

THE INDEPENDENT REVIEW OF THE COMMUNITY LEGAL SERVICE

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A consultation paper produced by the Department for
Constitutional Affairs



THE INDEPENDENT REVIEW OF THE COMMUNITY LEGAL SERVICE

A consultation produced by the Department for Constitutional Affairs (DCA). This information is also available on the DCA website at www.dca.gov.uk

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Introduction

This paper sets out for consultation the findings and recommendations of the Independent Review of the Community Legal Service (CLS). The consultation is aimed at the following stakeholder groups in England and Wales :

- **Members of the legal profession in general, especially those practitioners who specialise in civil legal aid.**
- **Not-for-Profit agencies and organisations that provide advice and guidance on justiciable matters.**
- **Government Departments, Local Authorities and other Public Sector bodies**
- **Individuals and groups who have an interest in the CLS.**

This consultation is being conducted in line with the Code of Practice on Consultation issued by the Cabinet Office and falls within the scope of the Code. The Consultation Criteria, which are set out on page 9 have been followed.

At this stage an initial regulatory impact assessment does not indicate that any groups are likely to be particularly affected. Additionally the proposals do not appear to lead to additional costs or savings for businesses, charities or the voluntary sector, or on the public sector. Consequently, this paper does not contain a Partial Regulatory Impact Assessment. If you disagree with this conclusion you are invited to send your reasons as part of your overall response to this paper.

Copies of the consultation paper are being sent to:

Legal Services Commission
Advice Services Alliance
Advice UK
Law Centres Federation
Legal Action Group
Legal Aid Practitioners Group
Law Society
Citizens Advice
Local Government Association
Help the Aged
Age Concern
Joint Council for the Welfare of Immigrants
National Youth Advocacy Service
British Council of Disabled People
Shelter
Department of Work and Pensions
Office of the Deputy Prime Minister
Ministry of Defence (Veterans Agency)
Inland Revenue
Department for Trade and Industry
Department for Education and Skills
Department of Health
H.M. Treasury
Home Office
H. M. Customs and Excise
Department for Environment, Food and Rural Affairs

However, this list is not meant to be exhaustive or exclusive and responses are

welcomed from anyone with an interest in or views on the subject covered by this paper.

How to respond

Please send your response by **17.09.04** to:

Anne Johnston
Department for Constitutional Affairs
Public Legal Services Division
3rd Floor
Selbourne House
54-60 Victoria Street
London SW1E 6QW

Tel: 020 7210 1427

Fax: 020 7210 2607

Email : anne.johnston@dca.gsi.gov.uk

Further paper copies of this consultation paper can be obtained from this address. It is also available on-line at <http://www.dca.gov.uk/index.htm>.

A paper summarising the responses to this consultation will be published no later than 10.12.04. The response paper will be available on-line at <http://www.dca.gov.uk/index.htm>.

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

The Department may wish to publish responses to this consultation document in due course. **Please ensure your response is marked clearly if you wish your response or name to be kept confidential.**

If you are replying by e-mail, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission to us.

Confidential responses will be included in any statistical summary of numbers of comments received and view expressed.

Consultation Co-ordinator contact details

If you have any complaints or comments about the consultation **process** rather than about the topic covered by this paper, you should contact the Department for Constitutional Affairs consultation co-ordinator, Laurence Fiddler, on 020 7210 2622 or email him at consultation@dca.gsi.gov.uk

Alternatively, you may wish to write to the address below:

Laurence Fiddler
Consultation Co-ordinator
Department for Constitutional Affairs
5th Floor Selborne House
54-60 Victoria Street
London SW1E 6QW

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given under the **How to respond** section of this paper at page 6.

The Consultation Criteria

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Foreword

David Lammy MP

Minister with responsibility for the Community Legal Service

In the three years following its introduction the Community Legal Service (CLS) has done much to change the landscape of publicly funded advice. I am therefore very pleased that this review recognises the progress that has already been made.

There are many significant achievements to celebrate. These include the success of the CLS Partnerships in bringing together funders and providers of legal and advice services for the first time, and the innovative way in which the CLS Quality Mark has established a benchmark standard across the sector.

