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LAWWORKS CLINICS NETWORK REPORT APRIL 2016 – MARCH 2017

**ANALYSIS OF PRO BONO
LEGAL ADVICE WORK BEING
DONE ACROSS THE LAWWORKS
CLINICS NETWORK BETWEEN
APRIL 2016 AND MARCH 2017**

LAWWORKS, DECEMBER 2017

FOREWORD

The legal profession has a proud tradition of pro bono – for many, it is a vital part of being a lawyer (or law student).

Demand has never been greater: cuts to legal aid, reduced funding for law centres and local advice services, and tribunal and court fees have significantly reduced the ability of many to access legal advice and representation.

This year has seen a modest growth in the number of clinics and enquiries across the LawWorks Clinic Network. The development of the clinics network demonstrates that both the legal profession and law schools have a proud tradition of pro bono which, for many, is a vital part of being a lawyer. The clinics in the LawWorks Clinic Network should be rightfully proud of the work they do and the positive contribution they make.

However, as this report demonstrates, demand for free legal advice re-enforces the fact that access to justice and legal support is a challenge for many. Whilst pro bono makes an important contribution to enabling access to justice, it is not – and should not be seen as – an alternative to legal aid. Nor should it become an alternative to funding for the work of law centres and advice agencies. Pro bono works most effectively when it complements and supports wider legal and advice provision, and is tailored to particular areas of need. It also needs an ‘infrastructure’ to flourish and survive, not least local organisations or groups able to facilitate, host or support pro bono volunteers.

However, despite the challenges we are seeing local pro bono advice clinics play an important role, enabling support for individuals and communities. There is no typical advice clinic, with considerable diversity in their size, regularity and the services offered. But what they all share is the core component of volunteering: by solicitors (individuals, firms and in-house teams), barristers, trainees, pupils, legal executives, paralegals, law students and law schools, and others. The volunteering of law students and the support of law schools deserves particular mention – making a difference, but also providing valuable experience and learning for the lawyers of tomorrow, and potentially instilling a commitment to pro bono which can last a lifetime.

All clinics in the LawWorks Network are independent and self-managed. Our role as LawWorks includes working in partnership with stakeholders to help set up new clinics, providing guidance on issues such as regulatory requirements, insurance and volunteer recruitment. We provide ongoing support where needed,

including ‘troubleshooting’ advice, training, networking opportunities and online information and resources. By being part of a network, we can help highlight and celebrate the work of clinics and volunteers, identify emerging trends and issues, and use their experience and learning to provide a policy voice for pro bono.

This report brings together data and information from different surveys. In the year April 2016 to March 2017, there were over 58,000 enquiries at clinics, with over 35,000 receiving advice. Whilst we need to be cautious about extrapolating trends (and recognise that there is room for improvement in the way that we collect data), it is noticeable that our annual clinics reports demonstrate, year on year, an increase in clinic activity and the number of enquiries handled.

Numbers alone though do not tell us the whole story. Behind every enquiry there is a human problem, and each client is different with individual stories, experiences and issues. A legal problem does not have to be complex to be potentially life-changing or to be daunting. Not every legal problem can be solved or solved satisfactorily, but the advice pro bono clinics provide can improve lives for the better.

Martin Barnes

Chief Executive,
LawWorks (the Solicitors Pro Bono Group)

EXECUTIVE SUMMARY

This report details the pro bono advice and assistance carried out by pro bono clinics participating in the LawWorks Clinics Network for the period 1 April 2016 to 31 March 2017. The main findings are summarised below:

Clinics and enquiries

- There were 225 clinics across England and Wales in the LawWorks Clinics Network on 31 March 2017;
- There were over 58,000 individual enquiries at clinics in the period between April 2016 and March 2017, a 10% increase on the previous year;
- Over 35,000 clients were given legal advice at a clinic, with a further 11,858 clients given general information or signposted or referred to other services;
- 40% of clinics in the network are law school based clinics and, collectively, they dealt with over 18,000 enquiries last year.

Areas of law

- 26% of the advice provided was on family law, with housing and employment law as the next largest advice categories.

Volunteers

- 6,000 individuals volunteered across the LawWorks Clinics Network, a 24% increase on the previous year - 37% of volunteers were solicitors or trainees.

Clients

- 82% of clinic clients have income below the Joseph Rowntree Foundation minimum income standard; 58% of clients were women, 48% were from black and minority ethnic communities, and 24% had a disability.

Clinic trends

- 80% of clinic co-ordinators have seen an increase in demand for pro bono legal advice over the last year, and two-thirds of clinics (67%) have also seen an increase in the number of clients in crisis or distress.

INTRODUCTION

LAWWORKS AND THE LAWWORKS CLINICS NETWORK

LawWorks is the operating name for the Solicitors Pro Bono Group, a national charity working across England and Wales. LawWorks aims to inspire and support lawyers and law students to engage in pro bono activity which supports both:

- individuals in need of legal help, who are not eligible for legal aid and are without the means to pay for a lawyer; and
- smaller charities and not-for-profit organisations, to support the continuation and expansion of their services to people in need.

LawWorks supports and develops a growing network of local and independent pro bono clinics across the country, each delivering free legal advice and assistance to individuals in need of help.

Setting up and supporting free legal advice clinics has been a long-standing activity for LawWorks, and in March 2017 there were 225 clinics in the Clinics Network.

As this report highlights, while each clinic is unique, they generally involve a partnership bringing together a mix of law firms, in-house legal teams, barristers and law schools, working with advice agencies and other charities to support individuals in the local community.

The clinics team at LawWorks supports both the development of new clinic services, from initial idea stage through to piloting and launch, as well as providing ongoing support and consultancy to established clinics. This support includes:

- **Consultancy:** LawWorks works with stakeholders to identify local need and provides support through the stages required to set up a new legal advice clinic.
- **Training:** LawWorks runs free training sessions covering many areas of social welfare law and advice skills, available in-person and online via video and audio recordings.
- **Troubleshooting:** LawWorks provides advice and guidance to clinics on issues such as regulatory requirements, volunteer recruitment and clinic expansion.

- **Resources:** Members of the LawWorks Clinics Network get free access to software such as legal research tools, secure document storage solutions, as well as factsheets, toolkits and template resources for use in clinics.
- **Networking:** LawWorks runs networking events connecting clinic stakeholders to discuss common issues, and share best practice and learning.
- **Awards:** LawWorks runs annual awards recognising and celebrating the pro bono work undertaken by lawyers and law schools.

