accept legal aid certificates, since a low rate may

- mean that more experienced or specialist lawyers may refuse to participate in legal aid, or else refuse cases.
- Client access to lawyers in a judicare model stems not from what the system is able to provide for the client, but how the client perceives the service provided.
- Assumes that legal services should be available to low-income clients in the same way as high-income clients – however, the needs are often very different.
- However, the judicare model is easier to provide to rural communities/ communities that do not require legal services on a constant basis.
- Staff and Clinic models:
 - Decentralised staff offices are psychologically and physically more accessible to low-income people.
 - If there are good links with the community, this may also heighten the community’s awareness of the existence of the service.
 - A client’s comfort level with the setting in which the service is provided will often lead to/ increase that client’s willingness to use that service.
 - Clinics are very well placed to educate people about their rights, which often provides them with the confidence to exercise those rights.

It is important that both staff lawyers and judicare lawyers have legal independence from the government, whatever the methods of control or payment.

In Ontario an individual’s freedom to choose their own counsel is sacrosanct. However, this is often difficult to provide in a staff model. It was also shown that since many low-income clients have a lack of familiarity with the legal system, they may not be able to make an informed choice.

CURRENT PRACTICE IN SCOTLAND IN RELATION TO NON-LAWYERS AND LAWYERS

7.10 There are a number of organisations where lawyers and non-lawyers work closely together in Scotland and these provide a useful starting point for examining the role of lawyers and non-lawyers and what the respective roles might be.

- In Shelter, there are three lawyers (one Principal solicitor, one solicitor and one trainee solicitor) and twenty-three non-lawyers. The principle on which they work is that non-lawyers will take a case as far as they can *according to their own level of competence*. This can include writing letters of appeal, serving some legal notices, housing benefits tribunals, commissioners’ tribunals and final stage hearings in local authorities. The lawyers provide

advice to the non-lawyers, as second tier support, and undertake some casework. The lawyers' casework involves:

as defenders

- judicial reviews (e.g. housing benefits);
- local authority arrears to do a proof;
- mortgage arrears cases.

as pursuers (they only ever act for individuals, never for landlords)

- dampness/compensation/illegal evictions.

- The Drumchapel Law and Money Advice Centre (DLMAC), in common with other Law Centres, has a mixture of lawyers and non-lawyers involved in advice provision. At present there are three solicitor posts (two solicitors and one Principal solicitor) and four money adviser posts. There is no clear distinction as to which type of cases the lawyers and non-lawyers take but “*in general if a case goes to court a solicitor gets involved*”. DLMAC offers help for the “unmet legal needs”:

- housing;
- employment;
- criminal injuries;
- debt;
- consumer issues;
- benefits/welfare rights;
- asylum/immigration;
- mental health issues.

- It does not handle family law, conveyancing or medical negligence cases. The lawyers provide support for the non-lawyers as required e.g. with the interpretation of the complexities of the law such as the Mortgage Rights Act.

- Citizens Advice Scotland has one lawyer working within its head office and her role is to provide second tier advice to Bureaux advisers. In the Highlands, one of the Part V solicitors provides second tier support to the six CABx in the area as well as undertaking a limited amount of casework. 19 CABx across Scotland also have visiting lawyers offering sessions/ legal clinics. CAS perceives the role for lawyers as twofold:

- provision of second tier advice;
- handling of more difficult cases (employment tribunals, sheriff courts, eviction cases, debts/small claims).

CAS interviewees noted that there are unwritten legal procedures for sheriff courts which make it easier for solicitors (who have received training in these unwritten rules) to operate in these courts. They suggested a Guide to Sheriff Court Procedures would be useful in terms of opening up access.

- The Ethnic Minorities Law Centre (ELMC) has seven advisers: five of these are practising solicitors and two are caseworkers. The caseworkers begin cases and take them as far as they can and then refer them to solicitors for supervision or to take the case over. The solicitors tend to undertake the representation work (Immigration Tribunals; Employment Tribunals; Sheriff Court). EMLC frequently use Advice and Assistance. Non-lawyers cannot apply directly for this and there is a strong sense that this discrepancy needs to be addressed as lawyers and non-lawyers are often providing the same kinds of advice and help.

