

Summer 2004



Justice matters

Citizens Advice service and publicly funded legal services



The Citizens Advice service helps people resolve their money, legal and other problems by providing information and advice, and by influencing policymakers.

Citizens Advice Bureaux dealt with over 5.6 million new problems last year. Community Legal Service funding accounted for almost 21 per cent of Citizens Advice Bureaux income in 2002-03 and 250 bureaux have a Legal Services Commission (LSC) contract to provide free legal advice. The LSC invests around £25 million each year in Citizens Advice Bureaux.

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Family misfortunes: the challenges facing publicly-funded family advice, May 2004.

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Bureau views of the Community Legal Service, December 2003.

All available to download at www.citizensadvice.org.uk or call 020 7833 7078.

Introduction

Access to justice – the ability to enforce our civil rights – is vital within a fair society, but more than one in three adults has experienced a civil law problem and one in five takes no action to solve their problem¹. Publicly funded legal services are at the heart of a solution. For 65 years, Citizens Advice Bureaux have ensured that people get access to the appropriate legal advice and representation they need to resolve their problems.

The launch of the Community Legal Service (CLS), of which the Citizens Advice service is an integral part, has brought fundamental changes to the way that publicly funded legal services are delivered. Over 90 per cent of Citizens Advice Bureaux are members of CLS Partnerships², working with local partners to improve access to justice in the community, and all qualify for the generalist CLS Quality Mark, the industry standard that assures quality advice. They have risen to the challenge of the new system, sometimes offering up robust analysis from the frontline, but always staying focused on ensuring that people on low incomes do not miss out on their basic legal rights.

The Citizens Advice service provides vital legal support across the whole civil justice

system. From the national service for victims of miscarriages of justice, based at the Royal Courts of Justice, through 129 CAB court desks in county and magistrates courts that offer free emergency advice and representation, to around 250 bureaux that have contracts with the Legal Services Commission (LSC) to provide legal advice and representation to people with debt, welfare benefits, housing, employment and immigration issues. Nearly 200 bureaux work with local law firms, offering access to over 1000 specialist solicitors, working on a pro-bono basis³. The LSC also funds Citizens Advice Bureaux to run a range of innovative pilots, looking at new ways of delivering legal advice.

Citizens Advice Bureaux help increased numbers of people as a result of partnerships with the CLS but many more are not getting help due to constraints on funding. Citizens Advice Bureaux face the challenge of delivering legal services following standstill funding from the LSC for two years running. The return on investment in legal services is plain to see, improving the lives of people and their communities. *Justice matters* shows how this expenditure makes a difference to many of the hardest-to-reach people.

David Harker,
Chief Executive, Citizens Advice

“The Legal Services Commission sees Citizens Advice Bureaux as key partners. They deliver quality legal advice and information to the most vulnerable and socially excluded people in society and their help and advice makes a real difference to peoples’ lives.”

Clare Dodgson, Chief Executive, Legal Services Commission

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David Lammy, Legal
Aid Minister

Produced with
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Money matters

Challenging welfare benefit decisions and representing claimants at appeal tribunals is a large part of CAB legal advice work – in town and country.

Caseworker Gary Martin manages the LSC welfare benefit contract at Walthamstow CAB in east London.

City benefits

Benefit problems make up 31 per cent of the bureau's work and, under the terms of its contract, Gary delivers 1100 hours of benefits-related legal advice work a year. Much of his work is around disability benefits and appeals against refused claims. "I have about four filing cabinets full of case notes, with about nine new appointments a week," says Gary, who keeps a close eye on cases as they proceed, to make sure that no mistakes are occurring. "I think people often don't challenge decisions they have been given because they rely upon the word of the 'giver'," says Gary. With more than half of the 90,000 appeals made by Disability Living Allowance (DLA) claimants being decided in their favour⁴, it is often worth it.

Gary has calculated that, in just over three years, he has raised around £1.5 million in previously unclaimed benefits, one-off payments and retained over-payments for his clients – money that lifts people out of poverty and is spent boosting the local economy. "There is a huge amount of satisfaction in helping someone to turn their life around, to really make a



Gary Martin, Walthamstow CAB

"I think people often don't challenge decisions they have been given because they rely upon the word of the 'giver'."

positive impact," he says. "I had a recent client whose husband had left her to cope with their two disabled children on a very low-income. We successfully appealed against a decision to refuse them DLA and now she is nearly £200 a week better off. She is using the money to pay back the rent arrears she also inherited from her estranged husband."