LawWorks supports clinics in the network to collect monitoring data on the work being done at clinics, and the clients that access their services. LawWorks collates this data to produce a national picture of the contribution that pro bono advice clinics in the network are making, and highlights emerging trends and issues across the network. We would like to thank the clinic co-ordinators that provided statistics to inform this report. We would also like to acknowledge the tireless work of the thousands of volunteers who give their time at free legal advice clinics, and the vital advice workers, supervisors and support staff that make each clinic possible.

This report presents the data collected from clinics for the work conducted during the period of April 2016 – March 2017, and presents it in comparison with data from the previous year. Four years on from the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) which resulted in an almost 80% reduction in the number of cases funded by civil legal aid, this report looks at the important role pro bono clinics play in the access to justice landscape across England and Wales. While free legal advice clinics cannot be and should not become a substitute for legal aid, clinics report that they continue to experience growth in the demand for their services.

METHODOLOGY

This report draws principally on data obtained from two surveys conducted with nominated clinic representatives for the periods April 2016 to September 2016 and October 2016 to March 2017 respectively. In order to gather an accurate account of pro bono activity in clinics across England and Wales, LawWorks requests all clinics across the network participate in these surveys. This year we have had responses from 72.5% of the network (an increase from 68% in 2015/16).

The surveys elicit responses on key aspects of the clinic's activities over each relevant period. Broadly, these are: the enquiries received by the clinic; how these enquiries have been dealt with; the area of law advice was given in; as well as details concerning volunteer make up, and the number and diversity of clients accessing the clinic.

In addition, LawWorks conducted a separate survey in July 2017 seeking feedback from all registered clinic co-ordinators on trends and challenges faced by their clinic over the previous year. We received a response from 78 co-ordinators across England and Wales, representing 154 clinics participating in the LawWorks network (as some individuals co-ordinate more than one clinic).

In addition to data obtained from the various surveys mentioned above, LawWorks maintains a database of key information on each clinic's services based on the information being provided by a representative of the clinic at the time of registration to the network. This information is updated on an ongoing basis as the clinic's services evolve and changes are notified to LawWorks.

The data from this report relates to pro bono clinic work in England and Wales only. While LawWorks maintains links with a number of clinics outside England and Wales and supports them to collect data on their activities, for the sake of clarity, that data is not contained in this report.

CONTEXT

We believe that it is important that the information and data in this report is viewed within a wider context concerning the prevalence of legal problems, their impact and resolution, and available sources of legal help.

There is considerable research literature on legal needs which we do not have scope to fully explore here. However, a Ministry of Justice research report 'Findings from the Legal Problem and Resolution Survey' published in 2017, reviewed both past and present legal needs research finding that "around a third of the population experienced legal problems, with certain groups more likely to experience problems than others, particularly those vulnerable to social exclusion (such as individuals on benefits, lone parents, those with a disability, those with low incomes). Around half of problems led to adverse consequences such as stress-related illnesses, physical ill-health, or loss of confidence. Some individuals reported experiencing multiple problems, with certain problem types clustering together, such as those relating to a relationship breakdown, or economic problems."

The reduction in the scope of legal aid has contributed to an increase in the number of people going to court or tribunal without a lawyer; for example in private family law proceedings 64% of parties were unrepresented compared to 42% five years ago.

The scale of the change to the availability of legal aid needs to be emphasised in both family and other areas of law. In November 2017 the Government published a 'post-legislative memoranda' as the prelude to reviewing the changes under the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO). The memoranda records that "In 2012–13, prior to LASPO's implementation, the Government provided funding for 575,000 new legal help matter starts (i.e. providing advice and assistance) and 150,000 new certificates for civil representation (i.e. representing someone at court). By 2016–17 the legal help figures had fallen by 74% to 145,000 and the civil representation figures by 29% to 105,000."

Timely access to legal information and advice can identify options and remedies (including alternatives to going to court), and help prevent problems escalating. A 2015 study 'Varying Paths to Justice' - commissioned by the Ministry of Justice to improve understanding of how people seek to resolve their problems - found that those "who were not aware of available advice and support services or those who were unable to access relevant information to understand their options struggled to find a resolution to their civil justice problem". In 2015/16, Ipsos MORI

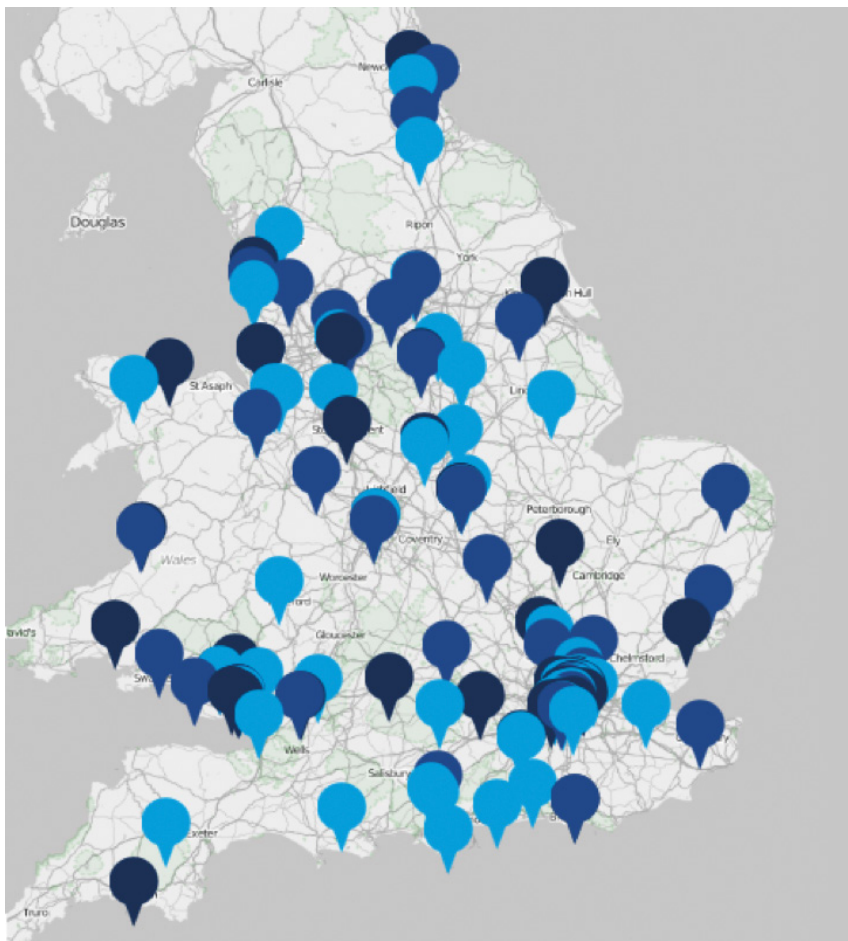
conducted an online survey of legal needs on behalf of the Law Society and the Legal Services Board (LSB). The analysis report “Analysis of the potential effects of early legal advice/intervention” showed that early advice has a statistically significant effect on the timing of the resolution of people’s legal issues.

