

**3rd Legal and Advice Sector Roundtable – responding to COVID-19  
Wednesday 29 April 2020, 16.00 – 17.30 on Zoom**

**1. INTRODUCTION**

Everyone was welcomed to the third cross-sector roundtable, with colleagues from MoJ bodies to join half way through.

**2. REPORT BACK FROM SUB-GROUPS**

4 Subgroups have met to date

**(1) Points of Access**

The group recognised that it is grassroots community organisations that have often been leading the way in providing local support to their communities; the sub-group focused in on how access and deliver initial and specialist legal advice through coordination. In the light of so many organisations focusing on delivering emergency services, it was agreed that the sub-group will start with producing an updated pro bono legal advice and assistance guide which can be circulated to MPs and others, and will work with the other subgroups.

**(2) Sustainability across the sector**

There are short-term, medium, long term challenges associated with specific needs in the sector, so initiatives from funders and Government intended to provide a financial cushion need to “hit the spot” and recognise the real problems of sustainability. Carol is drafting a paper to pull together thoughts on sustainability; this will be shared with the wider group.

**(3) Resources to help the sector to meet the need**

The sub-group is looking at resources available within the sector from the point of view of individual organisations and their needs – both immediate and next steps - and tracking back from that to identify what new resources are needed.

**(4) Policy**

The group had discussed (i) Government policy towards the sector (ii) presenting demand and underlying and future legal needs, and (iii) issues of poverty, vulnerability and exclusion (e.g., isolation, digital exclusion, disability, care system users, domestic violence) and how these intersect with justice. Discussions have produced action points some have already been actioned, for example with briefings for particular Parliamentary debates and Bills.

It was noted that a rapid review is currently underway in family justice and Civil Rapid Review also due to be launched imminently, and encouraged everyone to feed back to those if they can.

**3. SHARING KEY MESSAGES AND GROUP DISCUSSION**

The next part of the meeting would try to capture, co-ordinate and convey key messages from/to the sector and MOJ and HMCTS.

**Messages around demand and need**

Advicenow have tracked significant increases in people searching for help with social payments, financial arrangements on divorce, child residence and contact issues, and employment tribunal pages.

Several contributors spoke of the challenges around worsening mental health particularly amongst those who are living alone who are already socially isolated.

There is a massive demand for Shelter's helpline at the moment and a "tsunami" in respect of possession proceedings after the moratorium is expected.

Charities working in the care sector noted how easing of the duties under the Care Act mean that many people aren't getting access to the care they need, and that there is an advice need and a policy problem around this.

Various contributors echoed that it is important to distinguish current presenting demand that advice organisations are dealing with, from underlying and future needs – many issues have like debt will have much a longer-tail. Demand on services is varied and may depend on the style of service that was provided in the first place.

Digital exclusion was also highlighted – two-thirds of people over the age of 75 are not online. Age UK expects that this vulnerable group is facing problems such as remote working, accessing shopping and banking services.

### Operational needs

Consistency of approach (eg on remote access, hearings etc) between higher/lower and individual courts and tribunal jurisdictions and how they respond was flagged, it would be helpful if more streamlined processes could be put into place. The professional bodies are keen to work with the MoJ to ensure that cases can have full hearing process in the future, as long as this is done on a safe basis.

For the sector, organisations and their staff have able to quickly adapt to working remotely from home, but often in 'temporary' manner. The extended period of needing to work remotely leads to questions of what is a good remote service.

### Funding

This is a key concern, exacerbated by the pandemic, and for the types of services that the sector can offer. Key issues for the entire sector are 1) cash flow and 2) loss of income 3) difficulties/uncertainties in (future) financial planning and fundraising assumptions. Providers have fixed costs of delivering services which can't easily be deferred or shifted through other forms of financial relief that are available. Legal aid providers are facing particular problems where this is their core income (with MoJ/LAA being the monopoly funder for the statutory scheme).

### Data

Data sharing can be a challenge for everyone, but could MoJ, HMCTS and LAA lead by putting as much data as possible into the public domain.

## **4. Report and feedback from statutory bodies / justice institutions**

Invited representatives from MoJ, HMCTS, LAA and Judiciary were welcomed to the Forum.

