



Legal Services Commission
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*Community
Legal Service*



*Legal Services Commission
Contracting Priorities
and Strategies
An Overview*

2003



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Statement by the Chief Executive



Publication of our Regional Reports and Strategies marks another important stage in the development of the Community Legal Service. The Legal Services Commission's contracting regime has been operational for nearly three years and we are approaching a new year for contracts beginning April 2003. The Specialist Quality Mark is a requirement for our funding. At the same time, over 99% of England and Wales is covered by a Community Legal Service Partnership (CLSP). More than half of these CLSPs have delivered their first strategic plans for legal advice in their area. Many more have completed wide-ranging needs assessments for advice.

Following consultation, the Commission is now putting in place a process for regional prioritisation of needs which brings together contracting and partnership-working. Each Regional Legal Services Committee has been directed to submit a Regional Report which draws on the evidence gathered by CLSPs and sets out recommendations which will, in turn, inform an LSC Contracting Strategy for the Region.

It is important for me to underline that the RLSCs' recommendations are for refocusing our contracting spend as and when money becomes available. Within the constraints of our current budget, we cannot realistically expect this to take the form of new money. Instead, my Regional Directors will be looking carefully at the pattern of spend in their regions to ensure that it is focused on where the need is greatest.

From the outset, the CLS was devised in order to get the best value for the public from a limited budget. This was the reason for its emphasis on an evidence-based approach to planning and funding, working in partnership with others. Despite the many, often conflicting, demands on our resources, we remain committed to our aim of helping people get quality legal services that meet real needs and combating social exclusion.

Steve Orchard CBE
Chief Executive, Legal Services Commission

□ □ ■ **Introduction and Overview**

Partnership-working

Following consultation of our partners in 2002, the Commission is now publishing the first of its new Regional Reports and Contracting Strategies, setting out the priorities for each of our regions and the measures we propose to take to ensure that these are met. The Community Legal Service (CLS) is a locally driven initiative, with Community Legal Service Partnerships (CLSPs) formed in order to draw on local knowledge of legal and advice needs. As Chief Executive Steve Orchard outlines in his statement on p.3, this year sees the beginning of a new process which further integrates local planning with the Commission's contract awards mechanisms. The first strategic plans published by CLSPs have added significantly to our knowledge base, in terms of unmet need and the advice-seeking preferences of different client groups.

At the same time, the CLS represents a vision of enhanced access to justice for the whole of England and Wales, so we are also working with central government and national and umbrella organisations to explore ways of joint working at this level. Within government, examples of this include evolving partnerships with the Department for Work and Pensions as they roll out the new *Third Age Service*, with the Department of Trade and Industry in relation to Consumer Direct and with the Community Fund with whom we are exploring joint funding options. We are also building links with the health sector and are lending support to the Local Government Association's Family Benefits take-up campaign planned for 2003-04. In the legal and advice sector, collaboration with such bodies as the Law Society, Legal Aid Practitioners Group and Advice Services Alliance, plus 'user' representative organisations such as Youth Access and Better Government for Older People, has greatly enhanced our understanding of the perspectives of different CLS partners.

This overview document has been drawn up with our 'national' partners very much in mind. Not only does it bring together a summary of our regional priorities, but it also details our current pilot projects and highlights some key areas where we intend to focus our strategic activity over the coming year.

Full copies of the Regional Reports and Contracting Strategies are available from the relevant regional offices and can be downloaded from our website. Details of the criteria used for prioritisation are contained within our booklet *Legal Services Commission Regional Prioritisation and Contract Awards 2003: An Introduction*. See p.16 for details of this and other information available regarding LSC funding.

'Specialist' categories of law

Each of the Regional Reports contains an analysis of contract performance to date as background to proposals for the future. It is clear that there has been a welcome growth in the 'specialist' areas of Mental Health, Community Care, Clinical Negligence, Education and Actions against the Police. Our offices are taking a regional – as opposed to local – approach to contracting in these areas, which is supported by corporate policy. At the same time, local referral networks and protocols are being developed to ensure that clients are referred on effectively by local agencies to the specialist advice they need.



