

Comprehensive Spending Review (2021) – LIPSS Partners Joint Submission



1. Introduction

We welcome the opportunity to contribute to the Comprehensive Spending Review (CSR) through which Government will determine each department’s resource and capital budgets for 2022-23 to 2024-25. This submission is on behalf of the Litigant in Person Support Strategy (LIPSS), a national partnership of charities working together to improve the experience of people facing the legal process alone. The partnership, which focuses on civil justice, is funded by the Ministry of Justice and comprises the work of the following partners:

- The Access to Justice Foundation;
- LawWorks (the Solicitors Pro Bono Group);
- Advocate (formerly the Bar Pro Bono Unit) [note – Advocate are an unfunded partner];
- Support through Court (formerly the Personal Support Unit);
- RCJ Advice (Citizens Advice legal service)
- Law for Life (incorporating Advicenow).

Our submission focuses on the positive impact that investment across a range of legal support, information and advice can make, and the demonstrable economic and social value of this support, including for improving health outcomes. It draws on recent research on the impact of the UK’s free legal advice sector on public sector finances and economic value of the free legal advice sector.¹

Legal issues affect all areas of peoples’ lives and the Legal Services Board’s (LSB) most recent legal needs survey demonstrates that as many as 64 percent of the population experience legal issues, but that only 55 per cent of those with a legal need are able to obtain help from professional sources, and of these only 22% secure help from a lawyer. Only 23% of adults are considered to have high levels of access to justice.² As the Open Justice initiative says: “The first step toward effective access to justice is identifying needs; doing so can inform government investment in basic justice services and strengthen delivery of other public services.”³

Support in helping people to recognise, engage with, manage and resolve their legal issues (civil and criminal), and especially for those dealing with the legal process alone, can make an important contribution toward key goals outlined for the spending review, namely:

- Ensuring strong and innovative public services – making people's lives better across the country by investing in the NHS, education, the criminal justice system and housing
- Levelling up across the UK to increase and spread opportunity to unleash the potential of places by improving outcomes UK-wide where they lag and working closely with local leaders; strengthen the private sector where it is weak, and delivering a ‘Plan for Growth’
- Advancing Global Britain (including promoting the rule of law)

¹ <https://atjf.org.uk/wp-content/uploads/2021/09/Defending-the-public-purse-The-economic-value-of-the-free-legal-advice-sector-September-2021.pdf>

² <https://legalservicesboard.org.uk/wp-content/uploads/2020/01/Legal-Needs-of-Individuals-Technical-Report-Final-January-2020.pdf>

³ <https://www.justiceinitiative.org/uploads/ddb88dcf-25bc-4fcd-bceb-aa5735c92461/strengthening-access-to-civil-justice-with-legal-needs-surveys-20180628.pdf>

More specifically, investing across a spectrum of legal information, advice and support can improve the delivery and management of two of the Ministry of Justice's (MoJ) priorities and strategic objectives on:

- Delivering swift access to justice
- Reducing reoffending
- Achieving the priorities set out in the MoJ's Outcome Delivery Plan.

Public spending context

We recognise that the pandemic and the budget deficit creates a challenging context. Over the lockdown periods there have been unprecedented policy interventions to protect employment and incomes, and support businesses and public services. Inevitably there are concerns about the impact of withdrawing these measures (for example the Universal Credit uplift and the furlough scheme), but perhaps a good starting point for the spending review is to build on the learning from this period about what works. Targeted investment in support services accompanied by engagement with civil society, and a robust response at community level, has supported population resilience through a time of crisis.

We welcome additional funding for health and social care built into the spending review, but it should be recognised that there are wider drivers for demand in health and social care sectors, including social determinants. Movements to develop more integrated approaches to how public and third sector services can support population health and wellbeing (e.g., social prescribing) illustrate this. We would therefore like to see this spending review make a stronger connection between well-being and supporting the resolution of family and social welfare law problems.

In making this case, our approach is based on the principles of welfare economics, i.e., how targeted government support can improve social welfare or wellbeing, described in HM Treasury's Green Book as "social value".⁴ Where possible we reference cost-benefit (CBA) and return on investment (SROI) studies. For example, recent research undertaken by Pragmatix with organisations supported by the Community Justice Fund, finds that the average net benefit to the Treasury for each client helped by free legal advice is £8,000, whilst the average cost of advice provision is just £510 per person.⁵

Strong and innovative public services

It is important to recognise that public services do not work in silos, and that service users have a range of needs, including legal needs. Those experiencing a legal problem for which they require help are more likely to be unemployed, people with disabilities, individuals living alone or individuals with dependents. Issues concerning employment, welfare benefits, debt and housing often go hand in hand. A decision by a public authority to reduce a person's benefit entitlement, for example, can spark a chain of events that leads to them falling into debt and losing their home. Relationship breakdown, debt and housing is another common "problem cluster".

