

***North Western
Legal Services Committee***

***Regional Report and
Update***

2004/05

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1. INTRODUCTION

1.1 Chair's Introduction

The role of the Regional Committee, through this Report, is to provide a specific policy framework for the Regional Director's contracting decisions. In previous years, this has been against a backdrop of a shortage of Legal Services Commission (LSC) funds. For once (and for a number of reasons it is likely to be only a temporary position), we are publishing our Regional Report in a time when many gaps previously identified have already had funding released to fill them, and there may be further additional resources available for any newly identified needs.

This is obviously a happy position to be in. However, the need to obtain value for money, to increase partnership working in relation to effective use of resources, and to ensure accessibility to a quality service for those most in need in our region, remain challenging objectives.

This Report builds on the success of the Civil bid round in the autumn of 2003, our existing strong policies for the Region as a whole, and the latest contracting information available. It identifies the way forward for the development of the Community Legal Service (CLS) and the letting of LSC contracts at Specialist Help level for 2005.

1.2 Purpose of the Regional Report

This is the Regional Report for the provision of Community Legal Services in the North Western Region. The North West Legal Services Committee (NWLSC) has prepared this Report, and welcomes comment. The NWLSC can be contacted via the North West Regional Office of the LSC.

The Report's purpose is to ensure that LSC resources are allocated appropriately across the region in order to achieve access to priority services for all who need them. The Report will be used as the basis for the Contracting Strategy for contracts from April 2005.

The Report identifies the current contracted provision in the North West Region, compares it to need for services as identified by the Community Legal Services Partnerships (CLSPs), and contains recommendations for future service provision.

The information on contracted provision was collected in September 2004 and was correct and accurate at the time of publication. The numbers include the new contracts issued in April 2004, but not contracts, still being considered as part of bid rounds, that are still running.

Contract management is an ongoing process and subject to constant review. Therefore, the contracting picture may change on a regular basis. The LSC's North West Regional Office will respond to any changes accordingly in line with the identified priorities.

1.3 National Community Legal Service Developments

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

The LSC and its CLS partners have been developing links 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. The LSC is exploring the possibility of direct links between the respective telephone services.

Other national services the LSC is working with include: DTI's National Debt Gateway; the Pension Service; and Connexions. This supports the LSC's objective of working more closely with other government departments to ensure the public greatest access to appropriate services.

The LSC's Specialist Support Contracts, which provide help and support to LSC contractors and Quality Mark holders, have been enhanced so that from November 2004 onwards, low cost training courses will be run in the LSC regions.

The LSC has also continued to fund Training Contracts and Legal Practice Course places in order to increase the number of solicitors working in the publicly funded environment.

It has recently developed relationships with the College of Law in order to introduce a publicly funded work option in the Legal Practice Course. A third round of funding for new initiatives, called the CLS Development Fund, has also been announced, which will add to the existing projects funded under the Partnership Initiatives Budget (PIBs).

Details of all these initiatives can be obtained from the Policy and Legal Department in the LSC's North West Regional Office.

1.4 North West Region

The North West Region includes Cheshire (the new county and the unitary authorities of Halton and Warrington); Cumbria; Greater Manchester; and Lancashire (the new county and the unitary authorities of Blackburn with Darwen and Blackpool).

There are nineteen CLSPs in the region based on local authority areas as follows:

- Blackburn with Darwen
- Blackpool
- Bolton
- Bury
- Central and South Lancashire – Chorley, Preston, South Ribble and West Lancashire
- Cheshire – the county and the six districts
- Cumbria – the county and the six districts
- East Lancashire – Burnley, Hyndburn, Pendle, Ribble Valley and Rossendale
- Halton
- Manchester
- North West Lancashire – Fylde, Lancaster and Wyre
- Oldham
- Rochdale
- Salford
- Stockport
- Tameside
- Trafford
- Warrington
- Wigan

1.5 Role of North Western Legal Services Committee

NWLSC has the following responsibilities:

- Advising the LSC's North West Regional Office on the most appropriate distribution of the Community Legal Service (CLS) Fund based on the need for legal services in the Region. The advice is contained in the Regional Report and any supplementary reports which NWLSC issues as contracts are developed to implement the Report.
- Advising the LSC on the implementation and promotion of the CLSPs and other joint planning arrangements in the North West Region.

- Advising the LSC on the extent to which the objectives for the CLS set out in the Access to Justice Act are being met.

The NWLSC is currently made up of seven members, including the Chair, Juliet Herzog. Their details are contained in Appendix 1.

1.6 The Community Legal Service Fund

The CLS Fund, which replaced the Civil Legal Aid Fund on 1st April 2000, provides the funding the LSC has available in order to pay for advice and representation on legal issues.

The Lord Chancellor has set priorities for the Fund at a national level, and the Regional Legal Services Committees and CLSPs advise on the detail of priorities at a local level.

Three criteria, set out below, have been used to determine the choice of contracting priorities at a regional level:

i) Lord Chancellor's direction:

“The Commission should give top priority to categories in this paragraph, ensuring that all cases within them that meet appropriate merits criteria can be funded:

- *Special Children Act proceedings (as defined in the Funding Code); and*
- *Civil proceedings where the client is at real and immediate risk of loss of life or liberty.*

After that, the Commission should generally give the following categories higher priority than others:

- *Help with social welfare issues that will enable people to avoid or climb out of social exclusion, including help with housing proceedings (as defined in the Funding Code) and advice relating to debt, employment rights, and entitlement to social security benefits;*
- *Domestic violence proceedings;*
- *Proceedings concerning the welfare of children (including proceedings under Part IV or V of the Children Act not included above, adoption proceedings, and proceedings concerning residence); and*

- *Proceedings against public authorities alleging serious wrong-doing, abuse of position or power or significant breach of human rights.”*

These priorities are the NWLSC's starting point in making recommendations. The NWLSC then forms a view, derived from the CLSPs' Strategic Plans, as to how LSC funding should best be allocated across the region.

ii) Access implications of the gap identified, such as:

The scale of unmet need; geographical factors (for example, lack of supply among a dispersed rural community), and the needs of particular client groups including, but not only, those covered by equal opportunities policy.

iii) Regional versus local solutions:

The extent to which funding can deal with issues that extend across CLSPs. This includes consideration of whether current demand suggests a cross-partnership solution and categories of law generally considered on a regional basis, such as Mental Health or Immigration.

1.7 Relationships between Community Legal Service Funders

The CLS Fund is not the only source of funding for advice within the CLS. Local authorities and other funders, once they have joined CLSPs, agree a local funding plan which includes services to be funded by all funders, not simply the LSC.

The starting point for the funding plan is the local CLSP Strategic Plan, which involves an analysis of need and current supply of services, and an assessment of the ability of services to meet need, and an action plan for the maintenance and development of services.

These local plans feed into the NWLSC's Regional Strategy for LSC funding, and into other funders' funding plans for the purposes of their funding. The NWLSC monitors the extent to which LSC contracts meet the needs identified, and recommend further action which should be undertaken if needs are not being met.

The whole of the North West Region is now covered by nineteen CLSPs, the last having been set up in December 2001.

All CLSPs produced Strategic Plans in 2002/2003 that fed into the recommendations contained in this report. Many of those Strategic Plans were three year Plans that are still current.

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The following CLSPs have produced further Plans since the production of the last Regional Report in October 2003:

- Blackpool
- Central & South Lancashire
- Cumbria
- Halton
- Stockport

Therefore, the conclusions and recommendations contained in this Report are based on the initial Plans of all the CLSPs, with the addition of the further information from the five CLSPs listed above.

1.8 Categories covered by the Regional Report

The Regional Report focuses on legal service provision in the categories listed below, which are the categories in which the LSC issues contracts.

As indicated earlier, however, the LSC is not the only funder of the CLS, and other funders may well fund different categories of advice.

- Actions Against the Police etc.
- Clinical Negligence
- Community Care
- Consumer/General Contract
- Debt
- Education
- Employment
- Family
- Housing
- Immigration
- Mental Health
- Public Law
- Welfare Benefits

An explanation of what is included within these categories is contained in Appendix 2.

1.9 Geographical Areas for Planning & LSC Contracting

This Report covers services at both local and regional level. “Local” is the area covered by a CLSP or sub areas within the CLSP. The Report therefore refers to CLSP areas or sub areas.

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The NWLSC has defined the categories of work where services should be provided by CLSP area or sub area because there is significant need for advice and assistance in these categories. Examples of such categories are Family and Welfare Benefits.

The NWLSC considers that advice in other categories, because of their specialist nature, will not be needed as frequently and that contracts in these categories should be issued on a wider geographical basis. Examples of these categories are Immigration and Community Care.