Country miles

Delivering legal advice to rural communities brings its own challenges.

New Forest CAB, made up of five Hampshire bureaux, has LSC contracts to deliver welfare benefit and debt legal advice to far-flung rural communities. Two part-time advisers are fully

■ CASE FILE

Kenyan-born Joyce Musyoka cares for her 23-year-old daughter Lydia, who has suffered from renal failure all her life. "She would dearly love to lead a normal life and does get very depressed, especially when she sees her sisters doing so well," says Mrs Musyoka, who went to Walthamstow CAB for advice when she had her claim for Income Support refused. Gary helped her to appeal successfully against that decision, as well as helping her to claim Carers Allowance and DLA. Since Lydia had a kidney transplant in 2001, the Department for Work and Pensions has said that she is no longer eligible for DLA, but, as she is still very ill and unable to work, Gary is helping the family to appeal against the decision. "I really don't know how we would have survived without him: things have been very difficult," says Mrs Musyoka.



supported by two administrative workers, whose salaries are 100 per cent paid for by the LSC. This provision acknowledges that providing legal services in a rural environment is more administratively demanding because of a scattered rural population. The advisers are often away from base and the administrators provide an approachable point of contact for clients. "It means that caseworkers can concentrate on providing advice to the people that need it," says Manager Peter Wales .

As a further recognition of the particular issues faced in delivering services to people living in rural areas, the bureau is also paid for the time it takes to travel to outreach advice sessions. "As long as we keep good records of our outreach journeys, there is no cap on that travel budget," says Peter. "We get paid to go where we need to go, which means we don't have to claw back those costs from other parts of our budget." These provisions mean that New Forest CAB can do more home-visiting and outreach work in venues like hospitals and GP surgeries.

Time travel

Cumbria Rural CAB can count travel time against their contract hours but those times are calculated using an online calculator that doesn't always reflect the real journey length. A 28-mile journey that looks as if it should only take half an hour can take three times that in the height of the tourist season. "It is very difficult to move around the area, and we don't get reimbursed for travel costs, like train fares and petrol," says Manager Jill Postlethwaite. "More and more, clients already on very low-incomes, have to come to us or simply not get the advice they need. The circle of provision is getting smaller because of these hidden costs and restrictions." Along with South Lakeland Citizens Advice and Barrow CAB, the bureau holds LSC contracts for benefits, debt, employment and housing. However, their housing solicitor left six months ago, leaving a real gap in provision across a very wide area from Barrow on the coast, to Carlisle in the north, down to Lancashire.

Feel the quality

The CLS Quality Mark means that members of the public who need legal information, advice and other help, can rely on receiving a quality assured service. To be awarded the Quality Mark, organisations need to demonstrate that they meet the standard required for the type of service being delivered. Citizens Advice Bureaux that fulfil the requirements of the Citizens Advice Membership Scheme, are automatically awarded the CLS Quality Mark at General Help Level. Chris Finney is Director of Hastings and Rother CAB and chair of the local Community Legal Service Partnership. He is also a fan of the CLS Quality Mark. "It's a fantastic success and a huge step forward – not just for us but for the advice sector as a whole," says Chris.

Nationally, Citizens Advice provides a consultancy line, run by Vicky Ling and Clare Shirtcliff, which helps bureaux to obtain and keep LSC contracts. "We provide a CLS Quality Mark kit, to help bureaux comply with the terms of their CLS contracts," says Vicky. The team also makes sure that bureaux are kept up to date with LSC developments, makes representations to the LSC on problems identified and works with other advice networks and organisations to advance the interests of bureaux and their clients.

Community
Legal Service



Wired on the Wirral

By delivering access to justice through new technologies, many Citizens Advice Bureaux are making e-government a reality.

Bebington CAB, on the east coast of the Wirral, has had enormous success delivering access to justice to their local community through their innovative video-conferencing work, funded by the Partnership Initiative Budget.

The project started in 1999, with one local library offering a video-link, where library visitors could call up and speak face-to-face to an adviser, based remotely at the CAB.



