

WALES COMMITTEE FOR THE CLS

Minutes of the Meeting held on Friday 5th June 2009 Tom Jones Room, Local Government Data Unit, Cardiff

Present:

Tom Jones - Commissioner for Wales, LSC (Chair)
Lynne Schofield – Welsh Assembly Government
Rhys Evans – Consumer Focus Wales
Angela McCarthy – NOMS Cymru
Paul Newell – Head of Civil Policy, Legal Services Commission
Fran Targett – Citizens Advice Cymru
Alan Davies – HMCS
Gareth Moss – SOLACE Wales
Eleanor Williams/Katrina Trewern – Equality & Human Rights Commission
Nigel Balmer – Legal Services Research Centre

Legal Services Commission Wales Staff:

Tiana Williams – Wales Civil Policy Manager
Tracy Scott – Secretariat

Apologies for Absence:

Naomi Alleyne – Welsh Local Government Association
Graham Benfield – Wales Council for Voluntary Action
Lisa Jasper – Tribunal Services
John Harford – Office of the Children’s Commissioner
Alexy Buck – Legal Services Research Centre
Dr Caroline Turner – Welsh Assembly Government
Catrin Williams – CAF/CASS Cymru

1.	<p>Introductions, Apologies and Welcome</p> <p>Tom Jones welcomed everyone to the meeting. Apologies were noted on behalf of the individuals listed above. Tom informed the Committee that Cate Jolly and Nicola Cragg from Corporate Services within the LSC would be joining the meeting for a number of items on the agenda via tele-conference.</p>	
2.	<p>Minutes of the meeting held on 6th March 2009</p> <p>Subject to clarification and amendment within items 5, 6, 7 and 8, the minutes of the previous meeting were agreed as an accurate record and would be published on the LSC website.</p>	
3.	<p>Matters Arising</p> <p>Tom reported that he would arrange a future meeting with the Older People’s Commissioner, Ruth Marks, to see how any future partnership working could be developed.</p>	

	<p>A letter had been sent to the Legal Services Commission from the Advice Services Alliance regarding issues surrounding changes to the general help quality mark. Fran indicated that she had not had any feedback but would investigate and update the Committee in due course.</p> <p>Fran reported that the study undertaken by Bangor University had been completed and would be officially launched by the First Minister, at 10.30am on 16th July in the Galleri, Caernarfon. This would take place immediately prior to the Third Sector Partnership Council meeting. Invitations would shortly be sent out to Committee members.</p>	
<p>4.</p>	<p>Wales Committee 2nd Annual Report</p> <p>It was agreed that the section of the report listing indicative membership should be changed from 'CLS National Forum for Wales' to 'Independent Providers Forum.'</p> <p>It was agreed that Alan Davies would include an additional paragraph in relation to joint working, in view of the successful Community Justice project in Merthyr Tydfil. Alan agreed to forward the amendment to Tiana Williams and the document would be re-circulated to the Committee for sign off. Tom confirmed that once agreed, the Annual Report would be published on the LSC website. It would be sent to AMs, Welsh MPs and key stakeholders, the Minister for Legal Aid and Secretary of State for Wales, as well as being made available at the Eisteddfod.</p> <p>Gareth Moss suggested that the report also be sent to the Leaders of the 22 local authorities in Wales and agreed to send it to the Chief Executives. The Committee members agreed to inform their organisations individually and Tiana would circulate a list of where the report had been sent, in order to avoid duplication.</p>	
<p>5</p>	<p>Update on implementation of Young People focussed Action Plan</p> <p>Updates were gained from those people listed on the agreed Action Plan.</p> <p>Lynne Schofield reported that:</p> <ul style="list-style-type: none"> • The New Ideas Fund was not available this year and was unfortunately the only research budget she would have been able to access. • Local Service Boards were at different stages and focused on their own key priorities. As such, information would not be consistent across all 22 areas. Any gaps identified could be highlighted and brought to their attention as something they may wish to prioritise. • Opportunities were being explored in order to provide direction to Children & Young People Partnerships/Plans. <p>Tiana Williams reported that:</p> <ul style="list-style-type: none"> • Work was currently being undertaken in order to explore how links could be made to initiatives or Directorates within the Welsh Assembly 	

Government. There were no set ideas around what Advice Now could achieve, but it was hoped that ideas could be developed and progressed over the coming months.