Issues relating to the use of Non-Lawyers and Lawyers

7.11 Many of those interviewed during this Review stated that some non-lawyers have far greater experience than lawyers in particular areas (such as welfare rights) and that this needs to be recognised.

7.12 There is anecdotal evidence that in some areas, for example in Fife, there are shortages of private sector solicitors willing to undertake civil legal aid type work.

7.13 It is important to have high quality diagnosis for a client's problems at the start so that they receive the most appropriate advice and assistance. The Part V project in West Lothian where a solicitor is available to undertake a diagnostic review before referring to private sector solicitors is perceived by the Scottish Legal Aid Board interviewee as a good example of this. It is also important to develop the competence of "front-line workers" so that they can undertake work to as high a level as possible reducing the need for the direct intervention of lawyers. It could be argued that lawyers, who tend to be more costly (both in terms of initial training and ongoing salaries) should be used in the most appropriate ways possible in order to maximise benefits for cost.

7.14 The interviewees from the Scottish Consumer Council emphasised the need not to lose sight of helping people through non-legal ways to resolve problems, for example through mediation and alternative dispute resolution methods. Access to such services may need to be considered as part of any access to community legal services.

KEY CONSIDERATIONS FOR THE DEVELOPMENT OF COMMUNITY LEGAL SERVICES IN SCOTLAND

7.15 From the work undertaken in this review it appears that there are three main ways in which lawyers can contribute appropriately to the provision of legal advice and information in relation to the areas of "unmet need":

- by providing second tier advice and information to non-lawyer advisers;
- by providing a diagnostic service to help clients identify where they do have a legal issue which requires the assistance of a lawyer;
- casework in specific/specialist instances.

7.16 The evidence suggests that a useful approach would be to improve the competence and experience of non-lawyer advisers and support them to take cases as far as they can. This is the approach adopted by Shelter and CAS/CABx. This is a more cost effective approach as

lawyers' costs are greater and so should therefore be used where they are most effective. It would appear that some form of salaried solicitor service in relation to this would ensure that access could be planned and comprehensive.

7.17 In relation to future planning, the evidence points to the need for a strategic approach to ensure that the levels of availability/access to a solicitor for services is designed to reduce unmet legal need. Access could be linked to the Community Planning process so that in each community planning area, access to the services of a solicitor for the three elements outlined in paragraph 7.14 above, would be provided.

7.18 It is important to note that the Scottish Consumer Council suggested that increased awareness and access to services should also include Alternative Dispute Resolution. This should also be built in to a framework for community legal services in Scotland.

8 CONCLUSIONS

8.1 This review of evidence has raised a number of questions in relation to developing legal information and advice provision in Scotland.

8.2 A strategic approach to planning services is required to ensure appropriate levels of access. A general entitlement (as developed by the consultants for the purpose of this review) might for example mean that in every area in Scotland there would be a service provider (s), recognised as part of the formal provision framework, and meeting the required quality standards, which would offer:

- access to general advice and information;
- access to a solicitor for a free diagnostic interview to ascertain whether there was a legal case to be addressed;
- access for those who could not afford to pay (i.e. means tested) to a solicitor as required.

8.3 One of the issues of access to be considered will be making the most effective use of IT and finding ways to resource this. There are innovative approaches involving the use of IT in direct access for the public raised in this review, for example the idea of video-links to advisers for people living in more remote areas could be further explored. Issues which require attention in making effective use of IT include; training staff to use IT effectively, updating equipment, and avoiding duplication of effort by sharing IT systems. The review has stressed the importance of using IT to support the work of providers in delivering their service more effectively and has suggested that this may be the most appropriate way forward where resources are limited.

8.4 Appropriate forms of outreach will be part of improved access to services. The review has shown that targeting specific groups is the most effective form of outreach.

