
WALES COMMITTEE FOR THE CLS

Minutes of the Meeting held on Friday 23rd July 2010 Local Government Data Unit, Cardiff

Present:

Tom Jones - Commissioner for Wales, LSC (Chair)
Anna Buchannan – Office of the Commissioner for Older People
Graham Benfield - WCVA
Fran Targett – Citizens Advice Cymru
Teresa Hallett – CAF/CASS Cymru
Hugh Simkiss – HMCS
Naomi Alleyne - WLGA

Legal Services Commission Staff:

Carolyn Downs - Chief Executive
Sara Kovach-Clark – Head of Civil Policy
Hilary Williams – Wales Civil Policy Manager
Tracy Scott - Secretariat

Apologies for Absence:

Lynne Schofield – Welsh Assembly Government
Catrin Williams – CAF/CASS Cymru
Eleanor Williams - Equality & Human Rights Commission
Rob Heaton-Jones - NOMS
Tim Luke - HMCS

1.	Introductions, Apologies and Welcome Tom Jones welcomed everyone to the meeting and especially thanked Carolyn Downs for attending.	
2.	Minutes of the meeting held on 30th April 2010 The minutes of the previous meeting were approved subject to the following amendment: “Catrin Williams reported that their Chief Executive was retiring that day and arrangements for a replacement were not yet known. There had been a new Practice Direction issued by the President of the Family Division with regards to a revised private law programme which have.....”, “year on year increase of private law referrals were currently growing at around 5% each year, but the growth in the year 1 st April 2009 – 31 st March 2010 compared to the previous year had a significant overall increase of 32% with a 59% increase in s.31 care applications across Wales.”	
3.	Matters Arising Tom Jones commented that it was a worrying and difficult time for everyone in the current climate. Down-sizing and budget cuts had placed a lot of pressure on staff, but it was important to continue to share knowledge and experience,	

and not revert back to working in 'silos.' Members were asked to remember the purpose of the Committee.

A discussion took place around the future role of the Committee and whether it should have a statutory or advisory role. Some consultation had already taken place following the Magee review but it was not known how the Ministry of Justice (MOJ) would want to consult or advise. The Assembly's views were also unknown. Dr Brian Gibbons, the previous Minister for Social Justice and Local Government, had expressed a wish to see a committee of justice advisers in Wales but this had not progressed. Carolyn Downs commented that it was a key MOJ issue and that it would be seeking to link up with other agencies such as HMCS. .

Fran Targett commented that it was not necessarily just the laws that were different in Wales, but also policy. Teresa Hallett reported that although CAF/CASS Cymru had the same statutory basis as their colleagues in England, things were implemented differently. The Committee agreed that the solution to client's problems in Wales were also becoming different. Carolyn Downs reported that Laura Beaumont at the MOJ was responsible for progression of the Bill. Paul Davies was working closely with her to cover the issues around Wales. It was agreed that Hilary Williams would meet with Paul Davies and Gillian Morgan to ensure that all Wales issues were captured in sufficient time to be taken into account.

Action – Hilary Williams to meet with Paul Davies and to brief Gillian Morgan Permanent Secretary to Welsh Assembly and Emyr Roberts Director General of Public Services.

WAG's Feasibility Study into joint commissioning:-

The report was not ready for publication and might not be relevant to the current situation, as things had changed. Sara Kovach-Clark reported a policy assessment would be taking place, which would look at what services should be funded by the LSC. The current situation with regards to funding would change and it was likely that some things could be taken out of scope. The Committee agreed that it would be useful to influence the process and that the Feasibility Study would provide valuable information. Hilary Williams agreed to contact Lynne Schofield at WAG to explore the possibility of obtaining a copy of the Feasibility Study.

