

Legal Services Committee for Wales

WALES REPORT 2004 - 05

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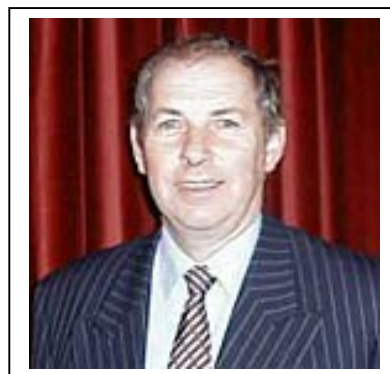
WALES REPORT 2004 - 2005

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Foreword from the Chair of the Legal Services Committee for Wales

As the newly appointed Chair of the Legal Services Committee for Wales I am delighted to be able to introduce this "Wales Report for 2005". Legal aid helps some of the most vulnerable and disadvantaged people in Wales, and the Commission in Wales has invested over £60m. in developing the Community Legal Service and the Criminal Defence Service to help people get quality legal services that tackle real needs.



As in previous years this report provides a snap-shot in time of the current need for and supply of specialist level legal advice services in Wales, and will assist the Legal Services Commission in the letting of future contracts for specialist legal advice for eligible clients. It builds on the work of the Community Legal Service Partnerships across Wales, as well as the Wales-wide interest groups, to understand better the need for legal advice services in Wales and I would like to thank all of those involved in this work for their contribution to building the Community Legal Service in Wales.

I was particularly pleased to find on taking up this position that Wales has made significant progress in filling the priority gaps identified by the Committee last year. The "Wales Report for 2004" clearly identified a number of priorities, and defined a strategy for meeting them which has since been implemented by the Commission in Wales.

The Committee continues to identify the need to move towards a more equitable distribution of funds across Wales and we do make some further recommendations in this report about how this process may be continued in future years.

The report does not attempt to be comprehensive in its assessment of the need for legal services which cannot be met through Legal Services Commission funding. The Committee is pleased to note, however, that an Advice Services Strategy for Wales is currently being developed with other partners to complement this report. We are also pleased that there will be an opportunity to use the CLS Development Fund to support the development of the Community Legal Service in Wales this year.

My thanks to Roger Chater who ably chaired the Committee during the period before my appointment. Thanks are also due to Marilyn Mason, whose term of office expired during the year. I thank them both for their contribution to our work.

Tom Jones OBE

Chair: Legal Services Committee for Wales - August 2004

1. Introduction

Each year the Legal Services Committee for Wales produces its Wales Report which is used to inform the letting of contracts for specialist legal advice services by the Legal Services Commission to both solicitors and not-for-profit advice agencies.

Last year, the Wales Report for 2004 informed the bid round held to let contracts, primarily to solicitors, in April 2004.

The Report updates the needs assessment and gap analysis accordingly to take account of changes since September 2003 and sets out the Committee's priorities for contracts to be let during 2004 and in April 2005. These priorities are based on the work done in local Community Legal Service Partnerships and by the Wales-wide interest groups, but it is the Legal Services Committee for Wales that is responsible for bringing it all together and clarifying the overall priorities for Wales.

The main theme of the Report is to assist the Commission in balancing the refocusing of its expenditure to meet priorities, maintaining access across Wales, whilst not undermining the stability of the supplier base. In addition the Committee has identified:

- a number of priorities for areas where new contracts are required;
- a formula to identify areas from where it may be possible to release funding within the confines of a fixed budget; and
- criteria which might be considered in the letting of contracts.

Whilst the recommendations in this Report are not formally open for consultation, we welcome feedback on its content by 2nd January 2005 which the Committee will take into account when producing future reports.

Comments should be sent to the Planning and Partnership Manager, Wales, at the Legal Services Commission in Cardiff.

This Report is being published in October 2004 to give suppliers information about the areas where need has been identified.

Following the publication of this report, the Wales Director of the Legal Services Commission will prepare a Contracting Strategy showing how the Commission intends to respond to the recommendations in this Report.

Equalities Impact Statement

The Legal Services Commission's Vision statement seeks to ensure that quality legal services are available to people in need in a fair, just and accessible way. In the same way, the Legal Services Committee for Wales has sought to ensure that all significant activities that it is involved with reflect this equal opportunities policy.

Both the Legal Services Committee for Wales and the local Community Legal Service Partnerships recognise their duty to eliminate discrimination and promote equal opportunities. The policies and priorities in this Report will

continue to work towards this end. Both CLSPs and the Legal Services Committee for Wales will continue to regularly review their priorities and the implementation of their strategic plans.

2. Review of Recommendations in Wales Report for 2004

The LSCfW's Wales Report for 2004 identified the following as policy priorities for the LSC Wales' Contracting Plan for 2004/2005. The following table summarises the Commission's response to the identified priorities:

Local priorities

Wales Report for 2004	Contracting Strategy	Action Taken
<p>To refocus funding to meet some of the needs identified in the "B" areas</p>	<p>"B" classification means a gap has been identified which requires a minor response that can be met through the refocusing of existing LSC contract funding. It is intended to extend the telephone advice service to cover the locations identified and a new targeted marketing strategy has been adopted through leafleting households in the areas identified and has already commenced. We will then keep the situation under review and if the telephone service proves to be insufficient we will negotiate with an existing contractor to provide additional service through outreach from the locations specified.</p>	<p>Marketing of the pilot Telephone Advice Service (for advice in welfare benefits, debt and housing) was targeted at the specific areas identified in the following CLSP areas:</p> <ul style="list-style-type: none"> • Blaenau Gwent • Caerphilly • Carmarthenshire • Ceredigion • Neath Port Talbot • Pembrokeshire • Powys • Rhondda Cynon Taf • Torfaen • Wrexham. <p>Existing contracts were amended to better meet identified needs in:</p> <ul style="list-style-type: none"> • Neath Port Talbot • Newport • Isle of Anglesey • Gwynedd
<p>To consider re-focusing approximately 2.5% of the total legal help budget in Wales by reducing the number of case start in Family Law, concentrating the reduction in eleven areas which have above average funding (Cardiff, Ceredigion, Conwy,</p>	<p>Our starting principle was that we would act on the Committee's recommendation unless the supplier base in a zone was not robust enough to withstand it (acknowledged at para 5.12 of the Committee's Report). In determining robustness,</p>	<p>The Committee's recommendation to shift funding away from family contracts in 11 areas was implemented in 8 areas: It was not implemented in</p> <ul style="list-style-type: none"> • Ceredigion • Monmouthshire &

Wales Report for 2004	Contracting Strategy	Action Taken
<p>Denbighshire, Flintshire, Monmouthshire, Powys, Swansea, Torfaen, Vale of Glamorgan and Wrexham.) The Committee recommends a reduction to be applied through a graduated percentage of between 10% and 15%.</p>	<p>we looked at the number of suppliers in the zone, the average size of their contracts, and the local geography which might dictate that a spread of suppliers in particular key locations needed to be preserved.</p>	<ul style="list-style-type: none"> • Powys where the supplier base in the area was not deemed sufficiently robust.
<p>To take account of the following issues when letting family contracts: Maintaining ease of access to appropriate suppliers especially in rural areas Favouring suppliers that can demonstrate:</p> <ul style="list-style-type: none"> • Experience of children public law work; • Experience of children private law work; • Experience of domestic violence work; • Membership of a relevant panel; • Empathy with the needs of people who have been subject to domestic violence; • An out of office hours service; • Evidence of appropriate referral to support agencies; • Evidence of use of the Wales Specialist Support Service or appropriate referral to specialists in social welfare law if not also a social welfare law specialist. 	<p>Where we are running a bid round we will specify which types of Family work are most important to us (in accordance with the Lord Chancellor's priorities) as well as ensuring coverage and access. We will particularly look at:</p> <ul style="list-style-type: none"> • Experience of children public law work; • Experience of children private law work; • Experience of domestic violence work; • Membership of a relevant panel; • Evidence of contact with other agencies involved in domestic violence; • The ability to set up an out of office hours service; • Evidence of appropriate referral to support agencies; • Evidence of use of the Wales Specialist Support Service or appropriate referral to specialists in social welfare law if the bidder is not also a social welfare law specialist. 	<p>In the 8 areas where a bid round for Family was conducted the Committee's criteria were used as part of the scoring process to influence whether a supplier gained a contract, and/or the size of the contract. This enabled the Commission to let contracts in the areas identified by the Committee as priorities, as set out in the table overleaf.</p>