Colin Heydon, Wirral Borough Council and Paul Robinson, Bebington CAB

"It works very well," says Paul Robinson, project manager at Bebington CAB. "The computer rings in the bureau to let us know a client is dialling through. We're equipped with a microphone and headset and they are in a quiet booth at their end, which makes for a reasonable amount of privacy." When the local library services decided to develop their IT infrastructure, the video-

conferencing service was developed further. Now, the Metropolitan Borough of Wirral has invested heavily in a Wide Area Network which links all their council sites to one virtual network, with a further six community-based One Stop Shops and five more libraries due to join the system.

"We can show clients the relevant information on the CAB information system, so they play a really active role in the whole process," says Paul. Many forms are available on-line so advisers can help clients complete application forms over the link. "We use our on-line benefit calculator to help clients claim for tax credits, child benefits and carers' benefits, all remotely. Plus, all the court service forms are now available on-line, so we often help clients with small claims court applications, too."

An 18-year-old man used the Bebington CAB video-link sited at a community drop-in centre



On-line advice

on a local housing estate. His parents had separated and he was living with his father, while his eight-year-old brother was staying with their mother. "He wanted to know what his rights were, when it came to seeing his brother," says Paul. "The adviser was able to show him on our information system, that he had the same rights to see his brother as his parents. Together, via the video-link, they found the relevant form on the Court Service website. All he had to do was to download it and fill it in to make his application for access to see his younger brother."

Director of Citizens Advice Cymru, Fran Targett, sits on the Legal Services committee, which oversees the strategic delivery of legal services across Wales. It has set up a working group, including representatives from the Welsh Assembly, the LSC, not-for-profit agencies and others, to develop an Advice Strategy for Wales. It aims to deliver good quality advice services from basic information giving through publicly-funded legal services to second-tier specialist support for legal services providers.

Serious benefits

Bebington CAB is working with the Appeals Service to use the video-conferencing facility for welfare benefit appeals and recently managed their first 'live' case via the link. The client, a writer whose serious back condition meant he would have been unable to travel the two-and-a-half hours to London for a hearing, came into the bureau to make his case to the Social Security Commissioners, the final body to whom a benefit

"We don't think he would have taken the case as far if it hadn't been for the videolink."

claimant can appeal if they feel that a tribunal has got it wrong on a point of law. The case involved advance payments of royalties and whether, in terms of his income support claim, they should be considered as savings or business capital. "The client had a great deal of interaction with the commissioners. We don't think he would have taken the case as far if it hadn't been for the videolink," says Paul Robinson.

Advice in a virtual world

For many young people, the internet is second nature, so providing the independent advice they need via the web makes sense. The Ask CAB website (www.askcab.co.uk) is run by Wymondham, Attleborough and District CAB, Norwich and District CAB and NMA Money Advice, and provides online advice and information to anyone aged

Youth writes

Daniel Tooke, who is 16 and attends Wymondham High School, has been a volunteer at the CAB since October 2003. He comes in to help update the News section of the website and is on the Young Peoples' User Group, which makes sure that site content is what other young users want. "I got involved with the CAB when they came to the school and asked if anyone wanted to come to the bureau and see what they did," says Daniel. "I look around for stories that I think will interest visitors to the site and write them up," he says.

13-25 in Norfolk. There is advice on consumer issues, education, relationships, money management and debt. It also features a problem page where visitors can email questions they need answering, and classroom resources aimed at those



working with young people.

Raising the profile of the site, to increase the numbers of visitors, has been a priority for Pete Eldridge, project worker at Wymondham CAB. "We did some adverts for the website on local buses last summer and saw the number of visits increase considerably. This is because young people, especially those living in rural areas, rely heavily on buses to get around," says Pete.



Home front

Over ten per cent of all problems brought to Citizens Advice Bureaux are concerned with housing and homelessness. Many bureaux have LSC contracts to provide legal advice to tenants and home-owners.

Clients may be in arrears with rent or mortgage repayments, facing repossession, eviction and homelessness, or may wish to challenge their landlords over disrepair or over-crowding.

Bow CAB serves one of the most disadvantaged areas in England and provides housing advice and representation to clients, who are eligible under its LSC housing contract. Adviser Rosie Dzanjalimodzi sees clients who live in terrible conditions, often damp and sometimes desperately over-crowded.

"When they bring in pictures, I often think 'how can human beings be living in these conditions?'" says Rosie. There are a number of legal roads

down which the CAB can go to help clients to force the landlord to do the necessary maintenance and repair work. "If the landlord is a registered social or private landlord, we can go to the local authority, which can force them to do the work," says Rosie, "Or, if the landlord is the local authority, we can go to the magistrates' court to get an order to force them to make an inspection of the property. But usually, a letter from us is enough to get the ball rolling".