8.5 In order to improve access, each area will require a formal referral framework and protocols. Motivating providers to refer will be essential if referral is to take place and a number of ways to do this have been suggested in the report.

Which models of service provision would be most appropriate?

8.5 The review highlights a number of issues relating to the contracting process as it has developed in England and Wales. Current work in Glasgow, with a move to service level agreements for all publicly funded legal and money advice providers, mirrors some of the considerations highlighted in England and Wales with regard to the levels of change which such an approach necessitates. It is a time-consuming and complex process and support to effect change is required.

8.6 The link-up between lawyers and non-lawyers is important: the review illustrates that at present this link is patchy and a more systematic approach, with clear roles for lawyers and non-lawyers, would enable a higher quality of service provision.

8.7 The Part V projects in the Highlands and in West Lothian have provided interesting models of new ways to use lawyers. It would be helpful if the Part V projects could be

evaluated against subject specific support e.g. housing, money advice, to assess in greater detail the benefits this approach brings. In line with the idea of "general entitlement", detailed under Access above, the Part V models might be extended so that every area has a solicitor(s) paid to provide second tier support to a given number of advice providers, and to offer diagnostic interviews in cases where there is some doubt as to whether there is a legal issue involving the need for a solicitor.

8.8 The solicitors undertaking this work could either be publicly funded, salaried lawyers focusing solely on these areas of the law, or they could be private sector lawyers willing, and with the expertise, to undertake such work on a contracted basis.

How can services best be planned and co-ordinated?

8.9 There is a clear need for legal information and advice services to be planned in Scotland. The pilot partnerships in Glasgow and in Fife have recognised this and are trying to instigate strategic planning in those areas. Linking all publicly funded legal advice and information provision planning to the overall community planning process appears to make sense. This will allow service providers to come together and plan where there are particular groups which should be targeted and where there are particular service needs. The structure of Area Implementation Groups in Glasgow fits the community planning model.

8.10 Referral between providers in a given area should be built in with the planning process so that in each area the key providers know each other and have a referral framework and referral protocols in place. The pilot partnership in the West of Glasgow is developing a referral framework at present.

How can quality of services be assured?

8.11 If a quality framework is drawn up, passporting in the main existing assurance systems may be appropriate. In addition two particular issues would merit consideration: the need for formal accreditation for individual competence and the need for independent audit of the quality of advice. The audit process could be left to the quality standards issuers with a random sample of external audits to assess the auditing of the auditors. Based on the evidence from England and Wales (see Chapter 6) it will be important to measure the quality of advice given and not just the inputs.

8.12 With regard to individual competence levels there is a need to develop the qualifications for the "legal advice profession" so that there is clarity about the different levels and competences. Some work has been begun on this in Glasgow in relation to money advisers and qualifications, and this will require to be extended to the full range of advice workers involved in legal advice and information provision.

Conclusion

8.13 There is much that can be developed to improve legal information and advice provision in Scotland. Good planning, clarity in terms of the use of lawyers and non-lawyers, networking between providers, appropriate use of IT and robust quality assurance will help make a start in this.

ANNEX 1 LIST OF ORGANISATIONS INTERVIEWED

Citizens Advice Scotland
Communities Scotland
Ethnic Minorities Law Centre
Fife Council
Glasgow City Council
Gateshead CAB
Gateshead Law Centre
Glasgow Barristers Association
Legal Action Group
Legal Aid Practitioners' Group
Legal Aid Unit, the Law Society
Legal Services Commission
Lord Chancellor's Department
Money Advice Scotland
Newcastle CAB
Newcastle Law Centre
Parkhead CAB
Advice Services Alliance
Scottish Association of Law Centres
Scottish Consumer Council
Scottish Legal Aid Board
Shelter
The Law Society

