



**Police Station Immigration Telephone Advice
Pilot Evaluation**

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1. Executive Summary

- 1.1 This paper evaluates the LSC's pilot scheme to provide immigration legal advice in police stations, which was developed to address a gap in provision of advice for clients detained for non-criminal immigration matters.
- 1.2 The Police Station Immigration Telephone Advice Pilot scheme provides legal advice on non-criminal immigration matters by telephone to individuals who are detained at police stations in England and Wales.
- 1.3 The pilot scheme commenced on 12 June 2006 providing telephone immigration advice 7 days a week, 24 hours a day. This evaluation is based on a 6-month period of the scheme's operation between 17th July 2006 and 21st January 2007 and examines whether this scheme was an effective method of providing advice to detained individuals.

Client access

- 1.4 The findings indicate that the scheme is a highly effective way of providing clients with access to immigration advice. The scheme ensures that all clients that need immigration advice are able to access it. The immigration adviser also has the ability to transfer the case back for criminal advice, if it is later identified that a criminal prosecution may occur.

Client benefits

- 1.5 Scheme feedback suggests that it provides important benefits for clients. All clients are able to get clarification of their rights and legal position with respect to their immigration status and any actions they may need to take, as well as an understanding of what is likely to happen to them; in some cases the advisers have been able to resolve the matter without the need for further representations. Prior to the scheme's inception, detainees would only have been able to access a limited amount of criminal advice and only in relation to any offence they were charged with committing. The scheme provides a successful system to address this previous significant gap in provision, meaning that clients can access the legal advice they need and criminal lawyers are not placed in the situation where they are asked to provide advice beyond their expertise.

Developments

- 1.6 Immigration advisers raised concerns about the difficulty in finding advice organisations willing to take cases on, once the case reaches the limits of telephone advice. Under the pilot scheme advisers sought to refer the clients case to a local provider. Although a relatively small number of clients are released from police stations and require further advice, a referral mechanism following telephone advice would enhance clients' onward access to justice. During the pilot the LSC recommended that advisers referred clients to the CLS Directory service where further advice was required.

1.7 One of the biggest challenges in operating the scheme derives from the indirect nature of the relationship between police stations and advice organisations. The large number of police stations and officers makes coordinating the scheme and circulating information difficult. Advice providers are able to put their concerns in writing to specific police stations and request a response but an agreed procedure to respond to concerns between the police service and the Legal Services Commission could provide a suitable feedback mechanism and enable the functioning of the scheme to improve. The LSC should therefore continue to develop its relationship with the Association of Chief Police Officers and the Police Service in order to raise the profile of the scheme with these organisations and address issues.

2. Terminology and Acronyms

CDS Direct Criminal Defence Service Direct (provides criminal telephone advice to people detained for some offences in police stations).

CLS Direct Community Legal Service Direct (LSC funded service offering free confidential and independent legal advice for eligible clients via telephone in some civil areas of law and holding contact details for publicly funded legal providers in England and Wales).

DSCC Duty Solicitor Call Centre (coordinates referral of cases between police stations and duty solicitors)

3. Background

3.1 The Police Station Immigration Telephone Advice Pilot scheme provides legal advice by telephone on non-criminal immigration matters to individuals who are detained at police stations in England and Wales. The purpose of the scheme is to ensure that individuals, who are not subject to a criminal prosecution, are able to access independent legal advice from accredited immigration advisers whilst subject to detention at a police station.

3.2 Prior to the scheme's operation, the LSC and legal representatives were concerned that the crime duty representative was not best placed to provide advice to individuals held at police stations for non-criminal immigration matters. In these cases the Immigration Service was contacted and might attend the individual at the police station to ascertain their immigration status and what further action, if any, needed to be taken. Criminal specialists are not able to advise on non-criminal immigration law, and are generally unable to refer these individuals effectively to an appropriate immigration lawyer.