Our approach recognises that legal support needs are diverse, and so a range of services and strategies are needed, depending on individual circumstances. Pro bono cannot do it all, and must work in partnership to ensure that the contribution of pro bono is appropriately targeted. This is reflected, for example, in the fact that LawWorks is a partner, with Law for Life, RCJ Advice, the Personal Support Unit, the Bar Pro Bono Unit and the Access to Justice Foundation, of the Litigant in Person Support Strategy. Supported by the Ministry of Justice, the Strategy brings together different components of support for people unable to access or afford a lawyer, including: online information and resources, legal advice (including local pro bono clinics), support when in court, and representation.

CLINICS

LawWorks Clinics Network: April 2016 – March 2017

At at 31 March 2017, there were 225 clinics in the LawWorks Clinics Network across England and Wales. 26 clinics were added to the network in the previous year, representing both new clinic services, and existing pro bono services joining the network (e.g., to take advantage of LawWorks' resources, training, networking opportunities and support). This growth is offset by some consolidation of existing clinics in the network, where individual clinics were merged to form multi-service or multi-location clinics which better reflect how service users access and understand the pro bono offering available. During this period four clinics also closed their services or left the network.

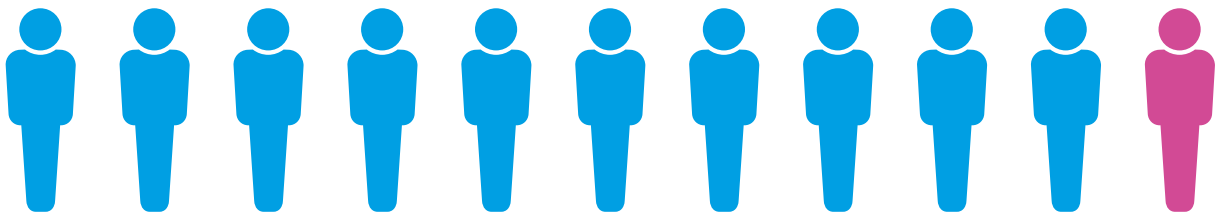


225
CLINICS
IN THE LAWWORKS
CLINICS NETWORK

CLINIC ENQUIRIES & ADVICE

In 2016/17 there were 58,511 separate enquiries received by clinics across the network. This represents a 10% increase in the number of enquiries received in comparison with the previous year, due in part to the increase in the number of clinics in the network, and a higher proportion providing data.

10% INCREASE IN ENQUIRIES ACROSS THE NETWORK



While not all enquiries will result in the provision of legal advice, advice was given in response to 69% of enquiries (35,008). This is a slight decrease of 1% on the number of clients who received advice compared to the previous year.

35,000 CLIENTS GIVEN PRO BONO LEGAL ADVICE

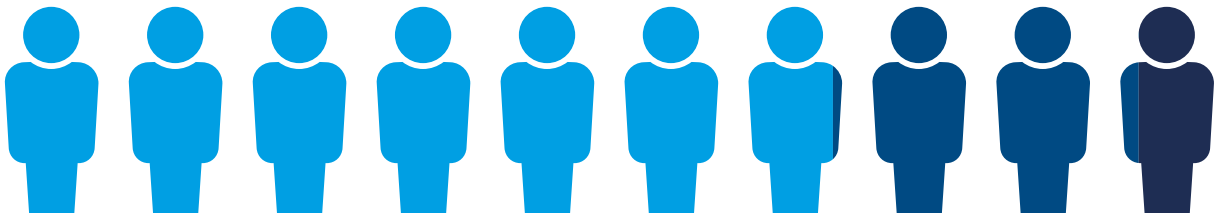
 **35,000**

Each clinic will have in place policies and procedures for identifying types of enquiries that warrant advice - if advice is not needed or available, then appropriate information, signposting or referral will be provided. Over the 12 month period, 11,858 clients (23%) received general information, signposting or a referral, an increase of 5% on the previous year.

Policies to identify how to assist clients are generally focused on the needs of clients and the capacity of the clinic to provide advice in the relevant area of law. In some cases, and particularly in law school clinics, the education or training

needs of the students may also be an influencing factor in deciding how to deal with a request for assistance.

69% OF CLIENTS GIVEN LEGAL ADVICE, 23% OF CLIENTS GIVEN GENERAL INFORMATION, SIGNPOSTING OR REFERRAL, AND 8% OF CLIENT COULD NOT BE HELPED



The graphic above represents how enquiries were dealt with across the network over the 12 month period. While the vast majority of clients were helped, in 8% of cases clinics have indicated that neither advice nor information, signposting or referral was provided. To better understand why clients might not be given advice or information at the clinic, we asked clinics to indicate the reasons why they were unable to provide assistance in these situations.

Consistent with previous years, the predominant reasons for an enquiry not resulting in advice or assistance included: clinics being unable to re-establish contact with a client following an initial enquiry, or the client failing to turn up to a subsequent appointment; actual or potential conflict of interests arising for the clinic, volunteer or law firm; the enquiry being outside the scope of the clinic's service or expertise; the client accessing assistance elsewhere; the issue being resolved between initial enquiry and the clinic appointment; the urgency or complexity of the client's matter meant the clinic service was unsuitable; or the enquiry was identified as not being legal in nature.

Each clinic will decide its approach to the acceptance of returning clients where the support is limited to discrete pieces of advice. They will decide whether advice is provided on a one-off basis or can be given over a number of occasions. Across the network, 8% of enquiries last year were recorded as coming from returning clients. This represents a 50% decrease from the preceding year.