Wales Report for 2004	Contracting Strategy	Action Taken
To let new civil contracts in the following areas ranked "C" and in accordance with the priority ranking.	We anticipate that the 6 priorities specified will require the level of service outlined in the table below: We will invite bids from all those suppliers who have registered on the bid panel for the categories of work in the relevant zones.	Bid rounds conducted in all zones, and contracts let as indicated in table below

Priority	Zone	Area	Category	Contracting Strategy	Action Taken
1	Newport	Pillgwenlly, Ringland, Tredegar	Welfare Benefits & Debt	1 caseworker or approx. £50,000	2 nfp contracts let
2	Caerphilly	Upper Rhymney Valley	Housing	½ caseworker or approx. £25,000	Solicitor contracts extended.
3	Neath Port Talbot	Sandfields	Welfare Benefits	1 caseworker or approx. £50,000	Nfp contract let.
		Pontardawe	Welfare Benefits		
4	Pembrokeshire	Pembroke Dock	Welfare Benefits	1 caseworker or approx £50,000	Solicitor contracts let.
		Milford Haven	Welfare Benefits & Debt		
5	Flintshire	Shotton	Welfare Benefits & Debt	1 caseworker or approx. £50,000	Nfp contract let.
6	Ceredigion	Aberystwyth	Welfare Benefits	½ caseworker or approx. £25,000	Nfp contract let.

Wales Wide priorities

Wales Report for 2004	Contracting Strategy	Action Taken
To develop supplier capacity in Community Care	We received two new bids for Community Care contracts in Gwynedd and Carmarthenshire. ... Any applications for new contracts during the year will be considered as and when they are received and the granting of such contracts will be dependent on the funding available to us at that time.	2 additional solicitor contracts let.

Wales Report for 2004	Contracting Strategy	Action Taken
<p>To maintain and develop the Specialist Support Service, Employment Support Service and Telephone Advice Service</p>	<p>A range of specialist support services was established to provide support in Debt, Welfare Benefits, Housing and Employment to suppliers that are contracted with us in any category of law.</p> <p>There are 3 strands to the services:</p> <ul style="list-style-type: none"> • Telephone consultancy. • Supported casework. • Training courses and updates. 	<p>The Pilot Specialist Support Service in Debt, Welfare Benefits and Housing was evaluated positively, and new three year contracts are currently being let to continue this service.</p> <p>The pilot Specialist Support Service in Employment was established in 2003 and will be evaluated later in 2004.</p>
<p>To consider developing a support service in Education.</p>	<p>As and when money becomes available consideration will be given to a specialist support service in this category of law.</p>	<p>A specialist telephone advice service for clients has been established as part of CLS Direct in Education from July 2004.</p> <p>Funds are not yet available to establish a specialist support service for contracted suppliers.</p>

3. Recent Developments

3.1 The DCA's Review of the Community Legal Service

In 2003 the Department for Constitutional Affairs commissioned Matrix Consultancy to conduct an independent review of the first three years of the Community Legal Service. The review was published in April 2004, and in June the DCA published a formal consultation paper on the Independent Review. The closing date for consultation was 17 September 2004. The Committee has had the opportunity to debate the issues raised by the review, and contribute to the Commission's thinking about how best to respond to the issues raised.

The Committee notes that the Commission's funding partnership in Wales to match fund the Partnership Initiative Budget in 2003 with funds from the Welsh Assembly Government and the Community Fund in Wales, was held up in the report as a model of good practice.

The Committee welcomes a fundamental review of the development of the Community Legal Service and agrees with many of its recommendations, particularly the need for a clearer strategic direction for the CLS. It recognises that many of the specific recommendations in the review report would be useful tools to have available in building the CLS locally, but is wary about endorsing a prescriptive approach which might suggest that "one size fits all". The Committee is of the firm view that the CLS must be allowed to develop in Wales in accordance with locally determined needs, albeit within a nationally established framework designed to deliver broad strategic aims. Account must also be taken of the devolved system of government within Wales.

3.2 Community Legal Service Direct

Over the last year, we have been working to build both new and existing services and relationships at a national (England and Wales) level. Community Legal Service Direct, launched in July 2004, incorporates a National Telephone Service, the CLS Directory Line, the www.clsdirect.org.uk website (formerly JustAsk!) and the CLS Information Leaflets. This service is a key part of the LSC's strategy to improve access to justice and combat social exclusion.

The Legal Services Commission and its Community Legal Service partners have been linking up with other initiatives addressing social exclusion to help ensure that people receive 'joined-up' support from right across the public sector. Some of the initiatives currently under development include:

- a relationship with Jobcentre Plus. A pilot in the Eastern region has been very successful and will be extended nationally in line with the rollout of Jobcentre Plus offices.
- Consumer Direct. We are exploring the possibility of direct links between our respective telephone services.

Other England and Wales services which we are working with include DTI's National Debt Gateway; the Pension Service; and Connexions. These support our objective of working more closely with other government departments to ensure the public greatest access to appropriate services.

4. The Development of an Advice Services Strategy for Wales

The Committee has previously noted that whilst its annual Wales Report is primarily about the need for and supply of specialist legal advice services in Wales, the Community Legal Service comprises in addition to these specialist providers a vast array of organisations delivering information and advice services at General Help or Information level of the CLS Quality Mark all over Wales. There has, in the past been no coherent attempt to pull together an All-Wales Strategy for information and advice services at the Information and General Help levels. This is a significant gap which carries the risk of reducing the extent to which the Community Legal Service in Wales will realise its full potential.

The Legal Services Commission, with the support of the Welsh Assembly Government, has therefore committed to leading on the development of an Advice Services Strategy for Wales that will have the following main aims and objectives:

- to set out the Vision for the Community Legal Service in Wales
- to set out the key performance indicators, outputs and outcomes against which the Community Legal Service in Wales will be measured
- to identify action that is needed to achieve the key performance indicators, outputs and outcomes
- to identify the key partners that will need to be involved in the achievement of the Vision.

To this end initial consultation workshops have been run over the summer of 2004 as the first stage in the development of the Advice Services Strategy for Wales. The workshops will concentrate on the Vision for the Community Legal Service in Wales, and the particular issues that will need to be addressed in the Strategy if the Vision is to be achieved.

This work is being overseen by the Community Legal Service Wales National Forum, a partnership of key national (Wales) agencies interested in the provision of information and advice services across Wales. The Committee endorses this work towards the production of an Advice Services Strategy for Wales as a complement to its own annual Wales Report.

WAG's Review of Over-indebtedness in Wales

The Welsh Assembly Government has also recently established a review, under the direction of the Deputy Minister for Social Justice and Regeneration to enquire into Over-Indebtedness in Wales, and to make recommendations on how to improve the current position. The Committee is pleased to note that the Commission has been recognised as a key partner in this work along with the Welsh Consumer Council and the Citizens Advice Bureaux Service. It further notes how the work of the review and the development of the Advice Services Strategy for Wales are clearly complementary to each other and welcomes the closer working relationship the Commission is establishing with appropriate staff within the Welsh Assembly Government.

5. Monitoring How Well Contracts Meet Identified Needs

One of the fundamental roles of the Legal Services Committee for Wales is to advise the Legal Services Commission on how it spends the Legal Help budget in Wales. To do this the Committee has developed an ongoing process of regular Monitoring Meetings where, for each of the 22 CLSP areas in Wales (based on local authority boundaries), consideration is given to how well the contracts let in that area meet the needs that have been identified. Each Monitoring Meeting is chaired by a Committee member and covers a number of CLSP areas for which that Committee member has

been allocated responsibility. It is attended by the appropriate staff from both the Planning & Partnership and Contracting Teams.