Lynne reported that there was a new white paper around consumer credit, part of which concerned awareness-raising. She had informed her colleagues of the need to talk to the LSC about PLE, if they were not already doing so.

Niglel Balmer reported that a new research project commissioned by PLENET was being carried out, from which young people could be identified. It covered people's capacity to deal with problems and knowledge of their rights and advice. Similarly, research had also been carried out for Youth Access, which covered these types of issues. Nigel agreed to circulate the report when published. Research was due to conclude in the Autumn.

Tiana Williams reported that she would contact Naomi Alleyne in order to obtain an update from the WLGA, which she would then forward on to the Committee. There were no updates on LSC specific points as this was dependent on there being development of a CLAN.

Fran Targett reported agreement had been reached to take forward the piece of work on analysis. Although the action plan indicated that identifying existing PLE resources would not begin until September, it made sense to do this at the same time.

Tiana Williams agreed to contact Graham Benfield at the WCVA for an update on the points agreed on the Action Plan.

Angela McCarthy reported that the Financial Capability project had been running well and evaluation had proved positive. Evaluation was currently in draft form and would be circulated to the Committee when complete. Funding had been secured until March 2010. As part of the extension of the project, links were going to be tested at the legal advice surgeries and the financial capability project. A meeting was being held the following week with the advice provider Ty Arian, and Parc Prison to look at the process and ensure the right referrals were in place. Further meetings with Morgans and HMP Cardiff would follow. Angela and Tiana had met with Zoe Lavender who had a role with the Preventative agenda in the Youth Justice Board (YJB) and who was linked into the Reducing Re-Offending Committee for the Youth Offending Team (YOT). The YJB did not have a Finance, Benefit and Debt pathway in line with that of NOMS therefore agreement had been reached to look at the action plan in reducing re-offending between the YJB and NOMS. The system put in place for adult offenders would be looked at and implemented for young offenders of 16yrs-18yrs upwards if suitable.

The letter from WEFO was still awaited and it was known that there was money to look at the employability of offenders. The intention was to have a system in place that would link up not only case management and IT systems of the MOJ, but also third sector providers. As part of that, there was a possibility to identify any finance and legal advice needs, and link those into the case management

system.

Tiana reported it had been agreed to send out a letter from the YJB and LSC highlighting the availability of CLA face-to-face legal aid services. The letter would go out to each of the Youth Offending Team Managers in Wales, for them to cascade. A project was currently being developed for the All Wales Youth Offending Strategy and links to advice would be looked at.

Angela would be pulling together the re-settlement needs for each prison to look at where the financial capability project wasn't in place. She would look at how advice leaflets could be made available. Both Angela and Tiana had met with the Association of Chief Police Officers to see if anything could be done in custody suites to prevent the cycle of re-offending before sentencing.

Alan Davies reported that there was Green Paper on engaging local communities in the criminal justice system. Cardiff had been sited as a pilot area and a meeting was scheduled at the South Wales Criminal Justice Board the following week. There was a strong overlap between what was done in Merthyr Tydfil with the Community Justice project, elements of the Green Paper and what was proposed for Cardiff. Alan agreed to deliver a presentation on Community Justice and what was being proposed for Cardiff at the Committee meeting in September.

Gareth Moss commented that there were a number of links identified in the action plan and as yet this had not yet been done. Local Government had direct links with young people and the issues could be raised on both the agendas of the directors of Education and Children & Young People's Partnerships. Restricted resources could be used more effectively by targeting these actions.

