



## Cardiff, Vale of Glamorgan and Bridgend Community Legal Advice Network

### Draft Service Specification

#### 1. Introduction

This draft service specification has been produced as part of the process of exploring whether a Community Legal Advice Network will be jointly commissioned in the region that comprises Cardiff, Vale of Glamorgan and Bridgend. It is intended to reflect the full range of legal and advice services that the region requires based upon the need assessment exercise that has been undertaken. Each of the funding organisations wish the process to be fully informed in order for the specification to identify the key priorities for the limited funding that is potentially available for the region. It should be noted that the production of this specification does not reflect that there is agreement to the joint commissioning proposals, but is a part of the exploration process.

Cardiff Council, Vale of Glamorgan Council, Bridgend County Borough Council and the Legal Services Commission intend to tender for a new Community Legal Advice Network. The aim of the Network is to ensure that clients are able to get help with their civil legal problems. Services delivered by the Network should be easily accessible and identifiable. Pivotal to the success of the Network concept is the intention to design services around people's needs.

We would welcome your comments and views on the draft service specification. This document sets out proposals for a Community Legal Advice Network to serve Cardiff, the Vale of Glamorgan and Bridgend County Borough. It highlights the services we envisage it will deliver and the performance standards and targets we propose to adopt for these services. It includes suggested questions to which we would like you to respond, however please do not feel restricted to only answering those questions. Any responses to this consultation along with any comments on the Needs Analysis document should be sent by email to Eleanor Wrighton (eleanor.wrighton@bridgend.gov.uk) by 5pm on Friday 26 September 2008.

Please note that the engagement process will include an open meeting on Friday 5<sup>th</sup> September 2008. Details of this meeting will be sent out in due course. The event will focus on the draft specification and therefore feedback is welcomed in advance to feed into this event. In order to influence the focus of this event please provide any initial responses by 15<sup>th</sup> August 2008.

The Needs Analysis document will be available together with a copy of this specification on the Legal Services Commission website by the end of July:  
[http://www.legalservices.gov.uk/aboutus/our\\_regional\\_network/wales.asp](http://www.legalservices.gov.uk/aboutus/our_regional_network/wales.asp)

If the plans for joint commissioning a Community Legal Advice Network proceed, we expect to launch the tender process for the new service in November with a view to awarding a contract to provide the service from 1 October 2009.

## **2. Background**

The Network will have the following key aims and objectives:

- To enable individuals to protect their fundamental rights and resolve legal disputes;
- To deliver generalist advice and specialist legal advice services to local communities across the region according to a clear understanding of local needs and ensuring that services continue to meet the needs and priorities identified at all times;
- To provide quality assured integrated legal advice services ranging from basic information to representation in court, which offer value for money and are supported by co-ordinated funding; and
- To be independent of funders and government.

With regard to the overarching Community Strategies in the region the Network will:

- Have a responsibility to promote and encourage tolerance, fairness and equality and to influence service providers and employers in the region. All partners will work together to promote tolerance, compassion and respect;
- Will act to ensure that it meets the varied individual needs, expectations and aspirations of local people and that everyone has equal access to opportunities, information and services regardless of their race, ethnic origin, language, gender, disability, age, sexuality, marital status, nationality, religious or non-religious belief, family background or any individual characteristic which may limit a person's opportunities in life;
- Will work together to promote equal opportunities and to combat all forms of discrimination;
- Will tackle disadvantage and promote social inclusion.

The Network will provide an accessible generalist advice and specialist legal advice and representation service for clients in the Cardiff, Bridgend and Vale of Glamorgan procurement area.

The core categories of law that will be provided by the network will be: community care, debt, employment, housing, welfare benefits and related public law.

It is expected that the Network will be available to all citizens within the region. However services will provide a particular focus on the client groups identified below, as they will potentially have an increased need for legal and advice services. The Network will bring services to clients including those who do not currently access legal advice services.

- the unemployed and people on low incomes;
- people with long-term illness, mental health issues or disability;
- young people (including those leaving care);
- older people (over 65 years);
- lone parents;
- asylum seekers, refugees and new arrivals to the region;
- BME and faith communities; with particular reference to the Communities First Community of Interest in Cardiff, concentrating on the areas of Butetown and Riverside but not exclusively so.