Tolerances

In the context of the Specialist Quality Mark more generally, our findings with regard to work done under tolerance strongly indicate that quality can be compromised. For this reason, our Regional Strategies all confirm a commitment to reducing the use of tolerances where there is Specialist supply available to meet need. Tolerances do, however, provide an important tool both in enabling access and in offering an holistic service to clients where there is no appropriate Specialist supply locally. Managed use of tolerances can also provide an opportunity to grow a new specialism where local capacity is lacking, and regional offices are working with suppliers to facilitate this where appropriate.

Capacity building

While the main focus of the Regional Reports is on priorities for the CLS Fund, these are set very much in the wider landscape of 'General' advice services and the provision of information which may be funded from a range of different sources. The strategic plans of CLSPs provide a strong evidence base for identifying gaps as well as opportunities for developing capacity across all levels and also for tailoring services to meet the needs of particular client groups. This is something which we very much want to pursue in conjunction with our partners. For example, we welcome the commitment of the Community Fund to working jointly with us and look forward to discussing further their newly launched Strategic Grants programme. This programme names voluntary sector development as a priority area for the Community Fund, and places an emphasis on partnership working.

The Commission has already put in place two specific measures designed, among other things, to build capacity in the CLS: the *Partnership Initiative Budget* and our training contracts for legal aid lawyers.

Partnership Initiative Budget

Following the success of the first round of PIB funding, a further £6 million has been made available to projects in CLSP areas. The projects will be approved on a joint funding basis and will relate to community education and/or developing or promoting links between community groups and legal advice providers.

Training contracts

The Commission also announced in June 2002 that it would be making more than £1.5 million available to help fund the next generation of legal aid solicitors. Grants will be provided to meet the tuition fees of students on the Legal Practice Course (LPC) and to support the provision of training contracts for successful LPC students. In the first year, the training contract grants will be targeted at solicitor organisations in smaller urban and rural areas, where the shortage of new solicitors opting to work for legal aid firms is most apparent.



Quality and access

Additionally, the Commission's Supplier Development Group has been progressing its work developing peer review mechanisms, building on work documented in *Quality and Cost: Final Report on the Contracting of Civil, Non-Family Advice and Assistance* (Moorhead et al, 2001). Peer review is being piloted in three categories of law: Housing, Debt and Welfare Benefits. Alongside this, special peer review arrangements are being piloted with a number of suppliers in rural Wales. These suppliers have had difficulty achieving the Specialist Quality Mark, and hence a contract, as low case volumes mean they cannot deliver the required number of hours to meet the 'supervisor' standards. The suppliers in question are performing well against other audit criteria. If the peer review pilot confirms that the suppliers' work is competent, the supervisor hours requirement will be waived. The purpose of this particular pilot is to ensure standards equivalent to our Quality Mark are being met and thereby enable us to reduce access gaps in areas where there is under-capacity.

This activity is further complemented by the 'methods of delivery' pilots described on pp.14 -15.

Debt and Welfare Benefits categories of law

Two categories which feature prominently in the Regional Reports are Debt and Welfare Benefits. All regions have noted an increase in the need for Debt advice and eight (out of eleven) of these highlight Debt as a priority area for contracts from April 2003. With regard to Welfare Benefits, a need for further provision has likewise been widely identified, although the question has been raised whether this is necessarily all at Specialist level. Importantly, Welfare Benefits is also an area ripe for preventative measures. Many of the problems associated with the need for Welfare Benefits advice could be resolved or even precluded by improved benefits administration. The same principle applies to housing possession cases. In light of this, the move towards a take-up approach generally (for example, by the Department for Work and Pensions) and the extension of Local Authority duties linked with Community Care Assessments, in particular, afford the opportunity for further partnership working. We will, therefore, review our priorities for funding within the Welfare Benefits category, while working closely with our partners to achieve the best outcome for clients.