Relative to other Government priorities, such as access to education and healthcare, public spending on civil and family justice and associated support services is proportionately low given the economic importance of the rule of law. However, as an OCED report on effective civil justice makes clear, better civil justice systems can boost investment, competition, innovation and growth.⁶ Research from the

⁴ <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government>

⁵ <https://atjf.org.uk/wp-content/uploads/2021/09/Defending-the-public-purse-The-economic-value-of-the-free-legal-advice-sector-September-2021.pdf>

⁶ *What Makes Civil Justice Effective*, OECD 2013
<https://www.oecd.org/economy/growth/Civil%20Justice%20Policy%20Note.pdf>

European Commission for the Efficiency of Justice (CEPEJ) shows our overall spending on justice in England and Wales to be at the European average or below.⁷ In 2017, the Institute for Fiscal Studies calculated that in the decade since 2010-11 the MoJ's budget reduced by around 40%; spending plans have been revised upwards since then, but in 2019-20 the total MoJ budget was around 25% lower than in 2010-11.⁸ Support services which enable the civil and family justice system to function well not only improve outcomes from the justice system, but also outcomes in other public services and better decision-making, as well as having wider benefits for community resilience.

Levelling up across the UK

Whilst the Government's commitment to redressing regional inequalities and delivering material improvements and outcomes in people's lives is welcome, it is important to recognise how stark inequalities are within regions, as well as between them. Health inequalities are a clear and persistent indicator of unfair disparities between and within regions. There is a systemic relationship between health and deprivation, which sees people from more deprived communities experiencing worse health and shorter life-expectancy on average. Covid has also exacerbated existing inequalities; as the Social Metrics Commission has found, the economic impacts of the pandemic are most heavily felt by those who were already in poverty prior to the crisis, including those from BME communities, disabled people, and those with low qualifications in insecure work.⁹

To meet the longstanding and complex challenges of reducing inequalities, 'Levelling Up' needs to move from being a political statement to a policy strategy to tackle these challenges. The Centre for Progressive Policy (CPP), an economics think tank, stresses that this agenda needs to focus more on 'social infrastructure' rather than just economic and physical infrastructure - prioritising strategic investment in the public services and social policy systems that enable communities to thrive.¹⁰ Refocussing on social and community infrastructure has also been strongly promoted by the Covid Recovery Commission's work on 'Levelling up Communities'.¹¹ Whilst Government has introduced new funding streams to help deliver its Levelling Up agenda – the Levelling Up Fund, the Community Renewal Fund, and the Community Ownership Fund - this welcome investment could be better targeted to support community organisations to deliver on their potential. Information and advice services have a role to play here, as they can be instrumental in ensuring people can connect to communities, technology, services, networks, employment and positive activities.

Global Britain

The Government has made it clear that promoting human rights and the rule of law is essential to "Global Britain" policy.¹² Britain's respect for the rule of law is one of the reasons its justice system has long been the envy of the world; it is fundamental to the country's global reputation as well as its economy. A healthy justice system is integral to social and economic wellbeing. The LexisNexis Rule of Law Impact Tracker shows a direct correlation between the rule of law and the growth of per capita gross domestic product.¹³

The pillars of the rule of law – as Lord Bingham noted in his well-known tract – are that the legal system should be accessible, and that there should be equality before the law. Other judicial figures,

⁷ <https://www.coe.int/en/web/cepej/country-profiles/united-kingdom>

⁸ 1 IFS, Autumn 2017 Budget: options for easing the squeeze, November 2017

See <https://commonslibrary.parliament.uk/research-briefings/cdp-2019-0217/>

⁹ <https://socialmetricscommission.org.uk/wp-content/uploads/2020/08/SMC-Poverty-and-Covid-Report.pdf>

¹⁰ <https://www.progressive-policy.net/publications/driving-growth-and-shared-prosperity>

¹¹ <https://covidrecoverycommission.co.uk/wp-content/uploads/2020/10/Levelling-up-communities.pdf>

¹² <https://covidrecoverycommission.co.uk/our-research-covid-recovery-commission/first-report-communities/>

¹³ <https://www.lexisnexis.com/en-us/rule-of-law/measuring-the-rule-of-law.page>

including Lord Nueberger,¹⁴ Lady Hale¹⁵ and Lord Briggs¹⁶ have all emphasised the role of legal aid, advice and support, and public legal education in supporting the rule of law.

Ministry of Justice objectives

The MoJ's objectives are focussed around reducing re-offending, making criminal justice work, especially for victims, and providing swifter access to justice. It is important that the Treasury understands the link between civil and criminal justice. Previous studies by the Centre for Crime and Justice Studies, and other similar studies using legal needs data (from the Civil and Social Justice Surveys) found that people with social welfare law problems are often victims of crime, and that those who have been in the criminal justice system also experience civil justice problems.¹⁷ There are significant links between re-offending and social welfare law needs; results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners demonstrate that insecure accommodation and employment issues can drive re-offending behaviour.¹⁸

The MoJ's Outcome Delivery Plan includes objectives around reducing outstanding cases in our courts and tribunals, including providing additional support through online services, and working to progress ways to resolve disputes which do not involve court hearings through early intervention strategies.¹⁹ Early intervention can prevent legal problems escalating to court unnecessarily, but we must also consider the needs of litigants in person (LiPs) and potential LiPs with the transition to the online court. We believe the MoJ's objectives will be best achieved through investment across the full spectrum of legal information, advice and support using innovative and multi-channel approaches, which should include provision through online resources/digital services as well as through community organisations.