1.10 Funding Recommendation Principles

The NWLSC recommends principles that should underpin all contracts issued by the LSC. These are set out in Appendix 2.

These principles were set out in the NWLSC's Regional Strategy 2003 – 2004. The CLSPs in the North West Region have been consulted on, and have endorsed, these principles.

2. ANALYSIS OF NEED AND RECOMMENDATIONS

2.1 Introduction

This section analyses how well LSC contracts are currently meeting needs identified by the CLSPs, and what progress has been made against the recommendations in the 2003/2004 Report.

Comments from named CLSPs included, are from those CLSPs who have published Strategic Plans since 2002/2003. The Regional Report for 2003/2004 included comments from the first published Plans of the CLSPs.

The following tables summarise the number of offices with contracts for both Controlled Work and Licence Contracts for the regional categories and then for the local categories. These tables have been broken down by CLSP and by category.

An explanation of the categories is contained in Appendix 3.

Summary – Regional Categories

Figures as at September 2004

	Clinical Negligence	Mental Health	Community Care	Education	Public Law	Actions v. Detaining Authorities	Immigration and Asylum
Region							
Cheshire	8	2	0	0	0	1	0
Cumbria	4	3	1	1	1	0	0
Greater Manchester	19	19	6	3	1	5	25
Lancashire	6	11	1	1	0	7	8
Totals	37	35	8	5	2	13	33

Controlled Work and Category Specific Licence Contracts

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Summary – Local Categories

<i>Figures as at September 2004</i>	Family	Housing	Debt	Welfare Benefits	Employment
CLSP					
Blackburn with Darwen	10	2	1	2	1
Blackpool	18	4	3	3	2
Bolton	17	2	1	2	1
Bury	14	3	1	2	2
Central & South Lancashire	29	2	4	4	1
Cheshire	34	2	6	7	1
Cumbria	37	4	3	4	2
East Lancashire	34	2	8	6	2
Halton	9	1	2	2	0
Manchester	34	13	5	7	3
North West Lancashire	25	3	3	2	2
Oldham	14	5	1	2	2
Rochdale	16	5	4	2	1
Salford	19	2	1	3	1
Stockport	19	6	1	1	1
Tameside	19	2	1	1	1
Trafford	14	2	1	1	2
Warrington	8	2	2	2	1
Wigan	16	3	3	3	1
Totals	389	65	52	27	43

Controlled Work and Category Specific Licence Contracts

2.2.3 Clinical Negligence

CLSPs have not identified an access issue in this category.

The NWLSC considers this a low priority for LSC Legal Help contracts; work can be undertaken using investigative help and representation at legal aid certificate level.

There are currently 37 clinical negligence contractors at certificated level as follows:

- **Cheshire** **8**
- **Cumbria** **4**
- **Greater Manchester** **19**
- **Lancashire** **6**

The NWLSC considers this provides sufficient cover across the region.

Recommendations

- ***Maintain existing numbers of licensed contractors***
- ***No specific allocation of legal help funding should be made for Clinical Negligence advice***

2.2.4 Community Care

This category, at the level of service funded by the LSC, involves providing legal advice and, as a last resort, taking legal proceedings, including judicial review proceedings, in order to ensure the relevant statutory authorities comply with their duties under the legislation. It forms part of the Lord Chancellor's priorities the CLS Fund.

The type of help that involves taking legal proceedings will only arise after other remedies, such as the statutory complaints procedures, have been exhausted. Much valuable work is undertaken by organisations not funded by the LSC in order to resolve disputes at an early stage. This means the instances where legal proceedings are required are not likely to be large in number.

It is vital the LSC funds sufficient provision across the region to ensure that, where all other remedies have been exhausted, clients are able to access the services of a contracted organisation, to take legal proceedings on their behalf.

The LSC is the main, but not the only, funder in this category.

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- ***Develop a contract to cover Cheshire, Halton and Warrington as a matter of urgency.***
- ***Issue contract specifications making clear the geographical area contractors are expected to cover in order to ensure contracted provision is providing access across the Region.***
- ***Issue contract specifications making clear contractors must cover the range of work involved in community care i.e. they must deal with elderly clients, clients with disabilities, and clients with mental health problems (or carers of any of those clients) and not simply select one of those groups and refuse to take on others.***
- ***Analyse client access to existing contractors in order to ensure access is being achieved on a regional basis, and, if access gaps are identified, take steps to fill these gaps through better use of existing contractors.***
- ***Ensure all CLSPs have details of Community Care contracts so their information can be included in local referral schemes.***

2.2.5 Education

This category, at the level of service funded by the LSC, involves taking legal proceedings, including judicial review proceedings, in order to ensure the relevant statutory authorities comply with their duties under the legislation and an appropriate education is provided.

As with the Community Care category, legal proceedings are only be required as a last resort; many issues will have been resolved at an early stage using other remedies. However, it is vital sufficient contracted services are available across the region for clients to be able to take legal proceedings where necessary.

The LSC is the main, but not the only, funder in this category.

The Lord Chancellor's priorities for the CLS Fund include services that assist people to climb out of social exclusion. The aspects of education advice and representation that are priority areas in terms of social exclusion, and the NWLSC consider should receive LSC funding are:

- Permanent exclusions from schools i.e. pupils who may need legal services as a result of a permanent exclusion from school
- Special Educational Needs where four main issues arise:
 1. Appeals against a decision not to assess or re-assess a child or issue a statement of Special Educational Need;
 2. Actions against details contained in a statement;
 3. Actions against a decision to withdraw a child's statement; and
 4. Implementation of the statement.

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- Cases involving allegations of discrimination, either race, sex or disability, in the provision of education

and a lesser priority to cover,

- Appeals against school closures or non-admission that involve children being unable to access education suitable to their needs, or at all.

The NWLSC does not recommend that general complaints about schools, or disputes about parental preferences, should be funded by the LSC. In the NWLSC's view, these do not assist in climbing out of social exclusion.

The NWLSC's initial view was there was likely to be some need in every CLSP, but due to the specialist nature of the work, it would not be feasible to issue contracts in every CLSP. This view has been endorsed by the CLSPs.

There are now five education contracts across the North West Region as follows:

- **Cumbria** 1
- **Greater Manchester** 3
- **Lancashire** 1

Although the overall numbers have reduced, the contract capacity has remained consistent. All of these contractors draw clients from a wide catchment area.

While there is not an education contract in Cheshire, the Greater Manchester contracts cover Cheshire.

CLSPs have identified the need to increase links with regional contractors in order to ensure access, and for contractors to have defined geographical areas to cover. For example, Halton CLSP is only aware of two contractors in the North West.

Support agencies involved in local CLSPs are often unaware of local supply and frequently refer out of the region. It is suggested the NWLSC and the North West Regional Office work with specialist support organisations more closely to ascertain need for advice services regionally and to improve access to services in this developing area of law.

Cumbria CLSP, for example, suggested links with Connexions, youth groups, dyslexia groups and parent teacher associations.

Stockport CLSP regards school exclusions as the priority area in this category, but is also concerned about the duty of schools to protect bullied children and the impact of the Disability Discrimination Act. It was pleased to note that an education contractor, Wythenshawe Law Centre, now provides an outreach service.

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The performance of contracts in this category does not warrant increases in the size of contracts. However, should the need arise, increases should be made quickly.

Recommendations

- ***Maintain the existing numbers of contracts with increases made to contracted capacity where demand requires it.***
- ***Issue contract specifications making clear the geographical area contractors are expected to cover in order to ensure contracted provision is providing access across the region.***
- ***Issue contract specifications making it clear contractors will be expected mainly to deal with cases involving exclusion, suspension or expulsion; special educational needs cases; and cases involving education authorities not admitting children to schools in their area i.e. failing to provide education.***
- ***Monitor client access to contractors in order to ensure access is being achieved on a regional basis, and if access gaps are identified, take steps to fill these gaps through better use of existing contractors.***
- ***Ensure all CLSPs have details of education contracts so their information can be included in local referral schemes***
- ***Work with specialist support organisations in order to ascertain regional need for services in this area of law and to improve access to services.***

2.2.6 Mental Health

Detained patients require representation before Mental Health Review Tribunals and therefore any organisation offering services at the specialist level must be able and willing to provide representation at the Tribunals.

The LSC is the main, but not the only, funder of advice and assistance in this category.

The NWLSC, as part of work in developing the Regional Strategy for Mental Health Advice, has worked on identifying hospitals and other units with detained patients, and has identified the need for staff at the LSC's regional office to continue to liaise with relevant bodies. The LSC has worked with hospitals, mental health contractors, user groups, and with the Mental Health Review Tribunal Service, in order to ensure detained patients have access to advice and representation.

