

**LEGAL AID – THE NEXT GENERATION
CONFERENCE**

OCTOBER 14TH 2008

ST HUGH'S COLLEGE OXFORD

POST CONFERENCE REPORT

CONTENTS	Page
Background & conference aims	3
Introduction by Tom Jones OBE	3
Message from legal aid Minister	3
Talk by Carolyn Regan, Legal Services Commission Chief Executive	4
Talk by Aika Stephenson, Young Legal Aid Lawyer of the Year 2007	6
Talk by Jill Saville, Director of Legal Services Commission's Quality, Efficiencies and Diversity section	6
Talk by Richard Miller, Head of Legal Aid at the Law Society	7
Questions & Answers to Panel	8
Notes from Workshop 1: Hints and tips on legal aid applications	10
Notes from Workshop 2: Focus on clients	11
Notes from Workshop 3: Ideas for the future	12
Post Conference Report Actions	12
What the trainees thought of the conference	13
Trainees who attended the conference	14

Background

This conference was held on 14th October 2008 at St Hugh's College Oxford. It was sponsored by Legal Services Commissioner Tom Jones OBE who led for the Commissioners on young people's issues.

Conference aims:

- To provide a forum for trainee solicitors on the Training Contract Grants Scheme to meet each other and network.
- To recognise the commitment that trainees have made to legal aid.
- To provide trainees with information which would help them to do their jobs better.
- To explore ways in which the Training Contracts Grants Scheme could be improved in the future.

Introduction by Tom Jones OBE

thjones@btconnect.com

Tom Jones welcomed everyone to the conference. He explained that he was the Legal Services Commissioner with a particular interest in young people and had been involved in some work in both Wales and the South West of England about young people's need for advice. He was also conscious of the vital contribution to legal aid that young solicitors on the Training Contract Grants Scheme made and had therefore decided to organise this conference.

He hoped that the day would be informative for the trainees who attended but would also provide an opportunity for networking and developing mechanisms for mutual support which could continue afterwards.

A report about the outcomes of the conference would be prepared and sent to all attendees and the trainees who hadn't been able to come.

Message from Lord Bach, Minister for Legal Aid

The Government is immensely proud of the important contribution legal aid makes to creating a fair society where everyone can access justice and is committed to ensuring its future so that it can continue to deliver for the people who need it.

The current economic concerns bring into focus how important it is that we concentrate the more than £2bn spent each year on legal aid, in a way designed to deliver the maximum possible amount of support to the most vulnerable members of our society. And these present circumstances also underline just how vital it is to ensure a sustainable future for legal aid. This requires that we have a reform programme that increases and encourages efficiency in the delivery of legal aid, so that ultimately we help more people with the money we spend.

The reforms - especially the new fees - are designed to encourage lawyers to spend time where their skills can be best used, rather than doing work that could be delegated to less qualified staff. The reforms can ensure a sustainable future for legal aid, which will in turn provide the long-term certainty for firms, which is necessary for young lawyers to enter the market with confidence, and remain there.

Under my predecessors we have already delivered significant reform, and in the coming months the LSC and MoJ officials will be consulting with practitioners on continuing this programme of work. We are seeking three outcomes from the reform programme: quality, access and value for money.

We value the support and commitment trainees are offering to our legal aid system. We need a profession that remains committed to its core principles of justice, integrity, independence, acting in the best interests of the clients, providing a high standard of service – and retaining public confidence. Your contribution is pivotal to the future success of legal aid and on behalf of the Government, I thank you and wish you all the best for a productive future in the legal profession.”

Carolyn Regan, Legal Services Commission Chief Executive
carolyn.regan@legalservices.gov.uk

Carolyn Regan opened with a welcome to young legal aid lawyers of the future. Carolyn began by discussing legal aid.

Together we are helping some of the most vulnerable people in our society get fair access to justice. Legal aid gives life-changing help that they would not otherwise be able to afford.

However, legal aid has been one of the fastest growing parts of the public sector over the past 25 years with expenditure increasing at 6% per year. This compares to similar increases in health and education of approximately 4% and 2% respectively.

At £38 per head of population, the LSC also spends more in England and Wales than is spent in any jurisdiction. We have to make sure that legal aid services are value for money and affordable for the taxpayer in a period of very tight public spending.

