

**Fourth Legal and Advice Sector Roundtable
Responding to COVID-19
Thursday 21 May 2020, 16.00 – 17.30 on Zoom**

Attendees

Included: LAG, Age UK, Advocate, AdviceUK, Advice Services Alliance, AJTF, Bar Council, CILEX, Citizens Advice, ELAN, JUSTICE, LAPG, LASA, Law Centres Network, Law for Life and AdviceNow, SW London Law Centres, The Law Society, LawWorks, LIP Support Strategy, London Legal Support Trust and London Funders, Legal Education Foundation, National Pro Bono Centre, National Pro Bono Week Committee, Pro Bono Community, Public Law Project, RCJ Advice and FLOWS, Shelter UK, Support Through Court, UK Collaborative Plan for Pro Bono, University House Legal Advice Centre, Welsh National Advice Network, Ministry of Justice, HMCTS, Judicial Office

1. WELCOME & KEY CROSS-SECTOR UPDATES

Updates

Free Legal Answers

LawWorks has been working on the Free Legal Answers website which has recently launched in England (and will be extended to Wales). A similar website has been running in the United States for around 10 years, supported by the American Bar Association. It provides primarily initial, one-off pro bono legal advice for individuals from a panel of solicitors taking part, with advice provided coming under LawWorks' (PII) insurance. LawWorks is inviting organisations to refer people to the website (rather than making it available to everyone) to manage demand.

Justice Connect

LawWorks is working with the Australian organisation, Justice Connect, which launched a pro bono portal in Australia in order more effectively to link firms and lawyers offering pro bono services with organisations providing pro bono opportunities. The concept has been piloted and successfully tested in Australia. Justice Connect is looking to introduce the portal internationally and is looking at the UK as one of the initial locations. LawWorks will be working with Justice Connect to facilitate the launch Pilot expected in June 2020.

Employment law network

ELAN provided an update on employment rights labour market issues

- ***Lack of access to employment advice/legal services*** There is a lot of unmet demand for initial advice however even where initial advice is provided, network advisers do not have the capacity to help clients to access legal services. ELAN is piloting a mediation project offering up to 6 hours of employment law mediation to clients referred from the network. ELAN is hosting a discussion with employment advice agencies to find ways of collaborating, to enable more cases to be resolved. MIND have reported a spike in calls from people with mental health difficulties are raising employment issues, the data will be shared when available
- ***Enforcement and policy*** Many employers are disregarding government guidance eg furloughing, health and safety regulation etc; better enforcement needed in order to protect the most vulnerable employees government guidance is not practical enough to suit individual circumstances. ELAN is working with Resolution and with Organise on policy change. In their experience, government guidance is not practical enough to suit individuals' particular circumstances.

2. UPDATE FROM THE SUB-GROUPS

Chairs of the following sub groups were invited to give an update on their work.

(1) Ways of Deploying and Accessing Services

Subgroups on access, shared resources, and platforms have combined and are working on

- an updated draft Pro Bono Advice Guide to promote to MPs and others
- the combined sub group will work collaboratively to support those who need legal advice as economic and public health situation evolves

(2) Sustainability

A draft paper is in progress, including a summary of all parts of the sector and how they're funded, and addressing short- medium- and longer-term issues.

(3) Policy

The sub group last met in April and key policy issues have crystallised since

- **Stay of possession proceedings** – extension of? (See later discussion)
- **Employment and furlough issues** - extended until the autumn, but employer contributions, volunteering guidance and other employee rights unclear
- **Electronic signatures** - a simple policy, re witnessing, signing wills etc.
- **Building demand** – need help is building, particularly for advice in relation to debt issues and people moving into poverty as a result of losing jobs and income.

Updates on funding

The Community Justice Fund

The Community Justice Fund (“the Fund”) has recently launched. It has a number of contributors including MOJ aims is to help specialist social welfare agencies to cope with the immediate impact of the pandemic and to lay the foundations for longer term renewal in the future, recognising law as a tool for social change. There is a single portal and application process and applications are reviewed on a weekly basis <https://www.communityjusticefund.org.uk>. Funders are also working with the National Community Lottery Fund, new funding round for charities opening on 22 May.

London Community Response

There are now 52 funders, who have contributed £17.9 million; the first “wave” of applications is now closed and the second “wave” has received over £50 million applications to date, and made grants of over £10 million. There is a discussion for a potential third “wave”.

3. CROSS-SECTOR OBJECTIVES AND ACHIEVING THEM

A one-page draft document prepared by the steering group had been circulated in advance of the meeting.