- **Monitor patterns of client use of contractors in order to ensure clients are accessing services on a regional basis.**
- **Keep under review the need for services in this category in the light of proposed changes in legislation.**

2.2.7 Public Law

One public law contract has been issued in Cumbria, but it is too early to have any significant information on usage.

No CLSPs have identified this as a major priority area.

The NWLSC would like to see analysis of the work done in these contracts, compared to the work done in category specific contracts, before drawing any conclusions to whether specific public law contracts provide any benefits over and above undertaking Judicial Review work in category specific contracts.

Recommendation

- **Monitor the use of the Public Law contract to identify the types of cases undertaken and the geographical areas from which clients are being drawn, and discuss further with CLSPs.**

2.3 Immigration and advice for asylum seekers

2.3.1 Introduction

Immigration cases are initially heard at tribunal level, but also involve courts by way of Judicial Review. Therefore, although a solicitor is not automatically required in order to be granted an immigration contract, an organisation must be able and willing to provide representation in all relevant hearings.

The LSC is the main, but not the only, funder in this category.

2.3.2 Immigration and Nationality

The following CLSP areas identified need for Immigration and Nationality advice in their initial Strategic Plans:

- Blackburn with Darwen
- Bolton
- Bury
- Central and South Lancashire (in Preston)
- Cheshire, although the need is relatively small
- Cumbria, although the need is extremely small
- East Lancashire (in all local authority areas apart from Ribble Valley)

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- Halton, although the need is small
- Manchester
- Oldham
- Rochdale
- Stockport
- Tameside
- Trafford
- Warrington, although the need is relatively small

There are currently 33 contracts covering the above areas, with the exceptions of Cheshire, Cumbria, Halton and Warrington. A contract was approved by the LSC to cover Cheshire, Halton and Warrington in 2003. However, due to recruitment problems this is yet to start. Existing contracts in neighbouring CLSPs have been providing coverage to date.

The NWLSC is highly concerned about the delay in starting this service and the consequent impact on clients. The NWLSC's view is that the potential contractor has been given sufficient time to recruit staff, hence an alternative supplier be identified as a matter of urgency.

The NWLSC does not see the need in Cumbria as sufficient to justify a separate contract.

Performance of the immigration contracts does not warrant increases in the contracts.

Recommendations

- ***Maintain the existing numbers of contracts across Greater Manchester and Lancashire, with increases made to contracted capacity where demand requires.***
- ***Develop the service for Cheshire, Halton and Warrington as a matter of urgency.***

2.3.3 Asylum Advice

The Home Office plans for dispersal of Asylum Seekers out of London and the South East originally assumed around 6,500 asylum seekers being dispersed to each region, including the North West.

Estimated figures show the number of asylum seekers now amount to almost 9,000.

The contracted dispersal areas are the ten Greater Manchester authorities and Blackburn with Darwen. In addition to these areas, there are small numbers of asylum seekers dispersed to Burnley and Nelson.

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Numbers of asylum seekers in each local authority vary, with the largest concentration in Manchester.

Work has been undertaken since early 2000 between the LSC's North West Regional Office and the North West Asylum Seekers Consortium East Region in order to anticipate need for advice and representation and ensure services were in place to meet need. In addition, meetings have been held with LSC contractors, advice and information providers, and the Immigration Adjudicator to discuss issues such as referrals.

There are currently 33 organisations contracted to provide advice and representation to asylum seekers, as set out in the table below.

LOCAL AUTHORITIES	SERVICES AVAILABLE
Blackburn with Darwen	2 (private practice) plus PREC and IAS surgeries
Bolton	1 (NFP) plus PREC surgery
Bury	1 (NFP) plus GMIAU Surgery
Central & South Lancs	3 (2 private practice & 1 NFP)
East Lancs	3 (2 private practice & 1 NFP) plus PREC surgeries
Manchester	11 (8 private practice, 3 NFP)
Oldham	3 (1 private practice, 2 NFP)
Rochdale	4 (2 NFP and 2 private practice).
Salford	1 (NFP) plus GMIAU surgery
Stockport	1 (NFP)
Tameside	2 (private practice) plus GMIAU surgery
Trafford	1 (NFP)
Wigan	Private practice surgery

Figures based on available data September 2004

GMIAU = Greater Manchester Immigration Unit

PREC = Preston & West Lancs Racial Equality Council

The Immigration Advisory Service contract also covers the region from its Salford base.

Numbers have reduced slightly as some poorly performing contracts have been managed out. Contract performance is monitored monthly and contract increases have been made as appropriate to ensure asylum seekers are advised and represented.

A separate Strategy for Asylum Seekers Advice has been published. Copies are available from the LSC's North West Regional Office on request.

The pattern of dispersals compared to capacity in LSC contracts has indicated the level of need in the cluster areas has stopped increasing, and contract capacity is sufficient to meet need.

Recommendations

- ***Continue to monitor the pattern of dispersals compared to contract capacity to maintain access, and increase contracted provision where necessary in order to ensure access to advice by asylum seekers.***

2.4 LOCAL CATEGORIES

2.4.1 Introduction

Following are the findings of the NWLSC on the relative need for legal services to be funded by the LSC in those categories which NWLSC would expect to see provided at a local level i.e. in each CLSP.

2.4.2 Consumer/General Contract

This category was originally considered a low priority for LSC funding in terms of relative need by the NWLSC. Therefore, no category specific contracts have been let by the LSC. However, the LSC will fund matters that require court representation through applications for publicly funded certificates.

The NWLSC's view is that it needs to be made clear to CLSPs that funding for court representation in consumer cases is available to any solicitor organisation with a licence to undertake representation.

This licence allows solicitors to undertake litigation in all categories with the exception of family, clinical negligence, mental health and immigration, where a category specific contract is required. Hence, if Trading Standards Departments wish to refer on consumer cases that require a court case to be undertaken, a category specific contract is not required.

One of the main reasons for the NWLSC's allocation of a low priority status to consumer work was the type of consumer problem likely to be experienced by clients who are eligible for advice funded by the LSC, and therefore by definition living on benefits or very low incomes, was likely to be best served by the local authority Trading Standards Departments who are able to prosecute as well as advise.

This view has been fully endorsed by CLSPs. Some CLSPs have noted consumer advice is proportionately more important to low income groups who are more likely to purchase goods from less reputable traders since this is all they can afford. Hence the importance of concentrating advice in centres of excellence such as the Trading Standards Departments.

The development of the Department of Trade & Industry (DTI) led Consumer Support Network (CSN) initiative has increased the profile of consumer advice over the past two years. The NWLSC supports this initiative and is keen CSNs operate as a distinct workgroup within the wider umbrella of the CLSPs.

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The DTI also co-ordinates a telephone advice line initiative, "Consumer Direct", and represents additional investment in Consumer Advice.

Blackpool CLSP made specific comments as follows:

- Blackpool CLSP supports the NWLSC's view that this category is a low priority for LSC funding. This is a reflection of the strength of the Consumer Advice services delivered by local authorities and the voluntary sector.

Recommendations

- ***No allocation of legal help funding should be made for Consumer advice.***
- ***It should be made clear to CLSPs, as part of their Referral Scheme information, funding for representation is available for court work in Consumer cases and firms with contracts licensing them to undertake representation should be identified.***

2.4.3 Debt

In this category, the LSC funds legal services, but is not the only public funder of legal services. Local authorities and others fund advice and representation. Because of the number of clients not eligible for LSC funding, such funding can only be made available in a CLSP area in a meaningful way if matched funding is available.

Therefore, even where an area has been identified as having a gap in service provision, the LSC will not necessarily be the most appropriate funder to fill the gap, and could not be the sole funder of a completely new service in this category, if that service was intended to meet the needs of all clients.

For this reason, the NWLSC's view has always been that the majority of LSC funding should be placed with not-for-profit (NfP) sector. This is now the case; though there are a number of LSC contracts with private practice firms, more than half the LSC spend at Legal Help level is with NfP agencies.

The NfP sector, however, does not always find it easy to access other sources of funding, or to recruit staff once funding has been obtained.

Currently there are LSC funded services across the region, totalling 52 in number, as set out in the following table.

The number of contracts has reduced since the last report, but capacity within contracts has been adjusted, so the overall level of provision has been maintained.