Social value across a spectrum of legal support and advice: the case for sustained and increased investment.

Over the past decade and more a considerable amount of evidence has evolved to show that unresolved legal problems in peoples' lives accrue wider and social economic costs. In most countries, legal problems impose severe burdens on people and generate substantial direct and indirect costs. Yet large numbers of people face these problems without having adequate legal capability or the benefit of professional assistance. The vast majority of legal problems either remain unresolved or are resolved in a manner not deemed fair by the disputant.²⁰ Evidence across the OECD points to the benefits of investment in access to justice including more inclusive societies, reduction of harm from violence and health impacts related to unresolved disputes, as well as better governance.

There is a significant economic literature about the social and economic value of publicly funded legal advice and support services and different types of legal help interventions, including work by Citizens

¹⁴ <https://www.supremecourt.uk/docs/speech-131015.pdf>

¹⁵ <https://www.supremecourt.uk/docs/speech-190405.pdf>

¹⁶ <https://www.judiciary.uk/wp-content/uploads/2016/07/civil-courts-structure-review-final-report-jul-16-final-1.pdf>

¹⁷ <https://www.crimeandjustice.org.uk/publications/problems-everyday-life>

¹⁸ <https://www.gov.uk/government/collections/surveying-prisoner-crime-reduction-spcr>

¹⁹ <https://www.gov.uk/government/publications/ministry-of-justice-outcome-delivery-plan/ministry-of-justice-outcome-delivery-plan-2021-22>

²⁰ *Building a business case for access to Justice: OECD* <https://www.oecd.org/gov/building-a-business-case-for-access-to-justice.pdf>

Advice,²¹ the New Economics Foundation,²² and independently commissioned research reports and studies by, amongst others, Pascoe Pleasance and Graham Cookson.²³

Most recently, the research undertaken by Pragmatix with the Community Justice Fund, has demonstrated that the relatively limited investment in free legal advice services through the fund has provided net benefit to the public purse of £4billion per year. The calculations are based on casework data from participating organisations, practitioner interviews, a survey of organisations and existing research. The study estimates total savings to Treasury over the next decade of at least £9.5 billion. In addition, government can expect that for each advice case there will be 0.47 more employable people per household, and the client will experience 1.6 fewer years in crisis.²⁴

Whilst these studies all use different methodologies, there are some commonly cited proxy costs relating to the adverse consequences of unresolved legal issues, including costs to the state and individuals from loss of housing, employment or income security, family breakdown or domestic abuse. For example, the costs of homelessness have been estimated by Government as being over £1 billion a year;²⁵ the charity Crisis estimate that if 40,000 people were prevented from becoming homeless for one year in England it would save the public purse £370 million, and the Government's own unit cost database puts the cost of temporary accommodation at a range starting from £6.5k per person, with additional cost associated with statutory homelessness and rehousing of around £2.5k per person – this should be compared with an average £600 unit cost for a successful piece of housing advice preventing homelessness (source: Shelter).

Similarly, the costs of domestic violence have been explored by researchers. A 2019 Home Office report on the costs of domestic abuse estimated the social and economic cost for victims, covering a year ending March 2017 in England and Wales, was approximately £66 billion.²⁶ There are also a range of important studies linking advice services outcomes to health and wellbeing, including the role that legal advice and support services can play in mitigating pressures on GPs, primary care and mental health services, and supporting improved population health, see for example UCL and the Low Commission's work on this.²⁷

All of the above various SROI and CBA studies illustrate the ways in which advice services can mitigate the adverse consequence costs of unresolved legal issues. In making the case for investment, it is important to avoid viewing any one strand of legal support in isolation from any other strand, such as digital support, emotional support, advice services, pro bono and legal aid. Our unique Strategy partnership approach illustrates that where collaboration and partnership can be supported and incentivised, there are dividends that can be achieved in extending reach and ensuring that services work in a complementary way. We therefore adopt the typology outlined by the Low Commission (2015) that there is "a continuum including public legal education, informal and formal information, general advice, specialist advice, legal help and legal representation."²⁸ The Commission adds that "Legal aid should be viewed as part of this continuum, rather than as a stand-alone funding

²¹ *Towards a business case for legal aid* (Citizens Advice, 2010); *The value of the Citizens Advice service* (2015-16);

²² <https://www.lawcentres.org.uk/policy-and-media/the-case-for-law-centres>

²³ *Mounting Problems: Further Evidence of the Social, Economic and Health Consequences of Civil Justice Problems* (Pleasance et al, 2007); reports on the cost-benefit of advice (Cookson 2012 and 2014); the Law Society's SROI of legal aid (2017)

²⁴ <https://atif.org.uk/wp-content/uploads/2021/09/Defending-the-public-purse-The-economic-value-of-the-free-legal-advice-sector-September-2021.pdf>

²⁵ *Evidence review of the costs of Homelessness*, DCLG, 2012

²⁶ <https://www.gov.uk/government/publications/the-economic-and-social-costs-of-domestic-abuse>

²⁷ <https://asauk.org.uk/the-role-of-advice-services-in-health-outcomes/>

²⁸ <https://www.lag.org.uk/?fileid=-16929>

mechanism; the more we can do at the beginning of this spectrum, the less we should have to do at the end.”

