

Community  
Legal Service



# ***Making Legal Rights a Reality***

*The Legal Services Commission's Strategy  
for the Community Legal Service*

**A SUMMARY**



legal services

COMMISSION

***Legal Services Commission***

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## Foreword

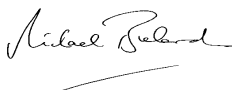
The Commission is a passionate advocate for the Community Legal Service. It has the power to defend and advance people's fundamental rights and to make real improvements in their lives. It achieves this by giving people access to the power of the law through education, information, advice and representation.

Lord Falconer, the Secretary of State for Constitutional Affairs, has recently published "A Fairer Deal for Legal Aid". In this he sets out his vision for the role of legal and advice services in resolving civil disputes or problems. In the consultation paper (of which this is a summary) the Commission sets out the contribution it will make to this vision by improving the focus of civil legal aid on clients and offering leadership to the Community Legal Service.

The CLS and the LSC are not the same - and this is the key difference between the CLS and the old system of legal aid. The CLS is much broader than the Commission's directly funded legal advice and representation. Local authorities and central government departments invest large amounts in legal and advice services, clearly recognising the positive impact that these services can have. The CLS encompasses a wide range of these services and allows us, with our partners, to plan and deliver legal and advice services that better meet the needs of the people we serve.

So the underlying theme of the consultation paper is one of closer and deeper engagement with other stakeholders in the CLS to make it more focused on client needs and more effective at delivering quality services which meet those needs and achieve positive outcomes for clients.

Even after more than 50 years of legal aid and an even longer period of innovative advice services there are still too many people who do not have access to the legal and advice services that they need. The Commission is committed to working with others to change this.



**Sir Michael Bichard**  
Chair, Legal Services Commission

This leaflet provides a summary of 'Making Legal Rights a Reality: The Legal Services Commission's Strategy for the Community Legal Service. Volume one: A Consultation Paper'.

To accompany the consultation paper we have also produced a second document 'Volume two: An Overview of the Community Legal Service'. This provides a concise description of the CLS in England and Wales at the end of its first five years. It provides both a context for the strategy and a synopsis of the information that has informed our thinking while developing it.

Both documents can be found on the Legal Services Commission website:  
[www.legalservices.gov.uk/civil/docs\\_for\\_consultation/civil.asp](http://www.legalservices.gov.uk/civil/docs_for_consultation/civil.asp)

Responses to the consultation should be sent by e-mail, post or fax by Friday 14th October 2005 to:

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CLS Policy  
Policy & Planning Directorate  
Legal Services Commission  
12 Roger Street  
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Responses to this consultation may be made public. If you wish your response to remain confidential, please mark it accordingly.

A summary of the responses to the consultation will be available in the Winter of 2005/06 when the final version of the Commission's strategy for the Community Legal Service will be published.

## Community legal services and the Legal Services Commission

The Community Legal Service (CLS) was established by the Access to Justice Act 1999, which describes the CLS not as a single body or organisation but in terms of its purpose: principally to promote the availability of legal services – information, advice and representation – in civil law. The Legal Services Commission (LSC) has the duty of developing and maintaining the CLS. However, the CLS potentially includes all those who fund, provide or facilitate civil legal and advice services. Key stakeholders in the CLS therefore include local authorities and central government departments, the solicitor and advice sectors, as well as, of course, clients - those who actually receive the services. It is a central theme of this strategy that all of these stakeholders working together can achieve better results than working in isolation.

The core objective in promoting the availability of legal and advice services through the Community Legal Service (CLS), and in the LSC directly funding such help, is to protect and promote people's rights. In particular:

- to enable individuals to protect their fundamental rights in the face of action by public authorities and to receive a fair hearing in, for example, mental health and public law children cases;
- to help them resolve private law disputes such as private law family and clinical negligence cases, through negotiation and non-court based solutions where possible, and through access to the courts where this is the only, or most appropriate route; and
- to address problems, such as those relating to debt, welfare benefits, and housing, which contribute to social exclusion, and thereby helping to combat it.

