

# Cross-Sector Roundtable - responding to COVID-19

Tuesday 14 July 2020, 4–5:30pm

Via Zoom

## Attendees

Organisation
Access to Justice Foundation
Access Charity
Access Social Care
Advice Services Alliance
LIP Support Strategy
Advice UK
Advocate
Child Poverty Action Group
CILEx
CLEO
Equally Ours
Equality and Human Rights Commission
Citizens Advice
ELAN
HMCTS
LASA
Law Centres Network
Law for Life
LAPG
Law Society
LawWorks
Legal Services Board
Advocate
Litigants in Person Support Network
London Legal Support Trust and London Funders
National Pro Bono Centre
National Pro Bono Week Committee
Ministry of Justice
Pro Bono Community
Public Law Project
RCJ Advice
Rolls Building
UK Collaborative Plan for Pro Bono
Wales National Advice Network

## 1. Welcome

All were welcomed to the sixth roundtable.

## 2. Cross-sector updates

### Equality and Human Rights Commission

EHRC After the start of the public health crisis, the EHRC re-prioritised their then business plan, and have seen existing inequality has widened and deepened They have been working across a number of fronts, including (i) access to critical services for disabled people (ii) access to health care for elderly people (ii) disproportionate impact across the GIG economy for women, ethnic minorities and disabled people. They are now moving to a rolling business plan because of the rapidity of the change in environment. on two key areas - both in the short term in terms of looking at the "second wave" and what's going on in the immediate future, but also in terms of long term planning on (1) race and (2) social care.

## London Funders and the Community Justice Fund

London Funders now has over 60 members. The funding process is designed to be flexible and to respond to needs as they emerge. So far, organisations have been able to apply for funding under three "waves" (i) focussed on urgent needs, relating to food and essentials, through small grants of up to £5,000 to eligible groups working with (ii) "crisis response" grants of up to £10,000 and larger grants of £50,000 over a three-month period (iii) larger grants for six months. 1,731 grants have been offered (£22.4million). There is a plan for a fourth wave - details to be confirmed. London Community Response has been working with BAME groups, women's organisations and disability groups.

The Community Justice fund launched on 11 May 2020 and has made £2.7 million worth of grants made to 49 organisations across the UK for Specialist advice organisations. The fund will be open for another couple of months. An additional £5million of funding was announced from the National Lottery Community Fund for wave 1. A steering Group has been established to consider wave 2, including the main umbrella bodies

## Wales National Advice Network

The challenges in Wales are common to those across the border with existing inequalities are being exacerbated by the current public health crisis. The Welsh government have established two working groups to consider, in the immediate future: (1) debt advice and (2) income maximisation, and the have produced and submitted a paper to the Welsh government.

### 3. Follow-up to the MOJ/LSB presentation: collecting and combining data within the sector

At the previous meeting the LSB had demonstrated their 'dashboard'; it was evident from this how valuable it can be for the sector to collect and combine data. The group were invited to brainstorm about the feasibility of the sector collecting data more concertedly, and combining to do that in a proactive away.

RCJ Advice highlighted from the national initiatives they lead on (eg FLOWS), or are involved in, that various bodies require them to collect different data in different cohorts. Sometimes funders' demands can conflict, and individual organisations need to be able to have more engaging conversations with the strategic bodies making those demands. Advice UK echoed these comments about different funders requiring different data; Advice UK have 650 members and their membership is very diverse. However, if there could be some agreement around a 'core data set', for which it might be possible to collect data for from across the sector, then that might be a way forward.

The LIP Network have a Data and Evaluation Subgroup which identified some of the challenges surrounding cross sector data collection - the meeting notes are available on the Network site here: <http://www.lipnetwork.org.uk/noticeboard/message/1518>. There was agreement from the subgroup that cross sector data collection and analysis would be very useful in terms of looking at the issues that are facing the sector and identifying the needs of users. However, there was also recognition that this was an incredibly hard and consuming task. Funding structures around supporting organisations in the sector is key to looking at how the data that is collected can be standardised, reported and shared. Potentially, there is a mandate that more of the sector can sign up to and a conversation that can be moved forward with funders in the sector. However, it is important to ensure that the organisations responsible for collecting the data are resourced and trained in a way that does not present a huge burden to them.