Effective investment in legal support should therefore include a strong focus on public legal education (PLE) as this builds confidence and capability to manage problems without recourse to more costly services, based on knowledge and recognition of legal rights. There is evidence of the value of investing in the very earliest stage in the spectrum; in 2008, the New Economics Foundation (NEF) analysed the economic and social value of public legal education programmes, as part of a piece of work commissioned by Law Centres Network aiming to capture (and translate into financial value) the work of law centres. The NEF selected the Possession Prevention Project, run jointly by Southwark Law Centre and Blackfriars Advice Centre, as an example of a public legal education programme. The project was designed to reduce evictions by combining outreach, training, and policy initiatives. The NEF estimated that for every £1 spent, £6 worth of social value was created.²⁹

One of the guiding principles of the LIPs strategy work is about *earlier intervention* and prevention and how that can be achieved both through using pro bono for initial advice, and an emphasis on public legal education and innovative projects like FLOWS – Finding Legal Options for Women Survivors (delivered by the Family Team of RCJ Advice). This approach, including focus on self-help, can also work to improve efficiency and help HMCTs to address backlogs in the courts and tribunal system.

In 2011, the Community Links' Early Action Task Force started to publish a number of reports which sought to encourage, develop and reconsider early action, prevention and early intervention across a range of policy and practice contexts. A primary message was that early action should not be an afterthought but should be a fundamental principle, shaping the way in which both government and civil society spend their resources and judge their success. Investing wisely and early in social wellbeing promotes prosperity, reduces debt, increases growth, encourages fairness and social mobility and ultimately builds a sustainable society. The Barings report on early action (2012) set out how this works in the context of social welfare law and redress, describing four key components of early action as follows:³⁰

- Citizen capability: helping individuals to develop the skills/confidence to address problems;
- Intervening at the right time: i.e., acting ‘one step sooner’ to stop problems becoming more serious;
- Delivering advice differently – improving referral arrangements, and the digital offer;
- Better feedback and learning processes, working with a range of partners in efforts to act collaboratively, understand what works, and address drivers of demand not just supply;
- Responding to users’ needs by enabling them to talk to specialists as early as possible in the process, rather than having to go through too many gateways.

This early intervention approach has been endorsed by the Ministry of Justice’s Legal Support Action Plan:³¹

Outputs and outcomes from the LIPSS partners: adding social value

The LIPSS partners provide regular reports to the Ministry of Justice on progress, data and milestones in achieving the Strategy’s four core goals, which are:

1. Enabling litigants in person to know what support is available to them;
2. Enabling litigants in person to get practical and emotional support and information;
3. Providing litigants in person with a route to some free or affordable legal advice;

²⁹ *The Socio-Economic Value of Law Centres* New Economics Foundation (2009)

³⁰ *‘Social welfare legal advice and early action’* (2012)

³¹ *The Way Ahead - An action plan to deliver better support to people experiencing legal problems* (2019).

4. The legal system is more responsive to the needs of litigants in person.

What follows is a summary of how each partner's contribution adds social value, including how interventions have benefited other services (e.g., HMCTS), achieved costs savings in other areas (i.e., homelessness prevention), or have provided added value or demonstrable value for money in terms of the outcomes achieved. The work of each organisation is also illustrated by a case study.

RCJ Advice

RCJ Advice delivers a free front-line legal advice service to litigants in person who bring or defend claims in courts across England and Wales, including the County Court, High Court and Court of Appeal, in civil and family matters. A core pro bono rota service delivers advice and assistance to litigants in person throughout England and Wales in face to face appointments and, since Covid, by email and, since September 2020, video conference appointments, in relation to proceedings or potential proceedings covering a range of often complex civil and family legal issues. The service will often discourage litigants in person from proceeding with cases without merit, with savings for both them and the courts. In 2020/21 RCJ Advice helped over 15,000 clients with civil and family advice and representation:

- **Family law and domestic abuse.** RCJ supported a rapid increase in advice for family matters during the pandemic, including through the project Finding Legal Options for Women Survivors (FLOWS) delivered in partnership with Rights of Women. FLOWS recorded a rise in calls from 500 per month to 1500 calls per month during the pandemic, and supported 850 injunction applications per month through their digital offering, CourtNav. This demand is likely to increase due to ongoing Covid-19 issues and the post-Covid environment; earlier intervention in domestic violence situations can save police and statutory services time and money. There is also value from using the CourtNav tool with more straightforward (private law) relationship breakdown issues, in dealing with D8 (divorce) forms; producing well written, accurate forms saves court time and money.
- **Employment:** There has been an increase in employment disputes over furlough decisions and potential redundancies. Early advice, negotiation and mediation can help retain jobs and save on potential claims on universal credit and other welfare benefits.
- **Housing and homelessness:** Private landlords are now beginning to act on the recommencement of possession proceedings. RCJ Advice have worked with Enfield Council and the local Citizens Advice service, whereby the legal team engages with landlords far earlier than court action and the Council holds training and engagement events with landlords, which could save court time. RCJ Advice housing lawyers often prevent homelessness, and the cost of rehousing or homelessness is saved.