ANNEX 2

ELECTRONIC INFORMATION SYSTEMS

System and Organisation	Background	Layout of information and how it is accessed	Information that is stored and how it is updated	Who can use the system? How much does the system cost	How is the system used?
NACAB/CAS Electronic Information System	<p>CAS is gradually withdrawing the paper system, which will be replaced by the new electronic format.</p> <p>The EIS is based very closely on the paper system, in terms of topics and information contained.</p>	<p>The information is provided in a web-browser format. The more specific information pages contain links to pdf leaflets, hyperlinks to relevant sources (e.g. Government departments). These links may become more sophisticated, such as links to online claim forms etc.</p> <p>The information is accessed by either browsing topics or carrying out a specific search on a particular search term.</p>	<p>The system contains information covering all areas of welfare rights and consumer advice. It contains all the information in the paper based system and it also contains information from other sources, such as CPAG, the Employment and Disability Rights Handbooks</p> <p>At present the system is updated monthly by installing a CD into the network. This CD contains all the information that is updated centrally by Citizen's Advice (UK) and Citizen's Advice Scotland (for information relevant to Scotland only). This electronic system is much faster than the old paper based system. In future, this process will be even faster, since the system will be updated centrally via an extranet.</p>	<p>The system can only be currently accessed on CABx computers or by supported advisers in other agencies (who have had training on the system).</p> <p>Cost: for voluntary organisations in England (including VAT) - £521.25 for up to 5 users, for multiple user licences: 6 - 10 users £648.15; 11-20 users £777.05; 21-30 users £901.95. Additional CD-ROM / month per year £77.55</p> <p>For statutory and commercial users (including VAT) - £1370.79 for up to 5 users; for multiple user licences: 6 - 10 users £1776.87; 11-20 users £2137.83; 21-30 users £2543.91. Additional CD-ROM / month per year £77.55</p>	<p>The system is used for reference purposes (during or after an interview, or whilst giving email advice). The use of new 'tablet' computers would make it easier and less distracting to use the system during interviews.</p>
LASA – Rightsnet	<p>Rightsnet is supported by LASA staff and organisations including CPAG, Disability Alliance, RNID, NACAB, Dial UK, and Action for Blind People.</p>	<p>Rightsnet is provided in a web-based service that provides welfare rights information, including the facility to look for new legislation within a certain time period.</p>	<p>It provides welfare rights information aimed at advice workers. It also contains leaflets, publicity materials, and benefits take up campaign literature.</p> <p>It is updated 'regularly', and provides a date check on each page to let users know when information was last updated.</p> <p>The site also contains discussion forums for advice workers.</p>	<p>It is a free online service.</p>	<p>It is used as a reference tool by advice workers and welfare rights officers from a variety of statutory and voluntary organisations.</p> <p>The online discussion forum is used as a support for advice workers who are isolated either by geography or because there are no other advice workers in the agency.</p>

System and Organisation	Background	Layout of information and how it is accessed	Information that is stored and how it is updated	Who can use the system? How much does the system cost	How is the system used?
Shelter – Shelter Information System	The ‘Quality Mark for Websites’ provided the guidelines for the development of the system.	<p>The information is provided in a web-browser format. The main topic areas correspond to housing knowledge competency areas (in housing advice training). More specific information pages contain links to contextual information and appropriate laws, an overview of how to place the argument, a downloadable factsheet, and a glossary of legal terms.</p> <p>The site was subject to usability testing in December 2002, and the results of the pilot period will be launched in July 2003.</p> <p>The information is accessed by either browsing topics or carrying out a specific search on a particular search term. The system is capable of producing reports that allow for analysis of the effectiveness of the searches. This tool allows Shelter to check that the search function is effective.</p>	<p>The information is a reference database for housing/ legal topics relating to housing, and is updated centrally by the Shelter Information Team, who have access to both advisers and law practitioners.</p> <p>There are over 13000 pages, which are updated both on an ‘as necessary’ basis and by regular system checks.</p> <p>Each page is dated for when it was last checked, and the system produces reports for the IT team, who can then check that the page is still appropriate. If the page remains unchecked for too long, the system will remove the page itself.</p> <p>Information is also updated within 24 hrs of any change in legislation. However, an anticipated future development would be to build in an ‘embargo’ feature which would allow information to be updated in advance and the system would then replace all relevant pages at the correct time. This system would be far easier to maintain.</p>	<p>Due to the different methods of searching for information and the powerful search function, people with different levels of experience in housing advice can easily use the system, although it is not designed for people with no prior knowledge.</p> <p>At the moment, the system is only available internally to Shelter employees, via an intranet. The aim is to provide the service as a secure web-based service to other housing advice providers, such as law centres and housing associations.</p>	The system is used for reference purposes, or when an adviser is giving information over the phone. It is not used in face-to-face situations, since it is deemed too impersonal and distracting.