We need **each other** to make sure we have a legal aid system that can continue to help people with their problems.

This year alone the Commission and our providers have achieved together;

- 2.5 million acts of assistance, of which
Criminal Defence Service providers delivered 1.5 million and
Community Legal Service providers delivered 750,000
- Our Community Legal Advice helpline provided help and advice to over 250,000 people
- Issued new contracts focusing on areas and categories of most need
- 100% coverage of duty solicitor schemes so clients can get help quickly at court and police stations
- Expansion of CDS Direct to provide telephone advice services for less serious certain offences
- Extension of Defence Solicitor Call Centre to include requests for own solicitors

Vision and direction for the future:

We are part way through the programme of reforms. We have set out clearly the direction in which we are going and the rationale for that.

We must make sure legal aid can carry on helping vulnerable people in our society who could not otherwise afford access to justice to resolve their legal problems.

But if we want legal aid to continue, it has to change – and that is what the reforms are about.

To sum up, services must be affordable, high quality, value for money and firmly focussed on the needs and lifestyles of our clients. Let us look at these in turn.

Affordable – move from per hour, to fixed fees, to using market power, means testing.

Ensuring quality legal advice and quality justice outcomes - peer review, Specialist Quality Mark, key performance indicators, measures and pilot for barristers

Value for money - quality at the right market price, appropriate and proportionate services

“Client needs and lifestyles - joined-up services, one provider from advice to representation, accessible – CLACs and CLANs, telephone and internet help, access within 45 minutes.

Fair to all – providers, clients, taxpayers and LSC employees.

Changing and challenging times:

We are changing so we have the right skills, the right experience and the right structure for our future role. Much emphasis is on relationship management with our providers and building relationships with partners and stakeholders.

Move to commissioning services, rather than administering legal aid.
Devolved decision making and e business systems - not a problem for younger people.

Whole systems – ensuring joined up approach to make systems more efficient

Opportunities – but not necessarily the traditional ones.

Next year legal aid is 60. We must celebrate what has been achieved, but just as important is to look to the future so you can celebrate 100 years. I hope you will be part of that.

Aika Stephenson, Young Legal Aid Lawyer of 2007

aika_stephenson@yahoo.co.uk

Aika's interest in working in Youth Law began with a realisation that young people were not being represented very well. Aika strongly believed that young people were not getting a very good deal.

Aika trained to specialise in Youth Law. In May 2007, Aika began developing Just for Kids Law, an organisation that provides Youth Advocates for young people caught up in legal and quasi-legal proceedings, and trains lawyers and other advisors who work with young people. Just for Kids Law gives their legal advisors the powers to get more involved in helping young people so that their needs are met, instead of leaving them at the door of the court.

Aika believes that they have a unique relationship with their young clients, which most lawyers don't. They assist young people in ways that are outside of the box. Recently, Just for Kids Law introduced an Education Advocate, employed to help youngsters get back into school. This role has been very successful in preventing young people from getting a criminal record through early intervention. They take pride in representing young people and Just for Kids Law is still growing.

Jill Savile, Director of Quality Efficiencies and Diversity, the section of the LSC which looks after the Training Contract Grants Scheme

jill.saville@legalservices.gov.uk

The Commission has invested over £15 million in training through the Training Contract Grants Scheme, training solicitors of the future. This has supported the development of over 600 legal aid solicitors. The Training Contract Grant scheme represents a commitment to support a student and the organisation for up to a four-year period through both the Legal Practice Course (LPC) and the training contract. It is the largest national single funding scheme for trainee lawyers in the market.

Summary of key points trainees raised through questionnaires:

- i. Obtaining a place on the scheme has enabled trainees who took part in the survey to work in legal aid and not be saddled with debts due to the cost of LPC course and the security of 2 years employment post training contract
- ii. The majority of trainees surveyed valued their funded training contract, liked working in legal aid and planned to stay
- iii. Legal aid gives them a sense of helping people who really need help and advice
- iv. The trainees surveyed enjoy the wide range of publicly funded work and being able to represent people who don't have access to legal advice financially or knowledge and enjoy feedback from clients.
- v. 80% of trainee solicitors plan to stay in legal aid
- vi. Half of the trainees surveyed gave feedback about poor, or lack of, direct communication with LSC.
- vii. The majority want to shadow staff at an LSC office and want and need further training about LSC funding, procedures etc.
- viii. Many comments were given about the length, variety and unnecessarily complicated LSC forms and the constant changes in funding rules.