Case study: RCJ Advice Civil and Housing team working together to ensure a disabled tenant keeps his supportive aids

Jake is disabled and had a phone appointment with our civil team re: a claim his housing association had taken out. Jake feels his housing association is harassing him over his storage of his Motability scooter outside his flat, when the fire service have visited and deemed it safe. This is, sadly, a common issue for social tenants with needs. In papers Jake emailed over, the housing association had made an application for an injunction requiring Jake to remove the Motability scooter and making allegations of anti-social behaviour and had asked for a penal notice to be attached. Our solicitor explained this has potentially very serious consequences for Jake, as this could be considered a breach of the tenancy if upheld, and lead to his eviction, and also imprisonment if granted and breached.

The Defendant solicitor was trying to get this considered on the papers during lockdown. Jake was frightened and felt limited in his ability to conduct the case without help. Our civil solicitor drafted letters to the Defendant and the court pointing out the injunction matter as being wholly unsuitable to be dealt with on the papers. Our solicitor also felt there may be legal aid available as there was alleged anti-social behaviour. Our volunteer solicitor contacted our housing team, who reviewed the potential for legal aid, including speaking to 2 Garden Court Chambers who confirmed this.

RCJ Advice housing team contacted Jake by phone the following working day and then represented Jake and the housing association action was not upheld. Jake was delighted and very grateful when we organised a phone mediation between him and the housing association which resulted in an apology and an offer from the housing association to provide cover for the Motability scooter.

Support Through Court

Support Through Court (STC) provides trained volunteers who give free, independent practical and emotional support to people facing proceedings without legal representation in civil and family courts and tribunals. The main areas of support include family, housing, debt and employment. As with all MoJ funded LIPSS Partners, the investment from the MoJ is leveraged to increase each charity's income, which in pre-Covid times allowed STC to help over 75,000 contacts per year, saving the court time and resources.

Whilst difficult to quantify specific savings, STC's help for individuals undoubtedly has an indirect impact on other public services: when clients are helped to negotiate successful child arrangements in court, children's services are less likely to have to intervene with that family; every time a client is helped to avoid eviction, one more instance of homelessness is prevented. Whenever a client is referred to help with a debt case, this can contribute to improved financial skills and individual resilience. The STC service costs just under £20 per contact for face to face work and £5 for remote phone support; both channels are needed as some more vulnerable clients are better supported face to face.

- Evidence from the Helpline suggests that clients phone for help at an earlier stage in the legal process than clients coming to us in court; using our LIPSS connections and signposting facilities within the legal sector, STC direct litigants in person to professional legal advice, which can prevent cases without merit from coming to court, and improve the efficiency of those with merit.
- In court, STC services are universally commended by court staff and judiciary for saving court time and helping the smoother progress of cases: emotional support calms litigants in person so they can focus on the requirements of their court case; procedural support improves their understanding of court processes, so they can complete and submit correct documentation; and with an STC volunteer beside them, they can represent themselves in court more confidently and effectively.

- Whilst difficult to evidence, for many STC clients, the experience of representing themselves successfully in court with our support gives them greater confidence and resilience in other areas of their lives (for example a client who represented herself through a divorce and then trained as a family lawyer).

STC undertakes client feedback surveys. Of 1500 clients recently giving feedback:

- 100% were completely or partially satisfied with our service and 92% were completely satisfied
- 99% felt more confident after having help from an STC volunteer
- 99% felt the volunteer made procedures clearer
- 99% felt better prepared after having help from an STC volunteer
- 97% felt they had a fairer hearing
- 74% felt less anxious after having help from an STC volunteer

As noted above, STC's most immediate impact is within the court system, with services having wider indirect benefits, most notably around family support, housing/ homelessness and debt/financial resilience.

Housing case with domestic abuse element

Anna was directed to Support Through Court by the court security team. It was immediately clear that she spoke limited English and was extremely distressed.

Anna believed there was to be an eviction hearing in the court that day, in less than an hour's time. She was living in a local council property, but her estranged husband was named as sole tenant, and had walked out about 12 months before. Anna said there were rent arrears but she had tried to keep up the payments. She had four young children and had been a victim of domestic violence and abuse from her estranged husband – to the extent that the Police had been involved in the past. Anna was very frightened for the future.