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CLSP	Debt Contracts 2003	Debt Contracts 2004
Blackburn with Darwen	1	2
Blackpool	3	3
Bolton	2	1
Bury	2	1
Central & South Lancashire	3	4
Cheshire	7	6
Cumbria	4	3
East Lancashire	9	8
Halton	2	2
Manchester	7	5
North West Lancashire	3	3
Oldham	3	1
Rochdale	6	4
Salford	3	1
Stockport	2	1
Tameside	1	1
Trafford	1	1
Warrington	3	2
Wigan	4	3

Data correct in September 2004

Specific comments from CLSPs were as follows:

- Blackpool CLSP identified a significant need for debt advice which is not currently adequately matched by supply, and also said it believed those who suffer from mental health problems and physical disabilities were a particular priority.
- Cumbria CLSP highlighted the need to increase capacity, citing, for example, the waiting times in Kendal and Barrow-in-Furness are up to eight weeks which was considered to be unacceptable. In addition, the contract offer for Carlisle and Eden has not been taken up.
- Halton CLSP identified the need for a debt seminar to promote referrals. The CLSP is also working on producing an Education Strategy on Money Management, Community Education and Debt Awareness and Advice issues. Halton CLSP is also concerned about capacity in contracts.
- Stockport CLSP stated that need for debt advice was significant and that those who suffer from mental health problems and physical disabilities are a particular priority. Concern was expressed about lack of provision, and the waiting time of four weeks was considered too long.

The priorities in the Debt category in the last Report & Review were Blackburn with Darwen, Bury and Halton.

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Contracted provision has been increased in Blackburn with Darwen as part of the 2003 bid round. A bid round is currently being run in Halton. The current contract in Bury is underperforming, therefore contract increases have not been made. Halton CLSP is working on Action Plans with the contractors.

Bid rounds are also taking place in Cumbria and Stockport to replace contractors who have withdrawn since the 2003 Bid Round, and provision in Blackpool is being reviewed. The NWLSC's view is that, if the current bid rounds result in increased provision, contract capacity should be sufficient to meet need.

However, should bid rounds not result in increased numbers of contracts, existing contracts should then be increased to provide coverage, via outreach if necessary.

Recommendations

- ***Maintain the existing numbers of contracts, increasing capacity where required in order to achieve access.***
- ***Review provision in Cumbria, Halton and Stockport after results of the bid rounds are known.***
- ***Review provision in Blackpool.***
- ***Review underperformance in Bury and, if the performance of the current contractors has not improved, reduce the size of these contracts and develop new contracts.***

2.4.4 Employment

Help with employment problems is one of the Lord Chancellor's higher priority categories for the CLS Fund.

The LSC is not the only public funder of Employment advice. Other funders, such as local authorities and trade unions, fund advice and representation.

The ability of the LSC to fund employment advice and representation is limited in two ways. Firstly, not all clients with employment advice needs will be financially eligible for LSC funding. This particularly affects clients who suffer employment problems whilst in work, such as those with low pay / equal pay issues and discrimination cases. However, increases in eligibility have made some difference.

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Secondly, the Access to Justice Act 1999 expressly excludes the time spent representing in employment tribunals (but not the higher tribunals) from payment from the CLS Fund. The LSC is able to fund advice, case preparation and travel to tribunal hearings, but cannot pay for time spent before the tribunal itself. As a result of these limitations, LSC funding can only form part of the solution to the need for employment advice. Other matched funding is required, such as other public funding, funding by trades unions, or some clients funding their own cases on a “no win, no fee” basis.

There are LSC funded services across the region, however the overall number of contracts has reduced from 43 last year to 28 this year. The main reasons for this are the difficulties with LSC funding as outlined above.

CLSP	Employment Contracts 2003	Employment Contracts 2004
Blackburn with Darwen	1	1
Blackpool	2	2
Bolton	1	1
Bury	4	2
Central & South Lancashire	1	1
Cheshire (county contract)	1	1
Cumbria – Carlisle & West Coast	1	1
Cumbria – South Lakes & Barrow	1	1
East Lancashire	4	2
Halton	1	0
Manchester	8	3
North West Lancashire	2	2
Oldham	3	2
Rochdale	3	1
Salford	2	1
Stockport	3	1
Tameside	1	1
Trafford	2	2
Warrington	1	1
Wigan	1	1

Data correct September 2004

CLSPs have raised the following issues:

- A general concern about the low level of public funding for employment advice, particularly regarding the inability of the LSC to fund tribunal representation.
- Some CLSPs identified the need to educate employers, especially small employers, in order to reduce the level of Employment advice need.

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- Blackpool CLSP pointed out that due to the seasonal nature of employment within Blackpool, demand by non-eligible clients exceeds the level of service and funding should be sought for this client group.
- Halton CLSP highlighted the fact that the priority for an employment contract covering Halton and Warrington in NWLSC's 2002/03 Regional Strategy has not been met, owing to the contractor not providing services as originally agreed.
- Stockport CLSP believes the need for employment advice to be significant. Stockport has a high proportion of people employed in industries with greater than average employment tribunal claims. The CLSP endorsed the comments of this section about eligibility difficulties in this category.
- Cumbria CLSP reports there is insufficient supply for non-LSC eligible clients to cover the county. There are service gaps at Specialist level in Eden, Millom and Warrington.

Priorities in this category in the 2003/04 Report were Blackburn with Darwen, Salford and Wigan. Capacity was increased in these areas as part of the 2003 bid round.

The NWLSC understands bid rounds are currently being run in Central & South Lancashire, North West Lancashire and Cumbria, in order to increase the level of provision and replace lost contracts.

The NWLSC's view is, given the difficulties in funding set out above, provision is as good as can be expected across the region with the exception of Halton.

Recommendations

- ***Maintain the existing number of contracts, increasing capacity where demand requires it.***
- ***Develop a contract to cover Halton, via outreach if necessary.***
- ***Review provision in Central & South Lancashire, North West Lancashire and Cumbria following the bid rounds.***

2.4.5 Family

Special Children Act proceedings, i.e. care cases, are top priority cases for the CLS Fund, closely followed by domestic violence proceedings and other cases involving the welfare of children. Services must, therefore, be available in every CLSP for such cases.

The LSC is the only public funder of advice and representation in this category (other than for Mediation services).

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Over the last year, there has been a sharper focus on the Family Justice system and 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 & Skills (DfES), with a new Minister for Children, Young People and Families.

In response to these developments, the LSC has established a Children and Families Programme Board, with representation from the DCA and 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. This will enable the LSC to develop its 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 with 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 Parent's Responsibilities"
- The LSC's Consultation document "A Focus for Civil Legal Aid"
- 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. Oldham is the North West Region's pilot area.

The LSC'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. The LSC will be in a position to better explain its work and set out its conclusions with the comments of the NWLSC in its Regional Report 2005-2006.

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CLSP	Family Contractors		
	Family	Firms with Children's Panel**	Domestic Violence*
Blackburn with Darwen	10	7	9
Blackpool	18	10	17
Bolton	17	13	5
Bury	14	7	1
Central & South Lancashire	29	11	3
Cheshire	34	20	13
Cumbria	37	14	37
East Lancashire	34	12	21
Halton	9	4	9
Manchester	34	26	25
North West Lancashire	25	7	20
Oldham	14	7	14
Rochdale	16	6	16
Salford	19	7	15
Stockport	19	12	5
Tameside	19	11	8
Trafford	14	4	5
Warrington	8	5	7
Wigan	16	9	4

Data correct as at September 2004

**Information obtained from contracted firms*

***Law Society Children Panel and SFLA (with Child Specialism)*

The NWLSC's findings with regard to access to family services are as follows:

- **Geographical access:**

It is clear to NWLSC that there is good coverage of family suppliers across every CLSP in the region; access to family services generally should not be an issue in the North West Region. Bid rounds are being run in Cumbria, Warrington and Manchester to replace suppliers who no longer undertake Legal Aid. Of more concern is the difference in provision of firms with Children's Panel members and firms undertaking domestic violence cases.

The overwhelming view of the CLSPs was that there was a need for family contracts at as local a level as could be provided throughout the region. Although few CLSPs have looked in detail at transport routes compared to the location of family contractors, CLSPs felt services should be accessible by public transport or even, in the view of some CLSPs, within walking distance.

Some CLSPs indicated the need to restructure existing contracts in order to ensure geographical access.

- **Access to Children Panel members**

The NWLSC's recommendation in its Regional Report 2003 was there should be at least four Child Panel (including Solicitors Family Law Association with Child Specialism) members within each local authority, or within reasonable travelling distance, to allow for client choice and separate representation in public law children cases. This is a view supported by the CLSPs.

This appears to have been achieved, however the NWLSS will liaise with the CLSPs to keep this under review.

- **Access to domestic violence services**

All CLSPs confirmed that access to domestic violence services was essential, including access out of hours. NWLSC advises that domestic violence services be kept under review.

- **Access to mediation services**

Concerns were expressed across the Region about the availability of mediation services, and requests were made for urgent action be taken to improve the availability of, and communication with, mediation services. This was considered by many to be an area of growing need. This will be looked at as part of the piloting of the Family Advice and Information Networks.