The cross-sector roundtable brings together legal and advice organisations and representative bodies from the voluntary and legal sectors, providing a collective breadth of update and perspective not available elsewhere, and drives shared priorities and strategy which brings existing work and resources together, addresses urgent issues, and works towards solutions. The aim is to improve access, the sector’s sustainability, and address underlying legal needs and the policy drivers. The strategic approach is to enhance and not replace other initiatives, and to work where unique value can be added through sharing intelligence and insights.

Participation in the cross-sector roundtables is very much valued and the subgroups are open to all to participate – each subgroup now has its own terms of reference and work remit.

4. EXCHANGE OF KEY MESSAGES WITH MOJ, LAA, HMCTS

Age UK, whose focus is older people noted a key problem is insufficient funding aggravated by the current crisis as Age UK’s main sources of funding (charity shops, events) have been disrupted. Age UK’s clients require access to specialist legal help. Creating easy and effective referral pathways for issues where specialist help is required would be valuable alongside support or resources for delivering advice services on the telephone from other advice agencies would also be very useful. Meeting the needs of older people has difficult and new channels of delivering services may be difficult for older people to access

Shelter also reported that the sector is in a lot of difficulty. The importance of financial support for the advice sector cannot be overstated. Flexibility from the LAA would be very welcome. Measures that have been put in place, for example, the stay in possession proceedings, should not be rolled back too soon because there is a concern that, at present, people are not in a position to defend possession proceedings. Therefore, there is a significant risk of an increase in the number of homeless people if the measures are rolled back too soon.

When courts do resume more work on cases, consistency and joined up thinking across different courts will be important, and ensuring duty scheme provision help to access courts digitally.

Ministry of Justice

The MOJ is providing funding to the third sector; £3 million has been given to the Law Centres Network to be distributed across England and Wales, and £2.4 million has been given to the Community Justice Fund, and MoJ are working with

For the past six weeks, the focus has been to keep the system functioning as much as possible as well as thinking about recovery in the future. Other challenges also need to be addressed like digital inclusion. Two key issues have been raised during this process:

(1) Sustainability of the professions

This issue predates the crisis. LAA has introduced measures like improved ability to make use of interim payments, relaxing hardship payments requirements, halting debt collection, relaxing evidence requirements. Discussions are taking place with the Treasury and Ministers have had a range of suggestions put to them by a number of representative bodies. It is hoped that there will be further clarity as to which suggestions will be taken forward in the next 2-3 weeks.

(2) Helping practitioners to undertake their role within the justice system in a safe way

At the start of the crisis, a number of calls were set up with stakeholders during which a multitude of issues were raised. MOJ are advocate for the professions to make sure that that they are embedded in future design decisions around the court service, and also the police and prison service.

Short term changes are now coming to an end, but thinking ahead to recovery, the work that was being done prior to COVID 19, eg the Legal Support Action Plan and Means Test Review is considered to have been the right work, but to consider matters through the lens of the health crisis in terms of the impact that has had on sustainability and changing user need. Whilst the need for pace is recognised, speed must be balanced with the public sector duty to make sure that there is rationale, and value for money. Tracking demand and supply will help ensure that practitioners are involved in those design processes.

LAPG

Whilst acknowledging that the situation at the MOJ is complicated, the LAPG nevertheless took issues with what the MOJ have said and questioned whether the LAA had exhausted internal mechanisms to make sure that providers can access funds that are due to them. Other mechanisms could be put in place at little additional cost or risk because it is paying providers for work they have already done. There is an urgent risk of the whole system of providers collapsing and a stark contrast between the speed, agility and responsiveness of private funders in relation to not-for-profit providers, and the response from government in relation to the needs of the private practice providers.

AdviceUK, Law Centres Network and Citizens Advice

All expressed concerns on ending the stay on possession proceedings, as well as at risk renters (CA estimate 2.4 million), there are 1.6 million people are on mortgage payment holidays which will also come to an end.

Organisations doing immigration work, including the charity Consonant, are facing a financial crisis, if forced to close, there will be a knock-on effect on law centres which employ immigration solicitors. There are huge strains on the community based sector; Some organisations that are part of the BAMER community sector, which comprises 200 organisations and about a third of Advice UK membership, are no longer providing any services. And across the sector clients are being lost to support due to digital marginalisation.

HMCTS

Hearings practice involves judicial decision-making; on the HMCTS website is the list of priorities that the judges have agreed in each jurisdiction about what they case type they will hear; this has been agreed at all levels of the judiciary and is consistent. The Asylum Chamber President's recent made a robust response to Home Office officials is to be noted. Question of extending the possessions stay not an HMCTS decision, but a judicial decision with policy input.

