

Legal and Advice Sector Roundtable - responding to COVID-19

September Meeting Minutes

Remote Meeting via Zoom Tuesday 15 September 2020 at 16.00 – 17.30

Attendees

Organisation
LAG
Access Charity
Advice Services Alliance
AdviceUK
Advocate
CILEx
Citizens Advice
ELAN
Etic Lab
UK Collaborative Plan for Pro Bono
JUSTICE
LASA / Rightsnet
Law for Life
Legal Aid Practitioners Groups / APPG on Legal Aid
Law Centres Network
SW London Law Centres
Law Society
LawWorks
LCN
LIP Support Strategy
Litigants in Person Network
LLST
Ministry of Justice
Omega Alpha
Public Law Project
RCJ Advice
Shelter
Support Through Court
The Legal Education Foundation
UK Collaborative Plan for Pro Bono
National Pro Bono Centre

The discussion started at 16.05.

1. Updates from the sector

The APPG on Legal Aid

The APPG is about to launch an inquiry calling for written evidence into the sustainability of the legal aid profession. It coincides, and will be complimentary to, an inquiry being launched by the MoJ as well as the Commons Justice Select Committee. LAPG are undertaking a workforce survey to build a comprehensive picture of legal aid practitioners since LASPO, and will hold evidence sessions – witnesses to be announced in due course. They are working with UCL, Cardiff University, Newcastle University, Oxford and Brighton. The aim is to make this the most comprehensive survey that's been undertaken on legal aid practice.

Access Charity

Access Charity are chairing a Legal Aid Panel next month, with contributions from clients who have learning disabilities and/or other related health conditions who are experiencing cuts to their care packages.

The Comprehensive Spending Review

LIPSS partnership will be making a submission. CSR is an opportunity for LIPSS to share evidence and their perspective of the cost-benefit of investing in the sector and would like to link with other submissions that organisations across the sector are making, to support each other's arguments and bolster a collective voice. This is about being able to demonstrate, in monetary terms, the value to the MoJ and to government of working collaboratively in partnership with the sector, through case studies and quantitative data.

Employment advice – challenges

ELAN have seen a high number of redundancies and this has had a significant impact on everyone's workloads. They have struggled with finding people with the right expertise in employment matters. They are trying to find ways to improve people's ability to advise individuals who are in desperate need of help. They've also started some working groups on which she will report at a later stage.

2. Housing Possessions

Draft Position Statement: Legal and Advice Sector Roundtable

Feedback was invited on the draft document that was circulated with the agenda. It is not intended to be a detailed policy statement but is rather to reflect the thinking of the sector in any discussions with government on the very important issue about what happens after the housing possession stay is eventually lifted and, in particular, to get a message across to government that there need to be some more significant reforms and protections in this area brought in over the longer term (whereas the possession stay has very much been a short term response). Comments were:

- that this is an important cross department issue within government,
- it is important to reach deeper into disadvantaged communities and work with trusted intermediaries; for example Law for Life are running a new housing course for organisations representing migrants
- the repossessions issue may now begin to differ geographically with potential repossession hotspots

3. The Legal and Advice Sector Roundtable – next steps

The Steering Committee meets every Monday to consider the last roundtable and to plan the next one. At the start they circulated terms of reference and they need to think about what the next steps should be – there appears to be an appetite to continue but the group needs to consider where they are going next. The Steering Group will meet at greater length on 28th September and undertake a “SWOT analysis” with all invited to take part. There was an open invitation for those present to join the Steering Committee itself and/or to contribute to development.

4. Sustainability sub-group presentation

The steering group introduced a presentation on sustainability defining “sustainability” as “meeting the needs of the present without compromising the future” but, however it is defined, it requires resources, design and change

leadership, the more so in ambiguous and uncertain times. Money/resources are necessary but not sufficient; design and leadership is needed to ensure we do the right things. Leadership is less about pulling levers of hierarchy and power and more about asking the right questions, taking a human approach, leveraging the power in co-operation, humility and empathy. Change itself also costs and is significantly harder when we don't have the human or financial resources to make it happen.

Funding and financial management

An update on the Community Justice Fund: The CJF emerged from recognition of the urgent challenges faced by specialist social welfare agencies, recognising short term impacts on income and need to adapt services, and longer term sustainability issues. The fund was divided into two waves; as part of Wave 1 (April 2020-2021), £11.5million was raised from independent funders, the MoJ and the National Lottery with over 100 grants totalling more than £6 million across all four nations. A Steering Group which includes the funders hosted by AtJF as well as frontline organisations and umbrella bodies drives the fund; that group jointly developing plans for Wave 2.

Analysis of Wave 1 applications showed clearly that organisations reserves are far below the Charity Commission's guidelines and there are significant income losses projected especially for those doing legal aid work with warnings of future cuts from local authority grants and contracts.