Conclusion

The LSC plans to have more direction communication with the trainees, and trainees can now subscribe to LSC updates and e-alerts direct to their personal email addresses.

For queries regarding the training contract, trainees should contact Kim Moores at the Legal Services Commission in the Manchester office. Email: kim.moores@legalservices.gov.uk and tel. no. 0161 244 5027.

Richard Miller, Head of Legal Aid at the Law Society
richard.miller@lawsociety.org.uk

The Law Society has supported the Training Contract Grants scheme from the outset. It is by doing legal aid work that you can save women from domestic violence; you can defend prisoners; you can keep a roof over peoples' heads.

By the LSC contributing to salary costs it is easier for firms to take a chance on a trainee. There are still more people looking for contracts than there are contracts available. The LSC and Law Society are looking at new ways of helping more students. We are also looking at other sources of funding, which include charities.

The current economic climate makes it harder to put more money into the scheme. However, no other country puts as much money into the legal aid system as ours, and this money is substantial.

Question & Answers to the Panel

Question: I believe that shadowing caseworkers at the Legal Services Commission is a great idea. Is there a long-term plan to support legal aid for the future?

Answers:

Carolyn Regan The idea about shadowing a caseworker at the Commission is a welcome idea. Our employees should spend time with trainees, solicitors and clients. In terms of the future, we don't have a capital fund. What we are starting to do is to share good practice and business models. Firms share resources and expertise etc. We are looking towards more communication through seminars and conferences.

Richard Miller There are various things we are working on. We need to understand the issues. You will find lawyers that may be excellent, but the training they had was limited. The Specialist Quality Mark has required firms to conform to certain requirements and that has helped to make firms profitable.

Question: I have started my training contract this year. What security is offered to trainees working in Law Centres, given the current climate?

Answers:

Julie Bishop julie@lawcentres.org.uk

The fixed fee scheme has impacted badly. The real issue is that people don't go into law centres for the money. There have been Law Centres that haven't been very interested in billing. Charitable organisations, like Law Centres, simply don't have reserves. The LSC has been much more flexible in their approach to calculating work in progress. At the Law Centres Federation we are working with the Centres to bring management support and billing training etc.

Jill Saville My understanding is that if a trainee loses their position we have been able to transfer the funding across to another organisation so they can finish their training. I am pleased to hear that the Law Centres are finding positives in this situation. We are getting lots of applications from trainees for Law Centres.

Question: Is there leeway to transfer before the four-year period?

Answers:

Phil Jennings Provided you are still doing the requisite percentage of legal aid work, the contract does allow this. I was able to transfer with no difficulties. The onus was on me to find a new firm.

Question: What do you think is a good level of supervision to have during our training?

Answers:

Andrew Boon boona@westminster.ac.uk

The level of supervision depends on the firm and also the trainees' needs. One of the advantages of doing legal aid is that one develops a lot quicker. The issue is more problematic with smaller firms. Research showed many trainees wanted outside support. There is no standard answer to that. The trainee should be able to feel confident enough to get help and know whom to ask. The Law Society is there and some people think that the LSC could help.

Jill Saville The Solicitors Regulatory Authority (SRA) is concerned about this. You need to speak up if you have concerns.

Richard Miller The SRA can help confidentially.

Carolyn Regan There needs to be a balance between giving you enough work to do and enough training. I would like to see the training contract more vested in the trainee than in the firm. We need more contact and have to ask what our role is.

Phil Jennings phil_jennings@shelter.org.uk

I was in the same situation when I was training. It would have been better to have more communication and support from the LSC. It would have given me more confidence whilst training.

Partner Sarah Cooper from Cooper Rollason: I had an appalling training experience. I try to give my trainees freedom to approach me when they need support. We work closely together and we are a smaller firm, which makes it easier to do so.

Her trainee I think we should have more workshops or quarterly seminars to discuss our ideas, get some training on basic issues and support each other.

