Accessing social justice in disadvantaged communities: dilemmas for Law Centres in the context of public service modernization

‘WHAT IS JUSTICE IF PEOPLE DON’T UNDERSTAND IT AND CAN’T ACCESS IT?’

ACCESS TO JUSTICE – A CRITICAL TIME

The research for this report has been undertaken at a critical time for Law Centres. When the research started, the previous government was promoting public sector modernization with more marketised approaches to the provision of legal aid. By the time that the research was being concluded, these pressures were being increased even further – the Legal Aid Sentencing and Punishment of Offenders (LASPO) Bill was proposing to reduce the scope of Legal Aid from key aspects of employment, welfare benefits, debt, aspects of housing law, immigration and family law, along with legal aid for school exclusions, clinical negligence and personal injury cases. This would have serious consequences for the funding of Law Centres that provide such services. And the consequences would be devastating for those whom Law Centres serve, people in disadvantaged communities, who would be unable to access legal services by any other means.

Law Centres work in areas of deprivation, taking on often complex casework and representing clients in court: employing very able and dedicated staff who are attracted to Law Centres because they want to use their skills to make society a fairer place: working for social change by using the law. Stakeholder

Advisers at law centres tell me that they spend most of their working day trying to persuade the state to do what it was meant to do in the first place. Their guidance on how to challenge officialdom and expert legal help on taking more complicated cases to court will vanish when the coalition slashes legal aid. Nick Cohen, The Observer, 12 March 2012.

Some Law Centres have also been facing cuts in funding from local authorities and other funders. As a result of all these pressures an estimated third of Law Centres are under serious threat of closure – at the very time that the number of people needing legal advice services has been increasing as a result of a combination of factors including high levels of unemployment, debt, public expenditure cuts and welfare reforms.
THE RESEARCH
So how have Law Centres been coping with these increasing challenges? How have they been managing the pressures and the tensions – meeting the requirements of funding regimes that don’t fit with their clients’ needs, whilst holding on to their ethos and values, providing access to justice for all?

This research explored these questions. The team was based at Goldsmiths, University of London and independently funded by the Leverhulme Trust. The researchers carried out a survey of 107 staff and volunteers from 25 different Law Centres in England. In addition 112 interviews were carried out – exploring the views of local authorities, advice agencies and other legal aid providers as well as the views of Law Centre staff and volunteers.

I think one of the things Law Centres and all of the advice agencies struggle with is the policy work, undertaking policy work and preventative work, it’s a fine aspiration and if it could be done more it would be immeasurably valuable. Advice Network Project Worker

FINDINGS
The challenges from public service modernization reforms
The research found that New Labour reforms were believed to have:
• Underfunded Law Centres’ work with clients
• Put additional pressures on management systems and management committees
• Reduced the scope for public legal education
• Reduced the time available for outreach and community work
• Undermined Law Centres’ wider preventative and policy work (including taking test cases)

For Law Centre staff, there have been tensions as a result, holding onto professional values and identities whilst operating effectively in this more ‘business-like’ context. The research highlighted the importance to staff of:
• Giving each client the time they really needed whilst meeting targets for numbers of clients seen and cases closed
• Holding onto collaborative ways of working whilst managing competitive tendering processes effectively
• Working with increasing numbers of volunteers and students without exploiting unpaid labour

‘With the introduction of fixed fees, preventative work - including education work, policy work and advocacy - has been put at risk.’

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n=107
There was widespread evidence of demoralisation as staff struggled to hold onto the Law Centres’ ethos, whilst becoming more business-like in the ways in which they operated. This was often exacerbated by lack of security, funding problems and the threat of further significant changes to Legal Aid. Several Law Centres had closed from lack of funding during the research and some of those interviewed were in the process of leaving their jobs in the Law Centres that remained, because of the pressures they were experiencing.