The MOJ emphasised their objective of continuing to ensure access to justice requires the involvement of all parts of the system, they are undertaking an urgent piece of work to gather evidence and provide advice to ministers, on the impact of the pandemic, on both the advice sector and the legal aid sector and the broader legal need - what it is now and what it is likely to look like in three to six months, and in particular for the different demographics. The MoJ understands that need is changing and will continue to change. They need to give ministers advice on what will be needed to ensure people can continue to access the advice and support and to make sure the sector can continue to deliver that, and to do that, they need clear and continued information from their partners across the whole justice system so

robust data is key (especially social cost data on what happens if happen if there isn't intervention).

HMCTS reported on their key priorities:-

- HMCTS is moving away from the emergency response into a more sustainable response. They are working with the judiciary to prioritise the work that they can do - this is about progressing the work that can be done safely, not just urgent work, and to avoid as much of the pent-up demand as possible.
- Supporting colleagues to work safely and for those people who do come into the court system, including ramping remote hearings capability, supporting colleagues who can or could work from home to do so, and consolidating the work into fewer courts.
- Preparing for stored-up demand – HMCTS flagged the importance of sharing data so that the different organisations are getting a similar picture. On data, HMCTS is conducting a series of surveys to understand what is and is not working, surveying different groups (public, staff, judiciary, legal professionals) involved in or supporting hearings. Capturing outcomes is challenging is challenging though.

## **5. Contributions and feedback from the rest of the sector**

### Funding

Sustainable funding for the sector is a primary concern in order to address unmet need. MoJ might be having with other funders of advice services, and in particular, the Money and Pensions Service. Specialist legal advice, including the pro bono sector, is only part of the jigsaw.

The London funders reported back on work on joint initiatives (London only but also national initiatives), and collaborations.

In response on the funding point MoJ indicated there would be an announcement shortly following on from the Government's charities funding announcement.

### Data

It is understood that the HMCTS codes appeals (e.g. depending on whether they're going ahead on the papers, or through different types of virtual systems): could HMCTS look at recording whether someone has had legal representation to enable measurement of the difference that makes to outcomes.

### Present and future demand and need and potential fixes

- It will be important to be able to model future advice demand and need
- Issues on wills and lasting powers of attorney were raised and could there be a better certification system, there is currently a lot of unmet legal and money advice need for older people and their issues
- The legal frameworks in relation to community care and mental capacity have changed really dramatically, could MoJ look at these areas of need and policy as it engages community care law, public law and human rights law.

## **6. ROUND-UP / SUMMARY AND NEXT STEPS**

### **(1) CLIENTS**

#### Clients are facing many different challenges

They require advice on a range of matters including:

- homelessness
- domestic violence
- obtaining food and access to money through banking

- getting access to benefits and care
- many are suffering from loneliness and isolation.

#### Digital exclusion is a concern

- This is a theme that has featured heavily during the course of the meeting.

#### Demand

- Demand is variable.
- It is important to distinguish between (immediate) demand (which is perhaps lower than one might expect at the moment at least in some areas) and need (which is building up in the background).
- Feedback from the Law Centres Network suggests that calls for help are varied and that this depends on the style of service that was provided in the first place.

#### What are the practical solutions?

Vulnerable groups face special problems such as

- visual problems
- hearing problems
- age
- domestic violence issues

This is all based on remote working and remote services. When people are able physically to attend courts again, safety would have to be very clearly stated to encourage people to engage, particularly the vulnerable who are being shielded and for whom it will be a more difficult transition.

### **(2) THE IMPORTANCE OF DATA**

- The importance of data and ensuring it is good, meaningful and accessible was recognised by everyone.
- News that HMCTS were conducting surveys gathering feedback from court hearings was very welcome. Could this information could be shared with the group.
- Data enables organisations that are doing legal aid work to plan and to enable better services to be provide particularly because there is so much variation in demand and the challenges clients face.

### **(3) ORGANISATIONS**

- Gratitude was expressed to the funders and their response to huge change that the sector has experienced over the past few months. All the organisations present, including the representative bodies, had made it clear how stark the position is on cash flow, loss of income, loss of work going to the system – and challenge of whether future increase in work could compensate for the loss of income now. All providers have to take rational business decisions, but it is hoped the sector will continue to work together to try and ensure that there is a sector in the future because the challenges that people are facing are huge.

### **Concluding remarks**

Everyone was thanked for their participation and work; in very challenging circumstances, the roundtable had demonstrated the readiness by the sector (including in that MOJ, LAA and HMCTS) to be proactive and not just reactive, to act ahead of perfect knowledge, and to combine in order to act. We all share a single common objective of access to justice for those without means and the most vulnerable; this is a great advantage that the sector has in dealing with the challenges.