Staff from the Planning and Partnership Team bring to the meeting a summary of the need for specialist advice services that has been identified by CLS Partnerships in their needs analysis or Advice Strategy. This has been put together using data from the Index of Multiple Deprivation, other data provided by local providers, local councils and health boards, Communities First Partnerships and using plans such as Community Strategies or Health and Well-being Strategies.

These meetings review how well contracts are meeting the identified need in each area, and review the size, location and usage of contracts to identify the scope for refocusing those contracts to meet identified unmet need in the area. Each area is allocated a rating for each category of law. This enables the Committee Member to make a recommendation for endorsement by the full Committee on whether new contracts are required to meet any unmet need that has been identified.

In between the formal meetings there is informal contact between staff of the Planning and Partnership Team and the Contracting Team to regularly review the ability of existing contracts to meet currently identified needs. Where an unmet need is identified (between meetings) a recommendation for a change in rating can be made to the appropriate member of the Legal Services Committee for Wales for provisional endorsement, or otherwise. This allows action to be taken to meet newly identified need in between the formal ratings by the Monitoring Meeting endorsed by the full Committee, which, as explained below, are only ever a snapshot of the position at a particular point in time.

The rating system used by the Committee rates twelve areas of law. Some categories are rated at a local level, and some at a regional level:

Rated at Local Level	Rated at Regional or Wales Level
Consumer & General Contract Debt Family Family Mediation Housing Welfare Benefits	Actions Against the Police Community Care Education Employment Mental Health Public Law

Each area of law is rated against an A-D scale that has been slightly refined from that used in previous years. It involves allocating one of a number of classifications to each category of law in each CLSP area. Refinements have been made to the classification system to ensure a greater clarity around the D classification, explained in the table below. The definitions of the classifications are:

A	All identified needs for specialist level advice in the particular category of law for eligible clients are covered by appropriate contracts.
B	A gap or gaps have been identified which can be met by a minor solution and implemented within 12 months; i.e. a small increase in new matter starts from within existing funding to the Region or Area, or the issuing of a work specification for work to be done within existing contracts.
C	A gap or gaps have been identified which require a major solution which can be implemented within 12 months; i.e. a new contract or the input of new money to the Region or Area.
D1	A gap or gaps have been identified and it is unlikely that progress will be made towards filling the gap within the next 12 months because of a lack of funding.
D2	A gap or gaps have been identified and it is unlikely that progress will be made towards filling the gap within the next 12 months because of a lack of an appropriate supplier.
D3	A gap or gaps have been identified and it is unlikely that progress will be made towards filling the gap within the next 12 months because of some other reason.

The A classification is appropriate when the existing LSC contracts are seen to be meeting the need identified in the area for advice to eligible clients. It will also be appropriate whilst an apparent unmet need is being properly identified. Evidence of an unmet need may need to be collected from a variety of sources, and may take some time. Until the Committee is clear that the unmet need has been established an A classification will remain appropriate.

The distinction between a B & C rating is in the size of the response required, rather than in the size of the need.

B therefore, in this Report, indicates a gap which requires a minor response which can be met through the refocusing of existing LSC contract funding. If this appears to be possible, a B classification will be awarded, but the issue will be regularly reviewed to ensure that the solution has met the identified need, at which point an A classification will become appropriate. Alternatively, a later review may demonstrate that whilst the refocusing met some of the need, there is still unmet need which will require additional capacity in the form of a new contract – in this case a C classification will become appropriate. A B rating will often be appropriate where specific marketing of CLS Direct is to be initiated in response to an identified gap. (For more detail on CLS direct see Appendix 5.)

C means a gap which requires a major response involving new expenditure in addition to any refocusing of existing funding which may be undertaken.

Where a strategy or plan is in place there needs to be a realistic chance of that strategy making progress within twelve months for it to remain ranked as a B or C. It will only be following an understanding of the level of overall funding which might be

attracted from other sources, and the potential for redistribution of LSC contract funding within Wales that a final list of C areas can be determined.

A D rating means that a gap has been identified, supported by appropriate evidence, but that it is unlikely that it will be filled within the next twelve months, either because of a lack of funding, or because of a lack of a suitable supplier, or for some other reason.

6. Assessment of Current Unmet Need for Legal Advice

Whilst acknowledging that the monitoring process is ongoing throughout the year it is, nevertheless, the main purpose of this Report to take a snapshot view of the position as it exists in the summer of 2004. The formal Monitoring Meetings are held in January and July of each year and this section of the Report reflects the position established during the July round of meetings and endorsed by the full Committee at its August meeting.

The Table on the next page gives the classification of each partnership area for each of the categories of law.

Identifying the areas most in need:

The Committee has considered a range of different ways of distinguishing between areas of unmet need requiring new expenditure. Working within a fixed overall budget it is essential to ensure value for money whilst maintaining adequate access to services for all.

The Committee has adopted a formula which uses data from the Welsh Assembly Government's Index of Multiple Deprivation, together with data on the number of claimants of the main means-tested benefits as a proxy for the likely number of eligible clients, to produce a figure which can be ranked to help establish the priority order for new funding. Appendix 2 shows the result of applying this formula to the C ranked areas.

Table 2 – Classification of Need for Specialist Legal Advice Services for Eligible Clients

Area / Zone	Family	Welfare Benefits	Debt	Housing	Consumer General Contract	Family Mediation
Anglesey	A	A	A	A	A	A
Blaenau Gwent	A	A	A	B	A	A
Bridgend	A	A	A	A	A	A
Caerphilly	A	C	C	A	A	A
Cardiff	A	A	B	A	A	A
Carmarthenshire	A	A	A	A	A	A
Ceredigion	A	B	B	B	A	A
Conwy	A	A	A	A	A	A
Denbighshire	A	A	A	A	A	A
Flintshire	A	A	A	A	A	A
Gwynedd	D2	A	A	A	A	A
Merthyr Tydfil	A	B	B	C	A	A
Monmouthshire	A	D2	D2	A	A	A
Neath Port Talbot	A	A	A	A	A	A
Newport	A	A	A	A	A	A
Pembrokeshire	A	B	B	B	A	A
Powys	A	C	C	A	A	A
Rhondda Cynon Taf	A	C	C	A	A	A
Swansea	A	C	C	C	A	A
Torfaen	A	B	B	B	A	A
Vale of Glamorgan	A	A	A	A	A	A
Wrexham	A	A	A	A	A	A

The table overleaf summarises the results of the areas identified as having priority need for specialist legal advice services:

**Table 3 – Summary of the unmet need for specialist advice for eligible clients
– the C Ranking**

Ranking	Partnership	Area	Category
1.	Swansea	Townhill	Housing, Welfare Benefits and Debt
		Bonymaen	Housing, Welfare Benefits and Debt
		St Thomas	Housing
2.	Caerphilly	Upper Rhymney Valley	Welfare Benefits and Debt
3.	Rhondda Cynon Taf	Maerdy and Treherbert	Welfare Benefits and Debt
4.	Merthyr Tydfil	Dowlais	Housing
5.	Powys	Brecon and Ystradgynlais	Welfare Benefits and Debt

These then are the gaps the Committee recommends the Wales Director should attempt to fill through the letting of new contracts. They are areas where it has not yet been possible to refocus existing contracts to meet the identified unmet need, and where new contracts are therefore required. The following sections of the Report outline how the Committee recommends funding could be released to meet these priorities.

In the two areas classified as D2 a need has been identified, but cannot be met through a lack of a supplier. These are Dolgellau in Gwynedd for family advice, and Abergavenny in Monmouthshire for welfare benefits and debt advice. The Committee expects the Commission to take appropriate steps to ensure advice is accessible in these locations at the earliest opportunity.

7. Developments in the public funding of Family Law

Over the last year, a much sharper focus has been placed on the Family Justice system and on children, young people and the family. This has been reflected at Government level, for example, by the creation of a Children and Families Directorate in the Department for Education and Science, with a new Minister for Children, Young People and Families.