Many of the people that the CLS helps are poor (and so unable to pay privately for access to legal services), socially excluded and dependent on help provided by other government and local authority agencies. Research also shows that where people have one problem capable of legal resolution they are likely to have others.

These client groups and areas of law have been our greatest focus in our wider role of establishing, developing and maintaining the CLS, and therefore form the primary focus of our work with other CLS stakeholders.

## **Our vision for the Community Legal Service**

Our vision is for a Community Legal Service that places the client at its heart and focuses on the rights of individuals. We will develop legal and advice services to uphold these rights, targeted at people for whom, without its support, access to justice might not be possible.

We also have a clear view that the CLS should have at its core a commitment to use the law to achieve positive change: in individual lives, in communities that share a common problem and across groups facing particular issues. It is also a vision which recognises that people need access to an integrated and seamless service, and do not face 'legal problems' but problems to which the law may offer a solution.

All of this fits within a context of acknowledging the contribution of many other services which work to address the same problems for clients. From health and education services to social care and family support services, it is clear that the CLS is but one of a package of tools to help individuals address the problems that they may face.

We want to develop the Community Legal Service so that it is:

- client-focused and accessible;
- independent;
- cost-effective and co-ordinated; and
- quality-assured.

## The need for change

We consider that there are five key points arising from the evidence and analysis summarised in Volume Two of our consultation paper:

- There is a need for the LSC to provide clear leadership of the CLS including providing strategic direction and working with others to address the causes of problems;
- Not all Community Legal Service Partnerships (CLSPs) have delivered the evidence to allow for a more focused commissioning of legal and advice services to meet priority needs;
- There is a need for improved access to early legal advice for both existing clients and those who do not get advice about the problems that they face;
- Social welfare legal and advice services need to be provided in an integrated and seamless manner to have the most impact for the most deprived clients; and,
- Currently services are not necessarily in the right places to meet identified priorities in a strategic manner. In future services should be commissioned against agreed targets on access as well as on the range of services delivered.

We wish to consult widely, with all CLS stakeholders, about the proposals and develop them further in partnership. However, we are clear that change is essential if we are to fully realise the potential benefits of the CLS for its clients and meet the key challenges that we have set out above.

## **Working together**

We will only deliver our vision by working more closely with other funders such as local authorities and central government departments. We propose to establish a national stakeholders group for the CLS including these key partners and, importantly, client representatives.

At a regional level, we propose to review the current planning function of Community Legal Service Partnerships with a view to reaching more direct and flexible arrangements with other funders. The LSC can offer other CLS funders access to systems of performance management, quality assurance, contract management and needs analysis. This could ensure that funding is directed towards increasing capacity and promoting a seamless service that addresses the range of problems that clients experience.

We will take a more strategic approach, both nationally and locally, in seeking long-term funding commitments for legal and advice services from new sources and in understanding the wider objectives that drive our partners. The CLS can contribute to the wider government agenda by helping to fit legal services with policy developments and improving the processes by which clients engage with the state. We must do this while maintaining the independence of the CLS so the rights of the individual are upheld.

## Priorities for the Community Legal Service

We have identified three priority areas for our work in developing CLS services:

### 1. Individual acts of advice and assistance

We know, from research such as the Legal Services Research Centre's National Survey of Justiciable Problems, that:

- there are likely to be over a million unsolved legal problems each year;
- if a client has one legal problem, they are likely to have another;
- only half of those with a problem seek legal advice, and of those that do, one in seven fail to get it;
- many people that take action to resolve their problem(s) regret their handling of it; and
- the more times a client is referred, the less likely they are to ultimately receive help.

We believe that early advice is vital to prevent people's problems escalating, becoming more numerous and complex, and thus increasing the risk of social exclusion and the overall cost to society and public services. If we cannot prevent problems arising in the first place, we want to help solve them as quickly as possible - and make going to court a last resort.

We propose to:

*Expand our current national telephone advice service* in order to widen access to legal and advice services and achieve greater value for money. This will ensure that more people have access to basic information and advice, and will provide an accessible legal and advice service across the whole of England and Wales covering a wide range of problems.