- **Access to services for excluded client groups**

Many partnerships have suggested restructuring existing contracts to ensure all client access issues are addressed. In particular:

- Blackpool CLSP was satisfied there was sufficient provision for divorce cases and cases involving children, but did not have sufficient information to confirm that adequate services are available for people who suffer domestic abuse. The partnership will work with abuse agencies to identify services required, and the ability of local providers to match the requirements.
- Cumbria CLSP expressed concerns about potentially reduced capacity as the number of firms undertaking family work has decreased. It identified geographical gaps in provision in Wigton, Grange-over-Sands, and the area between Carlisle and Whitehaven/Workington. It also highlighted that, in most of Cumbria, there were fewer than four firms with Children Panel members in each local authority.
- Halton CLSP, whilst endorsing the NWLSC's recommendation that there should be at least four Children Panel members in each local authority, considered the current provision of three Children Panel members sufficient for service delivery. It also endorsed the view there should be provision for domestic violence cases.

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- Stockport CLSP considered the level of provision in the family category was reasonable. The CLSP will work closely with the local Domestic Abuse Forum in reviewing the availability and quality of existing advice services for victims of domestic abuse, and in promoting the services of relevant local providers specialising in this area of law.

The bid rounds currently being run in Cumbria, Warrington and Manchester should bring provision back to an appropriate level.

Recommendations

- ***There should be at least four Children Panel/SFLA with Child Specialism members in each local authority, or within reasonable travelling distance. Cheshire and Cumbria CLSPs should be asked to review whether there are access problems in their areas.***
- ***In future, Family contracts should only be with contractors who are able and willing to undertake cases involving children and/or domestic violence.***
- ***The North West Regional Office should update the information it holds on domestic violence provision by its family contractors.***
- ***In future, Family contractors should be required to provide services in an appropriate way in order to meet the needs of the client groups in their CLSP. This will involve both geographical access via outreach; gender and language as identified by CLSPs; and access for clients with disabilities***
- ***In the short term, the existing level of provision should be maintained, and increases in provision only made in order to ensure coverage of cases involving children and domestic violence; geographical access and other client access issues such as gender and language.***

2.4.6 Housing

Housing is one of the Lord Chancellor's higher priority categories for CLS Fund Expenditure.

In the housing category, the LSC is not the only funder of services. Other funders, especially local authorities, fund housing advice at the Information and General Help levels, and to some extent at the Specialist Help level. Therefore, even where an access gap has been identified, it will not necessarily be the LSC which will fund the gap.

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Organisations with LSC contracts need to be able to provide coverage in all aspects of housing work as set out in Funding Principle 2 in Appendix 3, and since Housing cases involve the courts, the NWLSC's view is that LSC contracts should be with solicitor organisations able to initiate and undertake court proceedings.

Housing is the second highest area of LSC expenditure after Family, at Legal Help level, and a large proportion of LSC funding at Representation level. Because of this, a specific Housing Contracting Strategy is being developed by the North West Regional Office, and consultation will commence once initial views have been reached. Enquiries as to the availability of the Strategy should be made to the LSC Regional Office.

In previous Regional Reports, the NWLSC referred to analysis of duty possession schemes in County Courts identifying any gaps in provision, which could then be met by the LSC and the CLSPs working together to develop schemes. The vast majority of courts now have schemes.

Tameside County Court had a pilot scheme as part of the LSC's national pilot, which involved an enhanced funding regime. This has now become a mainstream contract.

CLSP	Housing Contracts	
	2003	2004
Blackburn with Darwen	2	2
Blackpool	4	4
Bolton	2	2
Bury	3	3
Central & South Lancashire	2	3
Cheshire	2	2
Cumbria	5**	4**
East Lancashire	3	2
Halton	1	1
Manchester	18	13
North West Lancashire	4	3
Oldham	5	5
Rochdale	6	5
Salford	2	2
Stockport	5	6
Tameside	2	2
Trafford	3	2
Warrington	2	2
Wigan	3	3

Data correct as at September 2004

All figures include cover via Shelter Regional Contracts except those marked with **.

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This involves an increase of two contracts overall.

All CLSPs identified the need for housing services to be provided within the CLSP, and in most CLSPs the current level of provision was considered sufficient.

CLSPs made the following specific comments:

- Halton CLSP identified the need to review the current level of service. It has also run a housing seminar to promote referrals and analyse housing need and supply generally.
- Cumbria CLSP identified insufficient supply in Eden and Barrow-in-Furness and the need for support to some client groups with regard to housing needs. These groups were students in Carlisle, residents in rurally isolated areas, people with mental health problems and young people. It also highlighted the need to link in to local authorities' Homelessness Strategies.
- Stockport CLSP identified the need to monitor Housing Benefit backlogs and mortgage repossessions, to assess the need for increased capacity.

Client access issues, identified generally within CLSPs in this category, were those of young people, people with mental health problems, members of ethnic minority communities and private tenants who experience unlawful eviction problems.

The priorities in this category in the 2003/04 Report were Manchester and Tameside. The 2003 bid round increased provision in Tameside. A further bid round is currently being run in Manchester.

In addition, bid rounds are currently being run in Central & South Lancashire, Cumbria and North West Lancashire.

The view of the NWLSC is that capacity should generally be sufficient to provide access, provided that bid rounds result in increased provision.

Recommendations

- ***All contracts in this category should be with solicitor organisations, either private practice solicitors firms or not-for-profit agencies with employed solicitors***
- ***Review provision in Central & South Lancashire, Cumbria, Manchester and North West Lancashire, following the bid rounds***
- ***Maintain the existing number of contracts in the rest of the Region, making increases in capacity where demand requires.***

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2.4.7 Welfare Benefits

The LSC is not the only funder of welfare benefits advice, and, as with all categories of work, the eligibility criteria means not all clients will be eligible for help funded by the LSC.

The NWLSC's view has always been that the majority of LSC funding in this category should be placed with the NfP sector; they are able to provide a service which includes tribunal representation and a service that covers clients who are eligible for LSC funding and those who are not.

This is now the case. Although there are a number of contracts with private practice firms, more than half the LSC spend in this category is with the NfP sector.

CLSP	Welfare Benefit Contracts 2003	Welfare Benefit Contracts 2004
Blackburn with Darwen	2	2
Blackpool	4	3
Bolton	2	2
Bury	3	2
Central & South Lancashire	4	4
Cheshire	7	7
Cumbria	3	4
East Lancashire	7	6
Halton	2	2
Manchester	7	7
North West Lancashire	2	2
Oldham	2	2
Rochdale	2	2
Salford	4	3
Stockport	0	1
Tameside	2	1
Trafford	1	1
Warrington	2	2
Wigan	3	3

Data correct as at September 2004

The general view of CLSPs was that coverage in this subject was sufficient.

The NWLSC's view that services should be jointly funded to ensure access for all clients was endorsed by the CLSPs.

Specific comments were made by CLSPs as follows:

- Cumbria CLSP identified gaps in provision in Aspatria, Millom, Alston Moor and Kirkby Stephen. It also expressed concern about lack of funding for tribunal representation.

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- Stockport CLSP had previously expressed concerns about lack of LSC funding in this category and welcomed the NWLSC's recommendation in its 2003-2004 Report that funding be made available.
- Halton CLSP considered provision sufficient, with the exception of funding for tribunal representation. Awareness raising for older people was identified as a need.

The priorities in the 2003-2004 Report were Bury and Stockport. A contract has now been issued in Stockport. The contracts in Bury are underperforming, therefore contract increases have not been made. The North West Regional Office is working on Action Plans to improve performance.

The view of the NWLSC is that capacity in contracts should be sufficient to meet need, taking into account the bid round currently being run in Cumbria to replace a lost contract, and the work currently being undertaken in Bury.

Recommendations

- ***Maintain the existing numbers of contracts, making increases in contract capacity where demand requires.***
- ***Review underperformance in Bury, and, if performance of the current contracts has not improved, reduce the size of these contracts and develop new contracts.***

2.4.8 Tolerances

The LSC has the power to add an additional amount to private practice solicitor contracts in order to allow them to conduct cases in categories of law other than those in which the firm holds a category specific contract. This addition to contracts enables firms to assist a client with a related matter, in order to provide a holistic approach, or to provide access to services in the absence of a category specific contractor. This addition to contracts is called a Tolerance Matter Start.

Tolerances are not intended to replace referral systems that operate within the CLSPs. Referral to a Specialist Quality Marked supplier will always be the preferred option if a problem requires detailed work.