In response to these developments, the Commission has established a Children and Families Programme Board, with representation on it from the DCA and the DfES, to provide a central focus for children and family matters and to lead on the

development of a national strategy for meeting the needs of children and families for publicly-funded information, support and advice.

The Programme Board has agreed a programme of work, to be undertaken at both regional and national levels, which will enable us to develop our understanding of the patterns of need for Family and related advice, and the distribution, specialisms and capacity of the Family law supplier base. This work is ongoing.

In addition, there is a range of current proposals and pilots that have a bearing on the conduct of publicly-funded Family cases. These include:

- The Consultation document issued jointly by the DCA, the DfES and the DTI, "Parental Separation: Children's Needs and Parents' Responsibilities", available at: <http://www.dfes.gov.uk/childrensneeds/>
- The LSC's Consultation document "A new focus for civil legal aid", available at http://www.legalservices.gov.uk/devel/fund_code_cons_july04.pdf
- The LSC's pilot of Family Advice and Information Services (FAInS) which seeks to explore the optimum structure for delivering best practice in Family advice.

The Committee's work in relation to Family law is therefore still ongoing and needs to take full account of the changes that are introduced or proposed as a result of the current consultations and pilots. We will be in a position to explain our work in more detail and set out our conclusions in our Regional Report for 2006.

The Committee welcomes the proposals in the review of the funding code aimed at encouraging earlier dispute resolution in both family and other areas of law.

The Committee also recognises that the outcome of these two consultation papers may have an effect on the Commission's ability to significantly review its expenditure patterns in 2005, as any changes resulting from the consultations will be likely to come into effect around that time. Whilst the Committee therefore still intends to recommend further changes to the distribution of Legal Help funding across Wales, it recognises that the implementation of such changes will necessarily be subject to the constraints outlined above. Until the results of the proposed changes are known, the Commission will not be able to indicate when it may implement the Committee's redistributive proposals outlined below.

8. Distribution of Legal Help Funding across Wales

The Committee has identified in section 6 above a range of unmet needs for specialist legal advice. In the Wales Report for 2004 the Committee said:

"Given the nature of working within a fixed budget for legal services it is necessary, if there is to be any opportunity to meet the needs identified, to also consider the areas from which funding could be re-allocated in order to meet the need. Legal Services Commission funding is fully allocated and fully used, so it is recognised that this will not be a cost-free process. In order to meet some priority needs it will be necessary to reduce expenditure in other lower priority areas. ... Since its inception, the Committee's main priority has been to improve the supply of social welfare law services."

In the current year, however, the Commission's Legal Help budget in Wales is not yet fully allocated and the early evidence in 2004-05 is of an under-usage against allocation by suppliers. Therefore, there is likely to be scope in the current year (without waiting until new contract schedules are issued in April 05) for new contracts to be let without first having to seek reductions elsewhere.

The Committee recommends that the priorities identified in this report inform the decisions the Commission makes in-year about how its unused funding should be applied.

If and when the available funding has been fully allocated, the Committee then recommends that the Commission considers using the formula the Committee has adopted (see Appendix 3) to determine the areas from which funding may be released. The formula links the Welsh Assembly Government's Index of Multiple Deprivation Score and the number of likely eligible clients. It ranks each CLSP area in Wales, and shows that some areas have a higher number of allocated Family cases relative to their ranking than others. The formula focuses on Family cases because the Committee recognises that, in order to ensure the Commission can deliver against the Lord Chancellor's priorities (see 9.2 below) and its own Wales-developed priorities for social welfare law services, it may be necessary to reduce the funding available for lower-priority Family cases which do not involve children or domestic violence proceedings in some areas. If the formula is adopted by the Commission to identify areas in which Family funding may be reduced, the Committee recommends that, when determining those suppliers to whom contracts should continue to be let, the Commission favours those suppliers which can demonstrate:

- experience of children public law work;
- experience of children private law work;
- experience of domestic violence work;
- membership of a relevant panel;
- evidence of proactive engagement with other agencies involved in domestic violence;
- evidence of appropriate referral to support agencies;
- evidence of use of the Wales Specialist Support Service or appropriate referral to specialists in social welfare law if not also a social welfare law specialist
- an out-of-office-hours service.

The Committee expects the Commission to apply the above recommendation in such a way that does not unduly jeopardise the Committee's overall wish to maintain the supplier base, and should, therefore, have regard to special local conditions.

9. Prioritising Categories of Law

In addition to the specific priorities identified in other parts of this report, the Committee has also attempted to give some generic guidance which should be taken into account in the letting of contracts to meet identified need.

9.1 The Lord Chancellor's Priorities

The Committee endorses the Directions issued by the Lord Chancellor, which require that the highest priority should be given to:

- Special Children Act proceedings; and
- Civil proceedings where the client is at a real and immediate risk of loss of life or liberty.

The Directions then require that the next priority should include:

- Help with social welfare to tackle social exclusion, including help with housing proceedings, debt, employment rights and social security benefits

Domestic violence proceedings

- Proceedings concerning the welfare of children (including proceedings under Parts IV or V of the Children Act not included above, adoption proceedings and proceedings concerning residence)
- Proceedings against public authorities alleging serious wrong-doing, abuse of position or power or significant breach of human rights.

9.2 Causes of Action: Civil law and Social Justice (2004)

The Committee welcomes the publication by the Legal Services Research Centre of the report "Causes of Action", an analysis of the data collected from the first national periodic survey of justiciable problems. It is the baseline survey for a long-term project to provide a broad empirical data set to inform civil justice policy development. A summary of the reports findings is attached at Appendix 4. The Committee believes that Commission contracts should be let in the light of the findings of the Causes of Action Report.

9.3 Guidance on Letting Contracts

The Committee recommends that in making all of its contracting decisions the Commission should take account of the following, not in any order of priority:

- The Lord Chancellor's Priorities
- The Causes of Action Report
- The impact on tackling social exclusion
- The impact on promoting human rights
- The existence of other funding for local or national suppliers

10 Wales Wide Priorities

For each of the categories of law assessed on a Wales-wide basis the Committee has used four regions of Wales to make its assessment of need. The are:

Region	Local Authorities
North Wales:	Anglesey, Conwy, Denbighshire, Flintshire, Gwynedd and Wrexham
Dyfed / Powys:	Carmarthenshire, Ceredigion, Pembrokeshire and Powys
South Wales:	Bridgend, Cardiff, Merthyr Tydfil, Neath Port Talbot, Rhondda Cynon Taf, Swansea & the Vale of Glamorgan
Gwent	Blaenau Gwent, Caerphilly, Monmouthshire, Newport & Torfaen.

10.1 Education

A formal needs assessment has been completed by the Commission's Education Law Interest Group. The full report "Education Needs Assessment 2004" is available from the Commission's Wales office and can be accessed on the Commission's website www.legalservices.gov.uk.

It recommends that the current 3 contracts should remain where they are situated, but shows that coverage of education advice is very uneven across Wales, and recommends that access should be improved. To that end the report recommends that additional contracts should be let to cover North and Mid/West Wales. The Committee endorses this view.

The report also suggests that Education Advice should be included as a category of law to be serviced by the Commission's Specialist Support Services, as this would enable contracted suppliers providing education advice under tolerance, to access specialist consultancy service, advice and training and may also encourage new suppliers. The Committee endorses this view. It is pleased to note that a first tier telephone advice service for clients in Education has recently been introduced as part of the new CLS Direct service.

The Committee also notes with interest that the Association of Directors of Education in Wales is currently putting together a list of Best Practice documents to be available to parents, carers and children, and has also, along with the three existing contracted suppliers, developed a protocol to reduce the time taken to resolve disputes.

Education			
North Wales	Dyfed / Powys	South Wales	Gwent
C	C	A	A

10.2 Employment

Contracts were let in employment during 2003 to cover the four regions of Wales. These are still in the process of getting established. During 2004/5 the Committee will review how well these contracts meet the need identified for employment advice. The need for advice for non-eligible clients has been documented in the research “Snakes and Ladders” published in 2004 and there remains a lack of funding available for specialist employment advice for most people who are in employment.