System and Organisation	Background	Layout of information and how it is accessed	Information that is stored and how it is updated	Who can use the system? How much does the system cost	How is the system used?
Child Poverty Action Group (CD Rom)	<p>CPAG are well known in this field and have produced the 'Welfare Rights handbook' (which the CD ROM is based upon) for over 2 decades.</p> <p>CPAG are currently looking at developing a centralised, web-based service, that will be password protected. This will enable CPAG to publish information changes/ updates more regularly. This process will be helped by the strong content management software that CPAG use.</p>	The information is laid out in a web-browser format, allowing users to browse through information or carry out more direct searches.	<p>Information includes:</p> <ul style="list-style-type: none"> • Welfare Benefits Handbooks • Child Support Handbook • Complete Social Security legislation • Housing Benefit and Council Tax Benefit Legislation (Findlay) and circulars • Commissioners decisions with commentary • case reports from the Welfare Rights Bulletin. <p>Published 2-4 times/ year</p>	<p>The system is available to anyone who purchase the CD.</p> <p>Cost: £299.63 (including VAT) per copy, additional copies for up to 10 users £30 + V.A.T. each (voluntary sector). Extra discounts for over 10 users may be available</p>	The system is used as a second-tier reference tool.

ANNEX 3 SELECTED BIBLIOGRAPHY AND ON-LINE REFERENCES

1. Good, Bad or Indifferent? The Quality of Money Advice in Scotland, Money Advice Scotland, 2002
2. Review of Legal Information and Advice Provision in Scotland, Scottish Executive, 2001
3. Access to Legal Services: The Contribution of Alternative Approaches, PSI, 1999
4. Bureau Characteristics Survey 2001/2002, Citizen's Advice Scotland, 2002
5. Bureau Characteristics Survey 2001/2002, Citizen's Advice Scotland, 2002
6. Gateways to the Law: An Exploratory Study of how Community Agencies assist Clients with Legal problems, Law and Justice Foundation of New South Wales, 2001
7. Good, Bad or Indifferent? The Quality of Money Advice in Scotland, Money Advice Scotland, 2002
8. Closing the Digital Divide - Information and Communication Technologies in Deprived Areas (DTI, 2000)
9. The Public Perspective on Accessing Legal Advice and Information, Scottish Executive, 2001
10. Channels Framework – Delivering Governmental Services in the New Economy: Office of the e-Envoy, 2002¹ Internet Services – Where are we going', Martin Jones for the LASA
11. Gateways to the Law: An Exploratory Study of how Community Agencies assist Clients with Legal problems, Law and Justice Foundation of New South Wales, 2001
12. I-CAN!: Accessing Rights Through Technology, J. Meeker & R. Utman, 2002
13. www.scotland.gov.uk/government/c21g/summary.pdf
14. Internet Services – Where are we going?', Martin Jones for the LASA
15. Self-help Legal Aid – Abandoning the Disadvantaged? Consumer Policy Review, Aug 2002
16. The Community Legal Service: Access for All? Consumers Association, 2000.
17. Access to Legal Services- Contribution of Alternative Approaches, PSI, 1999
18. Strategic Review of Advice and Information Services in Glasgow, Blake Stevenson Ltd, 2002
19. Gateways to the Law: An Exploratory Study of how Community Agencies Assist Clients with Legal Problems, Law and Justice Foundation of New South Wales, 2001
20. The Community Legal Service: Developing Joined Up Solutions, 1998
21. Referrals Between Advice Agencies and Solicitors, Scottish Office, 1999
22. The Public Perspective on Accessing Legal Advice and Information, Scottish Executive, 2001
23. Partnerships and the Community Legal Service, Adam Griffith, July 2002
24. Referral for Adult Guidance Networks, Blake Stevenson Ltd, 2001
25. Future Direction of Pro Bono Services in New South Wales, Law Foundation of New South Wales, 1998
26. Lawyers-The Quality Agenda, HMSO, 1994
27. Civil Justice 2000, Lord Chancellor's Report, 2000
28. The Community Legal Service: A Consultation Paper, LAB, 1999
29. The Public Perspective on Accessing Legal Advice and Information, Scottish Executive, CRU, November 2001
30. Good, Bad or Indifferent? The Quality of Money Advice in Scotland, Money Advice Scotland, 2002