Immigration

The Nationality, Immigration and Asylum Act and other developments in asylum policy pose a number of key challenges to the LSC. We will need to ensure that sufficient supply is available in the regions to meet the needs arising from dispersal, new accommodation centres and the increase in the capacity of the Immigration Appellate Authorities. In London, we believe that we have sufficient contracted supply, but do need to take steps to improve the quality of advice provided by a significant minority of firms.

Family

The Family category of law has not hitherto been analysed by RLSCs as part of the prioritisation process for contract awards. In May 2002, an internal Family Advisory Group was set up with a brief to produce guidance for RLSCs. RLSCs have been encouraged to assess the geographical distribution of Family suppliers across their respective regions, the spread of members of the Children's Panel, and the spread of solicitors willing to do work on domestic violence. From April 2003, RLSCs will be asked to investigate further the extent and nature of Family provision in their region. Part of the Family category falls within the Lord Chancellor's Direction on Priorities, which is the starting point for our prioritisation process.

Civil advice and the criminal justice system

Finally, regional and local work has begun to identify the particular civil advice needs of offenders, ex-offenders and their families. This is mirrored in the proposals contained in the White Paper *Justice for All?* which highlights such problems as debt and employment for people in these circumstances. A national rehabilitation strategy is planned by Government, and the Commission is seeking to play a significant role in this, especially around the interface between criminal and civil advice provision.



Regional Legal Services Committees’ Priorities for Contract Awards 2003 - 04

The RLSCs have each identified priorities for contract awards, as set out below. The full Regional Reports contain analysis of current contract activity and gaps in provision plus additional recommendations for development work. The priorities recorded here are the higher priorities for allocation of money as it becomes available and so do not represent a complete picture of regional supply and need. RLSCs’ Regional Reports and the Regional Directors’ corresponding Contracting Strategies are available from regional offices and may be downloaded from the Commission’s website (see pp.16 -17).

LONDON

- Debt contract in Tower Hamlets as part of the East London Debt Strategy
- Debt contract in Waltham Forest as part of the East London Debt Strategy
- Debt contract to provide services across Barking and Dagenham, Havering, Newham and Redbridge as part of the East London Debt Strategy
- Welfare Benefits contract to provide Specialist level services in Harrow, Hillingdon, Hounslow and Richmond upon Thames

SOUTH EAST

The South East Region’s RLSC presents its priorities in terms of regional and county-based needs.

Regional

Community Care, particularly for older people and the disabled

County

East Sussex

Immigration

A contract covering the coastal area of the county, excluding Brighton and Hove but focussing on Eastbourne and Hastings. This would become part of an integrated county-wide provision in this category of law and would be linked with providers of other social welfare law categories of advice in the county.

Surrey

Family

Stabilize the provision of Family law across the county in the light of actual and projected withdrawal of solicitor supply.

Oxfordshire

Housing

Improve the provision of Housing advice in the county by means of new contracts and/or by outreach from an existing provider in Oxford.

West Sussex

Housing

Within a county-wide strategy for Housing advice to let a contract with particular focus upon the geographic areas of

- Worthing, where two private sector suppliers have recently withdrawn
- The other key centres of Chichester and Horsham. This may require provision for outreach from a central location and should be integrated with organisations providing General Help
- Support for advice desks at court, with initial focus in Crawley where the existing scheme is likely to be withdrawn

SOUTH WEST

- Family in the North Cotswolds
- Family and social welfare law in West Somerset
- Immigration targeted in Bristol but with flexibility to cover other areas
- Community Care on a regional basis but specifically targeting Cornwall, Dorset and Swindon
- Debt in Dorset
- Housing in Swindon and Wiltshire
- Welfare Benefits in Wiltshire
- Welfare Benefits in Plymouth
- Employment in Swindon
- Consumer General Contract in Swindon

The RLSC also identified other areas of priority, if funding becomes available, as follows:

- Debt in Bristol and Somerset
- Education in Cornwall
- Family in Somerset (other than West Somerset – see above)
- Welfare Benefits in Cornwall