The final report, prepared independently by Matrix Research and Consultancy, offers an important opportunity to make the CLS even better by enabling us to build on the strong foundations that are currently in place. The Department for Constitutional Affairs is fully committed to considering all the findings and recommendations of the review with its partners, before deciding how best to take the CLS forward over the next few years.

I would like to thank everyone who assisted in the production of the final report and in particular, the members of the steering group who helped to guide the process

Executive summary

The Review has identified five overarching areas for the further development of the CLS :

- 1. Clarifying the aims and functions of the CLS**
- 2. Establishing the evidence base for the CLS**
- 3. Developing funding streams and procedures**
- 4. Ensuring Quality**
- 5. Translating the aims of the CLS into local provision**

In addition to presenting the research evidence and in-depth analysis that has led to the identification of these areas, the final report sets out a range of detailed recommendations to address the issues that have been raised.

Background

The CLS was launched in April 2000 to improve access to legal and advice services for all. The focus of the CLS is on meeting the type of legal needs that most affect people's lives, in particular by providing advice and help on problems in social welfare categories of law such as housing, debt, employment, welfare benefits, community care, discrimination, immigration and mental health.

The report of the Post Implementation Review of the CLS (April 2001) proposed that an independent evaluation of the programme should be commissioned after three years of operation. This advice was submitted to Baroness Scotland in the autumn of 2001 and subsequently became a ministerial commitment upon her agreement.

The contract for the Review was awarded to Matrix Research and Consultancy in August 2003 following a procurement process that observed EC regulations. The work of the evaluation, which has been overseen by an independent steering group, started in September 2003 and was completed in April 2004.

Terms of Reference

The Review was tasked with evaluating how the CLS had impacted on the accessibility of legal advice services, the quality of this provision, and the ways in which its policies have affected the targeting of resources to achieve agreed outcomes within communities. In support of this the research has focused on three areas (1) the effectiveness of CLS Partnerships (2) the influence of the CLS on the landscape of advice and (3) the sufficiency of management information collected.

The Review has been undertaken with reference to the relationship between the CLS and the wider social exclusion agenda, and the linkages that have been made with the social equality programmes of other departments. The research has also sought to ascertain that DCA funding is being used effectively and appropriately to deliver high quality and timely legal advice and guidance to the public.

The proposals

Introduction

The final report of the Review sets out a number of recommendations for developing the CLS over the next few years. The DCA has not yet taken any decisions in respect of these, as Ministers will be fully assessing the findings of this evaluation and other supplementary information before reaching their conclusions.

In order to inform its thinking as to how best to drive the CLS forward, the DCA wishes to canvass a broad range of opinion on the proposals of Matrix Research and Consultancy. It therefore seeks responses to the specific questions asked in this section (comments should be accompanied by supporting evidence whenever possible) as well as welcoming the views of interested parties on other issues raised in the final report of the Review.

The final report details the context and discussion around all of the recommendations and the findings that have informed them. It is important that the report is read in conjunction with the consultation paper so as to avoid any mis-interpretation of the proposals made. The report can be found on line at: www.dca.gov.uk/pubs/reports/clsreview.pdf

Respondents are advised not to view individual recommendations in isolation but rather to consider them alongside others or as part of the overall package of proposals that have been put forward by the review team.

The DCA is committed to giving due consideration to all responses that it receives as part of this consultation exercise but cannot guarantee or promise their inclusion in any final plans.

The Proposals

1. Clarifying the aims and function of the CLS

It is proposed that the aims and function of the CLS should be clarified and made more transparent, both internally and for external service providers and stakeholders. The final report sets out the following recommendations for establishing processes and structures to achieve this, and for developing a more robust system to performance manage the new regime:

- Create an Executive Director of the CLS
- Create an independent CLS Programme Board
- Create a three-year strategy for the CLS
- Develop a clearer 'mission statement' as part of the strategy for the CLS
- Consolidate and develop existing performance management by building upon the methodology used in the Review.
- Establish clear linkages between national outcome targets (such as the DCA's Public Service Agreement 6) and the provision of local services.