Themes for development work and investment

The aspiration is for the CJF to act as a vehicle for sector-wide investment in the future, to building on the existing collaboration. Themes for development work and investment linked to the sustainability question in include:

- Sustaining and developing services/Provision of legal assistance –
- Learning – data collection and development of a solid evidence base.
- Digital development – IT infrastructure and digital tools used appropriately.
- Equality, diversity and inclusion
- Policy and influence – building capacity to make client voices heard nationally
- Stronger organisations – crucial recognition of need to invest in organisational development (management capacity, strategic planning, and workforce).
- Key principles include
 - The importance of core funding
 - Straightforward processes
 - Trusting relationships with sector
 - Links with Justice Together – a is a new collaboration, focused investment to support people navigating the immigration system.
 - Links with Justice First Fellowship
 - Links with mainstream programmes of wider independent and public funders interested in improving economic, social and health.
 - Statement of principles:
<https://www.communityjusticefund.org.uk/principles/>

Practitioner perspectives

- Legal aid is currently a vocation, not a business, but to be sustainable, it needs to make business sense. Whether in a for-profit business or a not for profit agency, the service has to be economically viable. This means covering its costs, and leaving a surplus for investment in technology and the future workforce.
- Fees must therefore cover work required on cases, and the mechanisms must be as simple as possible, with minimum bureaucracy, and transparent,

independent dispute resolution mechanisms. Schemes need to be flexible enough to adapt as justice systems and case types and mixes change.

- Contractual arrangements must ensure cashflow is as effective as possible, and not require organisations to tie up huge sums in work in progress; businesses need certainty over the longer term.
- LAPG referenced and noted the following
 - a) The lack of clear and sensible policy making structures for legal aid and in particular the lack of political will to invest in the sector.
 - b) That there are hints that political will might be shifting, eg following the , and perhaps a willingness to try new ideas around provision of legal advice. However, there is still a disconnect between rhetoric and the level of investment needed
 - c) Policy making needs to take into account of the views and situation of those delivering services (eg the lack of support, in areas like housing, where there has been a halt in new work). By the time the data is available on market collapse it will be too late – the time to act is now; furlough schemes and government loans only go so far and fixed costs can't necessarily be reduced or deferred.
 - d) The sector needs more than rhetoric about the rule of law, independence of the judiciary, separation of powers etc; it needs a government that is actively and publicly advocating for access to justice, including investing in PLE (e.g., promoting "heroes within the justice system.")

Organisational and service challenges

Other participants explained the implications of the pandemic for their organisations and the challenges this presented in terms of providing service to clients. There is a value of time and planning and organisations building on what they know works. Design and change leadership issues are much in evidence in frontline agencies from their move to remote working; several organisations had examples of how they tackled change issues successfully:

- RCJ Advice moved all their services to remote delivery.
- Citizens Advice piloted a single queue phone system which has reached around 60,000 people in first three months.
- Support Through Court have their central phonenumber which is working well.
- FLOWS: calls increased to 1,500 / month.
- "Court Nav" has successfully obtained 3,500 injunctions for survivors, helped by the collaborative design that was bought in.

These things don't just happen, many iterations and testing are required; the approach of funders as outlined has marked a very positive change and will hopefully be extended to the long term. Organisations also need to be well supported by effective second tier organisations, for example

- Advice Now introduced a COVID-19 section, their new guide on remote working has attracted over 15,000 hits in the last three months.
- Rightsnet made their COVID-related content open source, which was very useful, published over 500 news and case law updates and launched four online COVID 19 casework support forums which all advice workers used.

However, there are challenges as everyone is affected by short term lack of funding. Legal aid cash flow is often essential to the fabric of non-profit organisations and can threaten sustainability but there is also a skills challenge. Proposed way forward is

1. to grow more younger leaders who can help with future planning,
2. to fill the skills gaps which are starting to emerge in the sector

3. to promote greater collaboration and engage with other sectors such as academia

Law Centres Network reflected how their COVID response has had three strands:

- 1) Responsive support to changing needs of law centres and their clients, reviewing what has happened and what we can learn for services regardless of COVID. Looking at adaptations to service design, to better understand what local people need, and how they want to work with us and explore how to work better with local grassroots groups.
- 2) Digital development: Develop digital systems and infrastructure looking more at telephony and mobile tech in order to provide more flexibility and engage with people in different ways.
- 3) Securing funding. Emphasis on the importance of funding; speed and availability of funds make all the difference.