3.3 A client who is subject to a criminal investigation (in relation to an immigration offence) continues to be entitled to advice and assistance from the Duty Solicitor Scheme operated by the Criminal Defence Service

(CDS). For example an individual may be arrested under section 2 of the Asylum & Immigration (Treatment of Claimants, etc.) Act 2004 for failing to provide a valid passport at their leave or asylum interview. Advice and assistance will be required from a criminal practitioner in relation to the offence, which carries a maximum jail term of 2 years and/or a fine.

4. Service Efficiency

Client access

- 4.1 5,061 calls¹ were identified by CDS Direct as requiring immigration telephone advice between 17th July 2006 and 21st January 2007, an average of 187 per week.² 4877 clients were recorded as receiving telephone immigration advice from advice providers, an average of 180 per week. The difference is accounted for by cases where the police make a second call for the same client and clients that are rapidly discharged before advice can be delivered.
- 4.2 The scheme operates behind the pre-existing duty solicitor arrangements; all clients are referred through the Duty Solicitor Call Centre (DSCC), and therefore all clients requiring advice are referred either to an immigration provider or a criminal provider. The calls are screened by CDS Direct to ensure that those clients facing prosecution for immigration offences are correctly referred for criminal advice. In situations where it becomes apparent to the immigration adviser that the client will be prosecuted, the case is referred back to the DSCC. This mechanism ensures that all clients referred to the DSCC receive appropriate advice.
- 4.3 It is difficult to quantify the benefits to clients, but as these benefits arise from the provision of advice they would not have had access to otherwise, these benefits are likely to be significant given the clients are in detention. It is not yet possible to collect client feedback, because as clients are in custody and often of no fixed address, client contact details are not available. Information about the service experienced by clients is taken by proxy from adviser feedback. Adviser feedback about the scheme's benefit to the client has been very positive and no significant problems with telephone advice as a method of delivery have been reported.
- 4.4 28%³ of clients advised were new entrants to the immigration system, which indicates that the client is unlikely to have received immigration advice previously and therefore be more in need of legal advice and guidance.

¹ DSCC figures

² Standard Deviation 34.2. 95% of results lie in between 153 and 221.

³ Of 1832 cases information was available for the adviser report form

- 4.5 In some cases the adviser has been able to resolve the matter without the need for further representations, reducing the police and adviser time that would otherwise be required. However, all of the clients receiving immigration advice benefit from clarification of their rights and legal position and any actions they should take, as well as an understanding of what is likely to happen to them.
- 4.6 The primary concern immigration advisers had was in referring clients onwards following their discharge from the police station. Of the 1832⁴ cases information was available for, 44% were identified as requiring further legal advice. Of these, 42% were detained in immigration removal centres following arrest, and would, therefore, be able to access existing on-site detention advice services; 20% of those requiring further legal advice were not detained and for 38% it was unknown whether they were detained or not.
- 4.7 In total potentially up to 25% of all clients receiving immigration telephone advice in police stations would benefit from an effective referral to another legal representative. This indicates that a referral mechanism following telephone advice would enhance clients' onward access to justice.
- 4.8 In cases where the adviser becomes aware that the client will be detained or subject to Detained Fast Track processes, advisers should have informed clients of the existing advice arrangements and how to access them.
- 4.9 A number of clients requested face-to-face representation at the police station during their interview, which was out of the scope of the scheme. Whilst a physical attendance might assist in reassuring the client, it is not clear that it would add any extra value to the assistance the legal representative was able to give and would significantly reduce the number of clients able to access advice.

Costs

Scheme Costs

- 4.10 The scheme was remunerated with a fixed fee per call of £35.54 (inc VAT), incurring average advice costs of £6646.00 per week⁵. Additionally, standby payments were remunerated at £4.20 per hour, amounting to a flat fee of £829.08 (inc. VAT) per week (168 hours). As a telephone advice scheme, it incurs no travel costs but does require telephone interpreting services to be used, this was generally provided by Language Line. The use of such an instant access telephone interpreting service resulted in

⁴ From the Adviser report form

⁵ Cost per call £35.54 multiplied by average number of calls per week (187).

higher than average costs. This amounted to £59,353.24 for the pilot period, or £12.17 on average per call.⁶

4.11 The average total cost for the scheme was £9,750.85 per week and £263,272.95 for the 27-week pilot. The actual total cost billed by suppliers for the 27-week pilot was £251,797.75, the difference being due to VAT being claimable on some calls and not others. The average call length was 27 minutes and the average total claim per call was £51.63⁷. This indicates that this service provides good value for money compared to the associated costs of attendance.