Tactical approach

Homelessness is often a symptom of another issue, such as debt, offending or dependency on drugs or alcohol. The CAB helps

clients tackle the problem on all fronts, providing appropriate support. "Unless the causes of homelessness are tackled, providing accommodation in isolation may not provide a sustainable solution," says Chris Harris, manager at Wigan and Leigh CAB, which has been funded by the LSC to develop homelessness advice services in the borough.

"Homelessness is often a symptom of another issue, such as debt."

When the Metropolitan Borough of Wigan set up a homelessness forum to prepare a borough-wide strategy, they asked a number of local partners to take part. With other advice agencies, Wigan and Leigh CAB take a lead in developing preventative work, to stop people reaching the point where they become homeless. An effective advice and advocacy service will prevent those in arrears from reaching the next stage of possession proceedings, resulting in direct savings in court time and legal costs, and will ultimately reduce homelessness. "Over the years, we have built up good relationships with other frontline services in the area, like GP surgeries, where people who are getting into difficulties often present themselves, and at prisons, where an inmate may be facing housing problems on release," says Chris. Advisers can make experienced and informed





decisions about where clients should be referred and which local service-provider is best placed to help them avoid problems. "The PIB-funded project will enable us to share good practice and develop strategic and co-operative working across all agencies and providers," says Chris.

Family affair

The Social Exclusion Unit reports that 'prisoners who are homeless are more likely to be reconvicted'⁵ but up to one third of prisoners lose their housing during custody. For short-term, repeat prisoners, ten per cent said that they had slept rough the last time they left custody⁶. Good advice and support can prevent offenders losing their housing while they are inside, as well as minimising arrears and debt, which all helps to reduce re-offending on release.

One of the aims of a new project, in the north-east, is to support the families of convicted prisoners and help keep their families together while one of its members is in prison, says Trish Thompson, Citizens Advice business management consultant. "Many relationships breakdown when a family member is imprisoned. The pressures the families face are very great and, in many ways, they serve a sentence, too," says Trish. The project has been awarded £580,000 over three years from an Invest to Save bid to the Treasury. "An

original PIB bid for the project was unsuccessful, but Citizens Advice North Region, the LSC, and the Prison Service, worked collaboratively to put a successful bid to the Treasury," says Trish. The three participating Citizens Advice Bureaux – Castle Morpeth, Stockton and Teesdale – and the regional LSC, all participated in the recruitment process. Three specialist CAB advice workers were appointed and will be based in three prisons, working full-time, as an integral part of the resettlement team in the prisons. They aim to see every new prisoner on induction, in order to assess what can be done to prevent problems building up for them and their families on the outside. As well as giving general advice direct to prisoners and their families, the project will also deliver training to prison staff and do financial literacy training with prisoners. There is also a video link located in the family centre, integrating the local Citizens Advice Bureaux and local solicitors, which will be available for prisoners to use.



On duty

County court duty schemes provide in-court advice and representation to people whose homes are at risk and, for many, they make the difference between leaving the court homeless, or not. Portsmouth CAB has been part of an LSC pilot that has funded the running costs for the scheme. Clients come in to the court building, perhaps having received a summons to appear in court that morning.

Without good advice at this critical point, they will often make payment offers to the judge that they can't afford, and losing their homes is a real possibility. "We will see the client, sometimes with only minutes to spare before they see the judge. The adviser will usually go in with them and we often secure an adjournment, which gives us time to produce a proper financial statement for the client. Then we can make reasonable suggestions about how to proceed and help the judge make good decisions.

The service is very effective at reducing eviction numbers," says Vincent Ibb, District Manager at Portsmouth CAB, which runs the scheme with Southern Focus Trust. Paula Bray, Court Manager at Portsmouth County Court, says "It is an invaluable service and the district judges are very grateful that people who otherwise might not be represented at all are getting good quality, independent advice when they need it."

Passport to Pimlico

About 20 Citizens Advice Bureaux in England and Wales hold LSC contracts to give immigration advice and representation.