HMCTS capacity to deal with cases has reduced as a result of the health crisis. However, courts have not closed and continued to do a wide variety of work. So, the question is not about opening courts again, but about how to increase capacity, both remotely and physically, in a way that is safe. One of the challenges of running a courts process is not knowing enough about the people who are not engaging with the process until there is a court hearing (if at all). Those are some of the people that might be called "the disappeared"

HMCTS have been working closely with the Good Things Foundation ("the GTF") to work out how to offer digital support at a time when most of the centres through which digital support is usually provided are not open. HMCTS call agents do now help people to fill out forms remotely with SCS matters and work is being done to see if it can be offered in other jurisdictions.

The Law Society, the Bar Council and CILEX

The professional bodies reported good engagement with the judiciary on opening jury trials. It appears that this can be expanded over the next few weeks. However, it will take a long time to return to full capacity. The risk assessment tools which the professional bodies have worked on with the MOJ have been positive for ensuring the courts locally actually apply the guidance set centrally by HMCTS. The professional bodies are also working with HMCTS to evaluate the way technology is now being used and to make sure that the user experience is fully taken into account.

RCJ Advice and FLOWS

FLAWS will continue to receive MoJ funding which is a welcome decision; this will enable FLOWS to appoint a solicitor in Wales and will enable Rights of Women to recruit somebody to lead on criminal remedies in relation to domestic abuse.

Over the past two months, FLOWS have extended the digital tool CourtNav and received hundreds of successful applications through CourtNav. In May to date, they have received a further 500 applications. Feedback suggests that the tool has enabled more women to get protection who otherwise would not have found FLOWS. This demonstrates the real importance of digital and also of the network behind it.

Wales National Advice Network (NAN)

The Welsh National Advice Network is working closely with the Welsh government on funding for advice provision. All of the concerns raised in this forum are also concerns in Wales.

Advice Services Alliance, JUSTICE, Support through Court, and Law for Life

All highlighted **digital exclusion**; collaborative work should be undertaken to try to identify the extent of the problem of digital exclusion, and some additional funding may be available in this area. JUSTICE have been feeding their recommendations to HMCTS on remote courts and testing mock virtual jury trials.

The funding that is being made available is not necessarily aimed at organisations of all sizes. Support Through Court are still seeing spikes in employment matters and child arrangements matters. They are providing a good service through their phonelines. When courts resume service, capacity will be severely reduced not least because there will be fewer volunteers willing to return to work.

AdviceNow, the online resource, can still be a vital way of reaching those who are digitally excluded – by using friends and family, volunteers and professionals working in the community. Some of the most vulnerable people and their intermediaries can be trained online. There will be "newly impoverished" who could be helped with effective PLE, resources and signposting, which is a reference to the group of people who will have sharper elbows than most of the traditional sector clients, and who will start to take up valuable resources. HMCTS' decision to contact Amanda's organisation about the initiative to signpost services is very welcome.

5. SUMMING UP

Participants were thanked for their range of contributions. It conversations illustrated what can be achieved when there is working together, including with government agencies. However, it has also indicated that there are areas where the working together is not as good as it could be. The incentive is there to keep in this direction of collaboration, when there is true listening and then action in response to points that the sector as a whole is behind.

By way of summing up, the themes that were addressed at this fourth cross-sector roundtable were:

FUNDING

Funding is a concern for many organisations. As noted by LEF, processes for applying for funding have been simplified and are being well supervised.

COLLABORATION

Terms of Reference document for the roundtable helpful; it is important that the roundtable and its sub groups understand the aims and objectives and how these will be achieved.

This is a collaborative endeavour, as illustrated by ELAN's collaboration in employment law matters with organisations such as MIND.

CURRENT AREAS OF FOCUS

A wide range of social and legal issues have been discussed. Particular attention has been paid to the employment issues people face, uncertainty in respect of possession proceedings, as well as digital change and digital exclusion. The discussion has also revealed serious concerns about the capacity of the sector to deal with the issues people face in their everyday lives.

NEXT STEPS

The roundtable has addressed the problems that exist today and has also looked to the future, with some trepidation. Everyone is doing their part. HMCTS, MOJ, LAA have kept the show on the road.

However, there are real pressures for the advice sector and for private practice, who are trying to give a service to the vulnerable people in society. Many organisations are in a very precarious financial position and this requires urgent attention, and greater demand is anticipated. The subgroups will work on these issues

The meeting closed at 17.40.