Employment			
North Wales	Dyfed / Powys	South Wales	Gwent
A	A	A	A

10.3 Immigration

The existing contracts in Cardiff, Newport, Swansea and Wrexham are currently proving adequate to meet the identified demand, and there is no identified need for further expansion at this time. The Wales Report for both 2003 and for 2004 included the following statement:

“The Committee identifies as a high priority that the Commission takes the necessary steps to ensure that there are adequate numbers of contracted immigration suppliers to respond to any anticipated changes in the levels of demand.”

The Committee is satisfied that all current needs for immigration advice are being met. It recommends that the need for immigration advice is kept under regular review to ensure there is adequate capacity in the future to cope with any additional dispersal of asylum seekers into Wales, and particularly in the light of the use of Cardiff prison for housing asylum seekers on a temporary basis.

Immigration			
North Wales	Dyfed / Powys	South Wales	Gwent
A	A	A	A

10.4 Mental Health & Community Care

10.4.1 Mental Health

The Commission’s Mental Health contracts are generally located near to Mental Health Hospitals, where clients most need advice re Sectioning, Review and Discharge. The location and size of contracts is kept under review throughout the year – no major gaps are currently identified. However, the Committee is concerned that the need for mental health advice, particularly on Sectioning, may be required in a wider range of geographical locations, and has asked the Mental Health and

Community Care Interest Group to review this during 2004/5. The Committee has recognised that the draft Mental Health Bill and the Mental Capacity Bill may both have considerable impact on the demand for mental health advice in Wales and recommends that the Commission plans an appropriate response.

The Committee is satisfied that all current needs for mental health advice are being met. The Committee will monitor the need for mental health advice and keep under review the number and size of contracts.

Mental Health			
North Wales	Dyfed / Powys	South Wales	Gwent
A	A	A	A

10.4.2 Community Care

In its Wales Report for 2004 the Committee recognised that “the need for Community Care advice in Wales is likely to grow in all areas and it recommends that the Wales Director encourages further development of the supplier base to a position where further contracts could be let. The Committee would like to be able to recommend that further contracts be let in this area in future years, but doesn’t expect to be able to do so within the next twelve months.” The Committee was pleased that the Commission was able to respond to this recommendation by letting two new contracts in Community Care. It now reaffirms its recommendation that further contracts be let in future years in Community Care to meet the growing need in this area of law.

Community Care			
North Wales	Dyfed / Powys	South Wales	Gwent
C	C	A	A

10.4.3 Protocol for the Reduction of Disputes

During 2003 the Committee’s Mental Health and Community Care Interest Group developed in conjunction with advice providers, local authorities, and health and social services practitioners and policy makers, a protocol for improving the way disputes are handled. Following consultation with the Welsh Assembly Government’s Mental Health Review Panel, the Law Society, the Welsh Local Government Association and the Association of Directors of Social Services in Wales this protocol is now in the process of being implemented and will hopefully contribute to the better handling of disputes in this area of law in the future with a subsequent reduction in the number of cases which have recourse to the courts.

11 PIB and the CLS Development Fund

11.1 The Partnership Innovation and Partnership Initiative Budgets (PIB) were launched in 2001 and 2003 respectively, and have enabled twelve projects to be established in Wales to experiment with the delivery of legal advice services. The table lists each of the projects and outlines the aims of each and an assessment of progress made so far.

Lead Agency, Location and Name	Outline	Cost over 3 years	Date Started	LSCfW Assessment
Caerphilly CAB Young People's Advice & Information Project	To provide a welfare benefits and debt advice service targeted at young people, building on an existing local authority youth service information shop and mobile unit.	£303,046	Dec 2002	Partially Meeting Objectives
Powys CAB Better Advice, Better Health Project	To provide generalist and specialist advice in 13 primary health care locations in Powys.	£280,450	Oct 2002	Meeting Objectives
Flintshire CAB Holistic Advice and Information Co-ordination Service	To train primary care workers in health and social services to identify problems and make referrals to project workers who will act as facilitators and advocates on behalf of the client.	£234,115	August 2002	Meeting Objectives
South Riverside Community Development Centre, Cardiff Positive Action Training Post	To fund a Positive Action training post to provide training for a member of the black/ ethnic minority community to become an accredited caseworker.	£94,697	August 2002	Meeting Objectives
MEWN Cymru All Wales BME Community and Advice Service Project	To employ four advocates who will work with black/ethnic minority women in identifying and tackling barriers to accessing legal advice and information services.	£239,400	July 2002	Meeting Objectives
Cynon Valley CAB Rhondda Cynon Taf Rhondda Cynon Taf Get It Sorted!	To deliver a new financial literacy project linked to Communities First Areas targeting the most deprived parts of the Valleys.	£174,295	Dec 2003	Meeting Objectives
Flintshire Mental Health Advocacy Service	To deliver an advice service to people with mental health problems through outreach and by offering an advocacy service in all three in-patient hospital sites used by Flintshire residents.	£111,423	Dec 2003	Meeting Objectives

Lead Agency, Location and Name	Outline	Cost over 3 years	Date Started	LSCfW Assessment
Cymdeithas Tai Eryri, Anglesey and Gwynedd Cynwys - Community Inclusion Project	To work across two counties with people with disabilities and BME and gay lesbian and transsexual communities to increase accessibility by raising awareness, working with community groups, providing training for providers and working with Communities First groups in undertaking community legal education sessions.	£228,738	Dec 2003	Meeting Objectives
Shelter Cymru, Neath Port Talbot Information Matters	To provide training and a resource pack for "problem noticers": health visitors, social workers, probation and mental health teams and support groups etc. The pack will include diagnostic information on housing, debt, welfare benefits and consumer issues. It will be available in various formats.	£104,782	Dec 2003	Meeting Objectives
Pembrokeshire County Council Women's Information Centre	To assist in the development of a Women's Information Centre in Pembrokeshire which will encourage excluded women, particularly those suffering from domestic abuse, to access information, support, advocacy, legal advice, education, training and possibly employment.	£114,799	Feb 2004	Meeting Objectives
Neath Citizens Advice Bureau Young Person's Project	To train and support a young person's worker who will recruit volunteers under the age of 25 to deliver services to this client group.	£65,600	Dec 2003	Meeting Objectives
Torfaen County Borough Council Connect 2 U	To give people in Torfaen access to information and advice on benefits, debt, consumer, housing employment and immigration advice, via video links from libraries and the Council's Customer Care Centre to the Citizens Advice Bureau, Trading Standards and other council departments.	£136,917	Jan 2004	Meeting Objectives

11.2 Community Legal Service Development Fund:

The CLS Development Fund is a new fund made available by the Legal Services Commission in 2004 to follow on from the first two rounds of PIB. The fund guidance explains:

"The aim of the CLS Development Fund is to assist the development of services in order to meet gaps that are identified as priorities in the CLSP Reports, RLSC Regional Reports and Regional Contracting Strategies. A total of £2 million will be available for the CLS Development Fund in 2004/05. This funding will form a ring-fenced part of the Regional Legal Help budgets.

Decisions on funding will be made by the Regional Director, in consultation with the RLSC.”

The Wales allocation for 2004/05 is £131,000.