Overview and summing up

- The three key issues identified going forward were
 - Focus on design of service for clients and systems to support it.
 - Finances - both management and having sufficient flexible funds.
 - Staffing - support and develop existing staff through the challenging conditions and build the next generation of social justice lawyers.
- The sector is also interconnected and a lot of the challenges faced by the sector are the same; the sector needs funding to deliver services and to have time to think, plan and implement. Trusted agencies for a section of the community and generalist provision needs to refer the work they cannot do. Collaboration is important and the roundtable supports that, but the system does not work if too many parts are under too much strain.
- Organisations responded quickly to COVID building on what they had, making a difference to large numbers, but the sector needs younger leaders who can design and change (recognising the inherent difficulty), the importance of learning in service design, and understanding what is essential maintain as face to face. It also needs reliable cashflow because without funding the sector does not exist. Managing very short-term funding without clarity that the most vulnerable people are being reached is the wrong approach.
- Administrative burdens were highlighted in the Post Implementation Review; these can take away from moving clients cases forward, and waste resources.
- Sustainability of the sector is in the interests of clients, organisations and individuals delivering services, central and local government and other funders.
- The overarching purpose (social justice) is important thing and the focus should always be on the client.
- Going forwards the discussion should be about
 - supporting renewal and investment, collecting learning for a solid evidence base, and ensuring funding is delivered quickly, seamlessly and practically
 - legal aid needs to make business sense; it needs to cover costs and support reinvestment to be sustainable. Justice needs to be championed by (and driven by) government
 - with the right resources, design, involvement and leadership the sector (including through this roundtable) can help make this sustainable, and contribute to building the next generation. However, it will require commitment and some intelligent and proactive decision making (and money).

5. Discussion on the sustainability agenda

Funding challenges

Shelter emphasised the importance of financial support for the sector and the urgency of this need noting that the sector was at a “tipping point”. COVID-19 has accelerated a process long since set in motion by the political inability to grasp the importance of access to justice and the cost of that to society more widely.

The sector is struggling because of its inability to create a sustainable business model. Legal aid is currently treated as a vocation not a business. The sector is experiencing a drain on talent and this will be difficult to arrest if it is allowed to proceed for much longer. It will become increasingly more difficult to repopulate the sector with the expertise that is needed to make the sector sustainable in the medium to long term.

Expanding the roundtable

It was suggested expanding the contributions to the roundtable and looking in particular to representation from LGA, GLA or Association of Directors of Social Services who all share a common interest. For example, in Glasgow, they've been a big supporter of advice, and local authorities across the country continue to be so. They need to be exposed to these roundtable discussions. The frontline community are the reason for the existence of the roundtable and it is important to include them in these discussions. If the roundtable is looking to secondary organisations to support frontline organisations and to support them in doing additional work such as redesigning services and engaging with local, hard to reach communities, then it is important to bring experts in other areas into these discussions

Administrative burden and recruitment

CILEx have been running an impact survey since the outbreak of COVID-19 and, through that, collecting data. The administrative burden currently faced by their members in terms of fulfilling legal aid work has become challenging, some processes need streamlining to help their members practising in those areas.

As to recruitment of the younger people into the sector, there is an increasingly older age profile in criminal legal aid work. Younger cohorts are needed, to learn and help take the burden off them. The question is, how to tap into the younger audience and get them invested in legal aid work and training in that area.

Collaborative Plan

The Collaborative Plan is still growing with over 60 members now. The exercise they have been focused on collecting more data, which is relevant to a policy concern that pro bono should not be seen as a potential alternative to proper state funding. They are trying to encourage their members to share not only their pro bono hours with them, but also how many cases they're getting through in terms of both legal help and civil representation.

Advocate and LawWorks

The meeting on the 28th September will need to think about the remit of this group to ensure there aren't too many groups with very influential bodies looking at things which are quite similar and to make sure they are joined up.

The need for a human touch to the technology was a consistent theme; all of Advocate's services are now online, available remotely, but supporting very vulnerable people trying to use it takes time. Expertise in management and young management also a consistent theme; it is important to attract young lawyers to the profession but also young leaders as well, who will take it forward, especially from

the advice sector. Consultants can be valuable but once they retire, it is important that there is some sustainability in the sector to take forward some of the ideas. There are external leaders outside of the profession that it is important to attract as well, not just lawyers but managers also.

A lot of this is about money and finances going forward. It is important to have a much greater focus by government on the health of the nation and the wellbeing agenda. And demonstrating the importance of access to advice in terms of supporting those outcomes. This sector is often the source of support and stability for when people's lives become unpredictable, and forms part of the infrastructure for the wellbeing agenda. It is important to try to ground this as much as possible in the lives of communities, the pandemic has caused unimaginable distress and damage and that will only grow over the coming months and years, particularly as public funding is pressurised. It is vital to get this across and to work more strongly as a collective voice at a time when fundamental questions about the rule of law are even being asked. The sector needs to step up a gear.

Data

ETIC lab pointed to need for more and better use of data throughout the sector and collaboration around the use of data. Their proposition to the sector is to work with them to develop the organisational and technical structures necessary to make strategic use of data and across the sector.

Ministry of Justice

MoJ thanked everyone who listened to the MoJ presentation at the at the last meeting about civil sustainability; they are going through the Spending Review at the moment and further detail about the policy work they are doing will become apparent over time

There are different strands to consider when looking at sustainability and the MoJ share the desire to try to make sure that they are aligned

6. Summing up

The chairs thanked everyone who took part and said it was useful particularly to hear the various updates. There is a lot for everyone to address and to respond to consultations on. Apart from the three that mentioned, there is also a review on Judicial Review so there is a lot of work to do in the next few weeks. The updates are an important part of these roundtables so please contact the secretariat. The roundtable continues to bring home the crucial point that "we are in this together", that if everyone works on it together, progress will be made.

[The meeting at 17.35.](#)