

WALES COMMITTEE FOR THE CLS

Minutes of the Inaugural Meeting held on 2nd March 2007 at the Wales Millennium Centre, Cardiff Bay.

Present: Tom Jones, Commissioner for Wales, LSC (Chair)
Sir Michael Bichard, Chair of Legal Services Commission
Crispin Passmore, Director of the CLS, LSC
Maria Battle, Childrens Commissioner for Wales
Nich Pearson, Welsh Consumer Council
Sian West, National Offender Management Service
Naomi Alleyne, Welsh Local Government Association
Anne Stephenson, Welsh Assembly Government
Dafydd Ifans, CAF/CASS Cymru
Nick Chibnall, HMCS
Paul Davies, Director for Wales, LSC
Paul Newell, Head of Civil (non family) Policy, LSC
Tiana Williams, Wales Policy Developer, LSC

In Attendance: Nigel Balmer, Legal Services Research Centre
Lisa James, Welsh Assembly Government

Apologies for Absence: Ceri Doyle - Big Lottery Fund, Dr Neil Wooding – Commission for Equalities and Human Rights, Pascoe Pleasance – Legal Services Research Centre

1.	<p>Introductions, Apologies and Welcome</p> <p>Tom welcomed everyone to the first meeting of the Wales Committee and outlined his vision for its role in the development of the Community Legal Service for the people in Wales. He noted his thanks to Bob Chapman and Simon Pickthall from the LSC for all their work in getting the Committee to the stage of having its first meeting.</p> <p>The Committee noted that Ceri Doyle would no longer be in a position to accept membership onto the Committee but would very much welcome discussions with it regarding funding and commissioning.</p> <p>It was noted that the structures for nominating a representative from SOLACE had been delayed, and that a representative would be clarified in due course.</p>	
2.	<p>Launch of the Committee</p> <p>Sir Michael welcomed all present to the inaugural meeting of the Wales Committee for the CLS. He thanked everyone for attending and felt that it would be time well spent.</p> <p>Sir Michael declared the Committee launched. He outlined the importance of legal aid as part of the welfare state and its affect on many disadvantaged people in society. It was noted that legal aid was changing fast and that the changes were controversial. He welcomed feedback about how it is working on</p>	

	<p>the ground and affecting people in Wales, in addition to providers delivering the service.</p> <p>It was noted that there was a move towards a market-based system and the Commission would need to work together with key stakeholders as much as possible to make available resources more effective. There was a need to look at root causes of problems and to have an impact on them. More often than not, clients were shared across organisations and no one organisation can singularly solve the problems of clients. There was a need to focus on some specific initiatives that would make services better for clients, through joint commissioning advice services and in planning services for Wales.</p> <p>Sir Michael highlighted that due to the different policy environment in Wales, there was a need to hear the voice of Wales and ensure it was fed back to the Commission.</p>	
<p>3.</p>	<p>Introduction of Members and the work of their organisations</p> <ul style="list-style-type: none"> • Sian West outlined the role of NOMs in Commissioning services for offenders delivered through seven specific pathways. • Dafydd Ifans highlighted that CAF/CASS Cymru was a children focussed organisation and had become part of the Welsh Assembly Government on 1st April 2005. • Paul Davies confirmed that he was the Director for Wales at the Commission. • Crispin Passmore, Director for the CLS (covering civil legal aid) felt that the Committee provided the vehicle for engaging with organisations to help clients in a way that could not be achieved by working alone. He envisaged that the Committee would have considerable influence on the LSC in developing services. • Maria Battle reported that the office of the Children’s Commissioner for Wales tended to pick up children where services were failing, so it had a good idea about where problems needed to be addressed. • Naomi Alleyne informed the Committee that the WLGA was working with local authorities on a collaborative agenda and it was working towards a regional approach. • Anne Stephenson confirmed that she was Head of Communities Directorate at the Welsh Assembly Government and her role was primarily to represent the WAG in non-devolved areas of work. Other policy areas in her portfolio included, Asylum and Refugees, lead on Child Poverty and to champion the role of the voluntary sector in work in Wales. • Nick Chibnall reported that HMCS was responsible for the administration of all courts in Wales. He highlighted that it did not cover tribunals in Wales and that this might be something that the Committee would wish to consider. • Nigel Balmer confirmed that he worked in the Legal Services Research 	