Question 1.

- **Do you consider that the aims and functions of the CLS need to be clarified and made more transparent ? Do you believe that the measures proposed would increase clarity and transparency ? Please provide supporting reasons with your answer and explain which of the specific recommendations you agree/disagree with.**

- **What benefits might be generated for CLS stakeholders by adopting this proposal ? Also what impacts or disadvantages do you consider might result from its implementation ? Do you have any other comments on this proposal that you would like this department to take into consideration ?**

2. Establishing the evidence base for the CLS

The final report highlights the need to establish a clear evidence base to demonstrate that the CLS delivers effective and cost –effective provision. It is proposed that the work to achieve this should be undertaken with particular reference to the contribution made by the CLS to reducing social exclusion. The following recommendations made in this respect are :

- The DCA and/or the LSC to commission a number of properly evaluated demonstration projects to show the impact of different types of general and specialist advice and the most effective and cost-effective methods of provision.
- The DCA and or the LSC to commission a research programme to clarify the links between advice and social exclusion and the protection of fundamental rights.

Question 2.

- **Do you consider that the adoption of this proposal will add value to the management and effectiveness of the CLS ? Please provide supporting**

reasons with your answer and explain which of the specific recommendations you agree/disagree with.

- **What benefits or disadvantages might arise from having a clearer evidence base in respect of the CLS (this should be considered with particular reference to the role of the CLS in helping to reduce social exclusion ?) Do you have any other comments on this proposal which you would like the department to take into consideration ?**

3. Developing Funding Streams and Procedures

The Review proposes that measures are introduced to ensure that national funding streams and procedures are relevant to need, and that they are both sufficient and flexible in order to meet changing demand. The recommendations made in support of this are :

- Protect the CLS budget
- The LSC to undertake a regular and comprehensive supply and modelling exercise to inform the provision of services at a regional and sub-regional level.
- The DCA to undertake more robust legislative impact analysis and to seek a commitment from the Treasury or other government departments that the DCA's budget will increase by the amount necessary to meet increased demand due to new legislation.

- Change the basis of 'for profit' and 'not for profit' contracting so as to achieve a better focus between outputs and outcomes. This would be effected through the incorporation of service level agreements in future contracts.
- The LSC to pilot the commissioning of consortia of local providers to offer a 'one stop shop'. This approach would focus on early prevention and bring together advice services and publicly funded legal provision in sub regional areas.

Question 3.

- **What is your view of the proposal to develop more flexible funding streams and procedures ? Do you agree or disagree with any of the specific recommendations? Please provide supporting reasons for your response. What benefits might be generated for stakeholders through the adoption of measures which support this proposal ? Are there any possible disadvantages that we should consider?**
- **Do you foresee any possible impacts on the stakeholders, providers and partners of the CLS that would result from the DCA adopting this proposal and any/all of the recommendations ? Please specify the type of impact in your response. Do you have any other comments on this proposal which you would like this department to take into consideration ?**

4. Ensuring Quality

The findings of the report suggest that there is scope to simplify the Quality Mark and to develop quality assurance processes that place greater emphasis on the standard of advice provided. The Review proposes three actions (below) to enable different forms of legal and advice services to be monitored for quality with minimal imposition on providers.

- Simplify the Quality Mark
- ‘Slim down’ the inspection process for both the Quality Mark and contract cost compliance with a ‘light touch’ for good providers.
- Continue with the introduction of alternative means of monitoring the quality of services delivered using methods such as peer review and ‘mystery shoppers’

Question 4.