Action – Hilary Williams to contact Lynne Schofield

The Committee noted that there would be a review of legal aid and it was anticipated that the White Paper would be published for consultation in September. Carolyn confirmed that she and Sara Kovach-Clark would be feeding into the review process. There would also be a Family Justice Review which would affect family services and both reviews. They needed to be carried out together. A discussion took place around anticipated spending cuts and the potential impact further down the line. Poor decision making in one department could have huge cost and resource implications on another. Preventative measures made in one department could have huge savings for another, so it was important to look at the big picture. Big cuts now might be seen as quick wins for instant savings, but the impact further down the line could be more

	<p>costly.</p> <p>Hilary Williams had previously circulated a paper to the group giving an update on action points from the last Committee meeting.</p> <ul style="list-style-type: none"> • Hilary Williams had arranged to meet with Geoff Marlow, the Chair of the Mortgage Rescue Pilot. • Hilary Williams had collated feedback on the Magee review. • The Annual Report had been amended and circulated. • Hilary Williams had been in contact with the Royal College of Speech Therapists and obtained the 'Locked In Locked Out' report. A meeting had been arranged to discuss the matter further. • The agenda for the providers meeting had been drafted by Fran Targett and Hilary Williams. 	
<p>4.</p>	<p>Update on Civil Tenders</p> <p>Sara Kovach-Clark reported that a large tender exercise had been conducted across all categories of law. The Immigration and Mental Health tender process was complete, with Family and Social Welfare law nearing completion with notifications due to be sent out. However there was still an appeals process. The contracts were for three years. There was a termination clause of six months.</p> <p>There had been a high level of response and all tenders had been over-subscribed. It was felt that quality and access had improved. There had also been a higher level of accreditation than previously sought. There were still verification checks to be undertaken. If any gaps in services emerged, they would be the same as those that had existed previously. Those gaps would be mapped and consideration given as to how best to fill them.</p> <p>Naomi Alleyne commented that it would be interesting to see the results arising from the ending of the detention of child asylum seekers. If the correct decisions were made, fewer appeals would be lodged but it was important for legal advice to be given at an early stage. Travel was an issue as asylum seekers didn't receive funding in order to travel for an appeal and access to services was a problem. Sara Kovach-Clark confirmed that she was happy to share information on access to asylum services with the Committee.</p> <p>Carolyn Downs reported that Mental Health tender outcomes posed the area of most difficulty. It was not a competitive tender and there were problems with the numbers of new matter starts and viability of some contracts.</p>	
<p>5</p>	<p>Update on WAG and stakeholder contact and developments</p> <p>1. Financial Inclusion</p> <p>WAG Steering Group - strategy to reduce financial exclusion. Considerable amount of work undertaken to reduce indebtedness and</p>	

homelessness in Wales. Population of Wales is 3 million. 1million people in Wales have no bank accounts and 2 million people have no transactional bank accounts.

- Financial Inclusion Champions developed.
- All Wales Credit Union Funding Programme
- Child Trust Funds
- Homelessness seminar – financial exclusion is a major contributor to homelessness.
- Mortgage Rescue Scheme - helped 680 adults and 351 children from becoming homeless. Funds still available but qualifying criteria has changed to the most vulnerable and priority now goes to those that are disabled and have had their homes adapted.
- Post Office – being developed to make it more functional and so it can offer Direct Debit and Standing Order payments. Piloting promotion of home contents insurance. 95% of population live within 6 miles of a Post Office.
- Housing Debt Helpline Wales Tel No: 0800 107 1340. Free phone number. Ongoing support on things like debt management plans/bankruptcy/ WB/Debt Relief Orders/IVAs/equity release. Full WB team of 14 staff. Service available to those with current mortgage or rent arrears, about to go into arrears, using credit to pay, those that are self-employed.
- Consumer Financial Education Body – financial advice service

2. Violence against women and domestic abuse.

WAG – 6 year strategy- “Right to be Safe” and the group monitors progress against an Implementation plan/provides advice to WAG on established good practice and considers initiatives undertaken in other jurisdictions.

New Publicity campaign launched 1 June. Target is non-perpetrator males – and asks them to consider their behaviour – “banter” that might actually add up to abuse.

Honour based violence and forced marriage – judges picked up differences in how agencies risk assess cases. Sub group formed to standardise approach. Numbers increasing from 3-4 per year to 38 last year.

Lesbian /gay/bisexual issues – Stonewall presentation. Issue when both partners turn up at refuge.