31. Credit and Debt: the PSI report, PSI, 1992
32. Facing Up to Debt: Housing Debt Advice and Counselling in Scotland, Scottish Executive, 2001
33. CLS: The Introduction of Contracting, National Audit Office, 2002
34. Quality-Where to Now? Advice Services Alliance, 2002
35. The Community Legal Service: Access for All, Consumers Association, 2002
36. Quality Mark Scotland, Consumer Support Network, 2002
37. Legal Services Commission, Annual Report 2001/02
38. National Audit Office: The Community Legal Service: The introduction of contracting, 22 November 2002, p.7
39. The Legal Services Commission Annual Report 2000/2001, p.8
40. Public Accounts Committee, Evidence Presented by Sir Hayden Philips GCB, Permanent Secretary, Lord Chancellor's Department and Mr Steve Orchard CBE, Chief Executive, Legal Services Commission, on 11 December 2002
41. Lord Chancellor's Direction, Community Legal Service Fund Specific Budgets 2001-2002, 2 April 2001
42. Legal Services Commission, General Civil Contract (solicitors)
43. Legal Services Commission, General Civil Contract (not for profit)
44. National Audit Office: The Community Legal Service: The introduction of contracting, 22 November 2002, p.7
45. National Audit Office: The Community Legal Service: The introduction of contracting, 22 November 2002, p.2
46. National Audit Office: The Community Legal Service: The introduction of contracting, 22 November 2002, p.11
47. National Audit Office: The Community Legal Service: The introduction of contracting, 22 November, 2002, p.15
48. Public Accounts Committee, Evidence Presented by Sir Hayden Philips GCB, Permanent Secretary, Lord Chancellor's Department and Mr Steve Orchard CBE, Chief Executive, Legal Services Commission, on 11 December 2002
49. Legal Services Commission, Specialist Quality Mark, April 2002
50. National Audit Office: The Community Legal Service: The introduction of contracting, 22 November, 2002, p.21
51. Public Accounts Committee, Evidence Presented by Sir Hayden Philips GCB, Permanent Secretary, Lord Chancellor's Department and Mr Steve Orchard CBE, Chief Executive, Legal Services Commission, on 11 December 2002
52. Legal Services Commission, Annual Report 2001/02, p.8
53. Moulton Hall, Access Denied – the results of telephone interviews with legal aid firms, August 2002
54. Clare Dyer, Poor face legal aid crisis as solicitors pull out, Guardian, December 30 2002
55. Law Society, Future of publicly funded legal services: a consultation paper, Law Society, Feb 2003
56. Public Accounts Committee, Evidence Presented by Sir Hayden Philips GCB, Permanent Secretary, Lord Chancellor's Department and Mr Steve Orchard CBE, Chief Executive, Legal Services Commission, on 11 December 2002
57. Legal Services Commission, Contracting priorities and strategies: an overview, 2003
58. Legal Services Commission, Contracting priorities and strategies: an overview, 2003
59. Public Accounts Committee, Evidence Presented by Sir Hayden Philips GCB, Permanent Secretary, Lord Chancellor's Department and Mr Steve Orchard CBE, Chief Executive, Legal Services Commission, on 11 December 2002