Tom asked the Committee to consider whether the work with young people had been completed and if so, what other client group should be targeted next. A decision would also need to be made with regards to client engagement at December's meeting. The Committee would need to decide what it wanted to achieve and how to take it forward. Groups of young people would need to be included, as well as some who had accountability lines such as Funky Dragon or Young People's Parliamentary Representatives

Alternative client groups were discussed and it was agreed that work on youth needed to be embedded before moving on. There was a need to speak to young people themselves more, and more needed to be done in order to report back to them after they had been consulted with.

Fran reported that Glamorgan University were interested in doing a piece of work on young people and advice with the CAB. Tiana and Fran agreed to discuss further whether this could be linked in.

Nigel Balmer suggested that young people who had actually experienced problems could be consulted with, as opposed to those who were simply willing to turn up on the day, as this could give a different perspective

	<p>Eleanor Williams reported that she was the Chair of Barnardo's Cymru and could put this to the Director.</p> <p>It was agreed the Committee would deepen its engagement with young people and complete that piece of work before considering other client groups.</p>	
<p>6</p>	<p>Update on Recession Measures</p> <p>Gareth Moss reported that the need to recover public finances was likely to fall heavily onto local government from 2011/2012 onwards. There could be a 20% reduction in budget, which could also mean a reduction in budget for advice providers. Response to the recession by others had led to a knock on to Councils, and there had been a demand for many services. Solace had commissioned a piece of work to attempt to anticipate how big a problem this was. Levels of funding available were being assessed along with the pressures being faced. The report would be completed in September and shared with Committee members in due course.</p> <p>Gareth reported that the DWP had recently launched their Future Jobs Fund, which targeted resources and made funding available to employ young people who had been on job seekers allowance for almost 12 months. This helped them to become engaged and avoid becoming dysfunctional in society. It was not however completely funded.</p> <p>Rhys Evans reported that the Consumer Focus policy team were looking at the effectiveness of Jobcentre Plus. It was thought that it was not coping and was not being effective in the way it referred people on to other services. Talks were taking place with the Older People's Commission about the financial impact on older people and how they access reliable financial advice. It was noted that trends in indebtedness were also being monitored, in addition to work being undertaken regarding consumer pre-payments and how they could be protected. Research had been undertaken with the Bevan Foundation on poverty premium, looking at what the effects were on families who were living in poverty, how that impacted on their lives and their ability to access services. There was now an advice centre where casework was being carried out for those with energy or postal issues. There had been a huge shift in emphasis, where issues had previously been around incorrect billing. People were now more concerned about debt. How those debts were being managed by the energy companies was a huge cause for concern.</p> <p>Fran Targett produced a report to the Committee containing the CAB's latest recession based data. The CAB was looking to do things more effectively and efficiently, particularly in the way people were able to access them eg. by telephone. There was a large increase in recession related problems. Although debt had increased year on year, there was an increase in serious debt problems such as mortgage arrears and secured loans. There had been an increase of 17% in respect of council tax arrears, which would have consequences for the councils. The CAB had been working with the WLGA regarding response to the recession. Bureaux were talking to their local authorities about whether to prioritise some debt campaigns as against other</p>	

work during this time. The housing benefit administration system was not working as effectively as it should be in some areas. The money secured from the Treasury in order to deliver additional hours of advice by volunteers was now being delivered.

Alan Davies reported that there was no sign yet of the expected increase in crime work. There was a significant increase in County Court work relating to bankruptcy and small claims work. Resources were being moved around HMCS from crime to even out the workload. Long term funding provision was a concern. Although budgets had been reduced and determined this had allowed for some planning. The amount of courtrooms needed per day was being reviewed to ascertain whether any savings could be made. Any changes made would impact on other criminal justice agencies also, so would have to be thought through carefully.

Eleanor Williams reported that there was a lot of work going on in the Commission generally in terms of the recession. A guide had recently been produced for small employers on how to preserve equalities in a toughening economic climate. The first draft of the Equality Bill was published recently. The socio economic duty within the Bill would force a small number of listed public sector authorities to take into account the socio economic make up of their locality, when making strategic decisions. It was noted that no organisations from Wales were currently listed.