The Committee has considered a range of proposals for the fund, and has agreed to support the following priorities. Further details were sent to providers about the fund in August 2004:

Priority & Approximate Allocation	Explanation
Small Grants £60,000	<p>Through the 2004 contract review, funding has been allocated to fill identified gaps. Plans are in place to fill further gaps. Given this, it is recommended that gateway organisations be encouraged to become more involved in the CLS through a small grants scheme. The aim would be to increase access to justice, and the identification of problems at an early stage.</p> <p>Whilst the Guidance suggests that only General Help accredited organisations can receive funding, an agreement to allow Information Level organisations to benefit from the fund in Wales has been obtained where there is sufficient justification. Our pioneering work in the reallocation of current contracts to fill identified gaps, has been identified as sufficient justification.</p> <p>In addition, the small grants funding has attracted substantial interest from other funders in Wales who may wish to join us in supporting applications for funding from the small grants scheme.</p>
Financial Literacy Projects £30,000	<p>The Financial Services Authority are hoping to draw in around £700K of additional funding over four years to establish four or five projects in Wales, and our involvement will enable this investment to be targeted to our priorities in Wales.</p>
Problem Noticers £35,000	<p>The existing “problem noticer” PIB funded project in Neath Port Talbot is seen as a project of wider interest across Wales which may be of interest to a variety of other funders - it is hoped that substantial match funding can be obtained to expand the project.</p>
Training for Law Students £6,000	<p>The Committee is interested in supporting any work which encourages law students into legal aid work, in particular the collegiate model being proposed to provide wider experience of legal aid work for law students.</p>

12 Methods of Delivery Projects

12.1 General Help Support Service

The General Help Support Service was established in 2003 to provide information advice and training to all the advice agencies accredited at General Help level across Wales. The pilot is being run by four agencies, between them covering the whole of Wales. A formal evaluation of the project has been undertaken during the summer of 2004 which will inform any decisions about future contracts.

12.2 Employment General Help and Specialist Support Service

The Employment General Help and Specialist Support Service was established in 2003, to provide help and assistance to advice providers in Wales operating at both General Help and Specialist Level. This is a unique pilot project which provides telephone consultancy, information and training on all aspects of employment law. A programme for evaluation of the project will be agreed in Autumn 2004.

12.3 Training Support Grants

Each year the Commission awards a small number of training support grants to encourage new entrants to gain experience of legal aid work. This year the Commission will be awarding 5 Training grants in Wales. We are looking for firms which can provide training for a trainee in the following areas of Legally Aided law: Family (experience of Children's Public Law Work, Children's Private Law Work and Domestic Violence), Mental Health, Community Care, Welfare Benefits, Debt, Housing, and Crime in North and West Wales.

Last year the Commission successfully awarded grants to solicitors firms in Swansea, Caerphilly and Newport.

13. Summary of Recommendations

13.1 The Committee recommends the Wales Director should fill the following priority gaps:

Ranking	Partnership	Area	Category
1.	Swansea	Townhill	Housing, Welfare Benefits and Debt
		Bonymaen	Housing, Welfare Benefits and Debt
		St Thomas	Housing
2.	Caerphilly	Upper Rhymney Valley	Welfare Benefits and Debt
3.	Rhondda Cynon Taf	Maerdy and Treherbert	Welfare Benefits and Debt
4.	Merthyr Tydfil	Dowlais	Housing
5.	Powys	Brecon and Ystradgynlais	Welfare Benefits and Debt

13.2 The Committee recommends that the priorities identified in this report inform the decisions the Commission makes in-year about how its unused funding should be applied.

13.3 If and when the available funding has been fully allocated, the Committee then recommends that the Commission considers using the formula the Committee has adopted (see Appendix 3) to determine the areas from which funding may be released.

13.4 If the formula is adopted by the Commission to identify areas in which Family funding may be reduced, the Committee recommends that, when determining those suppliers to whom contracts should continue to be let, the Commission favours those suppliers which can demonstrate:

- experience of children public law work;
- experience of children private law work;
- experience of domestic violence work;
- membership of a relevant panel;
- evidence of proactive engagement with other agencies involved in domestic violence;
- evidence of appropriate referral to support agencies;

- evidence of use of the Wales Specialist Support Service or appropriate referral to specialists in social welfare law if not also a social welfare law specialist
 - an out-of-office-hours service.
- 13.5 The Committee expects the Commission to apply the above recommendation in such a way that does not unduly jeopardise the Committee's overall wish to maintain the supplier base, and should, therefore, have regard to special local conditions.
- 13.6 The Committee recommends that in making all of its contracting decisions the Commission should take account of the following, in no particular order:
- The Lord Chancellor's Priorities
 - The Causes of Action Report
 - The impact on tackling social exclusion
 - The impact on promoting human rights
 - The existence of other funding for local or national suppliers
- 13.7 Education: The Committee recommends that additional contracts should be let to cover North and Mid/West Wales.
- 13.8 Immigration: The Committee recommends that the need for immigration advice is kept under regular review to ensure there is adequate capacity in the future, in particular to cope with any additional dispersal of asylum seekers into Wales.
- 13.9 Community Care: The Committee reaffirms its recommendation that further contracts be let in future years in North, Mid and West Wales to meet the growing need in this area of law.

APPENDICES

- 1. Abbreviations**
- 2. Ranking Areas of Need**
- 3. Legal Help Distribution Ranking**
- 4. Causes of Action – Civil Law and Social Justice – a summary**

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APPENDIX 1 - Abbreviations

BME	Black and Minority Ethnic
CAB	Citizens Advice Bureau
CDS	Criminal Defence Service
CF	Communities First
CLS	Community Legal Service
CLSP	Community Legal Service Partnership
DCA	Department for Constitutional Affairs
DfES	Department for Education and Skills
DTI	Department for Trade and Industry
FAInS	Family Advice and Information Services
IMD	Index of Multiple Deprivation
LSC	Legal Services Commission
LSCfW	Legal Services Committee for Wales
LSRC	Legal Services Research Centre
NfP	Not for Profit advice agency
NMS	New Matter Starts
PIB	Partnership Innovation/Initiative Budget
QM	Quality Mark
WAG	Welsh Assembly Government

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APPENDIX 2 – RANKING AREAS OF NEED

Partnership / Zone	Area Name	Wards Included	Priority	Income Support Claimants Aug 2003	Income Based Job Seekers Allowance Claimants August 2003	Total Claimants	Total Claimants in priority area	% of claimants in priority areas in CF* Wards	100% of CF *claimants and 50% of other claimants in priority areas
Swansea	Townhill		Housing, WB & Debt	1800	250	2,050	3,865	78%	3,440
	Bonymaen			870	95	965			
	St Thomas		Housing	765	85	850			
Caerphilly	Upper Rhymney Valley	New Tredegar	WB & Debt	665	75	740	2,390	100%	2,390
		Pontlottyn		255	30	285			
		Moriah		595	60	655			
		Twyn Carno		385	30	415			
	Darren Valley			270	25	295			
Rhondda Cynon Taf	Treherbert		WB & Debt	755	75	830	1,440	100%	1,440
	Maerdy		WB & Debt	565	45	610			
Merthyr Tydfil	Dowlais		Housing	760	100	860	860	100%	933
Powys	Brecon	St David withrhin	WB & Debt	125	15	140	785	40%	551
		St Mary		85	15	100			
		St John		205	25	230			
		Ystradgynlais	WB & Debt	275	40	315			

* CF – Communities First – a higher weighting is given to communities first areas.

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Appendix 3 - Legal Help Distribution Ranking

Local Authority	Total Claimants Note 1	Family NMS 04-05	NMS per 1,000 Claimants	% Pop in CF Wards Note 2	Deprivation Concentration Note 3	Priority for Reduction in NMS Note 4
Blaenau Gwent	11,655	637	55	82.5	Very High	
Bridgend	15,585	1,380	89	9.6	Low	1
Caerphilly	23,357	1,814	78	48.1	Medium	
Cardiff	37,965	2,088	55	13.6	Low	
Carmarthenshire	20,394	1,563	77	14.0	Low	2
Ceredigion	6,892	432	63	19.7	Low	
Conwy	13,238	851	64	12.7	Low	6
Denbighshire	11,528	757	66	10.1	Low	5
Flintshire	14,188	783	55	15.9	Low	
Gwynedd	10,254	640	62	12.7	Low	
Isle of Anglesey	11,850	305	26	15.0	Low	
Merthyr Tydfil	8,952	640	71	80.6	Very High	
Monmouthshire	6,161	385	62	8.7	Low	
Neath Port Talbot	19,190	1,216	63	38.6	Medium	
Newport	17,687	1,211	68	28.0	Medium	
Pembrokeshire	13,865	834	60	3.7	Low	
Powys	11,111	747	67	8.1	Low	4
Rhondda Cynon Taff	32,097	1,904	59	31.8	Medium	
Swansea	30,905	2,220	72	32.4	Medium	
Torfaen	11,111	819	74	12.1	Low	3
Vale of Glamorgan	12,333	626	51	8.0	Low	
Wrexham	14,869	772	52	6.3	Low	
Wales	355,187	22,624				

Note 1 – Total number of claimants includes claimants of Income Support, Income Based Job Seekers Allowance, Working Families Tax Credit, and Disabled Person's Tax Credit.

