

## WALES COMMITTEE FOR THE CLS

Minutes of the Meeting held on Friday 6<sup>th</sup> March 2009  
SWALEC Stadium, Sophia Gardens, Cardiff

### Present:

Tom Jones - Commissioner for Wales, LSC (Chair)  
Caroline Turner – Welsh Assembly Government  
Rhys Evans – Consumer Focus Wales  
Angela McCarthy – NOMS Cymru  
Naomi Alleyne – Welsh Local Government Association  
Sir Bill Callaghan – Chair of the Legal Services Commission  
Paul Newell – Head of Civil Policy, Legal Services Commission  
Derek Hill – Director of Policy, Legal Services Commission  
Graham Benfield – Wales Council for Voluntary Action  
Fran Targett – Citizens Advice Cymru  
Alan Davies – HMCS

### Legal Services Commission Wales Staff:

Tracy Scott – Secretariat

### Apologies for Absence:

Eleanor Williams/Katrina Trewern – Equality & Human Rights Commission  
Lisa Jasper – Tribunal Services  
Yvonne Thomas – NOMS Cymru  
Lynne Schofield – Welsh Assembly Government  
Gareth Moss – SOLACE Wales  
Alexy Buck – Legal Services Research Centre  
Tiana Williams - Wales Policy Manager

1.	<p><b>Introductions, Apologies and Welcome</b></p> <p>Tom welcomed everyone to the meeting. Apologies were noted on behalf of the above individuals. It was noted that the meeting marked the two year anniversary of the Committee.</p>	
2.	<p><b>Sir Bill Callaghan's Opening Remarks</b></p> <p>Sir Bill confirmed that he had joined the Legal Services Commission in September 2008 and was in the process of visiting all the regional offices in England and the office in Wales. The purpose was to find out about the work of the Committee and talk to Commission staff in Wales. Sir Bill had previously visited Wales whilst working for the TUC and Health &amp; Safety Commission. It was noted that there was a common theme across each of these bodies of protecting and helping the most vulnerable. He confirmed that there was a need to have a sound provider base, which was one challenge of his job. It was acknowledged that there was the opportunity on the 60<sup>th</sup> anniversary of legal aid, to celebrate what had been done and to look forward to what could be achieved</p>	

	<p>in the future. There was the challenge of having a good relationship with the provider base particularly as legitimate differences of view existed. Expenditure on family advice had risen enormously and there was a need to consider the fees against other areas of LSC expenditure. It was noted that if the budget was not kept under control, then legal help would suffer as a consequence. There was a fixed budget and there were no signs that this would increase in the future, and therefore the challenge was how to relate with the provider base whilst managing a fixed budget.</p> <p>Sir Bill indicated that he was grateful for the support in Wales to the concept of CLANs, as engaging with local authorities in respect of joint commissioning was a positive way forward and provided opportunities for public services to help develop services to reach those who most needed them.</p>	
<p><b>3.</b></p>	<p><b>Minutes of the meeting held on 12<sup>th</sup> September 2008</b></p> <p>The minutes were agreed as an accurate record of the meeting. It was noted that they would be made available bilingually and would be available on the Legal Services Commission website.</p>	
<p><b>4.</b></p>	<p><b>Matters Arising</b></p> <p><u>Citizen Voice in Commissioning</u></p> <p>Graham reported that there was now a proposed way forward for building citizen voice into joint commissioning.</p>	
<p><b>5</b></p>	<p><b>Impact of Welsh Legislative Powers</b></p> <p>Professor Thomas Watkin provided an overview of the current Wales settlement and it's operation. He described legislative developments that had occurred and how they are likely to impact upon the law, the legal system and social justice within Wales. Full notes of the presentation can be found as an attachment.</p> <p>Following the presentation the Committee discussed the need for various legal bodies within Wales to talk to one another through bodies such as Legal Wales, to ensure there was a joined up approach. It was noted that advice providers were increasingly seeing differences for their clients and it was considered essential that the information being used and applied was accurate for Wales. It was important to ensure that commissioning advice services did not play 'catch-up'. Paul Newell reported that specialist support contracts awarded by the Legal Services Commission had been Wales specific in order to ensure that the differences were reflected. Contracts would be reviewed as the changes to mental health came into effect.</p> <p>Derek Hill commented that devolution of courts and their powers would have enormous consequences for the Court Service, changing the legal aid system radically. It was noted that although contracts could not be amended, there was a clause, which would enable changes to be reflected. If there were changes to the law in Wales or a new Act of Parliament that required the Commission to</p>	