Angela McCarthy reported that there were significant budget cuts and NOMs were looking to work more efficiently. There had been the merger with the prisons and probation services in April and effectively had been a rationalisation of the governance arrangements. It was hoped to avoid the duplication of effort and ensure a streamlined approach, including working a lot smarter with the local authorities and Local Service Boards. The importance of making referrals to the appropriate services was recognised, as opposed to duplicating them for offenders.

Lynne Schofield reported that there were a small amount of cuts to deal with in the current year but it was accepted that this would get worse. An Economic Summit had taken place the previous day, and WAG had presented a paper that looked at the social impact of the recession. Lynne agreed to circulate the paper to the Committee.

Paul Newell reported that the response to the 2010 contracts was in the process of being finalised. It was due to go to the ministers, with the aim to publish by the end of June, and to run the tender in September. Provider events would be held in the run up to the tender process.

Gareth Moss commented that any financial difficulties could be compounded by Assembly policy direction. A decision made to protect certain sectors such as health for example, would mean that the consequential impact on other sectors would be even greater.

Fran Target commented that if health were protected at the cost of advice, there would be a potential increase in spend on health. The link between health and

	<p>wellbeing and advice had been very clearly proven and it was important to have an influence on any future policy decisions to ensure that those links were made.</p> <p>Nigel Balmer reported that there was a recession research programme. Part of this looked at the effect on health and what types of problems increased.</p>	
<p>7</p>	<p>Review of Terms of Reference</p> <p>A discussion paper had been circulated previously and Members had been asked to consider the potential role of the Committee in the future. A recent enquiry by the Welsh Affairs Select Committee had recommended that the MOJ specifically look at governance issues regarding how the LSC commissioned and delivered legal aid in Wales.</p> <p>It was noted that there were two aspects to this. The first being to look at the role of the Commissioner, and the second was how the Committee could be changed. It was noted that currently, all LSC Commissioners had equal responsibility for all LSC regions. None of the fellow Commissioners had visited Wales for some time and it there was concern as to whether the devolution settlement was understood and what the specific needs of Wales were.</p> <p>The Committee was asked to consider whether Tom should have direct responsibility to Wales and to consider what the appropriate governance framework should be to strengthen and broaden the remit, and powers of the existing CLS Committee. It was asked to consider if it should oversee the whole of the work of the LSC in Wales, whether it should cover criminal legal aid, and whether it should have responsibility for overseeing LSC policy for services provision in Wales. If this were to take place then the membership would need to be reviewed.</p> <p>It was noted that if the current Terms of Reference were to remain, consideration should be made to widening membership. In particular, whether formal links should be established across other relevant Assembly Government Directorates. In addition, consideration needed to be given to representation being sought from the Wales Office. It was noted that any changes would have resource implications. Tom asked members for their view in respect of the Committee becoming a Statutory Committee and therefore a Statutory sub-committee of the LSC. In this situation, membership would be made by public appointment Members would provide expert knowledge of both civil and criminal legal aid. This would potentially include current Members in a different role either as co-opted or official Members and a Commissioner for Wales would chair such a Committee. It would formally consult with the LSC on policies in Wales, with overall direction from the Legal Aid Minister. Meetings would be in public except where there were sensitive issues.</p> <p>Lynne Schofield reported that she had consulted Brian Gibbons, Social Justice and Local Government Minister and he had expressed clear views in line with the formation of a Statutory Committee. He had felt that the Committee needed to have a much stronger role in terms of input in relation to LSC decision make</p>	

and to ensure that Wales' issues and policies were taken into account. The Select Committee had recognised the weakness in the relationship between England and Wales, and that this was an option for improving and building upon that. He was also in agreement that there should be a Welsh Commissioner, and was of the opinion that the Wales policy team should revert back to at least two members of staff, if not strengthened further, as the devolution process continued.