Law for Life noted that whilst it is helpful that HMCTS have started collecting data on protected characteristics as have other organisations, it is important to do that well and reflect on any unexpectedly low usages for protected characteristics i.e. does the sector systematically fail to reach people whom they ought to reach. For example, clinical commissioning groups were often surprised when they found that doctors' patients were not actually the people whom you would expect them to be if you look at population characteristics in that catchment area. This is something the sector needs to be alive to when collecting data.

HMCTS started collecting data on protected characteristics in their digital service for probate. They also have a design pattern that enables them to collect this data at other points in the journey, for example in surveys. They are still in the early stages of collecting that data but they are using it to understand the different characteristics of the people using their services and identify if there's

anything that that can be done to improve the way it is delivered. The design pattern is something the HMCTS have worked on with a number of different organizations and across government. They offered to share the way in which they have designed survey questions and also the research if anybody would find that useful.

In conclusion, when collecting data, it is important to be clear about why it is needed and how it will be used. It is important not to collect data for data's sake whether it is standardised or not. Law Centres Network also emphasised that the issue is just not about collection of data and the idea of a common data system was unrealistic. The questions that needs to be answered are what does the sector "need to know" from the available data, for what purpose, and how to amalgamate the data that has already been collected.

#### 4. Policy challenges and responses

The roundtable received a screen-shared policy presentation on how advice sector needs to respond to a number of changes in the following social welfare law areas.

- *Welfare benefits* – return of conditionality etc;
- *Housing and debt* – August end of protections against repossession and bailiff enforcement; FCA protections to wind down in the Autumn;
- *Employment* – end of furlough and impact on labour market;
- *Immigration* – habitual residence/public funds recourse, new legislation and Brexit;
- *Family* – Domestic Abuse Bill, Child contact arrangements
- *Community Care* – Care Act duties, redress and risk in residential care sector;
- *Impact on the justice system* - James Sandbach and Carol Storer had recently given evidence to the House of Lords Constitution Select Committee on this.

With so many policy changes, and Government interventions and protection measures being withdrawn over summer ad autumn, feedback was sought in these and other policy issues in terms of "priorities" for the roundtable and the sector.

#### Accessing services and complex needs

ASA raised issues of digital exclusion and strategies around funding and ability to plan. There is a concern that people accessing remote services are not necessarily the same people who were using services before, so the exclusion of people who might have difficulty accessing services online or the fact that the complexity of their issues might means that they are currently struggling to get support - this is a concern. One thing worth considering is the learning from the work that is being done within communities with people who are now being identified as having 'complex needs' and how can the sector link in with that experience?

#### Extended court sitting hours

One of the key challenges at the moment is the court recovery programme, in particular the idea of extended sitting hours. The Law Society flagged the significant implications for anyone who represents in court i.e. substantial additional costs on solicitors and advice agencies representing in courts and tribunals out of hours. Also, other support services need to be provided for litigants in person. There are risks that support, advice and representation may be unavailable or only available to a limited extent outside normal court hours. A judicial working group has been established to consider the idea of extended hours in the four different jurisdictions. There is a short window to feed in and express concerns about these proposals and the need to ensure that this proper support is made available to people. This could have a huge impact on peoples' ability to access justice,

#### Bereavement

The issues that everyone has raised are also key issues for law centres at the moment. Also, new areas such as bereavement and issues faced by people who have been badly affected by the virus is something that law centres are seeing more. For example, people not being able to access the properties of the bereaved relatives to clear out their possessions.

#### Impact on legal education and training

Work on policy and accessibility includes looking at supporting students that are unable to access the basic legal training. CILEx are looking at how they can be supported. However, the problem is that COVID is acting as a delay in every aspect of their work and they are having to take a step back at each opportunity.

## Digital capability

Law for Life noted that the issue of new clients filling up the space at advice agencies has been a recurring theme. Whilst many of them have significant problems but also they are digitally and cognitively capable. It is important that advice centres and law centres develop strategies to deal with them so they don't take up face to face resources. Law for Life ran an awareness raising session for law centre receptionists to alert them to the way in which they can pass people on to Advice Now resources, who aren't eligible for their services, but who certainly need help. It is important to think strategically about how to help people to self-help if they are capable of doing that.

## 5. Issues on lifting of the stay on possession proceedings

The end to the stay in possession and eviction is scheduled for 23 August. This date is approaching fast and is a long term challenge they will be facing the economic consequences of the pandemic on the user community. The scale is hard to measure and predict.

### Identification of priorities through collaboration

The Master of the Rolls cross-sector group is making progress and has enabled real priorities to be identified including contingency arrangements, readiness to use remote hearings, and pre action procedures.