Question: Is the training contract diary mandatory?

Answers:

Richard Miller Yes

Andrew Boon I suspect that it is only picked up if you are monitored.

Question: I think it would be helpful to have some guidance on forms etc. We need to have some awareness about the updating of forms. Could there be a handbook?

Answers:

Carolyn Regan The problem with the handbook is that things change. We are doing some work on reviewing the forms. Our manual is not user-friendly. Look at the FAQs – there are lots of issues around this.

Richard Miller It might help if the manual was accessible online, using hyperlinks.

Tom Jones We are looking at this.

Phil Jennings There is an argument for saying that there needs to be a greater understanding of legal aid.

Question: Why doesn't the LSC fund the Professional Skills Course? Is it worthwhile trying to persuade a firm to pay?

Answers:

Richard Miller It is definitely worth going for your Higher Rights as soon as possible. More and more advocacy is going to be done in-house.

Workshop 1 Hints and tips on legal aid applications, led by Eleanor Evans, LSC, Cardiff

eleanor.evans@legalservices.gov.uk

Means assessment/substantive application forms

- Reference to a new application checklist. Applications would be rejected if the wrong version were used also if no means form was attached.
- Financial assessment from checklist available on website- www.legalservicescommission.gov.uk
- Form needs to be received at the LSC within 2 months of being signed and dated (CLSAPP7 within 4 months).
- Emergency application- wage slips accepted.

Public law issues

- Need to include more information in the statement to explain why client with issues of domestic violence did not report matter to Police. For further queries please contact the LSC regional offices.
- In relation to weekly wages which can differ, it was confirmed that the calculation was 4 weeks x 13/12.

Rental Income

- Divorce matter client owned flats obtained £600 per month rental income, flats mortgages but client was outside of scope on gross income. This would be included as income even if the rental received only covered mortgage costs. Also if more than 1 rental property would need to complete Business means forms as well as means 1 as probably would be assessed as running a business. Also to refer to the calculating capital page as the capital assets of the rental properties would also be taken into account.
- Disability allowance disregarded, however client had disabled children and obtained benefits so was out of scope. This could be considered as discrimination. It was suggested that the attendee contact Grace Nicholls in Policy Team who is responsible for writing Means Assessment Guidance to clarify the position.
- Although the application forms request that you enter the wording codes on the devolved powers page if you are unsure what codes to use just put the description of what you have granted devolved powers for.
- Costs limitation of £1500 automatically applied. Requests for higher amount must be made when submitting the application form.
- Pilot being run in Wales and South West regarding APP8 checklist on rejected applications.

Emergency Certificates

- Only cover actual emergency work carried out. Concerns regarding backlogs are dealing with applications; current target is to process applications within 2 weeks of receipt. Newsletters give oldest dates of processing.
- When using Devolved Powers the application forms need to be received by LSC within 5 working days of exercise of devolved powers.
- Hard copies need to be submitted, as forms must contain original signatures.

Application 8 checklist

- Ensure that the correct version of the form is signed and dated
- Ensure that all information concerning costs to date and costs to trial/settlement are included, as cost increases to certificates will not be paid on a retrospective basis.

Workshop 2 Focus on clients, led by Liz Long. Legal Services Commission liz.long@legalservices.gov.uk

- Trainees pointed out that issues are encountered when clients come into practice with problems outside the firm's remit
- Out reach in Prisons, Community Centres and CAB's are needed to access hard to reach clients
- Clients need to trust the provider that they are talking to about their problems, they also need to trust the place they receive advice. Some

trainees felt that they needed to see the client on a number of occasions for the client to fully trust them

- There was some discussion of problem clusters and the LSC introducing Community Legal Advice networks and centres. Trainees were concerned that clients would be confused by the centre concept and would not want to seek advice from a service related to the council. Others were concerned that legal aid providers will be put out of business when a centre comes to town.
- Trainees find that they adapt to each client's needs and they recognise this as a key skill in being a legal aid practitioner. However they do see value in keeping a sense of formality between themselves and the client. They don't like email as it can be too immediate and prefer a bit of distance by communicating via letters.
- Delegates commented that fixed fees seem to be working well in police stations.
- Trainees would like to see more training in how to run a viable business as opposed simply practicing law.