At the beginning of LSC contracting there was a substantial use of tolerances in order to ensure clients were able to access advice, even if this was not to a quality assured supplier in the relevant category. As will be seen from the analysis in the Report, there are category specific suppliers across the region; Tolerances are no longer needed for access reasons.

Also, in the early stages of CLSP development, there was a limited number of referral schemes in the North West and suppliers were not always able to identify an appropriate supplier to whom to make a referral.

As CLSPs are now established across the North West, with local referral schemes in operation in addition to the national CLS Direct Scheme, there should be no problems for suppliers identifying other suppliers to whom to make referrals. The NWLSC considers the automatic addition of Tolerances to private practice solicitor contracts, in the context of a fixed amount of funding being available for Legal Help contracts, is inappropriate, and any unspent funding should be used to increase the level of Quality Marked provision and to fund the priority areas, not non-priority, non-Quality Marked Tolerance work.

The NWLSC's view is that tolerances should only be used by contractors who wish to provide a holistic service to a client they are already advising.

Recommendations

- ***Limit tolerances in contracts to a number which is appropriate in order to provide a holistic service.***
- ***Monitor the use of tolerances to ensure contractors are using tolerances to provide a holistic service.***

2.5 Access by excluded client groups

2.5.1 Access Issues Identified by CLSPs

The development of CLSPs across the North West Region has provided a structure within which users, or potential users, of legal services can express their views about need for, and access to, legal services. Many CLSPs have addressed the issue of excluded client groups in their Strategic Plans, and have identified a wide range of client groups where an increase in the information and advice targeting them is required for them to be able to access services generally.

Where CLSPs have considered the issues affecting access by particular client groups, they have developed action plans for dealing with them. The NWLSC has, therefore, not undertaken its own analysis. However, the NWLSC and Merseyside Legal Services Committee (MLSC) have been working together on developing ideas of good practice in involving users, or potential users, of legal services in the process of identifying need and feeding into access issues. NWLSC and MLSC will publish a report on this work.

CLSPs reported many of the access difficulties experienced by particular client groups involved a lack of knowledge of rights or of where to go for help with problems. This accords with the LSC Research Centre's work on client experiences. Many CLSPs identified the need to develop information strategies in order to tackle this.

The NWLSC envisages dissemination of information will need to be undertaken as a joint exercise between the CLSPs and the NWLSC to ensure best use of expertise and resources is made.

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Some Partnership Initiative Budget projects have focused on education and information and it is anticipated that valuable lessons will be learned from these projects.

The following are some of the issues raised across the Region requiring a change of approach to service delivery, including the delivery of services by Commission contracted suppliers:

- Particular concerns were expressed about access by clients with disabilities. The view was that specialist knowledge of disability issues should be encouraged especially in light of the Disability Discrimination Act. Access to premises was also seen as a major issue, and it was suggested this should be an auditable requirement as part of the CLS Quality Mark
- Clients with mental health problems were seen as a particularly excluded group, and also likely to have a range of problems in addition to needing advice relating to the Mental Health Act
- Clients from ethnic minority communities, including asylum seekers, were considered to have particular access issues, concerning both language and culture
- Blackpool CLSP highlighted a grave shortage of information about the number and characteristics of disabled people, which is restricting ability to plan for services. It estimated the information available was likely to be an underestimate of the number and location of people with disabilities.
- Blackpool CLSP also believes people with mental ill health experience greater problems in all social welfare categories. One of the target problem areas linked to mental ill health is debt, particularly as clients may not be accessing services through the normal channels and/or may be more vulnerable to pressure from such issues as consumer credit sales.
- Blackpool CLSP also highlighted the fact that it had a high proportion of young people, and a disproportionately high number had no qualifications. Blackpool also has the highest conception rate among 15-17 year old females outside the London Boroughs.
- Cumbria CLSP stressed the extreme rural nature of the county and stated that Carlisle was not an urban area. It highlighted older people, people with disabilities, people with mental ill health, carers and young people as priorities.
- Halton CLSP identified the high numbers of clients living with ill health as a result of industry related diseases, and the resulting need for Community Care advice and representation.

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- Halton CLSP also identified the need to review services for the following client groups:
 - Ethnic minority communities
 - Elderly people
 - People with disabilities
 - People with mental health needs
 - Asylum seekers
 - Young people
 - Vulnerable people
 - Single parent families
- Stockport CLSP highlighted the black and minority ethnic community, which has increased since the 1991 Consensus, as living in areas of high unemployment and associated poverty. It will monitor access to services by these communities. It also pointed out the importance of early advice to asylum seekers.
- Stockport CLSP also commented on the acute shortage of information about the number and characteristics of disabled people. It has set itself a priority to improve its data on this client group. In addition, it will audit and evaluate the opening hours of advice and information services, home visiting arrangements and the coordination and promotion of telephone advice services. Finally, it will assist partner organisations in complying with the requirements of the Disability Discrimination Act.
- Stockport CLSP highlighted the need to consider the services available for older people and young people. It identified the fact people with mental ill health experience greater problems in all social welfare categories. The CLSP has recently secured Legal Services Commission funding for debt and housing advice targeted specifically to people suffering from mental ill health.

The NWLSC will take steps to monitor which organisations and client groups benefit from the recommendations it makes.

As indicated in the Funding Principles set out in Appendix 2, there was endorsement by the CLSPs of the NWLSC's view that, in general for services funded by the LSC, services dealing with only one client group were not an appropriate way of allocating limited resources.

The recommendation contained in the NWLSC's Report 2003/04, that suppliers should be able to meet the needs of all their clients and should start adapting the way in which the services are delivered to meeting their clients' needs, rather than expecting clients to adapt to the way in which they have traditionally provided their services, was also strongly supported.

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Overall, the key groups identified across the region as being excluded, or potentially excluded, from mainstream advice services, were:

- Black and ethnic minority communities
- Elderly people
- People with disabilities
- People with mental health needs
- Asylum seekers
- Young people
- People living in rural communities
- People living in disadvantaged neighbourhoods or communities
- Single parent families
- Victims of domestic violence

The NWLSC would expect the LSC's audit process to ensure all LSC contractors deliver services in accordance with the conditions of the Specialist Quality Mark. The Quality Mark makes it clear LSC Quality Mark holders must be able to meet the needs of all their clients, and must comply with all discrimination legislation. As the Quality Mark Guidance states, "*Members of the Community Legal Service should be aware of the environment in which they operate and develop their services to meet the needs of their community*".

The NWLSC will work with CLSPs in order to identify any access issues suffered by specific client groups that the North West Regional Office needs to address as part of its supplier management process.

Recommendations

- ***LSC contracts should be focused on the needs of specific client groups as identified in the CLSPs Strategic Plans, to ensure no client is excluded from access to services***
- ***LSC contracts should specify the opening hours and location of services, including outreach sessions, in order to meet the needs identified in the CLSPs Strategic Plans***
- ***Access to services funded by the LSC should be monitored to ensure clients are accessing services as set out in the contracts/service delivery agreements***
- ***The LSC should ensure all its contractors understand the provisions in the Funding Code covering the payment for interpreters, both of languages other than English and sign language***
- ***The LSC should work with local authorities on developing a better method of organising translation and interpretation services to provide enhanced access and better value for money.***

2.5.2 Equal Opportunities Impact Assessment

The overall aim of the process of targeting resources on need is to promote equality of access to advice.

The NWLSC has considered the impact of the recommendations in this Report in terms of race, age, gender and disability.

The NWLSC aims to specifically target services for individuals who are socially excluded, whether this is because of where they live, or because they come from a specifically vulnerable client group. Within this group both ethnic minority groups and those who could be discriminated against are well represented. It is the NWLSC's assessment that the recommendations it is making will potentially have a positive impact on services to ethnic minority groups, older people, women and disabled groups.

No comments on the potentially negative impact on Equal Opportunities of the recommendations in this Report have been received from the CLSPs.

**3. CONCLUSIONS AND RECOMMENDATIONS FOR
ADDITIONAL SERVICE PROVISION**

3.1 Introduction

LSC contracts are now in their fifth year. The NWLSC has received regular reports on the trends on contracted spend, and has monitored spend in order to see that resources are being distributed appropriately. The NWLSC is satisfied that an equitable distribution of resources has been achieved.

The NWLSC has also monitored access and is satisfied there is increased access. The bid rounds at the end of 2003 have increased access, and small unviable contracts have been removed.

The bid rounds currently being run will, if successful, fill gaps that have arisen since the last bid round.

A key issue, which needs to be addressed, is that of education and information focused on vulnerable client groups as set out in section 2.5.

The NWLSC's priorities for additional Legal Help contracts are set out in Section 3.4 below.

These priorities are for additional contracts. The recommendations in Section 2 make clear the importance of maintaining the number of contracts already in place in order to ensure public access to LSC services.