60. Law Society, Future of publicly funded legal services: a consultation paper, Feb 2003
61. House of Commons Debates, Feb 13 2003
62. Law Society, Future of publicly funded legal services: a consultation paper, Feb 2003
63. Legal Services Commission, Contracting priorities and strategies, 2003
64. Legal Services Commission, Contracting priorities and strategies, 2003
65. The Future of Publicly Funded Legal Services, The Law Society, 2003
66. Opening the Door, SLAB, 1998
67. Referrals Between Advice Agencies and Solicitors, C. Millar, Scottish Office Central Research Unit, 1999
68. Ontario Legal Aid Review: A Blueprint for Publicly Funded Services, 1986

Sites used for reference for this study

www.advicerrights.fsnet.co.uk – information on Just Ask can be found on this site

www.kioskcom.com – site relating to kiosk technology, where information on self-help kiosks in California can be found

www.lsc.gov – site of the Legal Services Corporation, where information on self-help kiosks in California can be found

www.lawfoundation.net.au – Website of the law and Justice Foundation, New South Wales, Australia

www.helplines.org.uk/quality_standard_text.htm

www.helplines.org.uk – site dedicated to helpline issues, where the paper on Quality Standards by the Telephone Helplines Association can be found

www.lasa.org.uk – site of the London Advice Services Alliance, which produces 'Computanews', a publication relating to the use of IT in advice provision.

Online Reference sites

www.scottishlaw.org.uk/lawscotland/ - an A-Z of the law in Scotland

Legal Advice Sites (commercial and not-for-profit)

www.freelawyer.co.uk – commercial legal advice site providing free advice, but charging to speak with a lawyer.

www.venables.co.uk – Legal Resources in UK/Ireland, maintained by Delia Venables

www.compactlaw.co.uk – commercial legal advice site providing free advice, but charging for documents.

www.absolvitor.com – Scottish legal resource site from a Govan Law Centre associate solicitor

www.dial-a-law.org.uk – Law Society of Scotland's information and referral service

www.justask.org.uk – English and Welsh legal help and advice from the CLS

www.samh.org.uk/rights.html – database of SAMH leaflets about rights

www.advicenow.org.uk – law and rights information from Advice Services Alliance

Signposting sites

www.legalaid.on.ca/clinics/speciality_clinics.htm – Ontario legal aid board

www.legalaid.on.ca/clinics/community_clinics.htm – Ontario legal aid board

www.release.org.uk/what.html – Sites useful to people with drug related problems

www.nationaldebtline.co.uk – Sites useful to people with debt problems

www.barprobono.org.uk/about/about.html – the Bar Pro Bono Unit, which puts members of the public in touch with solicitors that may be able to help them

www.patient.co.uk/showdoc.asp?doc=26 – Gives people with medical issues advice on where to find legal help

www.tiger.gov.uk/maternity/legalhelp.htm – gives advice on where to find legal help for employment problems

www.support4learning.org.uk/community/law.htm – gives advice on sites that may help student/ community advisers.

www.lawfoundation.net.au/links/legal_info.html – signposts where to find free legal information in Australia

Sites for advice workers

www.ein.org.uk – legal information for advice workers dealing with immigration issues

www.rightsnet.org.uk – help for welfare rights advisers

ISSN 0950 2254
ISBN 0 7559 3624 8
Price £5.00

www.scotland.gov.uk/socialresearch

The text pages of this document are produced from 100% Elemental Chlorine-Free material.
The paper carries the Nordic Ecolabel for low emissions during production, and is 100% recyclable.

Astron B32963 10/03

ISBN 0-7559-3624-8



9 780755 936243