- people with problems relating to accommodation (including people who are homeless or at risk of becoming homeless, and those in temporary accommodation);
- victims of abuse and harassment, including domestic violence;
- geographically isolated people; with particular reference to rural areas within the Vale of Glamorgan and the Bridgend Valleys.
- ex-offenders and their families.

**Question 1: Are there other priority client groups that the Needs Analysis did not identify? If so, what are these?**

**Question 2: Within these priority groups are there some client groups that warrant particular priority? If so, which groups are these?**

The Network must provide advice through fully accessible, conveniently located advice outlets in the centres of Cardiff, Bridgend and Barry, where clients can access all of the types of advice in all of the categories provided by the Network.

The Network must also offer outreach services to provide generalist advice, information and referral to specialist advice and other relevant services outside of the main outlets. Services should be delivered flexibly, in places, at times and in ways that promote access for clients and ensure that the vulnerable priority client groups listed above are reached. As a minimum requirement, generalist advice outreach services must be provided in the most deprived wards and Lower Super Output Areas identified within the needs analysis (currently those areas included in the Communities First programme).

**Question 3: This is an outline of how we think that services should be made accessible throughout the region. Have we identified the right target areas for all services? If not, what other areas or other delivery models should be identified or prioritised?**

The Network will help as many people as possible within the constraints of the resources made available and subject to professional obligations and quality standards. The Network will not charge clients for the provision of services but some clients may be required to make payments for specialist legal advice and representation to the Legal Services Commission in line with the legal aid rules concerning costs, damages and contributions.

It is anticipated that the Network would comprise of a lead provider organisation and that there would be sub-contracting arrangements in place to deliver the full package of services as outlined in this specification. The Network's lead provider will receive during the first year of the contract payment in advance (rather than payment by the hour or per case), but during the life of the contract there will be a gradual move towards a position of reconciling payments against claims. Each provider within the Network will be required to meet a set of performance standards, and comply with the terms of the Network contract.

The Network will largely replace our existing arrangements for social welfare law legal advice with local suppliers in the area.

The Legal Services Commission will be contributing £1,145,188 per year including VAT and disbursements, and intends the money to be spent as follows:

Debt	£332,516
Welfare Benefits	£454,620
Housing	£250,698
Community Care	£27,970
Employment	£50,713
Tolerance	£9,988
Housing Possession Court Duty Solicitor Scheme	£18,683

This reflects existing levels of funding and excludes certificated work that will be paid for in addition for work undertaken. It also excludes a one off grant of £60,000 that will be paid towards start up costs that will be conditional upon a satisfactory and beneficial business case for the use of the grant, and a £32,164 grant to fund a trainee solicitor training contract. Indicative figures of the number of acts of advice and assistance that would be expected are included in the performance standards.

**Question 4: This is the anticipated distribution of legal aid funding. Do you think this is correct or if not, how do you think the money should be spent?**

Each Council will also contribute funding, to provide generalist services and specialist services outside the scope of legal aid. It is currently anticipated that the local authorities will contribute the following amounts per year. The position with VAT is currently being established.

Cardiff	£344,130
Vale of Glamorgan	£140,000
Bridgend	£159,000 (including £35k ring-fenced for housing advice)

The Welsh Assembly Government will also contribute funding, to provide specialist housing advice services for cases outside the scope of legal aid. It is currently anticipated that the Welsh Assembly Government will contribute the following amounts per year.

Vale of Glamorgan	£28,507
Bridgend	£19,170

**Question 5: In the context of your response to question 4, how best do you feel that this generalist and specialist advice funding should be utilised in order to provide seamless and integrated services to clients?**

Therefore the Network's total annual income, excluding certificated and grant income, is currently estimated at £1,835,995 or £5,507,985 for the life of the three year contract (subject to satisfactory contract performance).