Workshop 3: Ideas for the future, led by Sarah Brewster, Legal Services Commission sarah.brewster@legalservices.gov.uk

- Trainees suggested quarterly meetings with trainees to share thoughts and ideas on the scheme and legal aid and to support each other through their training contracts. Though quarterly meetings were problematic due to a limited budget, it was agreed that regular meetings were needed.
- Trainees want future national annual conferences with additional regional meetings.
- Future seminars could be used to discuss ideas and views about legal aid work and include more training sessions.
- Forums via website and emailing groups were suggested by trainees as a useful way to communicate with each other. Newsletters were also suggested.
- Overall concerns show that the LSC need to make more contact with trainees, particularly on starting the training contract.
- An award pack and award ceremony for trainees to vote for 'best trainee', 'best supervisor' etc.
- LSC could send surveys out to trainees to assess contract progression and their comments about legal aid work. This could be carried out at the end and start of their training contracts.
- For extra support, trainees believed that a follow-up is essential near the start of their contracts.

Promoting the scheme

- Promote and educate the students at schools, colleges and universities about legal aid work and the training contract grant scheme and use grants for LPC fees as a selling point
- Some suggestion of a standard minimum salary set out for trainees post contract, e.g. firms could bid for SRA minimum salary

- Marketing through awards – to attract more people to the scheme – e.g. ‘best supervisor’ award – through press coverage and networking forums.

Post Conference Report Actions

As a result of feedback and the conference the LSC is committed to supporting trainees and ensuring their contact with the LSC is positive and productive.

The following actions amongst others will be taken forward by the LSC and trainees in partnership Young Legal Aid Lawyers and the Law Society as a result of the discussions throughout the day.

1. Explore the option of shadowing LSC staff in regional offices, and the development of a number of training workshops to give specific guidance to trainees.
2. Develop an email group and/or a newsletter for trainees to keep in touch and share best practice.
3. Contact trainees to have the opportunity to feed into the review of forms and guidance.
4. Incorporate trainee members onto the provider reference group which is systematic feedback mechanism to collect providers views.
5. Enable all trainees to have access to e-alerts from the LSC.
6. The setting up of a national annual conference and/or designated sessions at an existing conference to provide essential networking opportunities.
7. Establish more direct contact with trainees at the beginning and end of the training contract via trainee information packs and opinion surveys.

What the trainees thought about the conference (from the feedback sheets)

- About 70% of trainees thought that the overall structure of the conference was either excellent or good. Nearly 60% were also happy with the chosen venue and environment.
- The majority of trainees were pleased with the content of the conference, with over 40% describing it as good and nearly 29% thought it was excellent.
- Nearly 80% liked the presentations with just under 20% describing them as ok.
- 82% of trainees thought the panel discussion excellent or good, and 22.5% described it as their favourite part of the conference.

- The preparation of the conference, admin. and bookings were also evaluated and 42% of trainees were very pleased with the process. 32% thought it was good and 19% said “ok”. Just 3% were not satisfied with their experience.
- With regards to the workshops that trainees attended on the day, 33% found them good and 22.5% of them thought that they were the best part of the conference.
- When asked what they liked least about the conference, trainees had varied answers. 35% of trainees had nothing negative to say about it, but 19% wanted more time to meet trainees, for the panel discussion and for the workshops in general. Other answers included that they wanted to attend more workshops and that there were no contact details given of the speakers to get in touch with them for after thoughts or questions. (Post conference note- these have been added to this report).
- Approximately 40% of trainees thought that the best part of the day was being able to meet other trainees and share their experience with each other.
- One firm of solicitors had commented prior to the conference that it was unfair for the providers to have to meet the trainees’ travel expenses and either the LSC should pay for them or a fares pool should be set up.

