

Legal and Advice Sector Roundtable

Thursday 21 January 2021, 4–5:30pm

Via Zoom

Meeting Notes

1. Update from Steering Group

The Roundtables will continue through 2021

2021 is likely to continue to throw immediate challenges at the legal and advice sector but it will also be a period that will shape the future of our sector longer term.

The Roundtable provides an opportunity to share perspectives and facilitate cross group collaboration, while also creating a space for us to hear other experiences across a variety of organisations.

Meetings will continue on a monthly basis and the administration of the group will be supported in order to ensure the value provided from meetings can be developed.

The Steering Group is open and actively seeking contributions

Lindsey Poole has joined the Steering Group. The Steering Group meets for an hour once a fortnight and it provides the opportunity to pull together useful content and discuss current themes and issues we are experiencing in our work.

2. Updates from across the sector

Legal Aid Practitioners Group (LAPG)

The campaigning work around the Legal Aid Review referenced at the last LASR meeting is continuing and going well. The APPG on Legal Aid has welcomed a new Conservative MP member. The next in the series of evidence giving sessions will take place on Thursday 28th January and will focus on The Publicly Funded Bar.

David Lammy MP and Adam Wagner will both be giving evidence talking about their experiences of being a lawyer.

You can see the full series of events and register [here](#).

LAPG are not at the pilot phase of their workforce survey. The survey will collect data on Legal Aid generally as well as looking at the cost of providing services including overheads and other business costs. The survey benefits from an excellent research team what are lending huge amounts of professional support. LAPG are looking for 20-25 organisations to road test the survey.

Employment Legal Advice Network (ELAN)

We are seeing a huge reaction to Brexit which is having a profound effect on redundancies. Many users have been asked, and are struggling to, demonstrate their right to work, and there are issues on the horizon around worker rights being reviewed. We are concerned about the impact this might have on vulnerable users.

Another active area of work is around the impact of the pandemic on women and several organisations on ELAN have been collaborating on a publicity campaign on how women, and mothers in work, have been experiencing employment issues due to COVID-19.

We are hearing recurring incidents of the poor mental health of our clients, and the consequent negative impact on staff wellbeing.

Resourcing issues continue with several key positions remaining unfilled despite recurring recruitment rounds. This speaks to the continuing workforce sustainability issues we have identified and discussed at previous LASR meetings.

In terms of positive progress which have moved forward with our training and mentoring using retired Employment Judges to feedback their experiences from the frontline and provide training on employment tribunals and mentoring opportunities for the advice sector.

ELAN is supporting mediation projects, and this has produced a successful collaboration with Advocate to provide pro bono legal advice at mediation. We are also supporting a working group on using mediation.

ELAN has worked directly with Pro Bono Community to meet the need for additional capacity by using trained volunteers and is starting conversations with trade unions to understand the gaps in support and referrals between their advisers and the employment advice community.

Pro Bono Community (PBC)

In addition to utilising and training student resources, PBC is also looking to revisit a project using retired lawyers to provide additional supporting capacity.

Use and uptake of PBC services could be used as an indicator for how the advice sector is responding to lockdown, with the bandwidth and ability of organisations and services to take up the opportunity of additional volunteers being used as a barometer. The raise and fall capacity provided by volunteers may also carry through to the capacity of frontline services.

PBC is currently allocating 50% of the volunteers it would expect to at this time of year. While the majority of advice organisations have made it through the crisis and are still functioning, there is evidence that some are coping better than others, and there is difference in the level of functioning capacity.

Training of volunteers is continuing at the same level as last year, with recruitment to digital projects proving popular in particular. This could also be seen as an indicator of the continued importance, and use of, digital moving forward.

Advice UK

Advice UK has a network of over 600 organisations with around 90% of these providing specialist legal advice services and around 40% employing lawyers. Advice UK is able to identify and monitor trends, experiences, and impact in and on advice organisations.

The fact that services are continuing their membership gives a positive indication on the immediate position of the sector, with children's legal rights, and consequent links to mental health, being a particularly active area.

Law for Life

Law for Life recently ran remote training courses on housing rights for vulnerable people which were three times oversubscribed demonstrating a huge interest in this area from community and grassroots organisations who are extremely active and want to be skilled up.