### 3. What services must the Network provide?

The Network must:

Item	Details	Categories of law
1. Provide a generalist advice service throughout the procurement area	<p>Including:</p> <ul style="list-style-type: none"> <li>• diagnosis of the individual's problem(s);</li> <li>• provision of information;</li> <li>• provision of options available to the client;</li> <li>• identification of further action the client can take;</li> <li>• provision of brief (e.g. on average 30 minutes) initial assistance (e.g. filling in forms, helping the client draft letters, contacting third parties to seek information on the client's behalf and supporting clients to reach early agreement on a dispute through negotiation etc.);</li> <li>• liaising with third parties to identify non-contentious ways of resolving the dispute (including via interagency working);</li> <li>• establishment of eligibility for legal aid where further (specialist) advice is needed; and</li> <li>• arrangement of referrals where the Network is unable to deliver the necessary advice.</li> </ul>	Essential categories of law: Community Care Debt, Employment, Family, Housing, Welfare Benefits, plus any Public Law, which relates to the above categories.
2. Provide a specialist legal advice service	<p>Specialist service to cover all of the five social welfare law categories throughout the region. The service will need to be responsive to clients accessing the service throughout the region whilst providing value for money in its delivery.</p> <p>This will include taking action on behalf of clients in order to move the case on, with the adviser taking responsibility for further action. This may include negotiation and representing the client to third parties on the telephone, by letter, or face-to-face. This could include the use of experts and interpreters, where appropriate.</p>	Community Care, Debt, Employment, Housing, Welfare Benefits, plus Public Law, relating to the above.
3. Provide legal representation in proceedings (as defined by the LSC as Licensed Work)	This includes providing litigation and advocacy services for those individuals who meet the legal aid eligibility test, merits test and whose problem falls within the scope of legal aid.	Community Care, Debt, Employment, Housing, Welfare Benefits, plus any Public Law, which relates to the above categories.

<p>4. Provide a Housing Possession Court Duty Scheme</p>	<p>To provide at Bridgend and Cardiff County Courts an advice and advocacy service to any person (regardless of means) whose home is at immediate risk because of possession proceedings. This includes work relating to rent and mortgage possession proceedings and warrants of possession.</p> <p>This would include providing initial advice, negotiating with landlords and lenders and representation at court.</p> <p>Scheme to be run on the days and times where block listing of housing cases takes place in each court.</p>	<p>Housing</p>
<p>5. Have procedures to deal with emergency cases</p>	<p>Have facilities to deal with all emergency cases urgently, including, amongst others, imminent possession proceeding cases.</p>	<p>All categories where emergencies arise</p>
<p>6. Use alternative means of dispute resolution (where appropriate and available)</p>	<p>Including:</p> <p>Mediation – where a neutral third person, the mediator, works with the parties to help them arrive at a voluntary and mutually satisfactory resolution of the dispute.</p> <p>Arbitration – referring disputes to a neutral third party, often an expert, who will make a binding decision to resolve the dispute.</p> <p>Early neutral evaluation – that is, referring a dispute or issue to a neutral lawyer or expert to provide an opinion, which is made available to both sides but is not legally binding upon them.</p> <p>Local and national ombudsman and redress schemes.</p>	<p>This will not be expected under the Network arrangements.</p> <p>The expectation is that the Network would make use of existing services and make onward referrals as appropriate.</p>
<p>7. Have an effective and appropriate referral system to make and receive referrals. This will include a database of locally provided external services</p>	<p>Receiving referrals for clients within the region, for example from telephone advice lines (including Community Legal Advice), from criminal legal advice providers, from family legal advice providers, from non-specialist legal advice providers, and from non-legal advice service providers</p> <p>Referring clients, for example to:</p> <ul style="list-style-type: none"> <li>Community Legal Advice if the Network has reached capacity or where this is appropriate and acceptable for the client in the circumstances of the case</li> </ul>	

	<ul style="list-style-type: none"> <li>• alternative face-to-face legal advice providers who hold the CLS Specialist Quality Mark in categories of law not provided by the Network (for example Family, Mental Health, Immigration, Education, Clinical Negligence, Actions against the Police, Consumer and General Contract, Personal Injury and Crime.)</li> <li>• private practice legal advice providers if it is appropriate for the individual to pay for the advice required</li> <li>• non-legal advice service providers, where the problem is or has aspects of a non-legal nature.</li> </ul>	
8. Seek to prevent social exclusion and legal problems arising	Identify and address issues that are repeatedly causing problems for clients. This may include influencing policies and procedures of particular services or undertaking community legal education for specific client groups or geographical locations.	
9. Undertake marketing and promotion of services	Marketing and promotion should be undertaken within the target area, particularly targeted to the priority areas and client groups (as set out earlier in this section).	

**Question 6: Are the right type of services specified? If not, which services should be included or excluded?**

#### **4. Performance standards for the service**

The Centre will work to a range of performance standards that set down the levels of work expected in return for the available funding.