	<p>Centre, which was the independent Research Division of the Legal Services Commission (LSC). It was set up in 1996 to inform legal aid policy and the implementation of reform. It had a broad remit to conduct strategic research in the civil and criminal justice fields.</p> <ul style="list-style-type: none"> • Nich Pearson reported that the Welsh Consumer Council was the research and lobbying body for consumers in Wales. 	
<p>4.</p>	<p>The role of the Wales Committee and its relationship with the England & Wales CLS Stakeholder Group</p> <p>4.1 Crispin outlined why a Committee had been set up for Wales. The Access to Justice Act outlined the responsibility for the Commission to manage and deliver legal aid, to understand need and to facilitate joint planning.</p> <p>4.2 Civil legal aid had historically been driven by lawyers in private practice and was now seen as a public service. Since the inception of the LSC in April 2000, it had started to have the role of commissioning services and for the development of the CLS. Since then many directions had been taken whilst exploring its role. The Commission had often operated in silos, which had caused difficulties for providers in delivering their services.</p> <p>4.3 The CLS Strategy was published in March 2006. It was focussed on the delivery of integrated services, reflecting client needs and patterns. Integration with other advice provision funded by others was key in addition to integration with other public services, making sure that core services are flexible enough for different clients.</p> <p>4.4 The Legal Services Research Centre provided a real evidence base for understanding problems faced by clients. The best public services would be those that were flexible enough to meet all the issues that clients face.</p> <p>4.5 The Commission when facilitating joint planning would bring together funders and key agencies to explore opportunities for joint commissioning and pooling of budgets, in addition to looking at any conflicting objectives that worked against each other. There was a need to make sure that civil legal aid was integrated with other services being provided by each of the Committee members organisations, and beyond into areas such as health and education.</p> <p>4.6 Anne raised a point regarding membership of the Committee and felt it was important at the outset to understand the policy environment in Wales. One principle that the Welsh Assembly Government had had from the outset was the involvement of the voluntary sector as a key stakeholder. It has sought to deepen this involvement through a current consultation of the involvement of the Third Sector. Anne reported that Edwina Hart AM had raised this issue in advance of the meeting, the initial concern was that it was solely a Committee of funders and therefore</p>	

	<p>not appropriate to Wales.</p> <p>4.7 The Committee was informed that the Chair of the Wales Committee would be discussing this with the voluntary sector further. The Commission valued the role of the voluntary sector and would continue to invest in it.</p> <p>4.8 Tom confirmed that the current plans were for the Committee to meet twice a year for commissioning discussions and would meet formally with suppliers and client representatives at least once a year formally. He felt that the balance of the Committee would need to be considered as it currently missed out on health representation.</p> <p>4.9 The point raised by the Welsh Assembly Government in relation to the voluntary sector was endorsed by WLGA and NOMs.</p> <p>4.10 Anne reported that it was considered very positive to parallel the approaches of the Legal Services Commission to that of the Welsh Assembly Government in wanting to respond to needs of citizens and to getting the best value for money, which was an approach mirrored in Wales.</p> <p>4.11 Nich queried whether the same approach was being taken in Scotland. It was confirmed that this was entirely an England & Wales approach. Some links had been formed with Northern Ireland, in addition to dialogue with other legal aid systems across the world.</p> <p>4.12 Tom confirmed that he would like to be able to monitor devolution as a process and by the end of the year to have a clear idea about how to jointly monitor client need, in order to find a way to pull this together for a credible research based approach. He felt there was a need to work out the best way to deliver advice services and to understand what works well for particular client groups to feed into the commissioning of services.</p> <p>4.13 Nick queried whether it was implied that alternative solutions could be developed for Wales for delivering advice services. Tom confirmed that Carter had already said that one size could not fit all. Sir Michael agreed that there was no reason why Wales could not come up with particular arrangements. Access, quality, outcomes and value were the key focus. The Commission would not be rigid about the method of delivery but would be asking questions about value for money.</p> <p>4.14 Naomi highlighted that it was important to have the opportunity to learn from the work going on in England. Crispin thought that it would be useful to invite individuals from the Gateshead Community Legal Advice Centre to a forthcoming meeting.</p>	
5	The implications for legal and advice services of WAG's response to	

	<p>“Making the Connections – Delivering Beyond Boundaries – presentation by Lisa James, MTC Unit, WAG</p> <p>Lisa provided a presentation about the Welsh Assembly Government policy outlined in Making the Connections – Delivering Beyond Boundaries. Copy of slides attached.</p> <p>Tom noted that competition would need to be looked at closely, in particular at what tendering would mean for Wales. Crispin highlighted that this was not a new challenge for the Commission. Tendering had been met with mixed views in England and the Commission had been able to negotiate an agreed way forward with accountability, and in a way that lined up what was required for the client.</p> <p>Lisa confirmed that in the areas of Education and Health, policy was becoming increasingly different from that in England.</p> <p>Lisa was thanked for her informative presentation.</p>	
<p>6</p>	<p>Update on the work of the LSC in Wales</p> <p>6.1 Paul reported that there were 376 contracts in Wales, of which there were 29 not-for-profit contracts. Currently £76m was being spent in Wales across both civil and crime. 51k acts of assistance were taking place each year and the Commission was on track to meet this figure again in Wales for 06/07. It was reported that there was a good spread across the categories, and the highest take up were in Family, Debt and Welfare Benefits. Immigration and domestic violence were a high priority for the LSC in Wales.</p> <p>6.2 12k acts of assistance were provided each year through CLS Direct, which provided specialist telephone advice to people in England and Wales. This figure was rising and the demographics had become interesting, showing that the highest usage was in the cities by the mid-late age group. The target for the next year was to increase this amount by 50%.</p> <p>6.3 The Commission in Wales had worked with Shelter Cymru to fund a project called Information Matters. This involved health workers working with vulnerable clients and signposting them to frontline or telephone advice or to other appropriate support services.</p> <p>6.4 The Commission had gained access to clients in custody through a difficult period of industrial action. This process had been managed effectively to avoid anyone being unrepresented.</p> <p>6.5 Providers were only being paid for work undertaken, and this had helped to assure value for money. In addition there was a move to put into place all suppliers conducting their business with the LSC online which would bring about efficiencies all round.</p>	