WALES

- Make Specialist Employment advice (and support to other Specialist and General Help providers) available across the four designated regions of Wales
- Develop the supplier base in Mental Health, Community Care and Education
- Maintain the ability to respond adequately to changes in demand for Immigration advice in Cardiff, Newport, Swansea and Wrexham
- Gaps in provision have been identified in nine areas set out below. Each CLSP has identified its top priority for development of services, and the regional office is asked to liaise with the CLSPs to confirm the exact priorities in each case:

- Blaenau Gwent: telephone advice in Welfare Benefits, Housing and Debt across the county borough
- Denbighshire: Employment advice across the county
- Flintshire: Debt and Welfare Benefits in Shotton
- Gwynedd: Family in Dolgellau
- Merthyr Tydfil: Welfare Benefits, Debt and Housing in Gurnos
- Monmouthshire: Welfare Benefits and Debt in Abergavenny
- Neath Port Talbot: Welfare Benefits in Port Talbot
- Pembrokeshire: Welfare Benefits in Fishguard
- Rhindda Cynon Taf: Welfare Benefits, Debt and Housing in the Upper Rhondda Fach (Maerdy and Tylerstown)

WEST MIDLANDS

First band

- Mental Health in Herefordshire
- Welfare Benefits in Cannock Chase (Southern Staffordshire)
- Housing advice in Cannock Chase (Southern Staffordshire)
- Debt in Chelmsley Wood (Solihull)

Second band

- Health and Community Care in the Black Country (Walsall, Wolverhampton, Dudley or Sandwell)
- Education in the Black Country (Walsall, Wolverhampton, Dudley or Sandwell)
- Health and Community Care in Coventry
- Education in Coventry
- Debt in Dudley
- Debt in Cannock Chase (Southern Staffordshire)

Further recommendation

- Clinical Negligence in the Black Country (Walsall, Wolverhampton, Dudley or Sandwell)

Immigration priorities

Monitor, and expand capacity where necessary, in Birmingham, Dudley, Wolverhampton, Stoke-on-Trent/Northern Staffordshire, Sandwell, Walsall, Telford & Wrekin

NORTH WEST

Top priorities

- Community Care in Cheshire
- Employment in Greater Manchester
- Employment in Lancashire
- Employment in Cumbria
- Debt in Trafford

Next priorities

- Debt in Bolton
- Debt in East Lancashire
- Debt in Halton
- Debt in Tameside
- Housing in Tameside



Further priorities

Welfare Benefits in Bury, Oldham and Tameside

NORTH EAST

First tier of priorities

- Develop Housing advice provision to cover Northumberland
- Develop Housing advice provision to cover Redcar & Cleveland
- Establish a Health and Community Care contract within the region
- Develop a Debt advice service in Sedgefield
- Develop a Debt advice service in Durham City

Second tier of priorities

- Development of a county-wide Welfare Benefits advice service in Northumberland, specifically addressing issues of rural isolation
- Development of a county-wide Welfare Benefits advice service in County Durham, working in collaboration with the County Council's Welfare Rights Service
- Development of a county-wide Employment advice service in County Durham
- Development of a county-wide Employment advice service in Northumberland
- Maintain and develop the Immigration advice supplier base in response to changing demand as a result of the asylum dispersal programme
- Improve access to legal advice services for those identified as vulnerable groups

Third tier of priorities

- Debt – CLSPs have identified a need for the development of additional Specialist Debt supply in Middlesbrough, Newcastle upon Tyne, North Tyneside, South Tyneside, the outlying areas of Gateshead and Sunderland and Eston and Coatham in Redcar & Cleveland.
- Housing – The CLSP in Newcastle has identified a need to develop further Housing supply in the city; North Tyneside CLSP has identified a need for services in Longbenton & Whitley Bay and the CLSP in Sunderland has identified a need for further supply in the outlying areas of the city.
- Welfare Benefits – CLSPs have identified a need for additional Welfare Benefits supply in Middlesbrough, Newcastle upon Tyne, Middleton St George in Darlington and the outlying areas of Gateshead and Sunderland.
- Employment – Sunderland CLSP has identified a need for supply outside of the city centre.