	change its services, it could be amended during the period of the contract.	
6	<p><b>Legal Services Commission Update</b></p> <p>Paul Newell proposed that the recession be discussed instead of the tabled generic update item. It was noted that the report on the young people meeting in December included proposed action points against a number of member organisations. Tiana Williams would speak to people individually outside of the meeting to agree what could be taken forward and to avoid waiting until the next meeting.</p> <p>It was agreed that it would be useful for the Committee to discuss the effect of the recession and what measures each of the committee member organisations was involved in to address aspects of its impact. It was agreed by all that that more effective initiatives could be achieved when working together.</p> <p>The Legal Services Commission was looking at a number of measures and had already given out additional new matter starts to enable more clients to be seen and have also increased the number of housing court duty schemes. The Commission was also looking at other measures that could be introduced around eligibility for legal aid services. There had been extra funding from Big Lottery Fund to go into places of employment where there was risk of redundancy to give employment advice, but this did not appear to be systematic in Wales.</p> <p>Caroline Turner reported that the First Minister and Deputy First Minister in response to the recession had set up summits. There had been 4 meetings to date with another scheduled within the following month. The Welsh Assembly Government had started focussing on businesses and a number of stakeholders had attended. Substantial new schemes to help people who were either being made redundant or facing redundancy called ProAct and ReAct were the big projects that had recently been launched. There had been a large element on training and wage subsidies to seek to keep people in work. The Assembly Government were now looking at the social impact of the recession and had included links on the website, for the benefit of the public as well as the business community. It was noted that the consultation on the Financial Inclusion Strategy was timely. The Financial Inclusion Steering Group was due to meet within the next 3 weeks.</p> <p>There was a Third Sector Partnership Council due to meet the following week and Graham Benfield had prepared a paper that they would be considering. The Wales Co-op Centre had produced a paper that was discussed at the last economic summit. The Office of the Third Sector had recently published their response to the recession following consultation. Advice had been put to the minister to expand the DRAMA scheme, linking debt advice to housing.</p> <p>Graham Benfield reported that certain parts of the third sector were going to experience the greatest increase in demand, eg. social housing and domestic abuse services. As the European programmes begun to kick in, and although they were primarily focused on economic inactivity, there was potential that it would be possible to do more. There had been a lot of increased public expenditure. Analysis had been undertaken on the various income streams as it was predicted they would impact on the sector. From a charitable foundation</p>	

point of view, there were implications for their future-spend as the capital and dividend base eroded. The whole income base had been looked at, to try and predict what positive things could be done to mitigate some of the decline. It was recognised that this was a very early stage and the real impact on individuals and the capacity of organisations to respond could not be seen. There was a feeling from groups that a major re-organisation of services was detrimental at this particular moment. Any re-organisation or uncertainty diverted resources, thinking and effort. The paper had suggested the commissioning process needed to be deferred.

Derek Hill reported that ongoing opportunities would be sought to develop schemes. One worrying aspect for the LSC was that people facing redundancy could not be helped until they were financially eligible and had in effect spent their redundancy money. This was counter-productive with the end process being more expensive than if advice was given at an early stage. Although eligibility could not be removed, it could be that specific things were looked at which would enable help to be offered in a more targeted way for a limited period. Feedback was needed on problems as they developed. It was noted that a lot of people with unsecured debts were having charges put on their houses but resulting repossessions were not included in the housing repossession list.

Alan Davies reported that from the HMCS point of view, they had criminal, civil and family jurisdiction to consider and all experience suggested that work would increase in all those areas. Civil business was expected to increase and there had already been a massive increase in terms of repossessions and small claims, where small businesses were trying to recover costs that they may otherwise have let go, in order to keep cash flow going. The same could be said if a company they were dealing with might look as though they were on the verge of receivership.