Gromyko Amedu is a specialist immigration adviser at Pimlico CAB in London. "Most of the cases I see are where an asylum application has been refused and the applicant wants to appeal against that decision," says Gromyko, a solicitor who decided to move into the not-for-profit sector four years ago. "Many clients are from African countries like Eritrea, Ethiopia, Somalia, Burundi and Rwanda. Often they fear persecution in their home countries because of the tribe they are from or because of their religious or political beliefs." Gromyko interviews the client, asking them questions from which he

can build a history of their case. "First of all, we have to establish whether the client sought protection from their own Government before fleeing and research whether it is possible that what they are saying happened to them, could have happened," he says. He uses reports from Amnesty International and Human Rights Watch, as well as from the US Government and the Home Office, to get an understanding of the historical and current situation in the country from where the client has fled. "If the client has been persecuted by their own Government, then we can show that they would have

been unwilling to go to them for protection, in which case the UK would have a responsibility towards them."

Second generation

Oldham CAB secured a trainee solicitor grant from the LSC to train up a specialist immigration solicitor and took on Shahin Rahman.



Shahin Rahman, Oldham CAB

Shahin left Central Lancashire University in 2001 and took a year out to do voluntary work. "I worked with Victims Support at the local magistrates' court, as well as volunteering at Oldham CAB. I wanted to see which area of law I wanted to specialise in," says Shahin, who can speak both Bangla and Urdu. The bureau has set up a training plan for Shahin, to meet Law Society standards, which will give her the practical experience she needs, like interviewing skills. She handles her own caseload under supervision and sees about five or six clients each day. "It's a real challenge, but I'm really

■ CASE FILE

Gromyko is representing a teenage girl from Burundi, who fled her country after her parents were massacred there, during the conflicts between the Hutu and Tutsi populations. She paid an agent to bring her to the UK, and was dumped at the Home Office in Croydon. Currently in the care of social services, she has no family in the UK. The Refugee Council helped her to make an initial application for asylum, which was refused by the Home Office, on the grounds that she was here because of the civil war and not because she had a 'well-founded fear' of persecution, if she returned. The girl's application was again refused at appeal, but Gromyko has now got the Immigration Appeals Tribunal to agree to discuss the case further. "We have got some expert psychological and medical reports that show how much she has suffered. We also want to show that the current situation in Burundi means it would not be safe for her to return."

enjoying it. I hope to go on to do asylum work, focusing on human rights law. I decided to pursue a career in legal aid as I felt I would be making a real difference to people's lives. The best way to channel that is by working for the CAB."

The bureau advertised the trainee solicitor vacancy through the law school to trainees who were at the final stage of their training, the legal practice course. "We had over 150 applicants from all over the country," says Richard Soothill, Bureau Practice Manager. "Shahin was absolutely the best candidate."

The grant runs for two years and the LSC pay for 75 per cent of Shahin's salary, set at the Law Society minimum of £13,600. The other 25 per cent is made up by Citizens Advice. The bureau has to make a



vulnerable people poor-quality advice at a high price.

Legislation now requires that anyone not working from a solicitor's office and giving immigration advice must be registered with the Office of Immigration Supervision

"I decided to pursue a career in legal aid as I felt I would be making a real difference to people's lives. The best way to channel that is by working for the CAB."

commitment to fund her post for at least two years after the end of the trainee contract. "We were awarded two trainee solicitor posts, but limited bureau resources meant we couldn't commit to keeping two extra immigration lawyers on after the training period, so we had to turn one grant down," says Richard.

Welcome advice

The delivery of immigration advice has come under increasing scrutiny in recent years, in order to clamp down on unqualified or disreputable 'immigration advisers', giving

Commissioners and CAB advisers are automatically registered at Level One.

Recent changes in the public funding scheme mean that the number of advice hours CAB advisers can give under an LSC immigration contract will be capped at a certain level, for example, seven hours for an asylum case. "Those limitations mean that to complete a complicated case for a client, we will have to apply for extension funding from the CLS. If we don't get the extension, we have to make some tough choices about how we can further help the client," says Richard Soothill.

Social policy, social progress

Citizens Advice is active in influencing policy at both local and national levels, working with public authorities and the private sector, to resolve problems and effect changes to benefit the public as a whole. Using evidence from CAB clients, the service works to achieve practical improvements in the interactions between service providers and their clients – for example, social landlords' repossession procedures, county court debt collection procedures and the administration of the benefits system. As well as working locally to effect policy change, all Citizens Advice Bureaux contribute to national evidence reports, by providing real case examples of injustices or bad practice. These authoritative reports make a real impact on public policy and public service delivery. Working in this way reduces the need for legal advice and proceedings: a saving to all in both stress and money. *To download our evidence reports:* www.citizensadvice.org.uk.