Fran Targett commented that this had been discussed at the Independent Providers Forum. The view was that a strengthened Committee with a role to advise more on policy, and a Commissioner for Wales would be supported and it was felt that public appointment would give the Committee legitimacy. Broadening the remit was very strongly supported. There were some caveats around the issue of covering criminal legal aid. Although it was something people felt they would support, there were differences, as much of the legislation around crime was non-devolved. Crime was a large proportion of legal spend and focus could be lost on civil work. Importance on civil work needed to be maintained, even if it was a smaller spend. The list of Assembly Government Directorates was welcomed. Fran commented that partnership work would be able to continue around the table in addition to the formal Committee work.

Gareth Moss commented that a more formal structure could drain resources at a time when more focus should be placed on service delivery. He did recognise that in other areas in other sectors, the sort of model suggested was working well. He was concerned that any change around governance in Wales could increase the feeling of isolation. The 'Wales way' was very internally focused and there was a need to change that focus and look wider. If Wales was not vocal enough and not represented well enough collectively elsewhere, there might be another solution.

Alan Davies commented that public appointment would alter the dynamics quite considerably and there would be cost implications. If including the current Committee Members as additional appointees for the debate about how to work collectively, consideration would need to be given as to how this was managed. Timescales would also need to be considered along with legislation. Once in place, it would be difficult to go back, so the Committee would have to be sure that this was the solution.

Tom suggested that if there was no transparent accountable way of identifying and measuring need in Wales, it was unlikely that there would be any extra funding. Bodies that did not have this tier of Welsh accountability ended up centralising its functions.

Paul Newell commented that the CLS Strategy for England and Wales had almost expired. Thoughts would have to be turned to this, and at the same time, the right approach for Wales would have to be considered also. The outcome of the feasibility study being carried out by the Welsh Assembly could also bring things to a head as the whole strategy for Wales was built around the joint commissioning of advice services.

Alan Davies reported that he was very disappointed with the decision to move

	<p>the number of LSC staff from Wales as part of the national reorganisation. It inevitably had an impact on support for Welsh language services and was a powerful argument in trying to strengthen the presence of the LSC in Wales. He voiced his concern at this affecting the ability to provide a bilingual service as a result of not having a strong enough voice in defending the services currently provided.</p> <p>Tom Jones reported that if the Minister, after having given the matter consideration, decided to do nothing and the Committee decided against a formal structure, a decision could not be made again for another 5 – 10 years. The Committee now had a lot less resource and there were other resources that might not be available in the future.</p> <p>Rhys Evans reported that Consumer Focus Board was a public appointment, which was necessitated by the way the organisation had been set up. The structure was a devolved one, with a devolved policy making process.</p> <p>Paul Newell confirmed that the mandate for the Committee was the CLS Strategy for Wales and it would be known by the Autumn whether there would be a strategy for Wales. If the situation was that there would not be a separate Strategy it was noted that there might be a need to review the Committee in any event and this might be the best time to review what type of structure to put in place. The Committee was in agreement.</p> <p>Tom proposed that the Wales Office should be invited on to the Committee and this would form part of ongoing discussion when developing future engagement protocols.</p>	
8	<p>CLS Independent Advice Services Forum National Update</p> <p>Fran Targett reported that discussions had taken place with David Gilmore, the consultant working on the WAG feasibility study. Issues around the 2010 contracts and timescales were raised and there were concerns whether the end of June for publication was a realistic date. Without clarity of the selection criteria, organisations would not be able to put bids together.</p> <p>Paul Newell confirmed that a copy of the response was being sent to the MOJ today and a final version was expected to go to Ministers the following week. The day of publication was anticipated to be on the 24th June.</p>	
9	<p>Any Other Business</p> <p>There was no other business.</p>	
	<p>Close of Meeting</p> <p>Tom thanked everyone for attending and contributing to the meeting. It was noted that the next meeting would take place on Friday 11th September in Cardiff.</p>	