There seemed a high risk that Anna's estranged husband would not attend the hearing, resulting in an eviction by default. The STC Team spoke to the court staff to see if the hearing judge could be told that Anna was in the court and needed to explain the background. The duty legal adviser was hugely helpful, advising that, even though Anna was not named as the Respondent, she should be allowed to speak directly to the judge. STC Volunteer, Teresa, stayed by Anna's side throughout the hearing, and Anna was able to tell her story.

The Judge recognised that Anna had been doing her best to make payments. So he allowed an adjournment for her to make a formal application to have the tenancy agreement amended so that she became the legally-named tenant. There was also a Legal Aid team in the court, who confirmed they would work with Anna to seek Legal Aid and help her make the application properly. Teresa helped Anna understand the immediate action points, and reassured her that she could come back for further support at any time.

Teresa was also concerned that Anna was at high risk of domestic abuse, so she signposted Anna to some specialist organisations for support. Anna was extremely relieved and felt she had been given a second chance to get on the right track, while Teresa felt confident that she had made a real difference to Anna's future..

Advocate

Advocate helps to find free legal help from barristers for those who cannot afford legal representation and who cannot access legal aid. Advocate coordinates a volunteer panel of more than 4,000 practising members of the Bar which includes a third of all Queen's Counsel. Advocate matched 1,412 pieces of pro bono legal work in 2020, which was a record high for the organisation.

The areas in most demand for pro bono advocacy services are family, employment and housing. Family cases continue to be the highest area of demand and Advocate have seen a 28% increase in family cases this year. Employment continues to be the second highest area of demand and, as the

end of furlough approaches, we know that the level of demand will continue to rise as redundancies are made, etc. Advocate saw a 50% increase in employment cases in the period from April to August 2020 compared to the same period the previous year.

Case study: Discrimination settlement

With Covid-19 impacting some cases, Advocate recently provided an applicant (who had a sex and race discrimination claim) with merits and procedural advice, and in June provided pro bono assistance in a judicial mediation.

The applicant, who suffered from severe hearing loss, was a cleaner who is disabled for the purposes of the Equality Act 2010. When the pandemic led to the trial being postponed (likely for over a year), the applicant expressed a desire to try again to settle the case. The lawyer's help ensured that settlement negotiations were productive, enabling the applicant to settle for a favourable sum whilst ensuring that the professional relationship with her employer was maintained. The applicant is still employed by the respondent.

LawWorks

Through different programmes, LawWorks seeks to connect people in need of legal advice and assistance, and not-for-profit organisations that support them, with the skills and expertise of solicitors and law students willing to meet those needs for free. These programmes include supporting a network of nearly 300 independent pro bono legal advice clinics across England and Wales. Last year, there were over 49,651 individual enquiries at clinics in the LawWorks Clinics network; over 43,018 people were helped by clinics through information, referrals and advice with 27,648 clients (64% of those helped) receiving full legal advice. During 2020 there were 9,045 volunteers in clinics; this included students, qualified lawyers and other volunteers

LawWorks has previously conducted research to capture information about the client experience of pro bono clinics and the impact of the information and advice provided, through the Better Information Project (2016-18). Over 200 people (a representative sample) who had been advised by a pro bono clinic were interviewed by a research company and the results demonstrate positive outcomes, not just for the resolution of problems but for capability and wellbeing also. The research shows, for example:

- 76% of clinic clients reported that their understanding of their legal problem was better;
- 75% said that they would feel more confident to deal with their problem, or a similar problem, in the future as a result of the support received;
- 68% said that the help or support they received reduced their stress level, and more than half said they felt *physically better* as a result of the advice or help received;
- Before getting support from a clinic, nearly half of clients were thinking of going to court or tribunal; a quarter changed their plans following advice.

Whilst the research did not attempt to monetise gains, these outcomes re-enforce the arguments that accessing early advice accrues benefits for capability, wellbeing and due consideration of next steps in engaging with the legal process.

Since Covid-19, LawWorks have been supporting clinics to go digital and develop their capacity to deliver telephone, email and video advice; over two thirds of the clinics network now able to operate in this way with the support of a range of online training, resources and products provided by LawWorks. Also in 2020, LawWorks launched a new online Free Legal Answers service (based on Free Legal Answers in the United States) focussed on initial one-off advice provided online by pro bono lawyers; currently we are working with referral partners. The project had been supported pro bono by Deloitte Legal, and LawWorks is developing new digital platforms such as the Justice Connect Pro Bono Portal with a vision to provide a 'one stop shop' for pro bono volunteers

LawWorks also run three in-depth ("secondary specialisation") casework projects, focussed on disability benefits (social security), unpaid wages (employment law), and children's community care and housing cases (in partnership with the charity 'Together for Short Lives'). With LawWorks providing bespoke training and supervision, cases are referred by our partner organisations to an in-house team, who then support volunteer solicitors to undertake in-depth casework. Finally, LawWorks administers the Pro Bono Connect scheme which matches solicitors and barristers working pro bono on civil cases.