### Early advice

The importance of the advice stage has been centre stage in the discussion, and it's role in keeping the work of preventing evictions out of the courtroom (noting the limits on judicial discretion), preventing homelessness and encouraging settlement. There is the real prospect that a way has been found for some of the advice to come earlier than it did under the previous system. Although the focus will be on ensuring that hearings that have peoples' homes at stake are face to face and physical, it is important to have all of the media channels possible for the conveying of advice (i.e. remote and video as well as face to face).

### Opportunity for long term change

Everybody is conscious that in tackling together this problem there is the opportunity to identify and achieve a better, longer term system in the future. The aim is not just to settle back to the way things were done inadequately before.

It was asked what the group is recommending and planning for the duty scheme, which could set precedents for other duty schemes in other courts and tribunals. One proposal that is under discussion is being able to use the duty scheme to deliver advice at an earlier defined point in the process (and not just at the last-minute hearing). However, a concerted push will be needed to supply additional duty scheme capacity in the parts of the country that do not presently have that. This will have to happen between now and 23 August to open that opportunity up. It is important to respond to that opportunity so that as much coverage as possible is achieved by the duty scheme.

The roundtable subgroup on 'Ways of Deploying and Accessing Services' is looking at how best to communicate with people who are about to receive notices from the court and who have pending possession proceedings and ensure that they are able to access advice at any early stage. There is an opportunity to ensure clients access services in a different way to what was in place before the health crisis.

## 6. Equality, diversity and inclusion: Challenges for the sector

Equally Ours and EHRC were welcomed to the roundtable, noting that the themes equality, diversity and inclusion were central to the roundtable cross-sectoral agenda; these issues exist independently of the pandemic, however inequalities have been put into sharp focus by the pandemic.

### EHRC

The EHRC's response to the pandemic has been to see equality and human rights problems "writ large" across many of the issues that have come up. EHRC have had to reprioritise but they have continued to work in the access to justice space across three specific areas of work.

1. Inquiry into the Criminal justice system
  - Before the pandemic, an inquiry was carried out into the criminal justice system. Specifically, on the impact of remote hearings on those with cognitive impairments and

learning disabilities. As a result of the lockdown they published only their interim findings. Subsequently, the full findings were published. This has led to a huge amount of interest in that particular piece.

2. The EHRC have been involved in the Domestic Abuse Bill with support from the Civil Justice Council.
3. They have also been submitting evidence to various select committees.

### Civil matters

- There is a “perfect storm” coming of increasing claims for discrimination; as future decisions are taken on furloughing and redundancy which are likely to be disproportionate for women, ethnic minority communities and disabled people. At the same time, there is a reduction in access to justice which means the worst outcomes will result for many people and increase workload in this space with increased barriers to claimants.
- ECHR have asked for the time limits on Equality Act claims in employment tribunals to be extended to 6 months. There are also concerns about possible reintroduction of tribunal fees.

### Criminal matters

- There has been unprecedented strain on the justice system and the police, with a spike in crimes which has impacted particularly on people with protected characteristics, including domestic violence which impacts on women and children, particularly on women from ethnic minority communities.
- There has been a substantial increase in “remote justice” which exacerbates existing risks of effective participation of people who are more vulnerable especially in the criminal justice system. The fact that many services are moving online presents an opportunity; however, we also need to look at the evidence of reduced participation.

### Data collection

From the ECHR perspective, there is a concern that if the data collection and evaluation issues are not addressed properly now, this will create permanent “wrong” practice. It is important to understand up front what will be going down the line in terms of permanent practice. The sector needs a proper evaluation of data. HMCTS has acknowledged that the current expansion of telephone and video hearings would normally involve extensive training and testing and a slow rollout. The EHRC are asking the MOJ to capture and disaggregate protected characteristics data, so that they are able to understand the impact of remote hearings, and the role of different intermediaries so people with protected characteristics can be identified and reasonable adjustments can be made.

In their 2019 legal aid inquiry EHRC made a number of recommendations to government. It is not known if the MOJ is continuing to work on these. EHRC has also plea to the government to prioritise or ring-fence funding for agencies which are dealing with particular protected characteristics because there is a real risk that support for those who are particularly disadvantaged will be diluted.

Finally, EHRC noted that lockdown has spotlighted issues over the civil liberties. With the Human Rights Act also potentially under review, EHRC would be interested in hearing from people involved in the roundtable immediately and going forwards about how they can work together in that space and engage in conversations.