8% OF CLINIC USERS ARE RETURNING CLIENTS



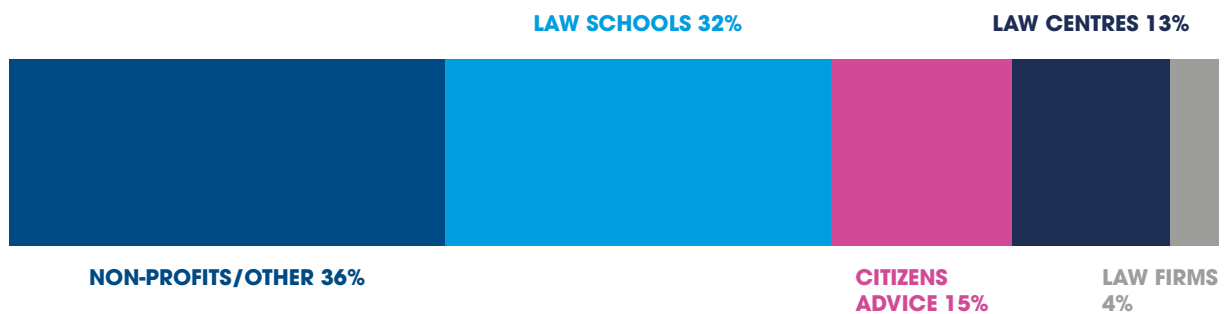
CLINIC TYPES

Whilst there is no single model for clinic types and many clinics involve partnerships between different sectors, broadly clinics tend either to be attached to non-profit advice agencies and other charities such as local Law Centres and Citizens Advice, or attached to Law Schools. The network can therefore be broken down by clinic type as below.

NETWORK BROKEN DOWN BY CLINIC TYPE



PROPORTION OF ENQUIRIES BY TYPE OF CLINIC



LAW SCHOOL CLINICS

Two-fifths of clinics in the network (40%) operate with law schools. Across the 12 months law school clinics received 18,461 enquiries, representing 32% of all clinic enquiries across the network. Law school clinics account for half (50%) of all clients receiving general information, signposting or referral.

ENQUIRIES ACROSS LAW SCHOOL CLINICS

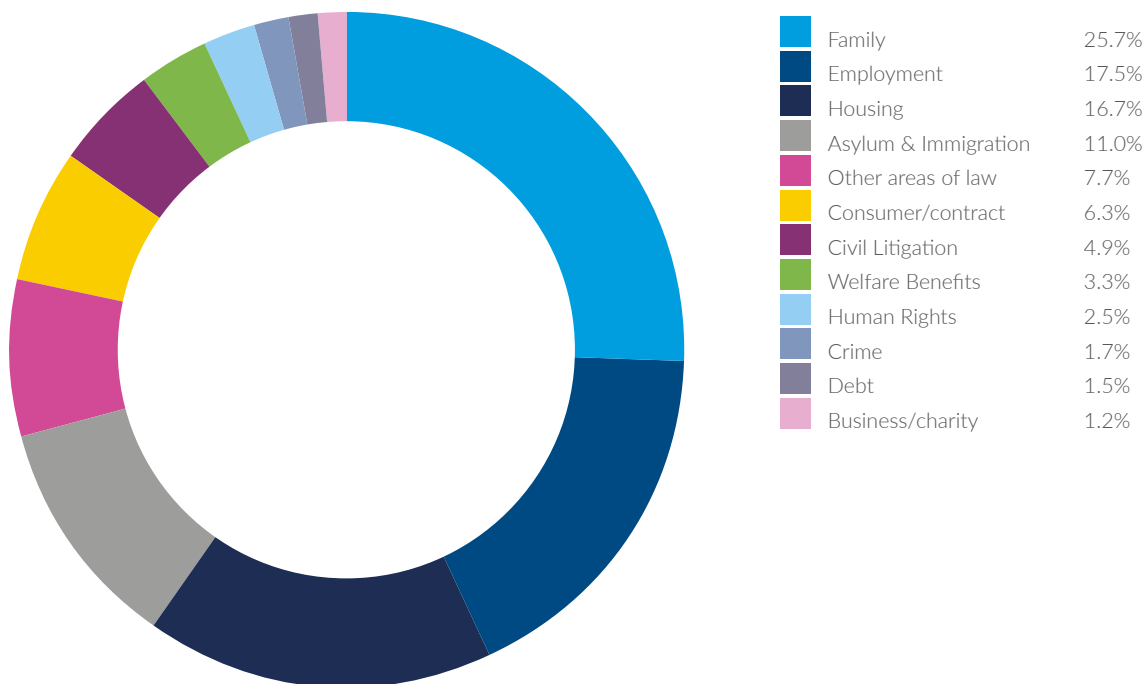


A common feature of law school clinics is that in many cases the services will either be closed or operating on a reduced basis over the summer period. It is understandable, therefore, that nearly two-thirds of the advice given by law school clinics was given during the autumn/winter period compared with spring/summer.

AREAS OF LAW

The legal problems that bring people to pro bono clinics can be very diverse. Each clinic will decide which areas of law it will offer advice on, informed by local legal need, its own priorities, and the expertise of supervisors and volunteers. Some clinics are specialist in nature and will narrow their offering to advice within a particular area of law. Other clinics are more generalist in scope, offering advice across a broader spectrum of legal issues.