We've benefitted from hearing more about Pro Bono Community and will connect to discuss using volunteers to support additional training and answer legal queries.

Law for Life has also released a new [Survival Guide on Divorce and Pensions](#) which is a complex and often underutilised financial settlement issue for litigants in person.

We attended the [Litigant in Person Engagement Group \(LIPEG\)](#) which referenced private rooms available in remote hearings to enable litigants to have confidential conversations with advisors, friends etc. We would like to see this developed to include a rehearsal function, which is currently used in the Commercial Court but also essential for litigant in person engagement.

Advocate

Continuing to work on [mentoring for employment barristers](#). The majority of cases tend to be appropriate for the junior bar, but we are still working to match senior and junior barristers to support all levels of work.

Online courts

The initial concept of online courts was designed to rest on the initial “[Stage 1](#)” outlined in the Briggs review which consisted of tools, provided by HMCTS, to support the use of online justice services.

However, as the court reform programme has progressed, “Stage 1” has remained absent. There has been some success in [money claims online](#) as the judiciary there have been particularly active, but, by its nature, HMCTS is more focused on what goes on in court hearings and has a limited view of what happens directly before and after hearings.

You can see more about the importance of Stage 1 and the implications of its absence [here](#).

Collaborative Plan

The Collaborative plan have released their [latest statistics](#) (alongside stats from the [previous year](#) for comparison), across the Plan there have been nearly 400,000 hours of [pro bono work](#).

[Brexit](#) is likely to have a huge impact both on the legal need of end users, but also on service delivery organisations and charities, who will also need advice. However, as these are issues firms are advising big businesses on, there will be the skill set available.

[Post COVID poverty](#) will also present a huge challenge in terms of meeting need with pro bono capacity.

3. Funding and sustainability issues – including local government support.

A presentation was given to the group on “[The Challenges Ahead in 2021-2022 - Local Authority Funding](#)”. Key points included:

- In terms of general sector funding there has been a move towards one off funding, with a reliance on government to provide support packages. During COVID there has been a huge amount of lost income from traditional fundraising events.
- Local authority funding has always been important to the advice sector, but it is a complicated area, and it has risks which cause concern.
- Figures given in the presentation are dated but may give an indication of the proportion of advice community funding coming from local authorities (including the Transition Fund)

- Austerity has been amplified by COVID and there has been an increased delegation of financial burden to local authorities, for example, within social care, and the costs of providing PPE.
- Local authorities already have very stretched budgets and so will be looking for a way to address financial gaps.
- Now is an important time to get our message across using data, stories, and whatever other information we have as well and as often as we possibly can. The advice sector is key to helping local authorities effectively and efficiently address the frontline issues they are faced with.

Welsh perspective

Although the detail and relationships are different in Wales, the underlying issue of local authorities struggling financially are just as worrying to the local advice community.

Wales has the additional issue that, despite a continued commitment to advice and information from local government, there are still some initiatives supported in England that fail to have impact in Wales.

Potential impact of the Kruger report

It is important, also, to be alive to the potential implication of the "[Levelling up our communities](#)" report produced by Danny Kruger MP should it be taken forward to implementation.

The report explores the levelling up of civil society and makes recommendations on the role of DCMS. The recommendations place a privilege on local and placed based funding over funding distributed regionally or nationally.

However, despite the vital role advice organisations play in local communities, they are not as highly recognised as they should be on the priorities list. It should then be the role of regional and national initiatives to advocate for local services to receive better recognition.

Trusts and Foundations response

The consequence of the lack of local authority funding for advice services is that it then places pressure on charitable Trusts and Foundations who are expected to fill the gap left by local and central government funding.

(cf. the Welsh Government are committed to pushing the need for advice funding with the Wales Funder Forum as part of the Advice Action Plan agreed late 2020)

The [London Community Response Fund \(LCRF\) has recently launched its Wave 5](#) funding comprising crisis response grants and renewal grants of up to £50,000 over a one-year period. In total £45.5m has been distributed from the LCRF during the pandemic (though not all has been for advice services).

The LCRF also benefits from research including "[The Future of Funding](#)" report which found that 64% of funders would be looking to change their priorities and processes post COVID, and the "[What London Needs](#)" report into future needs.