### Equally Ours

Equally Ours noted that whilst there are challenges for the sector, a good starting point is to recognise that there is a lot of good practice already happening. However, it is important to think about how advice providers could engage in a different way around different equality issues. In the context of COVID-19 and access to justice issues for particular communities, the issue of “disappeared” clients is an important one and data shows that there are particular groups that are not accessing services, whether because of digital exclusion or through fear. In particular, marginalised BME communities, communities who don’t have recourse to public funds, Gypsy Roma travelling communities (as an increase in anti-Roma racism has coincided with the pandemic). Also, groups such as disabled people and in particular British Sign Language (“BSL”) communities for whom access to justice even pre-COVID-19 was inadequate. For example, Equally Ours are working with a BSL charity who are having to fund sign language interpreting for BSL users to access standard NHS services when the NHS should be making those reasonable adjustments. Data could be used to identify further where the gaps in service provision are.

## The specific advice concerns

- Discrimination cases are likely to increase as the furlough scheme ends.
- Hate crime and street-based violence (which is particularly affecting South and East Asian, BME and LGBT communities at the moment) means there is an important cross-over with the criminal justice system. Advice needs of these groups are complex. These issues may need further attention.

## Black Lives Matter

The focus on existing inequalities has caused many organisations to look at their practices and diversity and equality policies. A report has been published about the broader voluntary sector (Voice4Change England) which looks at experiences of black people working within the sector and makes a strong set of recommendations about what the sector can do. Equally Ours are interested in people's views, and are part of a broader voluntary sector collaboration related to COVID-19 which did a concerted response to that report. There is a greater awareness than ever before and understanding of the need for collaboration across the sector to take this forward in a more coordinated way. Equally Ours offered to share information about that to broaden out the discussion.

Equally Ours and EHRC were thanked and recognised for their important leadership and guidance role in working with this sector to prioritise these subjects, sharing their resources, and helping to develop new strategies to reach marginalised groups and those experiencing discrimination.

## 7. Life after lockdown – working arrangements; shared issues

The Steering Group had posed the question earlier on the group chat: **What major step are you planning to take to reopen office based services and what month do you plan to return?**

The responses showed that:

1. Risk assessment was key;
2. People are struggling with the constraints of their existing premises (i.e. leases where people don't want to use those premises anymore or adapting the premises).
3. The "open door" approach will clearly be a thing of the past;
4. All organisations are likely to see a degree of "hybridisation" with some ongoing homeworking
5. Some organisations will continue to work virtually and from home and others are considering opening new offices.

Responses also varied by organisation/service types, re

- Grant giving organisations
- Membership and network services
- Office based advice
- Training, including community based
- Drop in services
- Supervised advice (face to face or helpline)
- Community referral networks
- Scheduled clinics
- Online provision

See more detailed [thoughtpiece](#). The other frame for this beyond "going back to the office" is to consider how what we do and the decisions we make impact six areas:

1. Equality of service
2. Cost of provision per client and overall
3. The effectiveness of the service
4. Financial sustainability
5. The outcome of provision
6. Wellbeing of staff and volunteers

It was noted that home working does not work for everyone, and there are disadvantages for ad hoc learning and development; this will require a new way of managing and leading. It is important to ensure that face to face physical services are protected for those who absolutely need it and everyone else is steered as much as possible onto some form of technology communication-supported service, and to try to bring the services around the person, not keep moving the person between services.

On supporting staff and volunteers, the LIP Network will be hosting a workforce wellbeing roundtable. Registration details can be found here: <https://us02web.zoom.us/j/84458419600>

## 8. Summing up

The following key points emerged from the discussion as set out above:

### 1. Digital exclusion

- Digital exclusion has been an issue that has been discussed through different angles and lenses including the equality lens throughout this discussion. It will continue to be an ongoing theme.
- It is important to make the most creative use of digital capacity that is available in the sector to be able to reach people and ensure that direct service provision is appropriately targeted towards those who most need it.

### 2. Data collection

- To get all this right it is important to have good data collection. The conversation about data is about sharing knowledge and using it to inform policy, policy makers and strategy for the sector

### 3. Policy

- The policy and equality and diversity discussion showed that there is a good practice in the sector however there is also much more work to be done.

**Robin Knowles** thanked everyone for participating in the roundtable. It will continue through the summer with the next meeting expected to take place in August.