CDS savings

4.12 We have no data as to what percentage of cases resulted in the provision of telephone advice rather than attendance by a criminal duty solicitor, but based on our assumptions that the average cost of attendance is £300⁸ and that on average 178 clients⁹ are referred for immigration advice rather than criminal attendance, this amounts to a reduction of £53,400 per week. Given an average cost of providing telephone immigration advice of £9542.18 per week (inc. standby and interpreting costs) and £4144 per week for CDS Direct call handling¹⁰, the introduction of the scheme has led to average savings of £39,713.82 per week. For the duration of the 27-week pilot this amounts to savings of up to £107,273.14, if all of these cases had resulted in a duty solicitor attendance.

5. Effectiveness of Service Delivery

Hours of operation

5.1 One of the main concerns from suppliers advising on the scheme relates to night-time calls. Approximately 10% of calls are received between midnight and 7am¹¹ and the general feedback from suppliers is that they are not able to provide any useful advice to the client, and usually have to call back in the morning to deal with the case. This, in effect, doubles the work that an adviser does on the case and involves them being unnecessarily woken in the night.

5.2 Immigration calls are materially different from crime calls, because an immigration matter will not be pursued until Immigration Services decide whether to interview the client or not. The police may not be aware of a client's situation until Immigration Services contact them. Feedback from

⁶ Used Language Line pilot total divided by calls billed by providers. Disbursements per year using ave. incurred per case £115,229.40.

⁷ Actual reported costs divided by actual numbers of calls billed by providers (£251,797.75 divided by 4877).

⁸ CDS Direct Six Month Evaluation Report (31 October 2005 until 30 April 2006)

⁹ 187 average calls per week less 5%, which are those referred back to DSCC by the immigration provider for criminal advice.

¹⁰ £22 per call multiplied by 187 average calls per week

¹¹ DSCC stats

suppliers indicated that it was normally not possible to speak to the Immigration Service nor the client between midnight and 7am.

Participant linkages

5.3 The pilot scheme's successful operation requires calls to pass smoothly between the DSCC, CDS Direct and the immigration advice provider. 292 (6%) calls were referred on to a different party following the initial diagnosis, which indicates that in general the system functions well. Immigration telephone advisers generally believed that the scheme correctly identifies who requires criminal or civil and that they were able to successfully refer calls back for criminal advice, should it be required. The majority of these cases occur where either CDS Direct or the immigration telephone provider identify that a physical attendance is necessary once the adviser has collected further information from the police or immigration service about the client's situation. Calls were rarely transferred to a duty solicitor because the immigration provider was busy (4 recorded instances), which further indicates that the schemes organisation successfully facilitates immigration advice provision to all clients that require it.

5.4 One of the biggest challenges in operating the scheme derives from the indirect nature of the relationship between police stations and advice organisations. The main issues with the schemes linkages have been surrounding the liaison with police officers, typically custody sergeants. The scheme did not involve any direct operational changes for the police and this tended to mean that whilst briefed about the scheme, there was often confusion about the purpose and scope of the pilot. Advice providers generally experienced problems with the police reporting the same case again and not understanding the nature of advice. The large number of police stations and officers makes coordinating the scheme and circulating information difficult.

5.5 Advisers had reported that police awareness of the scheme was generally improving as the scheme progressed. Police feedback from 40 police officers received in May and June 2007 reported that 73% had heard of the scheme and 58% had experienced using it. Of the 23 that reported interacting with the service, 19 (83%) reported either no noticeable impact on their workload or that the system speeded up the process. (The feedback from police was generally positive, although a couple of concerns about access to telephones during high level of activity in custody suites matched comments reported by advisers.)