Note 2 – This figure is the percentage of the total population of the local authority area which lives in WAG designated Communities First wards.

Note 3 – Deprivation concentration is derived from previous column, divided into quartiles - 76% and above = very high; 51-75% high; 26-50% medium; 1-25% low.

Note 4 – The areas identified for a reduction in new matter starts under this formula would be those with higher numbers of NMS per 1,000 claimants **and** a low concentration of deprivation.

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Appendix 4 - Causes of Action: Civil law and Social Justice (2004)

Causes of Action: Civil law and Social Justice (2004) is an analysis of the data collected from the first national periodic survey of justiciable problems written and published by the Legal Services Research Centre. It is the baseline survey for a long-term project to provide a broad empirical data set to inform civil justice policy development.

All figures and analyses are weighted for non-response using 2001 census data, making them generalisable to the adult population of England and Wales.

A copy of the full report can be purchased from the Legal Services Research Centre (www.lsrc.org.uk)

Methodology

- Data collected between July and October 2001.
- Initial 'screen' interview.
- Main interview if at least one justiciable problem reported.
- All interviews conducted one-to-one in interviewees' homes.
- Parallel survey conducted with people living in temporary accommodation.
- Sample sizes: 5,611 screen interviews; 1,623 main interviews; 197 interviews in the parallel survey.

The Numbers

- 2,017 respondents reported having experienced a non-trivial justiciable problem (jp) in the previous 3½ years.
- The 1,623 respondents to the main survey reported a total of 4,050 jp's.
- 83% (164 people) of the respondents to the parallel survey reported having experienced a jp.
- Of the 1,623 respondents to the main survey, 46% reported having experienced 2 or more jp's; of which 47% reported having experienced 3 or more jp's.

Who is likely to report having experienced a jp?

- "Long standing ill-health or disability was the most influential predictor of jp's being reported" (p.10).
- 43% of respondents who reported long standing ill-health or disability also reported having experienced 1 or more jp's (this compares with 35% for the remainder of the survey population).

Who is likely to report having experienced a jp?

66% of single parents

33% of married/co-habiting respondents with no children

46% in rented sector	40% with mortgages
25% who owned property outright	52% living in flats
40% in terraced houses	34% in detached or semi-detached
34% of 18-24 year olds	45% of 25-44 year olds
18% of 75 years old +	
54% of unemployed people	39% of the remaining respondents of working age
46% of people receiving welfare benefits	35% of remaining respondents

Who is likely to report which types of problem?

- “We did not find any differences in the overall problem reporting rates of male and female respondents, white or BME respondents, or respondents receiving or not receiving welfare benefits. However, there were significant differences in the types of problems reported by respondents in these population groups” (p.12).
- White respondents were more than twice as likely as BME respondents to report divorce; less than ¼ as likely to report discrimination; and less than 1/10th as likely to report an immigration/nationality problem (p.20).
- Health warning: “disclosure of the details of some problems may involve social embarrassment or shame, and may also raise concerns of privacy, confidentiality and personal safety. Domestic violence, mental health and debt problems might all be expected to be under-reported to some degree in consequence” (p.14).
- “Just 32% of female and 9% of male respondents who reported domestic violence through the British Crime Survey also reported it through standard interviews.” (p.19).

Age Range	Most likely to report problems with:
18-24	rented housing; homelessness; mental health; unfair treatment by the police
25-34	consumer; debt/money; domestic violence; immigration/nationality
35-44	divorce; relationship breakdown; children
45-58	consumer; debt/money; welfare benefits; neighbours
59 plus	mental health; debt/money*

*Problems of all types (with the sole exception of mental health) have much lower reported incidence levels from respondents of retirement age – “this may reflect ignorance of circumstances, compounded by the growing isolation of old age”. (p.18).

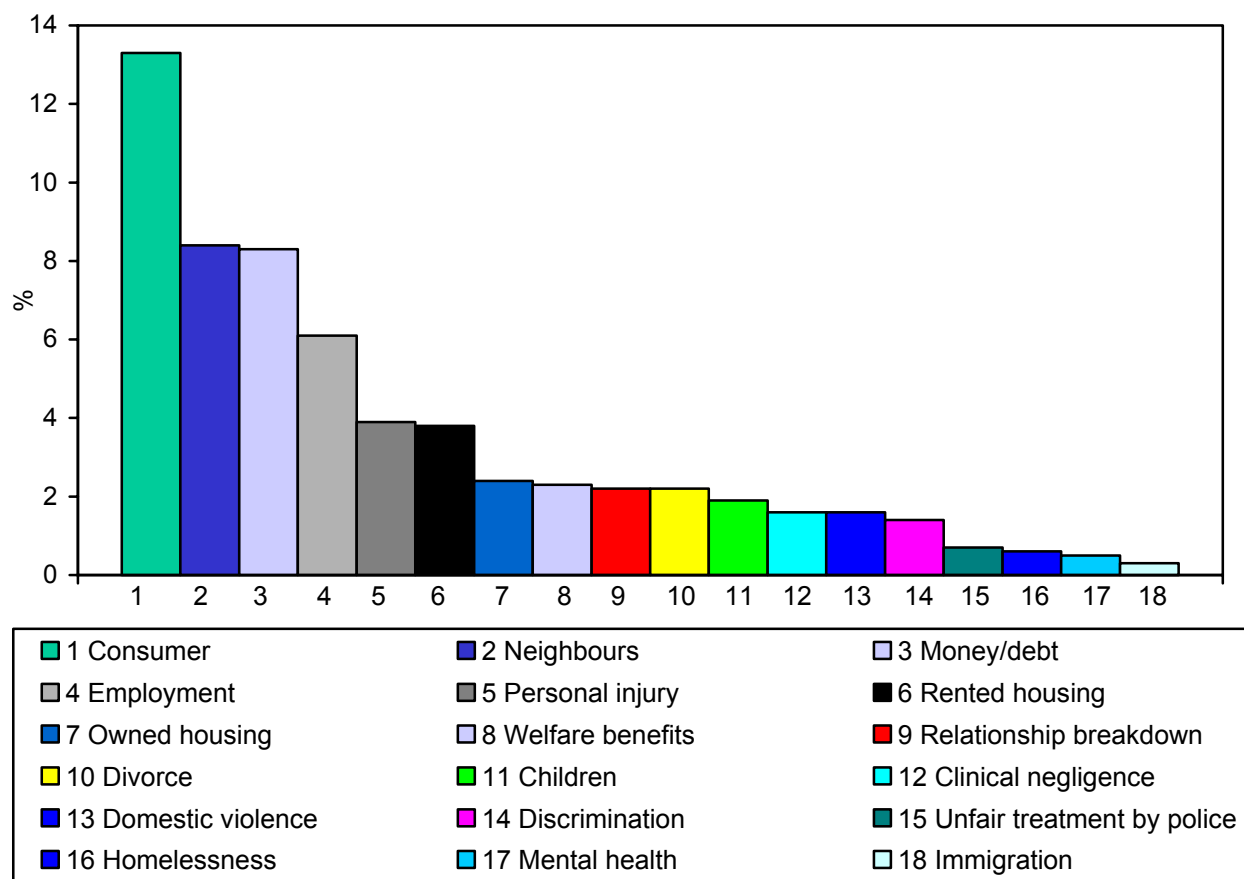
Multiple problems and susceptibility to problems

- 4,050 jp’s were reported in the main survey “[they] were not, though, reported in equal numbers by [respondents]. Experiencing jp’s has an additive effect.