YORKSHIRE & HUMBERSIDE

First tier

- Housing – Barnsley
- Debt – Rotherham
- Welfare Benefits – North Lincolnshire
- Employment – North Yorkshire

Second tier

- Housing – Doncaster
- Debt – North Lincolnshire
- Employment – North Lincolnshire
- Debt – Hull (currently no NfP supply)



Further recommendations

- Welfare Benefits – North Kirklees
- Debt/Housing – Wakefield (Castleford)
- Social welfare law provision (particularly Immigration) – Keighley (Bradford CLSP)

The RLSC has re-stated the priority areas for letting additional matter-starts for Asylum. These priority areas are Bradford, Calderdale, Doncaster, Hull, Rotherham and Wakefield.

The RLSC has also detailed priority client groups which cross CLSP (and regional boundaries) and has provided a summary of initial recommendations for service provision related to the advice needs of

- Mental Health service users
- Victims and survivors of domestic violence
- Prisoners

EAST MIDLANDS

First band

- Family and Housing in Northampton/Northamptonshire
- Debt in Derby/Derbyshire
- Debt in Greater Nottingham/North Nottingham
- Debt in Leicester/Leicestershire
- Debt in Lincolnshire/Rutland

Second band

- Debt and Welfare Benefits in Northampton/Northamptonshire
- Welfare Benefits in Derby/Derbyshire
- Welfare Benefits in Greater Nottingham/North Nottingham
- Welfare Benefits in Leicester/Leicestershire
- Welfare Benefits in Lincolnshire/Rutland

Third band

- Housing in Derby/Derbyshire
- Housing in Greater Nottingham/North Nottingham
- Housing in Leicester/Leicestershire
- Housing in Lincolnshire/Rutland

EASTERN

- Expansion of telephone advice at Specialist level in Debt, to cover the whole region
- Expansion of telephone advice at Specialist level in Housing, to cover the whole region
- Expansion of telephone advice at Specialist level in Employment, to cover the whole region
- Provision of Specialist contract in Community Care, preferably located in Norfolk/Suffolk, but able to serve the whole region
- Additional Immigration contracts to meet changing and increasing needs within the region

MERSEYSIDE

Top priority areas

- Housing, particularly in the Kirkby and North Huyton wards of Knowsley
- Welfare Benefits in the Speke area of Liverpool
- Housing in Southport at the north end of Sefton
- Employment across St Helens (Central) and Knowsley (to cover Kirkby / Huyton / Prescott / Halewood) (Ideally, in addition to CLSP requirements, any service should have the potential to provide some access out of hours, and by telephone and through use of ICT)
- Family in the Kirkby district of Knowsley. (Ideally, in addition to CLSP requirements, any service should have access to a Children Panel member and have experience of dealing with domestic violence issues. It would be helpful if this service was also willing to participate in Family Advice and Information Network pilot if/when implemented in the region)

Next priority areas

- Housing in the Dovecot area of Liverpool (Ideally, in addition to CLSP requirements, any service, if an NfP, should be prepared to employ a solicitor)
- Employment across Sefton (Ideally, in addition to CLSP requirements, any service should have the potential to provide some access out of hours, and by telephone and through use of ICT)
- Housing particularly in the Newton and West Sutton wards of St Helens (Ideally, in addition to CLSP requirements, any service should have with potential for joint funding, and if an NfP be prepared to employ a solicitor)
- Health and Community Care in north and east Wirral, particularly in the wards of Upton, Bidston, Egerton, and New Brighton (Ideally, in addition to CLSP requirements, any service should be able to provide full access; have good links to the wider network to support effective referrals and informal facilitative advocacy)
- Debt in the New Ferry area of the Bromborough ward in Wirral (Ideally, in addition to CLSP requirements, any service should be able to provide some access out of hours and to vulnerable groups)