3. Domestic abuse and financial abuse against older people. How to ensure vulnerable victims are able to take their cases forward. Sub group. Victim support. Pilot in Swansea probably.

4. LAJIT- Legal Aid Justice Impact Test. Raise awareness that WAG needs to consider financial implications on organisations such as LSC

	<p>as and when new legislation developed.</p> <p>5. Immigration - The Counsel General's Office of WAG sought the LSCs views on the adequacy of legal advice and representation capacity in Wales for asylum seekers and refugees. The tender process identified 2 access points in Wales Bridgend Cardiff and South East Wales and NPT and Swansea. Tender process not yet complete as the appeal process is still being undertaken.</p> <p>We also invited expressions of interest in North East Wales to deliver 90 asylum matters and 100 non asylum matters Historically this has not been enough to sustain a permanent supplier presence in North Wales but is a recognised need.</p> <p>Current supply – 3 firms all situated in Bridgend Cardiff and South East. Immigration Advisory Service closed their offices in Cardiff and Swansea in March 2010. But we ring-fenced their matter starts for a Swansea access point and invited expressions of interest from the 3 suppliers and 1 is now delivering outreach in Swansea.</p> <p>North East Wales - Legal Advice surgeries are run every Tuesday at Llandudno Library with provision to make prior appointment and every Wednesday at Welsh Refugee Council Wrexham with provision for prior appointment.</p> <p>Voluntary Appointment System – an online Internet site through which applicants can search for and book appointments with LSC providers. Welsh Refugee council is contracted by LSC to operate this system in Wales.</p> <p>Cardiff City Council – Have set up a Steering Group chaired by Kate Perry the Head of Legal Services and will be circulating a questionnaire to ask Communities in Cardiff what they want by way of legal services. The responses will be evaluated in August. Focus groups will be run and a strategy then developed for contracting new advice services in where the communities want services delivered.</p>	
6	<p>Updates on initiatives from other agencies and stakeholders</p> <p>Naomi Alleyne reported that the WLGA would be seeking to protect the Revenue Support Grant from cuts and would be suggesting instead that the various Grants provided to local government, which total over £600m take the bulk of the cuts. This would enable local authorities to have more flexibility over how the money was spent on frontline services and this was a priority in terms of how the cuts would impact. Local authorities had implemented a pay freeze and in many authorities there was already a freeze on recruitment unless a business case was made for the post to be advertised. If jobs were to be lost, and this was highly likely, all efforts would be made to take the voluntary redundancy route first. Following feedback from the representative of the Older People's Commission, it was noted that local authorities had Strategy for Older People Co-ordinators and many of these had been involved in local benefit take up campaigns, such as Caerphilly and Merthyr. As a result, vast sums of additional money had been brought into the area.</p>	

	<p>Anna Buchannan reported that financial abuse and access to justice were high on the Older People's Commission's agenda. Cases were not being taken forward as they should be and other civil remedies were being explored along with how people could get access to that justice. There was a need to publicise what was available.</p> <p>Hugh Simkiss reported that there had been an emergency cut of 6% finance in June and there were plans for a further 25% over the next 4 years. Proposals for court closures would result in 1 in 3 courts being closed in Wales. Money for maintenance on buildings had been shaved off as much as possible and all capital had completely stopped. Hearing centres were being suggested as alternatives, with the use of IT. There was a potential merger of the Tribunals Service and HMCS in April 2011. The remainder of the budget related to direct running costs, such as staffing costs.</p> <p>Carolyn Downs reported that the current fee scheme needed to be re-structured in order to get things into the magistrates court, as opposed to the crown court.</p> <p>Fran Targett reported that the 'Advice Line Cymru' was being launched at the Eisteddfod this year. WAG had provided the capital in order to start it up, but it was being run by local CABx and would only be able to continue if the core funding continued. Prior to the advice line being made available in June, 11% of calls were answered. This had now increased to 53%. Approximately 50% of those people needed to go on to get face-to-face advice and help with casework etc.</p>	
7	<p>Close of Meeting</p> <p>Tom thanked everyone for attending and contributing to the meeting. The next meeting date was arranged for the 17th September 2010 but this may be subject to change in view of the impending White Paper.</p>	