Due process

Many people experience debt when the unexpected jumps up to bite them, like a sudden loss of employment, or an unplanned pregnancy.

Citizens Advice Bureaux dealt with over one million new debt cases during 2002-03⁷. This is reflected by the fact that nearly 200 bureaux have been awarded LSC contracts to deliver legal advice on debt matters. "The basis of all CAB money advice is the legal process, finding the legal remedy, and one of the first questions we will ask ourselves, when we see a new client, is whether they are actually legally liable for a debt," says Lisa Durrant from NMA Money Advice in Norfolk, which holds an LSC debt contract. "If, for example, a woman's husband dies, leaving credit card debts of £16,000, she may well assume that she is liable for them, which is not likely to be the case."

Along with Sheffield, Stevenage and Stoke Citizens Advice Bureaux, Debt Advice Within Northumberland, NMA Money Advice is part of an LSC-funded pilot, giving telephone-based debt advice. The aim is to improve access to legal services for several groups, including older people, those with

"The basis of all CAB money advice is the legal process, finding the legal remedy."

disabilities, carers whose responsibilities make it hard for them to leave their homes during office hours and people living in isolated rural areas.



A recent evaluation showed that the pilot was 'providing access to groups of people who previously would have found it very difficult to seek legal advice'. Telephone advice often took a shorter period of time to reach the same endpoint as face-to-face advice, allowing more cases to be handled in a given number of contracted hours⁸. The bureaux have now secured an LSC contract for the extension of a new national telephone helpline, which will provide free legal advice on debt, benefits, employment and housing issues, to those eligible.

Take your partners

Garry Hunter is LSC planning and partnership manager for the South East, an area that covers eight counties, from Buckinghamshire down to Hampshire and across to Kent. The team works closely with the regional Community Legal Service Partnerships (CLSP) to map the supply of free legal advice services, identify gaps in provision, support funding bids and develop referral networks. Citizens Advice Bureaux participate in 100 per cent of CLSPs in the south east. "Our partnerships are reliant on local intelligence and, as Citizens Advice Bureaux are the main advice provider in most areas, the information they give us on their clients' needs and the needs of their communities is vital," says Garry. "The involvement of Citizens Advice Bureaux means that our partnerships can ensure well placed, quality advice throughout the region that can make a dramatic difference to people's lives."

Support system

Citizens Advice is part of the CLS Methods of Delivery Specialist Support pilot, funded by the LSC, where a range of contractors provide specialist legal advice, support and subsidised training to solicitors and not-for-profit advice workers involved in publicly-funded legal advice work. The Citizens Advice Specialist Support Unit in Wales has been providing support in the areas of debt and welfare benefits across Wales, whilst its counterpart, in Wolverhampton, has provided specialist employment advice.

“We can handle most things, but sometimes need the support of someone with more specialist knowledge on matters other than debt that can come up within a debt case and that we’re allowed to handle under the contract. We’ve found the Specialist Support Service pilot very helpful,” says CAB money adviser Lisa Durrant.

Evaluation found that the Specialist Support Service improved advisers’ ability to progress matters more quickly and with more confidence and to take on more complex cases, all of which increased the client’s access to better legal services⁹. It has now been rolled out nationally and is available to all LSC civil contract holders, non-contracted Specialist Quality Marked organisations and General Help with Casework organisations.

Building skills

Ynys Môn CAB runs the LSC-funded North Wales General Help Support Service. It offers specialist support to other information and advice-giving agencies, like Age Concern, womens’ refuges, trading standards departments and housing associations, to help them maintain high quality advice and information-giving. “We get a regular flow of telephone queries from our member organisations and feedback has been very positive. Many have welcomed the opportunity to access someone at the end of a phone who can answer a client’s query which is outside their area of specialism,” says caseworker Paul Williams. The project also provides access to free training for member organisations and sends out regular newsletters and factsheets.