Case Study: Rehousing and care case

Zara left her husband four years ago with her three children, having been the victim of domestic abuse. One of her children, Layla, is 12 years old with a congenital genetic disease and is unable to walk and uses a wheelchair. She is fed through a tube in her stomach and constantly needs attention at night. The family were moved into a two bedroomed flat, closer to the children's schools, but it was completely unsuitable with a narrow doorway not accessible for a wheelchair, and mould affected Layla's respiratory system. Zara had to lift Layla out of the wheelchair in order to get her in and out of the building and the corridors were too narrow to move her around in the wheelchair.

After Layla slipped and broke her leg the family was therefore moved into a hostel which was also hard for the family. During the daytime, no carers, friends or family were allowed to enter the building which put a huge strain on Zara as she needed their support. Zara was at very low ebb. However, she was referred to volunteer lawyers through LawWorks. After the lawyers took up the family's housing needs with the local authority, they were offered a four bedroomed house near the children's schools, adapted for wheelchair use (including a stair-lift up to the bedrooms). The number of hours in Layla's care package were also increased.

Law for Life

Law for Life is a leading public legal education (PLE) and information-provider, incorporating Advicenow which is the public-facing hub of the LIPSS partnership. Advicenow provides a comprehensive digital suite of legal resources for litigants in person in civil, family, housing and welfare with pathways to LIPSS partner services and the wider advice and legal services sector. Law for Life works in partnership with Resolution to create unique digital triage to affordable, fixed-fee unbundled family law advice for low-median income families.

Law for Life also runs community education capacity building programmes, supporting existing networks of community organisations working with some of the most vulnerable people in England and Wales, to improve early intervention and prevent escalation of legal problems. Training and working through trusted intermediaries has been shown to improve confidence for both intermediaries and the communities they support.³² A recent regional pilot funded by MOJ that Law for Life delivered was able to help vulnerable over 5,000 women facing housing insecurity and eviction by working with front-line NHS social prescribers, and can evidence the positive outcomes. Overview Law for Life services:

- Advicenow received 2 million pageviews over the last year.
- 71% of Advicenow users are litigants in person or potential litigants in person or potential litigants in person.
- 37% of users declared a disability and 52% of users were from low-income households.
- Education and training services reached 100 organisations across four regions, including health workers, mutual aid groups and women's services.
- Digital document processing tools received 160,000 pageviews and produced 15,000 personalised Mandatory Reconsideration requests from disabled users and their families in order to improve the accuracy of DWP PIP and DLA awards.

Integrating legal information, education and unbundled specialist advice offers a range of channels to meet legal needs and provide economies of scale. Evidence shows well-targeted PLE can be highly

³² <http://lawforlife.org.uk/wp-content/uploads/Law-for-Everyday-Life-Evaluation-report.pdf>

effective and deliver significant cost benefits including reduced court time, re-litigation and enhanced conflict reduction. Digital information and targeted digital tools have a powerful multiplier effect, reaching many more people either directly or through those who are supporting them in a personal or professional capacity. Digital information can be updated swiftly and can be used as a standalone, step by step resource by the digitally and cognitively capable, relieving pressure on one to one services and freeing up time for the most vulnerable who need this support.

As a result of Covid-19, more people than ever are experiencing civil justice problems and there has been an increase in traffic, especially with people seeking help to understand their rights relating to separation, children's arrangements and domestic violence. The new Affordable Advice service for family law issues pathways, combining easy to follow step by step guides on Advicenow combined with access to low and fixed cost expert legal help on family issues at every stage from very early on to final resolution. The successful pilot phase has demonstrated reduction in conflict and avoidance of unnecessary court proceedings. Feedback from service users indicates:

- 93% said the advice helped them to feel more confident
- 93% said it reduced their stress
- 82% said it helped them decide to do something or do something differently, and
- 89% felt it helped them make their case better.

There is potential to expand this innovative service, providing digital routes to expert help wherever people live, enabling LiPs to use the family courts more efficiently.

Case study: Law for Life's regional work with NHS Social prescribers.

A woman was living in a property that was not ideal and was struggling financially. She was going to ask her landlord to serve her a Section 21 eviction notice because she could no longer afford the rent (although she wasn't yet in arrears - had used her savings up) which would have made her 'intentionally homeless' and she would not have been able to apply to the council for temporary accommodation.

The social prescriber was able to give her the woman the right information with confidence and signpost her towards getting financial aid so she could pay her rent and avoid eviction.

"What we have learnt from the course will be invaluable in my role as a social prescriber. Since taking part, I have supported three homeless people and three people wishing to move due to different circumstances."

Access to Justice Foundation

The Access to Justice Foundation (AJTF) is not a delivery partner, but co-ordinates the existing funding for the project provided by the Ministry of Justice. AJTF have also had a key role in co-ordinating the Community Justice Fund (CJF) with the MoJ that is focussed on more specialist legal support provision, works collaboratively with other funders such as the Legal Education Foundation (LEF), and is also the statutory recipient of pro bono cost orders.