Naomi Alleyne reported that the WLGA had just undertaken a survey across the 22 local authorities around the impact of the recession. They were estimating that there would be 700 job losses across local government this year, increasing to possibly 2000 by the following year. All authorities were already reporting major impacts on their budgets. Income was being lost from charges for some services such as a reduction in planning applications, the bank interest rates had gone down, homes not being bought under the right to buy, to name but a few. There were increased additional demands on services, particularly in terms of housing benefit applications and the number of people seeking welfare advice. Local government was working with RSL movement around mortgage rescue schemes and it could be seen very clearly that that there was a need for early advice. The WLGA was trying to work with local businesses. There was an agreement through the economic summit that invoices from small businesses would be paid within a much shorter period of time to improve cash flow. Many local authorities had reported an increase in demand for services such as CABx in their area, particularly in relation to debt and housing advice. Six local authorities had provided emergency grants to local voluntary organisations in trouble as a result of the economic slowdown. There had been reduced income, increased in demand for services and staff reduction.

Fran Targett reported that they had been doing some comparisons across CABx in Wales between the first 2 quarters of last year and the first 2 quarters of this year. Mortgages and secured loan arrears were up 54%, enquiries about redundancy up 47%, enquiries about bankruptcy were up by 32%, council tax arrears, job seekers allowance were up nearly a quarter. Shifts in the sort of advice people were seeking could already be seen. The Treasury had made additional money available to the CAB for volunteers to deliver debt advice. Wales had secured additional funding of £631,977, which was a one off payment, for 14 months work. That equated to just under 35 additional clients. Some work had been done with WLGA and a leaflet had been produced. It was being sent to all local authorities to show examples of good practice where there has been work between 2 agencies to meet some of the problems. There was the worry of what would happen when public expenditure was squeezed.

Catrin Williams reported CAF/CASS's main concern was the potential breakdown of families and a significant increase could be seen. CAF/CASS had been able to secure increased funding for the next financial year through Welsh Assembly Government to employ more staff. There had also been staff leaving, so 15 posts were being advertised. This would place a drain on local authority resources, as some of their staff would apply for the posts.

Paul Newell reported that the Treasury had asked what current demand was, as there was no reliable Treasury data in terms of what the impact of the recession would be. To use figures such as those provided by Fran would be very powerful. It was important that communication was kept open between the Committee members and it would be useful to share information. There was a need to be co-ordinated and the Committee would be more effective if it worked together.

It was agreed that the Recession would feature on all future meetings so that information can be shared and potential joint working identified. In addition Committee members would email each other relevant updates in between meetings.

**7 Update from Older People Commissioner**

Sarah Stone, Deputy Older People Commissioner provided an overview of the work of the Older People Commissioner's office.

It was noted that the topic of information and advice was very important to the Older People's Commission. The Commission wanted to see it holistically based on what older people needed and benefits advice was only a part of that.

The role of Commissioner was established through an Act of Parliament in 2006. It came about as a result of a wide-ranging consultation, which involved older people themselves, but there would be a resource implication. The money could be put into more services, but older people and advice services wanted to put money into a strategic role that would make a lasting difference.

The Commissioner Ruth Marks, took up her post in April. It was a very new public body and would take time to develop and be fully functional. The Commission was exploring and developing a proper machinery to use its powers to the best extent and do things that were effective and useful.

The functions of the Commissioner were to promote the interests of older people and tackle age discrimination; the implications of which were considerable when it could be seen how embedded in so many service provisions age discrimination actually was. The Commission could encourage good practice in the treatment of older people in Wales and keep the adequacy of the law affecting older people in Wales under review. There had already been talks with the Law Commission about the outcome of their scoping report on adult social care law. A discussion had begun on how vulnerable adults could be protected in adult protection legislation. The Act itself was routed in the UN Principle for Older Persons. The themes were independence, participation, care, self-fulfilment and dignity, which could be made to drive change.