Each time a person experiences a problem they become increasingly likely to experience additional problems” (p.31).

- “As certain population groups – including people with long standing illness or disability, lone parents, and those receiving welfare benefits – are more vulnerable than others to a range of jp’s... the proportion of respondents in vulnerable groups increased as the number of problems reported increased” (pp.31/32).
- “The relative likelihood of respondents reporting domestic violence, problems ancillary to relationship breakdown, and problems relating to homelessness, increased significantly along with the number of problems reported... these three problem types were relatively unlikely to have been reported in isolation” (pp.33/34).

Relative Prevalence of Problem Types (p.14)



Problem Clusters (pp. 37-40)

Analysis of connections between problem types revealed four Clusters of Problems (i.e. types of problem that regularly occurred in groups):

- The **Family Cluster** comprising problems around domestic violence, divorce, relationship breakdown and children.

- The **Homelessness/Housing Cluster** comprising problems around unsafe and unsatisfactory rented housing, homelessness, unfair treatment by the police, and action being taken against the respondent.
- The **Health and Welfare Cluster** comprising problems around clinical negligence, mental health, immigration and welfare benefits.
- The **Economic Cluster** comprising problems around welfare benefits, consumer, money/debt, employment, neighbour disputes, rented housing, personal injury and owned housing.

Cluster	Vulnerable groups
Family	Lone parents; people living in the rented housing sector; people who reported long standing illness or disability
Housing/ Homelessness	People in receipt of welfare benefits; people without their own mechanised transport; people who reported long standing illness or disability; younger people
Health And Welfare	People who reported long standing illness or disability; people unable to work because of sickness; people from BME populations; people in receipt of welfare benefits; people in rented housing
Economic	Lone parents; people living in high density housing; people who reported long standing illness or disability

Problem Clusters and money/debt problems

“Money/debt problems can lead to downward mobility in the housing market, along with general difficulties relating to mortgage and rental payments; thus increasing vulnerability to rented housing problems. As a result, ... respondents in the rented housing sector were more likely to report money/debt problems than were others. Also... money/debt problems most often overlapped with consumer problems, perhaps reflecting the overreaching economic activity of some of those who face money/debt problems. Over one-third of respondents who reported money/debt problems also reported a consumer problem” (p.42).

Analysis of Problems – Summary

“It is clear that ‘socially excluded’ groups are particularly vulnerable to experiencing jp’s. This was starkly illustrated by the fact that more than 80% of temporary accommodation survey respondents reported one or more problems during the 3½ year time period” (p.45).

Action and Inaction – Responses to jp’s (pp. 49-55)

- No action was taken in relation to 19% of problems reported.
- In over 50% of mental health and clinical negligence reported problems no action had been taken.

- Respondents reporting problems around owned housing (94%) and homelessness (90%) were most likely to act; closely followed by those reporting family (excluding domestic violence) problems (89%); welfare benefits (89%) and consumer (86%).
- Respondents in full time employment were less likely to take action.

Reason Reported for Not Taking Action	%
Thinking that nothing could be done	31
Problem not sufficiently important to warrant action	12
Nobody who could be regarded as being in the wrong	10
Action unnecessary as a result of activity on the part of others	9
Potential damage to an on-going relationship	8
Time it might take to reach a resolution	6
Scared to do anything	6
Concerns about possible financial cost	4
Other	14

Patterns of Action (pp. 56-59)

- 63% of those taking action sought formal advice (of these 15% failed to get it); 37% chose to go it alone (though some used printed information and/or self-help guides).
- Mental health and consumer problems were more likely to be tackled without recourse to formal advice.
- Formal advice was very likely to be sought in respect of family problems; homelessness; domestic violence; and personal injury.
- Formal debt/money advice was sourced in respect of just 49% of reported problems in this category.
- There is some evidence (not statistically significant) that BME respondents taking action are less likely to seek formal advice – possibly reflecting language and cultural barriers militating against the use of advice services by these communities.

Physical Barriers to Advice (pp. 61-66)

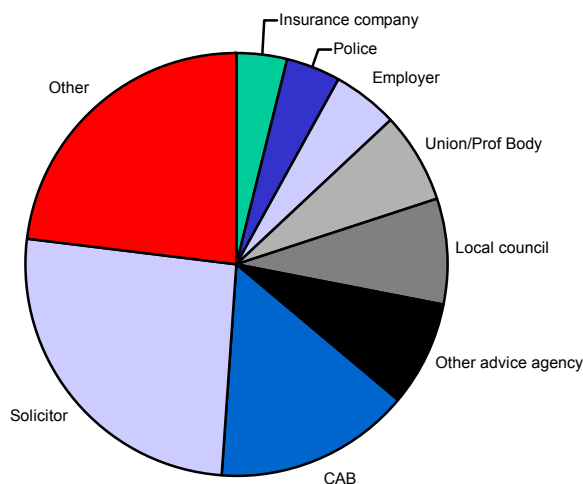
The main issues identified as frustrating efforts to obtain formal advice were :

- Adviser approached unable to provide help.
- Limited opening hours of advice giving organisations.
- Difficulty in getting through on public telephone lines.
- The waiting time for appointments when contact was made.
- Although respondents reported finding it easier to get through to solicitors and insurance company help-lines, there was evidence to suggest that these organisations were more likely to turn people away as they were unable to provide the relevant help.

Advisers from whom advice successfully obtained (p.67)

Other includes :

Health professional
Claims agencies
Housing associations
Social workers
Court staff
Churches
Politicians
The media
Job centres



Seeing more than one adviser and referrals (pp.68-78)

- Respondents who reported taking advice from more than one formal adviser, tended to see CABx earlier in the sequence than either solicitors or other (generally more specialist) advice agencies.
- 67% of respondents who saw a solicitor first, saw no-one else subsequently; for CABx the figure was 28%.
- This is in part a reflection of the 'gateway' role played by CABx as generalist advisers, and in part reflects CABx greater willingness to make referrals.
- There was some evidence to suggest that the more often a respondent was referred, the less likely s/he was to act on the referral "[this] demonstrates the importance of public education to create awareness among people of sources of help and assistance" (p.78).

Satisfaction with Advisers (pp.79/80)

- Respondents reported a high level of satisfaction with the advice received (75% overall); with solicitors and CABx both exceeding 90% satisfaction rates.

Cost of Advice (pp.80-84)

- 75% of respondents who took formal advice received it "free" – of these two thirds received totally free advice, with the remaining third reporting that their costs were met by other parties (including the Legal Services Commission).
- Advice in respect of divorce and owned housing problems were most likely to be paid for in full by respondents; welfare benefits, homelessness and mental health advice was most likely to be reported as being "free".

How and when jp's conclude (pp.91-97)

- 36% of problems reported were on-going at the time of the survey – in 20% of these, no attempts were being made to resolve them.
- Of concluded matters, 64% were resolved by agreement between the parties and 5% were resolved by adjudication; no attempt at resolution had been made in 5% of cases, and efforts had been abandoned in 25% of cases.
- Family cases and problems with welfare benefits were most likely to be resolved by adjudication; consumer and employment were least likely to go to a formal adjudication; employment was the most likely area to see action abandoned prior to resolution.
- Between 50% and 70% of people taking action reported achieving at least some of their objectives; and between 40% and 50% achieved all of their objectives.

How long does it take (pp.98-100)

- 50% of problems were concluded within 3 months; 21% took a year or more; and 2% took 5 years or more.
- Family problems tended to take longer to resolve than other problems.
- The length of time to conclude a problem tended to correlate more to the monetary value of a claim than the client's perception of the importance of the case.

Unintended Consequences (p.101)

- Trying to resolve problems can be a cause of stress and ill health (59% of those taking action reported negative impacts) – there is some evidence to suggest that those seeking formal advice were less likely to experience stress than those who acted alone.