AREAS OF LAW IN WHICH ADVICE WAS PROVIDED

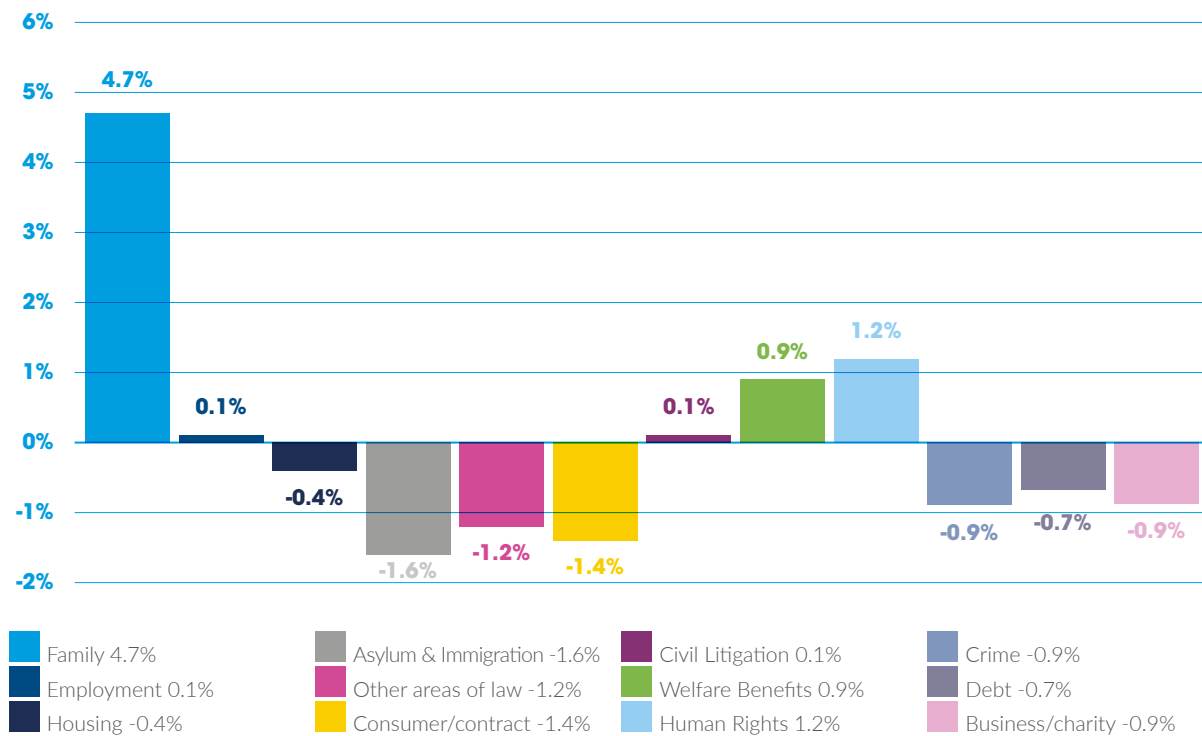


OVER 1/4 OF ALL ADVICE IS IN RELATION TO FAMILY LAW

FAMILY, EMPLOYMENT AND HOUSING LAW MAKE UP 60% OF THE ADVICE GIVEN

Below we illustrate the change in the proportion of advice provided compared to the previous year, across the different areas of law.

CHANGE IN THE PROPORTION OF ADVICE PROVIDED COMPARED TO THE PREVIOUS YEAR, ACROSS THE DIFFERENT AREAS OF LAW



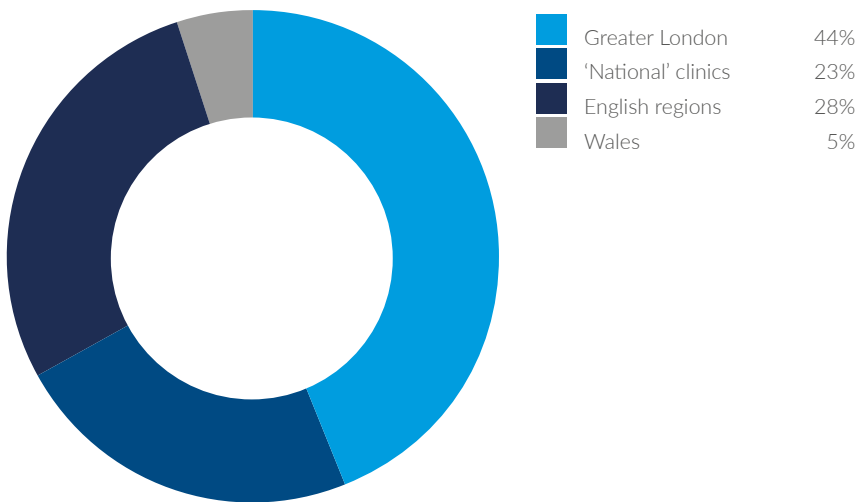
REGIONAL VARIATION

With clinics in the network spread across England and Wales, the following presents information by geographical area. It includes an analysis of the work being conducted by 'national' clinics – those which provide services to individuals across England and Wales regardless of where the client is based, often via online or telephone advice clinics (e.g., National advicelines for specific areas of law).

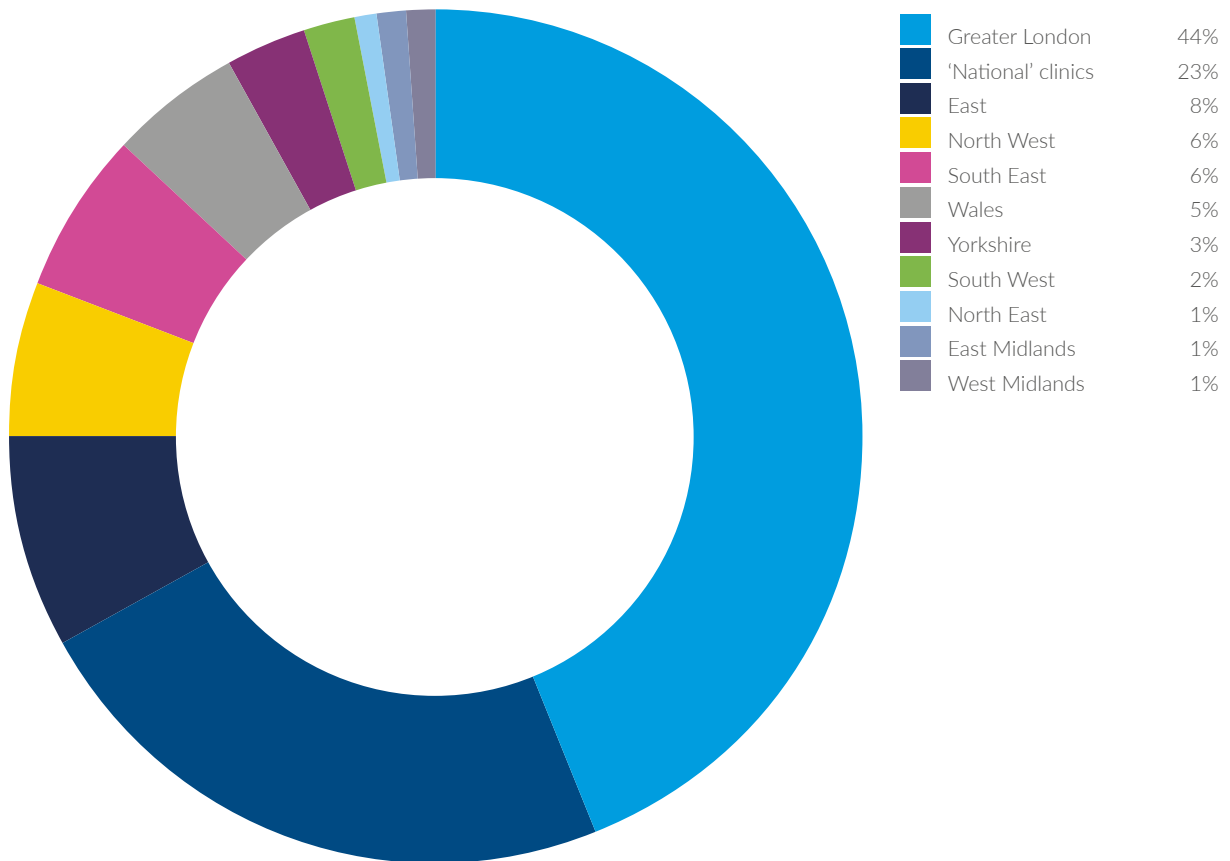
There is considerable variation across the regions, which reflects the concentration of clinics seen in different parts of the country. Over a third of all enquiries last year (38%) came from Greater London and 44% of all advice given across the network occurs in London. Information on advice provided across England and Wales is shown below.