AJTF have made a separate CSR submission on behalf of the Community Justice Fund (CJF) partners. The submission includes a proposal, supported by the LIPS strategy, for a modest additional investment of £10 million per year in the free legal advice sector, providing advice to hundreds of thousands of people to help them retain their homes, maximise their income and improve their employability. The financial modelling provided by the Pragmatix research estimates that the Treasury

would save £9bn over the next decade for the taxpayer by supporting free specialist legal advice to the most vulnerable in society.³³

The CJF is hosted by the Access to Justice Foundation working in partnership with other independent funders, Ministry of Justice, National Lottery Community Fund and the not for profit advice sector. In 2020, the CJF distributed over £11.5 million to 179 specialist social welfare legal advice services across the UK, and through the investment of the Ministry of Justice is able to leverage in further funding from the philanthropic sector, helping more vulnerable people and saving the Treasury money.

Two examples from partners supported by the CJF are provided on how early legal advice can prevent the spiralling of costs to the taxpayer that can happen when problems cascade into other areas such as:

- In 2019/20 Cumbria Law Centre represented 520 people who were homeless, facing the loss of their homes or were dealing with severe disrepair in their properties. Because of early legal advice, 429 were able to stay in their homes or access suitable accommodation. In the same period, more than 370 evictions were prevented. It is estimated that the cost of evicting a family ranges from between £12,000 to £30,000 in each and every case – that's costs to the public purse.
- Guys and St Thomas Hospitals, have reported that, for the people that Southwark Law Centre has supported, there has been a 87% reduction in inpatient admissions and an 81% reduction in bed days for the hospitals." The pre/post referral bed days in a six-month period were down by a total of 218. At a circa £200 cost per bed day that is a saving of over £40k alone, just from bed-days.

Access to justice and impact of Covid-19

As a result of Covid-19, more people than ever are experiencing civil justice problems, with increasing confusion about what rights and obligations they have with rapidly changing legal frameworks in their workplace, their financial and personal lives. Routes to help have been seriously curtailed with the closure or significant reduction of face to face services. The impacts of Covid are unevenly distributed across the regions and stratified across socio-demographic factors.³⁴

Conclusion

This submission demonstrates how we are able to collectively contribute to the Ministry of Justice's Outcome Delivery Plan's aim of *"ensuring the justice system works for those who need it most."*³⁵ Going forwards, this need is likely to increase as the longer-term impact of the pandemic becomes apparent. Our partnership approach supports and adds value to the wider advice ecosystem of Citizens Advice, advice and other agencies, Law Centres and legal aid practices. Where appropriate the partnership is able to 'leverage in' the pro bono contribution of the legal profession, though we do not believe that pro bono can or should replicate or replace publicly funded provision. Partners have also made innovative use of digital technologies to reach further. In addition to the co-ordination of partner activities, LIPSS partners take an active part in wider sector roundtables and collaborations,

³³ <https://atjf.org.uk/wp-content/uploads/2021/09/Defending-the-public-purse-The-economic-value-of-the-free-legal-advice-sector-September-2021.pdf>

³⁴ Coronavirus financial impact tracker reports produced for Standard Life Foundation by teams at the University of Bristol in March 2021, February 2021 and September 2020:

<http://www.bristol.ac.uk/geography/research/pfrc/themes/fincap/covid-19-tracker/>

³⁵ <https://www.gov.uk/government/publications/ministry-of-justice-outcome-delivery-plan/ministry-of-justice-outcome-delivery-plan-2021-22>

such the legal and advice sector roundtable that has been meeting at least monthly since March 2020 to share strategies, information and insight on tackling legal and advice needs related to the pandemic.

Investment in a partnership approach pioneered through LIPSS can support the sector to have a positive impact on individuals and communities in the recovery from the pandemic. Partnership working both with LIPSS partners and a wider network of advice organisations has the potential to use resources most efficiently by designing more integrated delivery models - such as developing referral journeys between agencies - and targeting areas with low levels of support, i.e., "advice deserts" where there are high levels of unmet need; this is important as evidence to date suggests that areas with high levels of deprivation have been the most adversely impacted by the pandemic (ONS data).

Support across the whole spectrum of assistance identified by the Low Commission, including online resources, offers the opportunity to maximise the possibilities of support to the digitally and cognitively capable - new clients who have been able to access remote services during lockdown. This multi-channel strategy will prevent new client cohorts from crowding out the more traditional clients, who significantly disengaged from using advice services during lockdown but whose needs have been intensified, and who will urgently need the one to one support offered by most of the LIPSS partners.

To rise to this challenge sustainable funding is needed. The sector as a whole also needs support in adapting to changes in HMCTS delivery and court and tribunal practices, from greater use of remote hearings to the more flexible use of buildings (such as the "Nightingale Courts") and the development of the new court and tribunal service centres. LIPSS partners have made significant and rapid progress in adapting service delivery to remote systems during lockdown, developing online applications processes and digital tools, and enabling online triage, to ensure the most vulnerable individuals are prioritised.

September 2021