■ CASE FILE

Roger Martin, 48, lives in rural East Anglia and was born with a genetic growth disorder, leading to many health and mobility problems. He stopped working about ten years ago and now relies on disability benefits. Roger’s debt troubles started when he bought a satellite dish so he could receive the European TV channels he needed to help him in his language studies. “I had the £300 saved up in cash to pay for it, but got talked into taking out credit in-store,” says Roger. The loan company got Roger to agree to increase the credit to £1,000 – much more than he needed for the satellite dish – and before long the debt including interest stood at £1,700. “Shortly after that, a loan offer from a supermarket dropped onto my doormat. I applied for it, thinking I could pay off the first loan with this one.” Roger was being offered more and more loans and credit cards and soon had a number of debts from various lenders, amounting to around £24,000.

“Some of the pills that I have to take for my medical condition are opiate-type drugs and my head isn’t always where it should be,” says Roger. “The anxiety was compounding my illness and the stress was bringing on the angina. I felt like I was drowning.” Eventually, someone from the bank suggested ‘off-the-record’ that Roger should seek some independent financial advice, so he contacted his CAB which held an LSC contract to give debt-related legal advice. “They explained, step-by-step, what my options were and reassured me,” says Roger. The adviser took over all the paperwork and talked to Roger’s creditors. She suggested, that for the long-term benefit of his health and because he would never be able to earn enough to pay back his debts, Roger should declare himself bankrupt. “It was only when we saw the judge, going through everything in the court, that I realised how much work the CAB had done on my behalf.”



Good for your health

Ill health and social exclusion are inextricably linked and the appropriate advice at the right time can prevent a potential problem developing into a crisis.

Flintshire District CAB, in north Wales, is funded through the LSC Partnership Initiative Budget to raise awareness among primary care workers in health and social services, of clients whose clinical problem may have a non-medical solution, like bad housing or serious debt, and refer them onto the CAB. "We know that a person's economic and social circumstances are probably the strongest influence on their health and avoidable sickness," says Salli Edwards, district manager. "Primary care workers just do not have enough time to deal with non-medical problems, even when they can see how badly they are impacting on a patient. Once they've identified a need, they can refer that client to us and we can make sure they are getting the support they need across a whole range of services," says Salli.

"Primary care workers just do not have the time to deal with non-medical problems."

The project has learnt much from the experiences of the successful Better Advice, Better Health project, funded by the Welsh



Assembly, which provides advice through health settings like GP surgeries, health centres and hospitals. The project has been so successful, that the Assembly has agreed to allocate recurring funding from its core budget to ensure its future. The LSC has funded Powys CAB to roll-out the service to a further 13 primary health care settings across the region. A CAB generalist adviser goes out to nine GP surgeries in the area to give advice on benefits, debt, housing, employment, legal matters, relationship breakdown, consumer rights and tax.

Health matters

Despite the idyllic rural image, North Somerset CAB serves a large area, including two of the

most deprived wards in England. In Weston-super-Mare, problems more usually associated with inner city urban areas, like drug dependency and homelessness, can be found. The bureau runs a project called Health Matters, funded in part by the LSC, which was set up to work with drug and alcohol dependents and homeless people. "As part of their community sentencing, many offenders have to go through rehabilitation and treatment programmes," says Anne Richards, manager at North Somerset CAB. "Often there are associated housing issues, so our specialist worker interviews them as early as she can, usually in outreach sessions, to give them welfare benefit and housing advice, and prevent any problems they have from snowballing." The bureau, which already carries LSC contracts to give debt and welfare benefit advice, is applying for a half-time, 550 hours per year, housing contract to expand the support it can give to clients.

Home rule

Thanet CAB in Kent holds an LSC contract to deliver debt and welfare benefits advice, prioritising clients who have suffered domestic violence. The project has been running for a year and takes referrals from the police, womens' refuges, solicitors and other advice agencies. "We don't have a contract for family law so we refer people on to a solicitor with a contract for that, if they want to file for divorce or need an injunction against someone,"

“It’s hard for people to manage their affairs on top of everything else.”

says Eileen Follington, case worker for the project. “What we do give is legal advice on debt and benefit issues surrounding domestic violence.” Recently, Eileen advised a married man, who had given up his secured tenancy to move into his new wife’s home. His wife became emotionally abusive, refusing to allow him to claim the Incapacity Benefit for which he was eligible, because she mistakenly thought it would affect her benefit claims, and insisting that he ask her for any money he needed. When she turned him out, he lost all his furniture and possessions, and was left homeless and penniless. Eileen has helped him claim his benefits, manage his debts and plan for a better future.