- 6.6 The Wales office was responsible for the Welsh Language Scheme and taking it forward across the Commission.
- 6.7 Staff based in the Commission's Chester office, were responsible for looking after suppliers and relationships in the North Wales belt.
- 6.8 Nick queried whether £76M was disproportionate from the £2B budget. Crispin reported that Carter encouraged a rational allocation across the country. The Commission had started to look at this in family and social welfare law through Access Targets that would be published annually and would set a level of funding accordingly. Social welfare law had moved from being under-funded to being on target, and there was a move to do this in other areas through the development of the models. Nick outlined that the upset around Carter was enormous and that there was a small firm pattern in Wales that felt very threatened by it. There were cultural issues in many communities that went beyond economics.

Sir Michael confirmed that how suppliers organise themselves would be down to them. The one non-flexible area would be quality. The Commission was keen to devolve more areas to suppliers and it was acknowledged that much would need to be passed on to this sector, as it was not used to dramatic changes in its way of working. It was anticipated that adapting would take some time.

Paul N highlighted that different approaches were being taken with Crime and Civil. Franchising had brought about specialists in specific areas of work. The aim with civil was to bring together specialists to deliver a full range of services for clients. By jointly commissioning services, they would cover the fuller range of services from general help, and specialist to tribunals and for non-eligible clients.

Nick commented that what was proposed did provide scope, however he remained concerned that greater distances to services were not created, thereby having the effect of reducing service.

Sir Michael felt that there would be a need to monitor who was accessing services and where, in order to consider any movement. It was suggested that KPI's were considered to judge if the service in Wales was getting any better. It was agreed that KPI's would be discussed at the next meeting.

- 6.9 MB reported that the use of phone services by children was very low. The Committee noted that there was a scheme in Birmingham where there was a single phone line for children that was NYAS led and funded by local authorities. It cost £250k per annum to run after set up. In Wales work was going on with South Wales Police to build a model but then funding would have to be sought. It was noted that a similar scheme in New York had been extended to cover adults.

<p>7</p>	<p>The need for legal advice in Wales – research presentation by Nigel Balmer, Legal Services Research Centre</p> <p>Nigel provided a presentation to the Committee about Small Area Modelling and the findings from the 2004 English and Welsh Civil and Social Justice Survey. Copy of the slides attached.</p> <p>7.1 It was noted that the data for travel times did not reflect where public transport was not available at all.</p> <p>7.2 The centre point of a Lower Super Output Area was taken as the point for timing of travel to be measured.</p> <p>7.3 It was noted that a specific rural survey would identify what choices individuals make. The possibilities of such a study would be looked into.</p> <p>7.4 It was queried what percentage of people did not have access to public transport. Nigel would provide this information following the meeting.</p> <p>7.5 Crispin reported that there was increasing evidence to demonstrate that trust is transferred. Having undertaken an evaluation of money advice, this showed that people like and trust outreach services that are located in other venues. The challenge was to link the research with sharing best practice. There was a need to blur the distinction between technology and face-to-face advice eg. video conferencing and video phones. There was a need to understand if it could work or if it does not, why not.</p>	
<p>8</p>	<p>Terms of Reference Discussion</p> <p>Committee members were asked to provide any comments on the draft Terms of Reference to Crispin in advance of the next meeting.</p>	
<p>9</p>	<p>Work Programme for 2007/08</p> <p>Committee members were invited to bring back subjects for current and future work for discussion at the next meeting. Agenda items would be open to all members.</p> <p>The next meeting would be held on Friday 8th June in Cardiff.</p> <p>Future meeting dates were confirmed as: Friday 14th September 2007 - Cardiff Friday 7th December 2007 - Cardiff</p>	
<p>10</p>	<p>Any other business</p> <p>10.1 It was noted that Anne's successor would be Caroline Turner, who would attend the next meeting. Anne was formally thanked for all her support to the LSC over the past 3 years</p>	
<p>11</p>	<p>Close of Meeting</p>	