These priorities are in addition to small increases in contracts, which can be made as part of the LSC's contract management process.

Where there is already a commitment of resources to a contract, but the contract has not started, this has not been included as a priority for new contracts, since the money has already been made available.

3.2 Progress since the 2003/04 Report

There were eleven priorities for increasing LSC contracted provision identified in the Regional Report 2003/04. Progress in implementation is detailed below.

The NWLSC has been provided with information by the North West Regional Office to enable it to draw conclusions to whether provision has been increased.

1. Community Care in Cheshire

There was not a bid round in 2003 so a separate bid round is currently being run. The NWLSC understands there have been a number of bids, and at least one contract will be let in this category to cover Cheshire, Halton and Warrington.

The NWLSC is delighted this long-standing priority will at last be met.

2. Housing in Tameside

The 2003 bid round enabled increased provision via an existing contract.

The NWLSC is pleased to note this priority has been met.

3. Housing in Manchester

Contracted provision was changed as part of the 2003 bid round in both the private practice and NfP sector. A further bid round is currently being run due to a change in contracted provision after the 2003 bid round. This will result in an overall increase in provision in this category.

The NWLSC is pleased to note this priority has been met.

4. Debt in Blackburn with Darwen

The 2003 bid round enabled increased provision via an existing contractor.

The NWLSC is pleased to note that this priority has been met.

5. Employment in Blackburn with Darwen

The 2003 bid round enabled increased provision via an existing contractor.

The NWLSC is pleased to note this priority has been met.

6. Employment in Wigan

The Employment contract in Wigan was reprofiled as part of the 2003 bid round.

The NWLSC is pleased to note this priority has been met.

7. Employment in Salford

The 2003 bid round resulted in new contracted provision.

The NWLSC is pleased to note this priority has been met.

8. Debt in Bury

The current contracted provision in Bury is underperforming overall. The NWLSC understands Action Plans are in place to improve performance.

The NWLSC recommends attempts are made to improve the performance of current contracts, but if this is not successful, the level of the current contracts should be reduced and new contracts developed.

9. Debt in Halton

There was no bid round in 2003; a separate bid round is currently being held. The NWLSC understands this bid round is likely to result in increased provision.

The NWLSC is pleased to see this priority will be met.

10. Welfare Benefits in Stockport

There was no bid round in 2003; a separate bid round was held resulting in a new contract being issued.

The NWLSC is delighted to see this new contract; there is now a welfare benefits contract in every CLSP in the North West Region.

11. Welfare Benefits in Bury

The current contracted provision in Bury is underperforming overall. The NWLSC understands Action Plans are in place to improve performance.

The NWLSC recommends attempts are made to improve the performance of current contracts, but if this is not successful, the level of the current contracts should be reduced and new contracts developed.

3.3 Further Action Required

As indicated in Section 2, further work will be undertaken in the categories of Family and Housing by the North West Regional Office.

The NWLSC will be working with CLSPs on establishing good practice in User Consultation. The NWLSC will also be consulting on appropriate waiting times for clients.

3.4 Recommendations for Additional Service Provision

As discussed in detail in Section 2, the priorities for establishing LSC contracts are as follows:

Priorities

- 1. Actions Against the Police in Cumbria**
- 2. Employment in Halton**
- 3. Immigration in Cheshire, Halton and Warrington**

If the review of performance in the Debt and Welfare Benefits contracts in Bury indicates a need for increased provision, these categories should become priorities for the running of bid rounds.

None of these priorities for contracts will involve additional expenditure; funding had already been allocated.

3.5 Conclusion

In conclusion, the NWLSC is delighted to note that nine out of the 11 priorities in its 2003/04 Regional Report have been met, and the remaining two priorities will be met either by contract management activities by the North West Regional Office of the LSC, or by the issuing of new contracts.

The NWLSC is also pleased prompt action has been taken by the North West Regional Office to replace lost contracts, and congratulates the Office on the efforts that have been made over the last twelve months to keep service provision available to meet clients needs.

The NWLSC is satisfied significant progress has been made in achieving an equitable level of contracted provision across the Region.

NWLSC
September 2004

4. APPENDICES

4.1 NWLSC members

Juliet Herzog

Juliet Herzog is a former Liverpool City Councillor with extensive experience of community work. Her activities with the LSC include chairing the Regional Legal Services Committees for the North Western and Merseyside regions, and the Public Interest Advisory Panel. A solicitor and currently a partner within private practice in Liverpool, she manages a personal injury litigation defendant unit. She is currently a member of the Council of Management of Merseyside Trades Union, Community and Unemployed Resource Centre, and a member of the Civil Procedure Rule Committee.

Hilary Jones

Hilary Jones is the Regional Director for the LSC's North West Regional Office, and is appointed to NWLSC in an ex officio capacity.

Councillor Shan Alexander

Councillor Alexander is currently a Cabinet Member with Education Portfolio for Stockport Metropolitan Borough Council and a magistrate. She was the former Chair for Best value, Regeneration and Estates and Deputy Chair of Social Services within Stockport MBC and has also had experience of managing a Job Centre and was a Disability Discrimination Act adviser.

Miranda Carruthers-Watt

Miranda Carruthers-Watt is the Programme Director for Accessible Services with Blackburn with Darwen Borough Council. She has worked as a Legal Aid solicitor in private practice and as a local government lawyer. Miranda was involved in the creation and development of the Blackburn with Darwen Community Legal Service Partnership. She is also a Committee Member of the Blackburn Incorporated Law Association.

Faruk Desai

Faruk Desai joined Preston and Western Lancashire Racial Equality Council in 1977 and became Director in 1983. He has served on numerous public and voluntary sector bodies, such as the Council for Voluntary Service, Council of Mosques and Voluntary Sector North West as well as a HM Prison Preston Board Visitor, Lancashire Education Authority Governor for Preston College.

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Faruk is currently a Non-executive Director of Lancashire Ambulance NHS Trust, and a member of the Advisory Panel & Audit Committee of the Office Of Immigration Services Commissioner.

The Racial Equality Council holds contracts in Immigration and Employment with the LSC.

Alan Norton

Alan Norton was appointed to NWLSC as a voluntary sector representative with a special interest in disability issues. He has spent most of his working life in business at a senior level and took early retirement to expand a local charity.

He is currently manager for a national organisation, the Disabled Living Centres Council, and Disability and Business Advisor for the Manchester based Disabled Living Centre. He is involved in numerous activities including Chairman for Bury Shopmobility, a member of the Local Strategic Partnership and Secretary for the Council of Voluntary Services at Bury.

Stuart Turner

Stuart Turner is a solicitor in private practice in Blackpool specialising in Mental Health law. His firm has a contract with the LSC. He is also on the panel for the Office for the Supervision of Solicitors, prosecuting cases before the solicitors Disciplinary Tribunal.

Stuart is active in his local Law Society and in the Association of North Western Law Societies. He has been active within the Blackpool CLSP but will reduce this level of activity in order to avoid a conflict of interest. In addition, Stuart has been a Deputy District Judge since 2000.

Joanne Pickering

Joanne Pickering has extensive experience of working with government funding in terms of UK, SRB and ESF funding streams.

She is currently the Specialist Quality Mark Quality Representative for a firm of solicitors with a number of LSC contracted offices in the North West region.

Joanne is also the Personnel and Quality Manager and Contract representative at her firm and is responsible for personnel issues, training, health & safety, quality (ISO 9001), and Investors in People.

Joanne has represented her firm on the East Lancashire CLSP.

Joanne is also an Independent Member of the Lancashire Combined Fire Authority Standards Committee.

Sallie Bridgen

Sallie Bridgen is currently Shelter's Regional Manager for the North. She has extensive knowledge of housing and homelessness throughout the North West and has developed services and specific projects targeting rural areas in Cumbria, Lancashire and Cheshire.

She has also worked with housing advice centres to map need for housing advice, develop services and monitor their quality and effectiveness in meeting the needs identified. Shelter currently has three contracts in the North West Region at the Lancashire, Cheshire and Greater Manchester Housing Aid Centres (HAC).

4.2 NWLSC Funding Principles

1. Coordinated Funding approach

Coordinated funding is a key element of the CLS since the LSC is not the only funder of legal services. Therefore the second underpinning principle is that LSC funding should be applied in coordination with other funding.

There are two aspects to coordinated funding. Firstly, LSC funding and other funding should be applied in a complementary way rather than, for example, LSC funding being used to replace other funding.

Secondly, because of the all embracing nature of the CLS, clients' needs are in many instances better met by Information or General Help services, and some clients will not be financially eligible for funding from the LSC.