*Pilot Community Legal and Advice Centres* providing face-to-face legal and advice services in social welfare law delivered under a client-focused service specification. They will deliver a seamless service, from basic advice and assistance to specialist representation in the highest courts. In order to deal with clients' problems seamlessly, the Centres will cover a complete range of social

welfare law services and also either deliver or have effective links with suppliers in other specialist areas of law.

These Centres will be based in densely populated urban areas where there are the highest concentrations of people facing poverty and exclusion and the largest number of clients needing legal and advice services. Funding for the Centres could be related to achieving specific outcomes for clients and may be jointly funded. Key activities could include:

- targeting groups that do not access current services, for example through outreach in community centres or GP surgeries focusing on helping people who have a particular need for, and difficulty in, accessing services because of their personal circumstances (such as people with mental health problems or those with physical disabilities), and addressing the patterns of problems they face. They will also seek to ensure effective access for those clients from black and minority ethnic groups that are reluctant or unable to access traditional legal services;
- helping to tackle institutional causes of problems relating to poor delivery of public and private services through dialogue, negotiation, and, where this fails, litigation; and
- helping to make clients aware of their rights, and providing information and self-help packs.

*Pilot the joined-up approach proposed for the Centres to other geographical areas through Community Legal and Advice Networks. We will also consider whether such a network would be practicable on a regional basis to ensure that clients have access to a wide range of services. The suppliers in the network would sign up to a common specification of services working together to provide a seamless and integrated service across a broad range of categories of law, including social welfare categories and from initial advice to litigation. By creating widespread networks we will be able to ensure that clients in more dispersed geographical areas have access to the full range of legal and advice services that they need. Like the Centres, they could be funded jointly, and may also tackle institutional causes of problems.*

## **2. Strategic action to address the need for advice**

Legal and advice service providers witness the same kinds of problems time and again, when public services have failed to meet their statutory duties or when commercial companies have misled or exploited their customers. With a unique viewpoint on the pattern of problems that people face, and the possibilities the legal system provides for resolving them, the CLS can contribute to a dialogue between consumers and service providers. This offers a strategic and cost-effective approach to improving services (and thus preventing justiciable problems).

Our focus will be on three main areas of activity:

- Raising awareness of the issues through producing relevant publications and engaging with government and local communities. Our intention is to reduce the need for recurring individual acts of advice and assistance and thus to have a greater impact for clients with the resources that we have available.
- Negotiation, by engaging with service providers at a senior level in a constructive and positive manner to highlight problems and suggest solutions.
- funding litigation where other approaches fail. This will include identifying and bringing test cases, and sometimes funding actions by groups of clients.

## **3. Information about legal rights and responsibilities**

The CLS promotes information, which enables people to know and exercise their legal rights. We do not seek to encourage unnecessary litigation; we want people to understand how they should use the law to bring about positive change in their lives.

Research shows that such information exists, but access and availability are haphazard because of a lack of standards and consistency. The complexity of the information and advice sector and the diversity of problems facing consumers, together with the number of sources of information, can make consumers feel unable to find the information they need. Therefore we do not seek to increase the amount of information provided; rather, we seek to promote trusted sources

and thus help clients navigate through the information and advice that is available. This work will be delivered primarily by working with others, particularly the Department for Constitutional Affairs and its Education, Information and Advice Strategy.

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We are committed to ensuring clients have access to appropriate legal and advice services and therefore believe that this strategy will help make legal rights a reality.

The Commission sees your input into the consultation on the strategy as essential. We would therefore encourage you to review the full version of the paper, which is available on the Commission's website, and welcome your response to it.

# Our vision

Our vision is for a Community Legal Service that focuses on the rights of individuals. We will develop legal and advice services to uphold these rights, targeted at people for whom, without its support, access to justice might not be possible.

The Community Legal Service has at its core a commitment to use the law to achieve positive change: in individual lives, in communities that share a common problem, and across groups facing particular issues. It is founded on a vision which recognises that people need access to integrated and seamless services, and do not face 'legal problems', but problems to which the law may offer a solution. We aim to develop the Community Legal Service so that it is:

- *Client-focused and accessible*
- *Independent*
- *Cost-effective and co-ordinated*
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