5.6 Number of advising organisations

5.7 There is no indication from the evaluation that the number of suppliers involved had any significant impact on the service received by clients. The scheme operated well and allowed suppliers to clearly plan their work loads by knowing when they would be on call and an ability to plan their

advisers to be available during the busy periods of the day. It also gave suppliers an opportunity to manage their business more effectively as they knew, on average, how many calls to expect. More traditional rota allocations, such as used under the Fast Track Scheme, result in multiple suppliers being on call on a given day. In some instances, where demand for a duty advisers are low, this results in the suppliers not receiving a referral.

6. Future contracting arrangements

- 6.1 The pilot scheme has proved to be successful in providing prompt and accessible advice to individuals. It is therefore recommended that the provision of advice should continue.
- 6.2 Under the pilot scheme the weekly rota arrangements have worked well and have ensured that advisers are easily contactable¹². This also gives certainty to suppliers when planning how to operate the service and thereby ensuring that advisers are available when required.
- 6.3 The method of delivery of advice is an effective and cost efficient way of providing clients with advice. Advice should therefore continue to be provided via a telephone service.
- 6.4 Where further advice is required, advisers should refer clients to the services of the CLS Directory and where a client is moved to a detention centre, the operation of any on site advice services.
- 6.5 The LSC should develop its relationship with the Association of Chief Police Officers and the Police Service in order to raise the profile of the scheme with these organisations and address issues.
- 6.6 It is recommended that a 17-hour service should be piloted in order to establish whether a 24-hour service is required.

¹² There were only 4 instances recorded where an adviser was unavailable,

Annex A

Evaluation of the 17 hour service

- 1.1 The initial evaluation of the Police Station Immigration Telephone Advice Scheme recommended that a reduced 17-hour service should be piloted. The pilot commenced on the 11th June 2007 operating from 7am until midnight for two months to establish whether clients experienced any detrimental effects and/or reduced access.
- 1.2 Prior to the implementation of the revised hours of service, one of the main concerns from suppliers advising on the scheme related to night time calls. Approximately 10% of calls were received between midnight and 7am¹³ and the general feedback from suppliers was that they were not able to provide any useful advice to the client, and usually had to call back in the morning to deal with the case. Pilot suppliers had indicated that although they were funded to be on call at night they could not access the client to provide advice, as they inevitably would be asleep. Equally they were unable to access the Immigration Service at this time. This, in effect, doubled the work that an adviser would do on the case and involved them being unnecessarily woken in the night.

Feedback from Providers

- 2.1 Feedback has been sought and received from all four suppliers involved in the scheme, none of which have indicated that they believe the quality of service has suffered or that there have been any detrimental affects on the clients themselves. The feedback also suggests that the pilot has improved providers' capacity to administer the service with one commenting that the changes allowed them organise their advisers more effectively.
- 2.2 All the pilot suppliers are keen for the pilot to be fully implemented; it is viewed as having improved the effectiveness of the service both for providers and the client.

Feedback from the Duty Solicitor Call Centre (DSCC)

- 3.1 Feedback from the DSCC has also been positive, no complaints have been received from Police Stations about the reduction to a 17-hour service. There was also provision for a CDS Direct adviser to be contacted if urgent advice was requested. No such requests for urgent advice were made.

¹³ DSCC stats

Recommendations

- 4.1 Following this evaluation, it is recommended that the 17-hour service be continued for the current (and future) contract schedules.

Scheme costs update

- 5.1 In the light of the reduction in hours of coverage from 24 hours to 17 hours, the projected cost of the scheme needs to be amended to accurately reflect this. The fixed fee per call of £35.54 (inc VAT), would incur the same average advice costs of £6646.00, however the standby payments (remunerated at £4.20 per hour), now amounts to a flat fee of £587.27 (inc. VAT) per week (119 hours)¹⁴. Language Line costs are still calculated the same way (£59,353.24 for the pilot period or £12.17 on average per call).¹⁵ This amounts to an average total cost for the scheme of £9509.04 per week, a difference of £241.81 per week.

¹⁴ [NOTE if hours reduced - drop from 168 hours to 119 hours]

¹⁵ Used Language Line pilot total divided by calls billed by providers. Disbursements per year using ave. incurred per case £115,229.40.