**Holding onto the values: access to justice in disadvantaged communities**

Despite the multiple challenges faced by Law Centres and their staff, the research encountered impressive levels of commitment. Many staff members have been working long hours and contributing unpaid overtime in order to keep services operating effectively for their clients – because they have been so committed to the importance of providing access to justice in disadvantaged communities.

*I worked an average of 13 hours a day and at least one day at the weekend*

**Law Centre Solicitor**

Some newer staff and volunteers had evidently started out without a clear understanding of Law Centres’ ethos and values, but many were becoming increasingly committed, reproducing the public service ethic for the future.

Some of the strongest themes emerging from the research related to these underpinning Law Centre values and ethos:

- Providing access to justice for the most disadvantaged through high quality free specialised legal advice
- Offering holistic advice to clients and
- Working with communities and services providers in preventative ways

**People might come in with a housing issue but you find out that there’s a health issue, there’s an education issue there, a whole raft of issues that the family is facing which with a little bit of help at the beginning could save the local authority an awful lot of time and effort and money toward the end.**

**Stakeholder**

The research also found positive examples of collaboration between Law Centres, local authorities and other agencies, where partnerships had formed to deliver joined up advices services and meet current challenges together. This type of strategy had multiple benefits including better mapping and targeting of provision, the ability to jointly attract funding, delivering complementary services more cost effectively, facilitating cross referrals and offering better promotion of services.

**WAYS FORWARD**

Law Centres have been developing strategies in response to current challenges and exploring ways of maintaining services. These include:

- Charging some clients (although very few clients would be likely to be able to contribute significantly, especially if they were on benefits)
- Setting up trading arms, to cross subside legal aid work (although it could be challenging to compete with private firms for business in the current economic climate)
- Undertaking ‘no win, no fee’ work (although this might become seen as ‘ambulance chasing’)

These types of responses were being considered although each had its potential problems and limitations.

Particularly promising responses included the development of collaborative rather than competitive approaches, working with other advice agencies in partnership, along with local authorities, to provide a seamless service for clients, across a particular area, including in some instances the use of telephone and web based advice systems.
CASE STUDY

An advice partnership was established in Coventry in 2005 with the Law Centre, the CAB, Age UK and a number of advice agencies. Advice Services Coventry (ASC) developed a joint advice strategy and their overarching aim has been to ‘co-ordinate the delivery of advice services in the city’. They have been developing ways to work more effectively in order to create ‘seamless service pathways for clients.’ As an interviewee commented ‘the systems needed to work from the customers’ point of view’. They wanted to ensure that people would get the same response whichever agency they were to access and that services would be able to identify further or underlying issues.

The establishment of the ASC has resulted in a number of benefits including:

• Regular meetings between managers from the partner agencies which has increased understanding of what they each do
• Developing a collectively agreed plan for the future of advice services
• Setting up effective referral systems between agencies
• Successfully bidding for almost £1,000,000 in funding, which has increased advice service provision
• Joint training
• Appointing a dedicated ASC Coordinator
• Developing an ASC website as a single resource for information

CONCLUSION

In summary, the research confirmed the value of Law Centres as well as the values of those who worked and volunteered within them. There was strong agreement on this across the spectrum by those who were interviewed, including local authority councillors and officers, solicitors in private practice providing pro bono legal advice and staff from a range of other advice agencies. As an advice worker concluded ‘I really don’t know what we’ll do if they (the Law Centre) don’t survive’. ‘Save our Law Centres, they are crucial’. What was clear from the interviews was the fundamental role that Law Centres can play, underpinning and supporting the work of individuals, communities and other agencies.

Despite their efforts to hone their business skills, develop new forms of income generation and attract new sources of funding and volunteers, Law Centres also need sustainable funding from public resources.

Law Centres enable people who would otherwise be unable to do so to have access to justice....this is what should be available to citizens in democratic societies under the rule of law. Law Centre Solicitor

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A copy of the full report, Accessing Social Justice in Deprived Communities, including an executive summary can be downloaded from: www.gold.ac.uk/departments/pace