	Number of clinics submitting data	Enquiries	Advice	General information, signposting and referral
Greater London	56	22314	15431	3042
'National' clinics	17	13607	8133	2519
East	8	5312	2669	396
South East	9	3989	2003	1077
North West	11	3281	2018	935
Wales	35	2709	1770	905
Yorkshire	9	2225	1088	936
East Midlands	4	1765	468	740
North East	8	1295	544	588
South West	5	1286	592	444
West Midlands	6	728	292	276

ADVICE GIVEN BY LOCATION



DETAILED BREAKDOWN OF ADVICE GIVEN BY LOCATION



PRO BONO VOLUNTEERING AT CLINICS

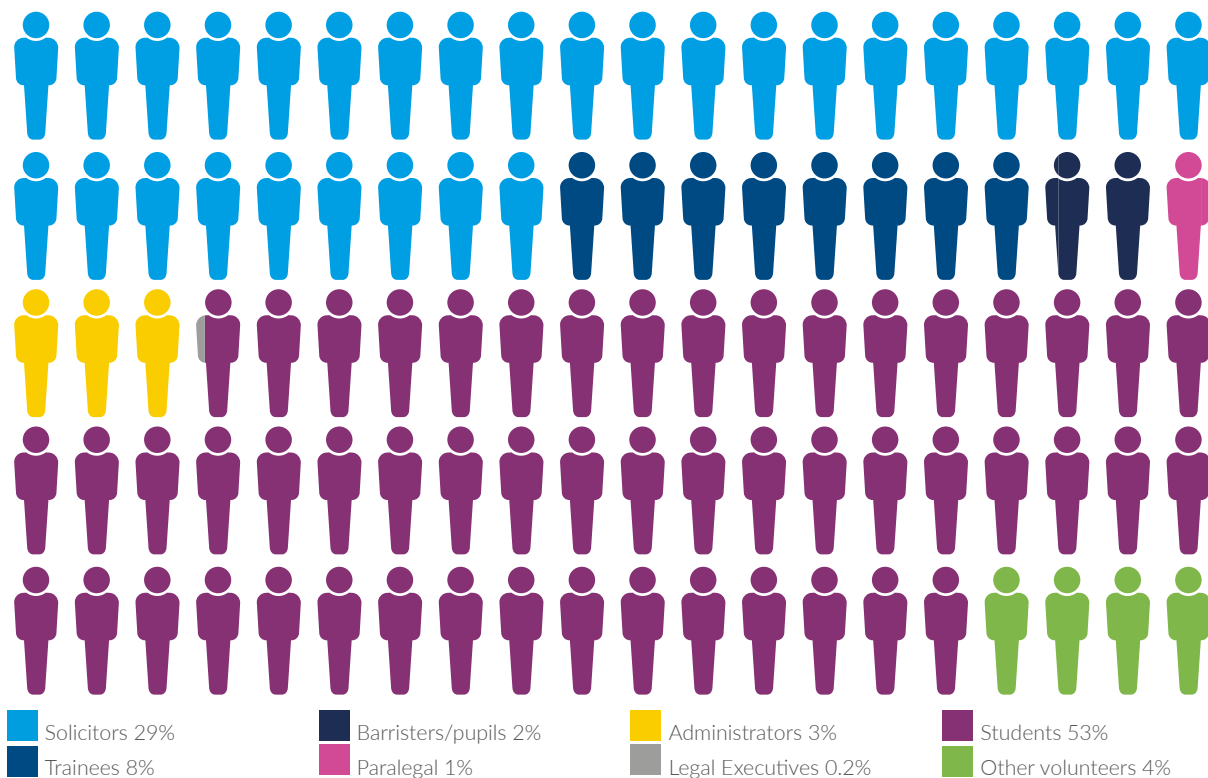
6,000 VOLUNTEERS ACROSS THE NETWORK

In this section we focus on the vital contribution of volunteers – it is because of the willingness of volunteers to devote their time and energy that pro bono clinics are able to operate.

Last year, 6,000 individuals volunteered across the LawWorks Clinics Network, a 24% increase on the previous year.

Volunteers undertake the key task of providing advice and other legal assistance to clinic clients, as well as other supporting roles. The graphic below sets out the breakdown of volunteers that supported clinics between April 2016 and March 2017.

VOLUNTEER BREAKDOWN



The largest category of volunteers is students, with 3,150 participating in clinics – an increase of 20% compared to the previous year. Students participate in clinics in many ways beyond the direct provision of advice, for example acting as a scribe, undertaking initial triage or intake, involvement in casework support and research, and assisting with co-ordination, reception and administration.

NUMBER OF LAW STUDENTS VOLUNTEERING



3,150

LAW STUDENTS VOLUNTEERING

Solicitors make up the second largest category of volunteers across the network with 1,731 qualified solicitors and 506 trainees volunteering, together representing 37% of the total volunteers.