Other priorities have been identified from the secondary CLSP gaps, which are for consideration only: when the 'top' and 'next' bands of priorities have been largely met; if and when resources allow, and provided there is sufficient evidence of demand at the time. These include

- Liverpool – Walton Prison. Potential for specialist provision in Housing / Debt if / when at appropriate stage of development.
- Education in Knowsley and Sefton
- Health and Community Care in Knowsley and Sefton
- Debt in Liverpool
- Employment in Wirral



Methods of Delivery Pilots

There are currently three main alternative methods of delivery being piloted:

- Specialist Support (previously known as 'second tier')
- Telephone advice
- Housing Possession Court Duty Scheme

At the moment, all three pilots are managed from the centre. From April 2004, the management of the majority of the methods of delivery contracts will be devolved to the regional offices. The exceptions to this will be the national contracts for specialist support and telephone advice, the latter provided by Capita.

Contracts for alternative methods of delivery will complement existing supply. Where unmet need that is difficult to meet through traditional means has been identified through regional strategies, it will be an option for regional directors to use alternative methods of delivery. Alternative methods of delivery will also provide some scope for cross-regional initiatives.

Specialist Support

Specialist Support aims to improve the advice-giving skills of LSC contract holders through access to a range of support services, including telephone advice, casework mentoring, casework referrals and training courses. The main outcomes sought are:

- improved legal service delivery, and
- improvements in how clients' cases are resolved,
- creation or maintenance of specialist supply where this would otherwise be difficult to achieve.

There are now 25 specialist support services across England and Wales, comprising 11 regional contracts and 14 national contracts. The first seven contracts were let in 2000 and the remainder were let this year.

In addition, a pilot providing support for General Help organisations is currently being developed in Yorkshire & Humberside and in Wales. The aim is that these 'General Support' services will start work from January 2003.

Telephone advice

The telephone advice pilot provides telephone advice and follow-up casework in areas where there is a limited supply of providers. There pilot aims to improve the availability of legal advice in areas of low supply, particularly for those who find it difficult to travel to legal advisers, such as those with disabilities or with caring responsibilities.



There are now 17 telephone advice contracts. Twelve contracts have been let during 2002/3, and all are now in operation. The contracts are all let to cover specific areas based on the assessment of local needs.

The development of the pilot will be carried out in close conjunction with the regional offices of the areas that the telephone contracts serve to ensure that they are responding to local need. As needs change it may be necessary to expand or revise the geographical coverage of certain contracts

Housing Possession Court Duty Scheme Pilot

The Housing Possession Pilot provides funding for duty schemes to give at-court advice and representation to those at risk of losing their homes. The aim of the pilot is to investigate the most effective way of implementing the funding of duty schemes in terms of quality, costs and outcomes.

There are currently 13 pilot schemes across England and Wales. Work started under the pilot in January this year, with all schemes operating from March 2002. All contracts are for one year in the first instance. In most cases, contracts are likely to be continued to April 2004. It will then be for the regional offices to decide on the role which duty schemes should play in the future depending on regional priorities.

Evaluation

All three methods of delivery pilots are being evaluated in the period up to October 2003. This will involve input from regional offices as to the role which the piloted services should play in the future pattern of regional service delivery. The aim will be to produce guidance on how such services can be deployed most effectively and the lessons learnt during the pilot period. This will include a framework for auditing, pricing and managing the contracts. In the run up to April 2004 each region will determine which services should continue in the light of the regional reports and strategies, so that they can be handed over together with an appropriate budget for regional management.



Publications and Contact Information

Publications

Legal Services Commission Regional Prioritisation and Contract Awards 2003: An Introduction
Available on website or from Planning & Partnership Development Team at Head Office

A Practical Guide to CLS Funding by the LSC
Available on website or by ordering (free) on 0845 3000343

Regional Reports and Contracting Strategies
Available on website or from Regional Planning & Partnership and Contracting teams, respectively, in regional offices

Quality and Cost: Final Report on the Contracting of Civil, Non-Family Advice and Assistance (Moorhead et al, The Stationery Office, 2001)

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