

Summary of the Lord Chancellor's Consultation Paper - "The Community Legal Service" - Issued May 1999

The Government's proposals for a "Community Legal Service" were detailed in a consultation paper issued on 25 May 1999 by the Lord Chancellor's Department. **The Government's vision is of networks of quality assured advisers providing comprehensive legal advice and assistance to communities across England and Wales.**

The consultation paper is divided into four main sections:

- The Problems of the Existing System
- Community Legal Service Partnerships
- A Partnership Approach to Quality
- Increasing Access with Information Technology

The Problems of the Existing System

Despite the fact that each year millions of people benefit from legal advice provided under the existing system, its problems have been well documented. Provision is uneven, and if you happen to live in an area with few or no convenient advice centres, or if you do not know where to go for help, it can be difficult, or even impossible to find support. Common problems include:

- The right kind of advice is not available in the area.
- At their first port of call, they were handed a list of solicitors and sent away.
- Their first port of call was closed because staff were busy with administrative matters.

There are also other issues which arise, that are "invisible" to the client, but which equally hamper access to advice. For example, funders tend to fund services without reference to one another, and as a result these resources do not follow need. Furthermore, money may not be targeted at providing the right level of advice or assistance. Many people who could be helped are left to struggle on alone. The paper includes case studies which illustrate these kind of problems.

Community Legal Service Partnerships

At the heart of the Community Legal Service is the concept of the **local network of advisers using active referral systems** to pass customers appropriately to the best source of advice for their particular need. **In every area there should be networks which deliver the services locally.**

Case studies show how these networks can function, for example, bringing together statutory bodies such as a local authority housing department and a voluntary sector domestic violence service to deal with a woman who needed re-housing following violence at the hands of her husband. Another example shows how a "special interest group", the Alzheimers Disease Society, was able to make an appropriate referral to a local advice centre in response to the needs of a particular client.

To be successful, networks must cover a full range of different types and levels of help, from solicitors and barristers in private practice to professionals working in the not-for-profit sector and other advice workers with specialist knowledge.

The consultation paper conceives of a service which operates at three main levels:

- **Information** - because many people simply want information on the law and their rights in order to be able to resolve their own problems.
- **Advice** - when general information is not enough and an individual requires specific advice which can be related to their own particular circumstances. This would necessarily include suggestions for action and interpretation of the actions of others.
- **Assistance** - for people who need to effect a change in their circumstances or to prevent an unwanted change such as an eviction. An adviser may, in these circumstances need to act on a client's behalf.

An Annex to the consultation paper contains more details of these levels of service, **and this is one area on which the Lord Chancellor's Department has specifically requested comments.**

It is acknowledged that the need for different types of services will vary from area to area and for this reason, local authorities are placed at the heart of the envisaged Community Legal Service, both as major funders of advice services and as their local knowledge is greater than that of national statutory bodies. The paper also acknowledges the important contribution to any partnership of other service funders and concludes that **plans or strategies for the provision of legal and advice services which are jointly developed will be vital to a flourishing Community Legal Service.**

The Lord Chancellor's Department believes that both funders and providers can be brought together in Community Legal Service Partnerships, where all those who play a part in supporting information advice and assistance to the local community can jointly assess local needs for legal and advice services and can review current provision. The Pioneer and Associate Pioneer Project, of which Milton Keynes is a part, has been established to test this in practice. The consultation paper quotes some of the efforts of Pioneers and Associate Pioneers in relation to joint funding, best value, tackling poverty and communication.

Pioneer and Associate Pioneer Partnerships are also testing the implementation of active referral networks, with an ultimate aim of introducing formal working agreements, or concordats between the various bodies involved in the CLSP for each area.

A Partnership Approach to Quality

Alongside the Pioneer Project, the Lord Chancellor's Department has also set up the **Quality Task Force**. The role of this body is to develop a standard Community Legal Service Quality Mark which will cover quality of access, quality of administration and quality of advice and which can be applied to all service providers in the Community Legal Service Partnerships. Although it is recognised that there will always be quality criteria which are specific to a particular type of provider or organisation, it is clear that there is considerable convergence in requirements.

The quality mark will need to be:

- **Modular** - to apply to advisers offering a range of levels of service provision.

- **Flexible** - to enable different forms of compliance to be accepted (e.g. experience or training).
- **Complementary** - able to provide a base, onto which organisation-specific criteria can be added.

Although membership of the Quality Task Force is necessarily limited, a Reference Group has been set up to broaden the consultation at each stage, and the Milton Keynes Community Legal Service Partnership has been invited to participate in this reference group.

Increasing Access with Information Technology

The Lord Chancellor's Department has considered the possible increase in access to legal and advice services which might be possible if the benefits of rapidly developing information technology can be harnessed to the Community Legal Service's objectives. Such technology is offering an opportunity to expand the provision of information and advice over and above that which is possible through face-to-face encounters or even the distribution of printed material.

In addition to, **but not instead of**, existing services, it is thought that it may be possible to offer a "virtual advice arcade". This would be a multilevel website accessible both to the public and advice workers and could provide access to a full range of services.

The consultation paper acknowledges that there are clear divisions in terms of social class when it comes to usage of the internet, and therefore, until there is widespread public access it will not be possible to take advantage of the full range of opportunities it offers. However, there are already services and pilots which make use of terminals located in sites with direct public access, such as advice centres, surgeries, libraries, council offices and even supermarkets.

The proposed Community Legal Service website can provide a means to make advice and information available to all and will be launched in early 2000 to complement the development of the Community Legal Service "on the ground". **In the meantime, comments are also particularly encouraged in relation to this area.**

The consultation paper has been widely circulated and responses to the consultation paper are required by 30 July 1999.