Building relationships with Local Authorities

It is also important to recognise local authorities as funders of advice *workers* and that that relationship is key to the advice sector reaching local and vulnerable communities.

One local authority ran a very successful local campaign which brought together key stakeholders from across the support services board. It played vital role in creating a local network and provided really good practice which could be shared and replicated.

There is also a need for us to have a transparent understanding of the limitations of local authority independence, and a recognition that the advice sector is often relied on to enable independence and local community support simultaneously.

4. Impact of third national lockdown – implications for whole justice system (courts, legal aid, etc.) and digital strategy

Lockdown three has sharply highlighted some of the tensions that exist around the safety, accessibility, and quality of advice services, as well as continuing to develop our concerns around the tension of face to face vs. remote advice, and court access.

User experience of remote courts

Lockdown has heightened anxiety for users and user feedback is highlighting a lot of concerns. Users are often unable to access fast broadband which remains necessary for an effective court hearing, or hardware like laptops so they can create and share necessary paperwork such as bundles.

Use of services such as interpretation and CAFCASS are suffering dually from a lack of availability and technical issues, with the last-minute nature of communications around hearings are being heard in person or remotely creating additional concern and preventing access to pro bono services.

Huge delays in other listings are also cause for user concern while staff wellbeing continues to be an issue for organisations with frontline workers struggling with exhaustion.

Workload and workspace

The reduction in the number of cases coming through the courts in some jurisdictions is also causing the sector to struggle financially with some organisations reporting a reduction of legal capacity internally which will be hard to replenish to deal with the inevitable tsunami of work after the cessation of COVID measures.

There are also ongoing practical issues around safety at courts and other access point.

Opportunities to take forward

We are facing a broader aspect of issues including a mixture of the pandemic, Brexit, and a tsunami of built-up work which will land soon.

However, as seen at this and previous meetings there is opportunity in changes to service delivery and the way we work, changes from the Ministry of Justice and HMCTS, and in the ongoing of work such as that of Dr Natalie Byrom on the collection and use of data.

We are aware there are still gaps in data to help policy makers make better decisions. There needs to be a better dialogue with the Ministry of Justice and HMCTS on these issues, but we should also remain vigilant on how data we present may be used and acted upon by other government departments, including the DWP.

Is there any more we can do to capitalise on the opportunities we are presented with?

In Wales, the Welsh Government has worked with Welsh National Advice Network (WNAN) to produce a short term Covid-19 Recovery and Resilience Information and Advice Action Plan (IAAP). The plan is based around needs analysis rather than immediate need (and is harder to ascertain due to the limitations of Legal Services research), justice outcomes, and service user engagement.

Local groups, such as Wandsworth Local Authority Group, are being set up where anyone in the local community can join. There are also opportunities to engage with the vaccination roll out programme.

We should be looking to take advantage and get involved with as many local initiatives as possible. The more we can get involved the more audience we have to share our message, and that will give us power for the future.

The continued proactivity of the sector is there, Rightsnet have experienced no drop off in traffic and have over 900 COVID related news stories, we should capitalise on this, and the opportunities that are there for us to take.

One such example is the ongoing work of the Early Legal Support Action Plan developed by the Ministry of Justice. The work of this group and its stakeholders can provide great insight and ideas to support and influence that work and we should take every opportunity to highlight that.

5. Roundup

The sector is facing a “double whammy” of user needs generated by the pandemic and Brexit. Need and capacity is likely to be further affected when the floodgates are opened to work currently dammed by COVID measures.

However, sector organisations remain operational and continue to be supported and reinforced by their networks, which enable them to prepare.

It is vital that this work continues in order to allow us to take stock of and respond to important aspects of work such as the Kruger report, and the approach demonstrated in Wales.

Actions

1. Consider contributing to the Steering Group discussions either by feeding your thoughts to a member or joining for an initial or one-off meeting.
2. Review and register for upcoming events of interest [here](#).
3. Reach out to [Rohini Teather](#) at LAPG to find out more about the workforce survey.
4. Read more about the importance of Stage 1 of the Briggs review and the implications of its absence [here](#).