NUMBER OF SOLICITORS AND TRAINEES VOLUNTEERING



OVER

2,200

SOLICITORS AND TRAINEES VOLUNTEER

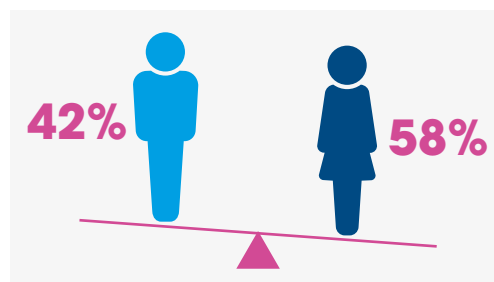
CLIENTS RECEIVING SUPPORT

LawWorks asks clinics to collect anonymised information on the clients they help in order to identify who is benefiting from their services. This information can contribute to ensuring that pro bono efforts are being targeted to those most in need.

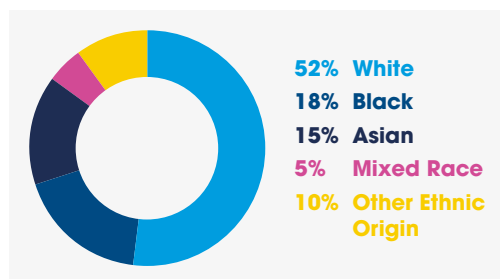
INCOME



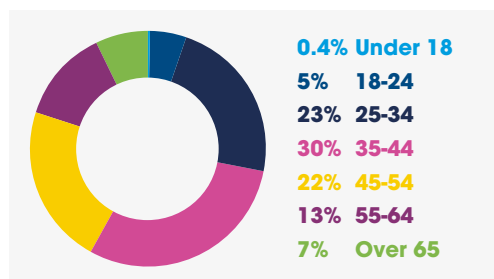
GENDER



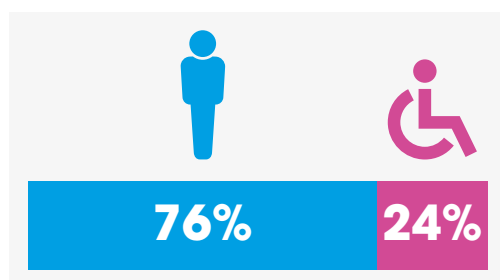
ETHNICITY



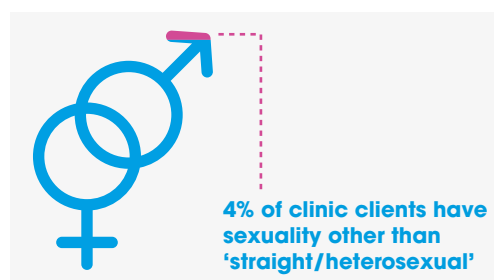
AGE



DISABILITY



SEXUALITY



Income:
Minimum income defined by the Joseph Rowntree Foundation minimum income standard – £17,100 per year before tax.

Gender:
0.1% identify as non-binary gender.

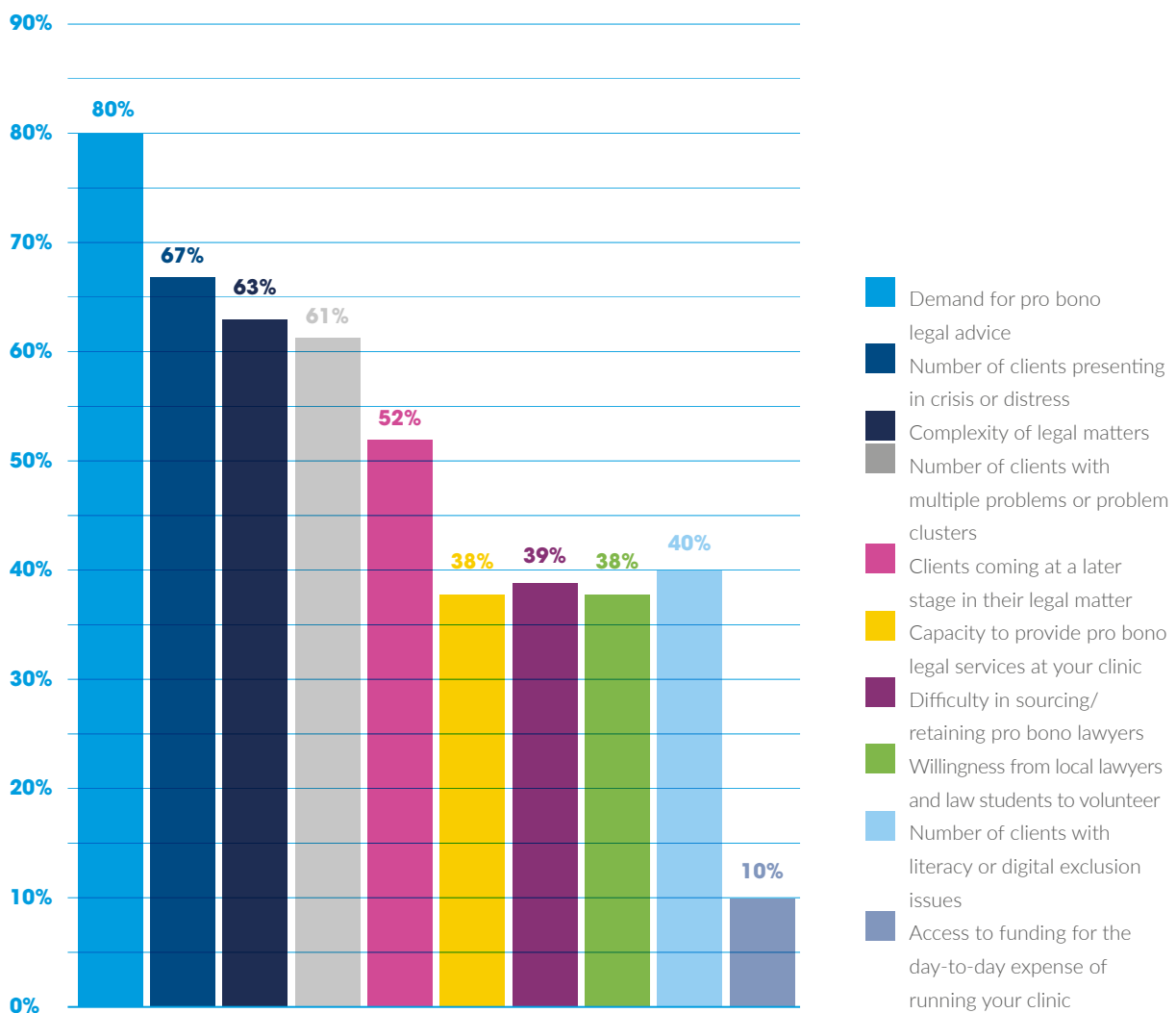
Ethnicity:
48% of clinic clients are from Black, Asian and Minority Ethnic backgrounds.