Table of performance standards:

<b>Area</b>	<b>Performance standard</b>
1. Number of clients receiving generalist advice across all three local authority areas in the region	<p>We anticipate that Council funding could be used to provide a generalist advice service to 32007 clients each year, broken down as follows for each authority area:</p> <p>Cardiff: 18112 cases  Vale: 7369 cases  Bridgend: 6526 cases</p> <p>Performance standards have been established using a fee of £19 per generalist case.</p>

<p>2. Number of cases of specialist legal advice to be opened as part of the legal aid scheme in the first year of full operation across all three local authority areas in the region</p>	<p>Funding has been calculated based on the breakdown of cases between categories set out below:</p> <p>1261 Debt  1028 Housing  1803 Welfare Benefits  66 Community Care  50 Tolerance  138 Employment</p> <p>In addition, as part of the Housing Possession Court Duty Scheme:  200 Possession Cases</p>
<p>3. Number of cases of housing advice, outside of the scope of legal aid to be opened in the first year of full operation. (Advice priorities are to focus on the prevention of homelessness.)</p>	<p>Funding of cases (a combination of generalist and specialist cases) to be provided in Bridgend County Borough: 364 cases based upon a fixed fee of £96 per case.</p> <p>Funding provided by Welsh Assembly Government for specialist cases to be delivered in Bridgend County Borough: 92 cases based upon use of the Legal Services Commission fixed fee scheme.</p> <p>Funding provided by Welsh Assembly Government for specialist cases to be delivered in the Vale of Glamorgan: 137 cases based upon use of the Legal Services Commission fixed fee scheme.</p>
<p>4. Percentage of clients covered in 1 – 3 above from priority groups (as set out in Section 2)</p>	<p>Overall 80% of clients for general legal advice in at least one priority group.</p> <p>Overall 85% of clients for specialist legal advice and tribunal representation work in at least one priority group.</p>
<p>5. Successful specialist casework and representation outcomes</p>	<p>40% of specialist and representation cases must provide a substantive benefit to the client.</p>
<p>6. Quality of advice</p>	<p>Where the Commission undertakes a peer review of any member of the Network then a rating of 3 or above must be achieved in each specialist category delivered.</p> <p>We will seek to establish a mechanism for ensuring the quality of generalist advice and would be pleased to receive suggestions or comments.</p>

7. Client satisfaction as captured in annual client feedback exercises	80% of all clients rate the service as good or excellent.
8. Complaint resolution	95% of complaints from clients resolved internally.  100% of complaints responded to within 5 working days.  90% of complaints are fully resolved within 28 working days.
9. Access for general and specialist non-priority/ non-urgent cases	All clients should receive an appointment within 10 working days of requesting an appointment for either general or specialist advice.
10. Access for priority/emergency cases including evictions and other urgent problems	All clients should receive an appointment for priority cases (e.g. where a hearing date is set in less than 14 days from when the client contacts the Network) within 4 working days.  All clients should receive an appointment for an enquiry related to emergency or urgent proceedings within 1 working day. (NB. This does not remove the need to act immediately in very urgent cases.)
11. Opening hours of main Network outlets	It would be expected that one outlet in each local authority area in the region is open from 9 am to 5 pm Monday to Friday, excluding public holidays, and 5pm – 9pm one evening per week. Consideration will be given to services opening on a Saturday morning.
12. Housing Possession Court Duty Scheme hours of operation	95% of HPCDS block listings should be provided for.
13. Referrals of clients who require specialist legal advice and whom the Network is unable to help	95% of these clients should be effectively referred (NB. see below for definition).

***What is meant by effectively referred?***

'Effectively referred' is defined as the provider making a referral to another source of legal advice (including Community Legal Advice) where the Network provider will make an appointment for the client and hand over the clients' details, any instructions taken and any relevant documents to the referral agency. The Network must follow up on the referral to ensure that the client has received the necessary help. The Network will also be expected to make referrals to non-legal or general sources of advice, but will not be given a target to meet for these types of referral.

**Question 7. Are these the correct performance standards for the service? If not, what performance standards should be included or excluded?**

**Question 8. What arrangements would you recommend for involving local communities and service users in the assessment of the tenders?**

Please submit all comments to [Eleanor.wrighton@bridgend.gov.uk](mailto:Eleanor.wrighton@bridgend.gov.uk) by 5pm on Friday 26<sup>th</sup> September.