The Commission could make recommendations to government and government bodies, conduct reviews, make reports and give guidance on best practice and carry out research. It could also assist older people to make complaints and in particular assist individual cases, which had wider implications. The Commission had to report to the First Minister and to both Houses of Parliament, and could also make representations. The powers related to public bodies particularly. There was a need to explore these powers and what they could actually achieve and recognise that the Commission was a pioneering body, which needed to learn as it went along and wanted others to learn also.

The Commission needed to share what it was doing and learning what impact it was having. The outcomes it envisaged achieving related straight back to the functions. They were a greater awareness of older people's interests, reducing age discrimination, better services and better law. The information journey began with the individual who needed information and how different people approached finding information. People need timely information, wherever they had contact and need to be signposted with as few steps as possible. There might be merits in a one-stop shop, but there was a need to be very careful about taking the simplistic solutions for something, which was highly complex issue. For many, benefits information might only be part of what they needed. Older people were not just dependent, but could contribute. The big challenge would be to make that information and advice available in a systematic way.

The Act mentioned advocacy as something that could be looked at with regards to arrangements for older people, but information was very much on the radar. There was a grant from the Assembly, which was £1.5 million for the current year, rising slightly over the following 3 years. The money was to run the commission and carry out functions; the Commission was not a grant making body and this would be an unrealistic expectation. It was not there to be an information and advice service, but to be a Commission and carry out its functions. It could comment on the availability of funding and grants. Its powers were around persuasion to a degree, and it could carry out a review and make recommendations. There was a real opportunity to drive improvements.

	Sarah was thanked for her attendance and presentation.	
8	<p><b>CLS Independent Advice Services Forum National Update</b></p> <p>Fran Targett provided an update from the CLS Independent Advice Services Forum. It was felt that the sharing of information could be improved and also that the Committee could have a more proactive role. It was noted that there was a willingness on both sides to make the process more effective. It was suggested that this be raised at a future meeting. There was also a concern in the not for profit sector around the introduction of a change to the general help quality mark. Providers would now have to pay for it, which was causing some problems. In particular there was an issue around people having to put their names forward by a particular date, but not all providers had been contacted, meaning they were due to pay higher fees. This had an implication for some smaller providers. A letter had been sent from the Advice Services Alliance to the Legal Services Commission.</p> <p>Fran reported that she represented the Information Providers Forum in Wales on the Lord Bach study into legal advice at local level. The study was due to report at the beginning of April but it looked likely that this would be later. It looked at a number of things; the impact of the recession, demand for civil legal advice, impact of civil legal aid fixed fees on local providers, initial experience of community legal advice centres and impact on other providers and trends in funding, other than CLS. A further meeting was due later in the month. The officers working on it were starting to visit a number of areas. It was suggested that Bridgend, Cardiff and the Vale be visited. To look at collaborative working, visiting Gwynedd in north West Wales was suggested to look at more rural and a particularly Welsh speaking area, and potentially Caerphilly. They would want to speak to providers, funders and policy makers. No dates were yet available.</p>	
9	<p><b>Any Other Business</b></p> <p>Fran Targett reported on a study being undertaken by Bangor University looking at discrimination advice and asked if the Committee were aware of it and had had an opportunity to feed into it. Tom Jones confirmed that he had been interviewed a couple of weeks previously following a presentation delivered at the college regarding the training grants scheme. Paul Davies at the Legal Services Commission had also offered to provide information.</p> <p>Tom Jones reminded everyone that this was not an LSC agenda and the opportunity was always there for Committee members to bring up issues and suggest topics for future agendas. This year saw the 60<sup>th</sup> anniversary of legal aid and there would be a celebration at the National Eisteddfod in Bala, in August. He hoped that everyone would be involved. This was an opportunity to raise the profile of people's rights and how legal aid helps vulnerable people.</p>	
	<p><b>Close of Meeting</b></p> <p>Tom thanked everyone for attending and contributing to the meeting. It was</p>	

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	noted that the next meeting would take place on Friday 5 <sup>th</sup> June in Cardiff.	
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