- **Do you consider that there is a need to simplify the CLS Quality Mark and to develop quality assurance processes that place greater emphasis on the standard of advice provided ? Do you agree with any or all of the recommendations made ? Please specify in your response.**
- **What do you consider might be the advantages or disadvantages for CLS stakeholders of adopting this proposal and any or all of the recommendations ? Do you consider there to be benefits to CLS stakeholders if any or all of the recommendations are implemented ? Do you have any other comments on this proposal which you would like the department to take into consideration ?**

5. Translating the aims of the CLS into local provision

The Review sets out the need to develop the means through which the aims of the CLS are reflected in the local provision of information and advice. In order to address this issue, the report proposes that need analysis, the development of service provision and funding streams should be inter-related, and makes a number of recommendations that fall under three distinct areas of work :

1. reform of CLS Partnerships
2. new approaches to the commissioning of local services; and
3. ways to improve access and referrals

The specific recommendations made in this respect are :

- Undertake a two stage programme to refocus the activity of CLS Partnerships in the short term and place them on a statutory footing in the longer term.
- The LSC to undertake a pilot for the introduction of a salaried element into the CLS.
- The LSC to create a 'development fund' specifically targeted at pump-priming new or innovative services to address unevenness in the provision of legal advice and guidance (either geographical or thematic).
- Development of more 'front-line' triage-style services which would act as an initial contact point for eligibility and signposting.

- Pilot a case management system whereby an experienced practitioner would assess a client's multiple needs before referring the individual on to different and appropriate advice providers (thus effecting a holistic solution to the client's situation).

Question 5.

Do you agree that there is a need to better translate the aims of the CLS into local provision ? Do the recommendations address this issue ? Do you agree or disagree with the proposed measures ? Please provide supporting reasons for your answer.

What are the possible impacts on CLS stakeholders of adopting this proposal ? Would it provide positive benefits or effect potential disadvantages ?

What impact will any or all of the recommendations have on CLS providers in the profit and not-for-profit sectors ? Do you have any other comments on this proposal which you would like this department to take into consideration ?

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Question 1.

- Do you consider that the aims and functions of the CLS need to be clarified and made more transparent ? Do you believe that the measures proposed would increase clarity and transparency ? Please provide supporting reasons with your answer and explain which of the specific recommendations you agree/disagree with.
- What benefits might be generated for CLS stakeholders by adopting this proposal ? Also what impacts or disadvantages do you consider might result from its implementation ? Do you have any other comments on this proposal that you would like this department to take into consideration ?

Question 2.

- Do you consider that the adoption of this proposal will add value to the management and effectiveness of the CLS ? Please provide supporting reasons with your answer and explain which of the specific recommendations you agree/disagree with.

- What benefits or disadvantages might arise from having a clearer evidence base in respect of the CLS (this should be considered with particular reference to the role of the CLS in helping to reduce social exclusion) ? Do you have any other comments on this proposal which you would like the department to take into consideration ?

Question 3.

- What is your view of the proposal to develop more flexible funding streams and procedures ? Do you agree or disagree with any of the specific recommendations ? Please provide supporting reasons for your response. What benefits might be generated for stakeholders through the adoption of measures which support this proposal ? Are there any possible disadvantages that we should consider ?
- Do you foresee any possible impacts on the stakeholders, providers and partners of the CLS that would result from the DCA adopting this proposal and any/all of the recommendations ? Please specify the type of impact in your response. Do you have any other comments on this proposal which you would like this department to take into consideration ?

Question 4.

- Do you consider that there is a need to simplify the CLS Quality Mark and to develop quality assurance processes that place greater emphasis on the standard of advice provided ? Do you agree with any or all of the recommendations made ? Please specify in your response.

- What do you consider might be the advantages or disadvantages for CLS stakeholders of adopting this proposal and any or all of the recommendations ? Do you consider there to be benefits to CLS stakeholders if any or all of the recommendations are implemented ? Do you have any other comments on this proposal which you would like the department to take into consideration ?

Question 5.

- Do you agree that there is a need to better translate the aims of the CLS into local provision ? Do the recommendations address this issue ? Do you agree or disagree with the proposed measures ? Please provide supporting reasons for your answer.
- What are the possible impacts on CLS stakeholders of adopting this proposal ? Would it provide positive benefits or effect potential disadvantages ?
- What impact will any or all of the recommendations have on CLS providers in the profit and not-for-profit sectors ? Do you have any other comments on this proposal which you would like this department to take into consideration ?

Name

Date:

Organisation:

Address:

If you are a representative of a group, please give a summary of the people and organisations you represent.

Please send your completed response by **17.09.04** to:

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