Disability:
24% of clinic clients report having a disability.

CLINIC TRENDS

LawWorks undertakes an annual survey of clinic coordinators to identify the trends and challenges clinics have been experiencing. Below we set out some of the key findings.

PROPORTION OF CLINICS REPORTING AN INCREASE IN THE FOLLOWING AREAS OVER THE PREVIOUS YEAR



80%
OF CLINICS HAVE
SEEN AN INCREASE
IN DEMAND

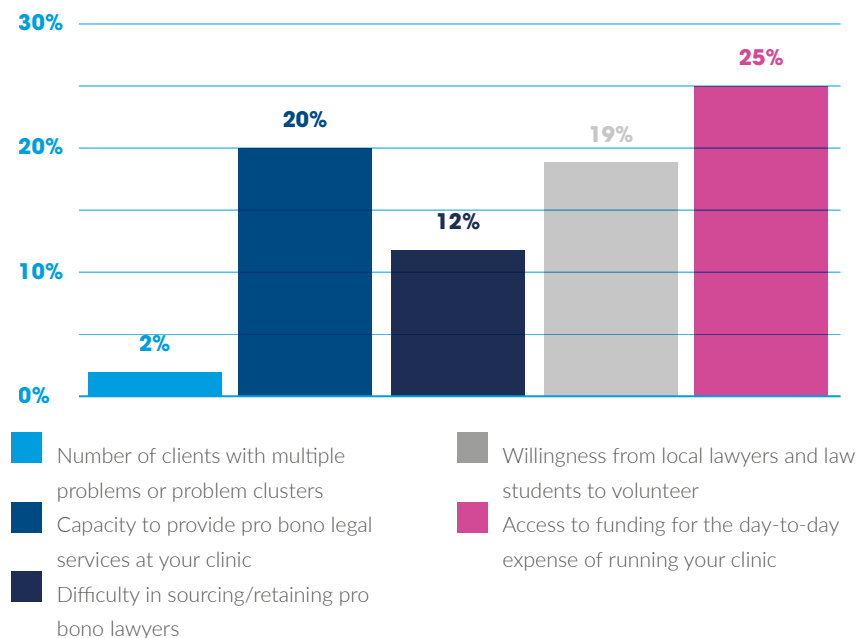
OVER
2/3
OF CLINICS SEEING
AN INCREASE
IN THE NUMBER
OF CLIENTS
PRESENTING
'IN CRISIS' OR
'DISTRESS'

OVER
60%
OF CLINICS SEEING
AN INCREASE
IN CLIENTS
WITH MULTIPLE
PROBLEMS OR
PROBLEM CLUSTERS

The survey reported that 80% of clinic co-ordinators have seen an increase in demand for pro bono legal advice over the last year. Two-thirds of clinics (67%) have reported an increase in the number of clients 'in crisis' or 'distress'. 63% of clinic co-ordinators reported an increase in the complexity of the legal matters clients are presenting at the clinics, and over half (52%) are seeing clients presenting at a later stage in their problem. 61% also report an increase in the number of clients with multiple problems or problem clusters, and 40% report an increase in the number of clients with literacy or digital exclusion issues.

The results from this year's clinic coordinator survey indicates a challenging backdrop of increased demand and complexity. It also indicates some challenges to maintaining the underlying infrastructure needed to host a pro bono clinic. Over a third of clinics (39%) report increasing difficulty in sourcing and retaining pro bono lawyers, nearly a quarter (25%) of clinics are seeing a decrease in access to funding for the day to day expenses of running their clinic, and only one in ten (10%) seeing an increase in access to funding.

PROPORTION OF CLINICS REPORTING A DECREASE IN THE FOLLOWING AREAS OVER THE PREVIOUS YEAR



Within this context however it is extremely encouraging to see that over a third of clinics (38%) report an increased willingness from lawyers and students to volunteer, and 38% of clinics have increased capacity to provide pro bono services.

CLIENT IMPACT ASSESSMENT

LawWorks has been developing the monitoring and evaluation that takes place at clinics so as to increase knowledge about the impact of attendance at a pro bono clinic. During the year a small-scale pilot was conducted to test a new client outcomes monitoring framework and data collection process. Consent was collected from clients accessing four clinics during the summer of 2016, with 62 clients taking part in follow-up telephone interviews conducted by an independent research company.

The pilot was well received and will inform a roll-out across a statistically representative sample of clinics in the network at the end of 2017 and early 2018. With such a small sample of clients taking part in the initial pilot, while the results indicated significant benefits arising from the advice given, we cannot claim that the quantitative findings are representative of the network as a whole. As well as useful constructive feedback on how clinics could be improved and made more accessible, during the pilot clients provided qualitative feedback, which included the quotes set out below.

The form I had to fill - I wouldn't have been able to read between the lines, but the solicitors could and they told me what was missing.

I have a better understanding of our rights as tenants.

I was in control and knew where I stood.

I was shown what to do and followed their advice, and it worked.

I feel more relaxed and not afraid to come home, not afraid to look at my post, or answer the door. The support has stopped the harassment.

I feel more confident and relieved of stress and there's more clarity, less anxiety and support. The advice and support is encouraging.

I'm able to do the right thing now and know the right path to follow.

The advisor I saw was very thorough they looked at every document I brought in.

Greatly reassuring and stopped me feeling the amount of stress I was under. It also helped being told that I could come back for more support if needed.

It's nice to know that this service is out there for people to use. It's good to have this support mechanism in place.

We need more clinics locally.

The (clinic) helped me to look at my issue from different angles to find the best solution for me.

Absolutely fantastic resource.

It made me feel a lot stronger. It felt good to get someone else to agree with me, and offer me the support I needed.

Fantastic service that left me more relaxed and less stressed.

The support I received from the lawyers was most helpful. They told me what the letter sent from the courts meant and what I was supposed to fill into the form and I did.

It dramatically helped, as I was stressed and crying all the time. I felt better able to deal with it, and found my confidence again.

They explained a letter which allowed me to know what to do next.