Achieving coordinated funding will involve the LSC both entering into joint funding agreements and initiatives with other funders such as local authorities, and being actively involved with other funders in leveraging in additional sources of funding for the CLS.

2. Funding only of Specialist organisations

The LSC only funds services at the Specialist Quality Mark Level. A Specialist service is defined as one providing complex legal advice in specific areas of law, including representation where this is appropriate, i.e. is a seamless service. The supervisor standards at this level require experience of representation.

This means that if the majority of cases in a category could potentially finish at a tribunal hearing then the service must be capable of representing the client at the tribunal; if the majority of cases could potentially finish at a court hearing then the service *must be capable of initiating court proceedings and representing the client at court*. This will include the normal ability to sub-contract to a barrister once proceedings are issued.

This is not to say that every case started will end up at a tribunal or court hearing, but rather that the organisation funded by the LSC must have the *capacity* to provide the necessary representation. This means that for many categories such as Housing and Community Care, the contracted organisation must be a solicitor organisation. In other categories such as Welfare Benefits, caseworkers who are not solicitors can represent at tribunals and therefore non-solicitor organisations can be funded by the LSC.

An exception to this general principle is that if there is occasionally a need to refer cases on for judicial review in welfare benefits cases, then this does not mean that a non-solicitor agency is an unsuitable organisation for an LSC contract, since the need to refer on is so infrequent that it does not affect the organisation's general capacity to handle the cases.

This principle of seamless services has been established for client access purposes. It is vital from the client's point of view that he or she knows that once they have reached a specialist provider then they will not be referred on because of lack of capacity to handle the case. In essence, if a provider has to refer the case on because they do not have the capacity to handle it then they are not a specialist provider in that category and will not be able to apply for a contract in that category with the LSC.

Equally, if a provider regularly refers on part of the case, such as tribunal representation in welfare benefit cases, to other providers, then such providers are clearly not providing a seamless service and NWLSC would expect such providers not to receive contracts or to have them renewed if they are already contracted.

3. Diversity of provision

Another vital access principle is that clients should have, wherever possible, a choice of services i.e. there should ideally be a range of service providers in each category in each area. NWLSC recognises, however, that it may not always be feasible to ensure this in the more specialist categories.

4. Access across the Region

Even where it has been identified that there is relatively low need for legal services in a particular category in a local authority area, residents who are in need of advice and representation in a priority category within the CLS are still entitled to receive such advice and representation. The LSC will need to ensure that services are delivered in such a way that all needy clients can access them.

This may mean for example, contracts covering larger geographical areas in the more rural parts of the region, and the use of outreach and mobile services where appropriate. It is also likely that there will be fewer contracts in categories such as community care where the need for advice and representation arises less frequently, than in other categories such as family, where need is much more likely to arise.

Although there may be fewer contracts, the combined effect of all the contracts must be such that access across the region is achieved. Contract specifications will need to be specific as to geographical access and client access in order to ensure this.

This will mean, for example, that a contractor in a category such as community care must be able and willing to cover a wide catchment area if they wish to receive an LSC contract.

The underpinning principle which is the starting point for LSC spend in the North West is therefore that the allocation of LSC resources has to be justifiable on the basis that it is aimed at ensuring access.

5. *Client specific services*

NWLSC has consulted in the past on whether client specific services at the Specialist Help Level are a necessary or indeed the only way of delivering services to, for example, members of ethnic minority communities or people with disabilities.

The response to NWLSC's question has been that, at the Specialist Help level of service funded by the LSC, it is not generally necessary in order to achieve client access that client specific services should be funded. Specialism in the category was thought to be the key issue at the Specialist Help level. Client specific services were, however, thought to be vital at the Information and General Help levels.

Information and General Help providers need to be able to refer to Specialist services, and the barriers faced by some specific client groups are not underestimated. In particular, some partnerships have expressed concern about difficulties in providing services for vulnerable people and pointed out that the support network is not currently in place for people with issues such as mental health problems to access mainstream services.

Although NWLSC does not consider that client specific contracts are in most cases necessary in order to achieve access, NWLSC does consider that it may be that in some circumstances they are, if it can be demonstrated that a particular client group is not accessing mainstream services and that a more targeted approach is the most effective way of reaching out to them.

NWLSC would suggest that the North West Regional Office investigates, together with the CLSPs, whether there are specific access problems affecting particular excluded groups, which would necessitate issuing client specific contracts, and also whether a client specific contract is the best way to deliver the service.

If the conclusion is reached that a client specific contract is necessary in order to ensure access to a particular client group that is currently not accessing advice, then new contracts should be considered.

The PIB pilot contracts are a good example of how the LSC is currently investigating the added benefits to client provided by client specific contracts, as exemplified by the Tameside Mental Health and Debt PIB project which is targeting debt advice on people with mental health problems, who the Tameside CLSP had identified as not currently accessing advice. The next round of the PIB funding has been renamed the CLS Development Fund.

4.3 LSC Contract Categories

The following is a summary of the work included within the categories; detailed guidance is contained in the LSC Manual.

Actions Against the Police etc

This category covers actions for damages against the police and prisons. Most work is undertaken under Legal Aid certificates with a small amount of work undertaken at Legal Help level.

Clinical Negligence

Clinical Negligence cases involve claims for damages in respect of an alleged breach of duty of care or trespass to the person committed in the course of the provision of clinical or medical services. The majority of the work is undertaken under Legal Aid certificates.

Community Care

The need for community care advice and representation arises under a number of Acts of Parliament related to carers and community care such as the National Health Service and Community Care Act 1990, and also legislation such as the Children Act 1989 and the Disabled Persons (Services, Consultation and Representation) Act 1986.

Those who are likely to need advice under this category are largely elderly people, people with disabilities, and people with mental health problems.

This area of law deals with problems such as: -

- Problems in obtaining a local authority assessment
- Problems relating to challenging a local authority assessment
- Problems relating to the provision of services and residential care
- Problems concerning charges for services

Work is undertaken at Legal Help and certificated level.

Consumer/General Contract

This category includes advice on contracts and their enforcement, professional negligence, and advice on the provision of goods and services. Any advice to do with the recovery of money owing is covered by the Debt category.

Debt

The Debt category covers advice and court representation for all debt matters. The Legal Help contracts cover work in the County Court up to £5,000 and where assistance but not litigation is required. Representation contracts cover all other cases.

Education

The need for advice and representation under the education category arises under a number of Acts of Parliament relating to the rights of young people to receive an appropriate education.

The types of problem that are included within this category include: -

- Problems of exclusion, suspension or expulsion
- Problems regarding special educational needs
- Problems relating to admission or choice of admission to an educational institution.
- Problems concerning the level or quality of education
- Problems relating to grants both mandatory and discretionary.

Such problems may arise either with the educational institution itself or with the local education authority. Work is undertaken at Legal Help and at certificated level.

Employment

This category includes advice on all aspects of contracts of employment and employment relationships, including assistance with preparing cases for tribunal representation. Representation at Employment Tribunals is not funded by the LSC, although appeals to the Employment Appeal Tribunal are, as are employment cases which involve courts.

Family

LSC contracts are for both advice and court representation and cover all cases arising out of family relationships, including cases involving the welfare of children.

Examples of family cases are divorce, care proceedings, domestic violence, disputes over matrimonial assets and the arrangements for children. The LSC also has separate contracts for Family Mediation

Housing

Within the housing category is included:

- Possession cases, both rent and mortgage possession
- Disrepair cases
- Homelessness cases
- Nuisance and other breaches of tenancy cases

Housing work is covered by both Legal Help and Representation Contracts.

Immigration and Asylum

The Immigration category covers both immigration and nationality advice and representation, and cases involving assistance to asylum seekers. LSC contracts cover work at Legal Help level and representation before the Immigration Adjudicator and the Immigration Appeal Tribunal.

Mental Health

Mental Health advice and representation involves both patients detained in hospitals and other units under the Mental Health Act, and also clients who are living in the community who are threatened with detention or who have other legal issues arising under the Mental Health Act.

It does not cover other types of advice for clients with mental health problems.

LSC contracts cover work at Legal Help level and representation at Mental Health Review Tribunals.

Public Law

The Public Law category covers Judicial Review cases regardless of category. It is mainly delivered at certificated level. It is an alternative way of providing cover, as opposed to category specific contracts where Judicial Review cases might be undertaken in for example Housing and Community Care.

Welfare Benefits

The LSC funds advice generally on welfare benefits entitlements and preparation of cases which involve appeals to the Independent Tribunal Service, but does not have the legal power to fund tribunal representation.

The vast majority of work is funded through Legal Help contracts although occasionally there will be Judicial Review cases arising in this category, which will need to be dealt with by way of Legal Aid certificates.