Legal mind

Sue Welsh works as a CAB welfare benefit adviser at Shelton Psychiatric Hospital in Shrewsbury. Her post is a three-year pilot project, funded by the Partnership Initiative Budget and the NHS primary care trust, which supports mental health service users. Sue is based in the hospital itself and tries to see patients on admission, in order to prevent debt or welfare benefit problems arising for them, like rent going unpaid or benefit claims coming to a halt, while they are staying at the hospital. The service was developed partly in response to requests from patients themselves. Mental health service users know well how the stress and anxiety caused by potential



debt or housing problems can compound the negative feelings they are already experiencing. “It’s hard for people to manage their affairs on top of everything else, especially if there is no-one at home to take care of their financial matters while they are admitted to hospital,” says Sue, whose clients range from people with depression to those with paranoid schizophrenia.

Sue also sees clients prior to discharge, to check their benefit entitlements and to ensure they will be getting the support they need when they return home. The NHS Trust was keen to fund the project, because it often means they can discharge patients earlier knowing that everything has been put in place for them to move back into the community.

Legal eagle

Birmingham CAB has just been awarded LSC funding to employ a solicitor who specialises in mental health issues. “We have always been very strong on advice to mental health service users, so when the LSC wanted to shore up access to legal provision in this area, we felt we had a lot to offer and put in a bid for the contract,” says Chris Cox, Manager at Birmingham District CAB. The new post will allow the bureau to challenge decisions that affect mental health service users at higher governmental levels and take cases to the higher courts, or even judicial review, where necessary.

Last word



We talk to David Lammy, Legal Aid Minister at the Department for Constitutional Affairs.

What are you proudest about in the present scheme of things, and how important do you think access to justice is to people who are socially excluded?

I am proud to build upon the tradition, started in earnest under the Attlee government, of providing legal aid for those who most need it. The Community Legal Service has enabled us to plan and co-ordinate services in a way that was not possible before. For the first time, we have a clear picture of the help people need across the whole of England and Wales, and a system that allows us to concentrate resources where they are most needed. Access to justice is an important issue for everyone in society, but for people who are socially excluded, legal information, advice and representation can play a particularly vital role.

What can the Government do to address the civil law needs of particularly vulnerable groups?

We want to raise awareness of basic legal rights, but we have to balance that against the provision of legal advice and representation services for people who need them. We are working closely with colleagues across Government – in Jobcentre Plus and the Pension

Service, for example – to make sure that information about legal rights and how to get help with them is more easily available to people.

Citizens Advice has reported a growing perception of “advice deserts”, that is areas of the country that are inadequately covered, if at all, by publicly-funded legal services. What can we do to address this unmet need?

I was unhappy about the Citizens Advice report as I felt it did not tell the whole story. However, there are parts of the country where we want to make services more accessible. I am pleased to say, that following the recent round of bidding for contracts, there will potentially be increases (and, in the cases of housing and debt law, significant increases) in the number of contracts in many categories of law. The Legal Services Commission is also planning to make telephone advice services nationally available and to build on the success of the Just Ask! website. I think that is an immensely valuable development and will mean that people living in remote areas, or who have trouble leaving their homes, can access services easily.

Many Citizens Advice Bureaux feel that the bureaucracy involved in the new contracting regime, and the funding freeze, has meant a reduction in the number of solicitors taking on publicly-funded work and has stretched the not-for-profit providers to breaking point.

There has been a reduction in the number of legal aid solicitors' firms since the CLS was introduced, but I see that as a positive step. Most of those no longer participating in the scheme could not meet the Quality Mark standards. I am still concerned to eliminate unnecessary bureaucracy, and was pleased to see the LSC's proposals for a “preferred supplier” pilot, which will reduce the administrative burden on the best solicitors' firms and advice agencies.

There have been some great results from CAB projects, funded by the Partnership Initiative Budget (PIB), like the Methods of Delivery pilots.

The Methods of Delivery pilots were aimed at exploring whether particular types of service could become part of the mainstream of the CLS. The pilots covered Specialist Support, telephone advice and duty schemes for housing possession cases at county courts. The Commission is continuing to fund Specialist Support services, and is planning to expand telephone advice services so that they are available nationally. The Commission's Regional Offices are now able to award contracts for housing possession duty schemes if they consider that a suitable response to locally identified priorities. Projects funded under the PIB may also be suitable for development into mainstream services.