TRAINEES WHO ATTENDED

Name	Organisation	Area	Telephone	Email
Anderson, Sara	Talbot Solicitors	West Midlands	01384 447777	saraanderson@talbotssolicitors.co.uk
Barnett, Ruthana	Turpin Miller	Oxford	01865 770 111	rbarnett@turpinmiller.co.uk
Bharuchi, Akeela	Moosa Duke	Leicester	0116 220 6433	akeela23@hotmail.com
Clarke, Victoria	KPFD Solicitors	Bedfordshire	01582 477 320	victoria@kpfdsolicitors.com
Coates, Amy	David Gray	Newcastle Upon Tyne	0191 232 9547	amy.coates@davidgray.co.uk
Cole, Florence	Streetwise Community Law Centre	London	0208 676 6764	florencecole@streetwiselaw.org.uk
Connelly, Jessica	Swain and Co	Hampshire	023 8063 1111	connellyjessica@hotmail.com
Cooper, Sarah	Cooper Rollason	Shropshire	01952 204242	sarah@cooperrollason.com
Davey, Lorraine Elizabeth	Camden Community Law Centre	London	0207 284 6510	elizabeth@cclc.org.uk
Davies,	Cooper	Shropshire	01952	shaun@cooperrollason.com

Shaun	Rollason		204242	
Denton, Clare	Freedman Sharman and Co.	Hertfordshire	0208 953 9111	clare.denton@freedman-sharman.co.uk
East, Alison	Hammersmith and Fulham Community Law Centre	London	0208 742 6167	alison.east@hflaw.org.uk
Evans, Rhys	Swain & Co	Havant	023 9248 3322	revans@swaincohavant.uk.com
Farrell, Janet	Cambridge Law Centre	Cambridge	01223 712222	janet.farrell@afl.org.uk
Gass, Bethan	Watkins Solicitors	Bristol	0117 939 0350	bg@watkinssolicitors.co.uk
Golding, Marjha	Hopkin Murray Beskine	London	020 7272 1234	mg@hmb solicitors.co.uk
Goodfellow, Victoria	Hugh J Y Pringle Ltd	Portsmouth	023 9238 1114	vicky@wessexsolicitors.co.uk
Hand, Richard	Cambridge Law Centre	Cambridge	01223 712222	rhand@ch1889.org
Harris, Paula	David Gray	Newcastle upon Tyne	0191 232 9547	paula.harris@davidgray.co.uk
Hughes, Naoimh	Lionel Blackman	Surrey	01372 728941	lionel.blackman@googlemail.com
Ijaz, Javeria	Coventry Law Centre	Coventry	024 7625 3162	javeria.ijaz@covlaw.org.uk
Kaypee, Nisha	Jewels	Stafford	01543 577505	nkaypee@jewelssolicitors.co.uk
Kilpatrick, Ruth	Fairbrother and Darlow	Berkshire	01344 420808	ruth@fairbrotherdarlow.co.uk
Lehl, Paramjeet	Wiltshire Law Centre	Wiltshire	01793 486 926	paramjeet.lehl@wiltslawcentre.co.uk
Morgan, Christopher	Caldicotts	Hertfordshire	01568 616860	cwjmorgan@tiscali.co.uk
O'Reilly, Joyce	PCB Solicitors	Shrewsbury	01743 248148	joyce.o'reilly@pcblaw.co.uk
Owen, Rhodri	Gwyn George Partnership	Merthyr Tydfil	01685 377035	rowen@ggplaw.co.uk
Palmer, Rebecca	Pardoes	Somerset	01278 457891	rebeccap@pardoes.co.uk
Samuels, Simon	Smith Dawson	Wolverhampton	01902 310007	s.samuels@smithdawson.com
Semlyen, Katherine	Truemans	Oxford	01865 722383	ksemlyen@truemans.org.uk
Smart, Jennifer	Hodge Jones & Allen	London		jsmart@hodgejonesallen.co.uk
Stocks, Chantelle	KPFD Solicitors	Bedfordshire	01582 477 320	chantelle@kpfd solicitors.com

Thomas, Greg	David Cowan	Dorking	01306 886622	greg@cowansdorking.co.uk
Walton, Chris	Sheffield Law centre	Sheffield	0114 2731501	chrisw@slc.org.uk
Ward, Darren	Sternberg Reed	London	020 8591 3366	darren.ward@sternberg-reed.co.uk
Williams, Sophie	Edward Hayes	Chichester	01243 781431	swilliams@edwardhayes.co.uk
Zaki, Ali	Rowe Sparkes Partnership	Havant	023 9248 6886	azaki@rowe-sparkes.co.uk

19th November 2008