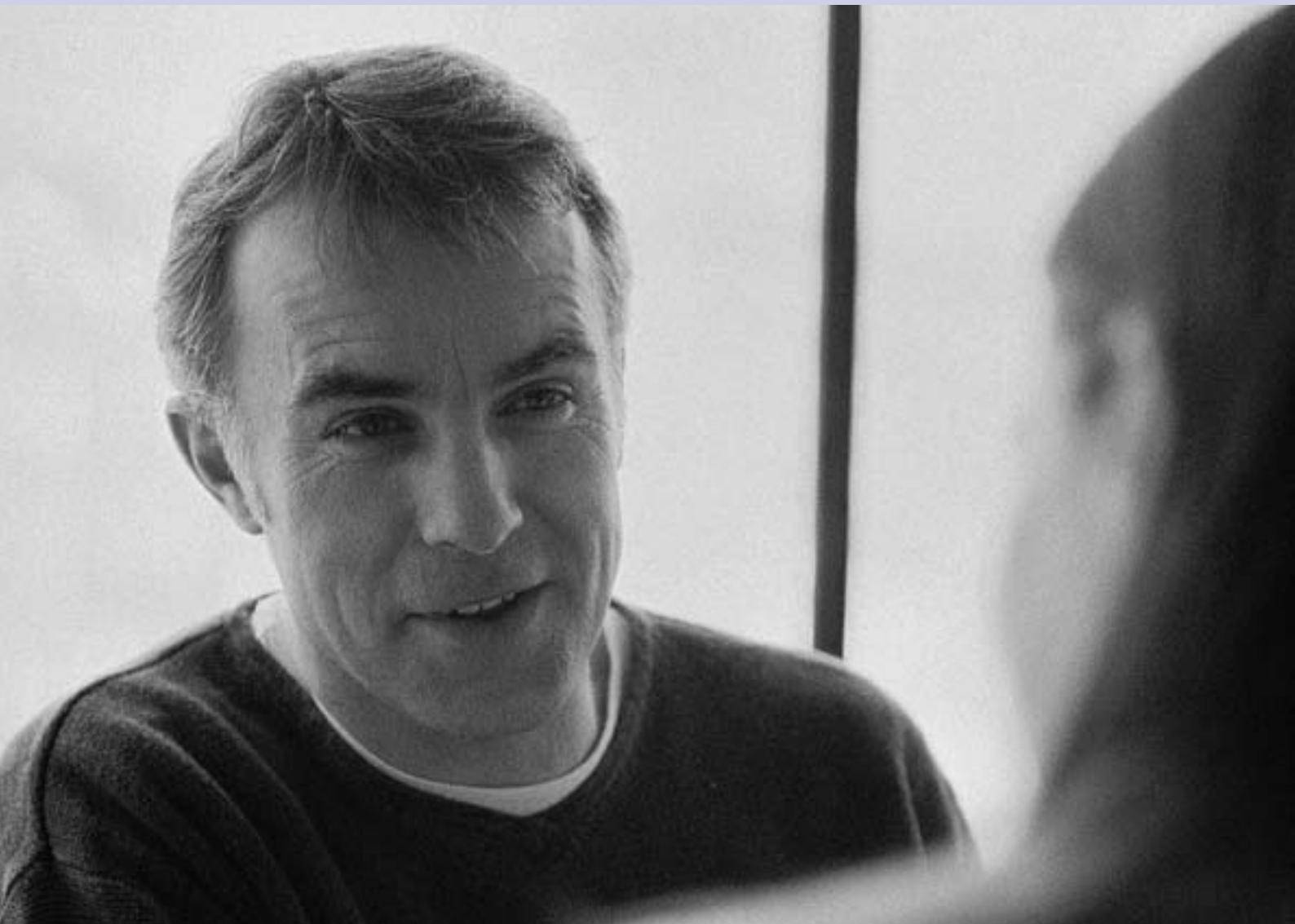


Getting earlier, better advice to vulnerable people



Getting earlier, better advice to vulnerable people

Executive summary

1. This report, proposed in *A Fairer Deal for Legal Aid* (presented to Parliament by the Secretary of State for Constitutional affairs in July 2005), aims to develop the DCA's strategy for helping people, especially the vulnerable and socially excluded, to better resolve problems they face and disputes in which they become involved. It uses new evidence to provide a better understanding of the damaging effects of unresolved problems and disputes on people's lives and people's experiences of trying to resolve them. It uses this information to develop a strategy for the provision of independent advice for both general and legal problems.
2. Unresolved problems and disputes seriously affect people's lives. There are also significant knock on costs to public services, especially for the NHS, Department for Work and Pensions, and the police whose services and resources become the focal points for people with problems. The total annual cost to individuals and public services is at least £3.5 billion each year.
3. For more vulnerable people, advice can be effective in helping them to resolve their problems and disputes. However, its current provision is targeted at treating specific issues in isolation. It is hard to access, and the referral mechanisms between providers are often inefficient. This means that, particularly for vulnerable people, advice can be hard to reach. Web-based information aimed at helping those people capable of resolving problems and disputes themselves is useful, but Government-funded web sites are hard to find and difficult to understand.
4. These difficulties stem from the uncoordinated and fragmented way in which both central and local Government fund and commission advice services. It is therefore important that different areas of Government work more effectively together to commission advice that fits people's needs.
5. Any effective strategy for this area needs to ensure that:
 - **advice is people-focussed** - dealing with the many problems and disputes that individuals may face, rather than dealing with each problem in isolation;
 - **advice is right first time** - so that wherever people go to get advice, they are able to access the advice they need to resolve their problems and disputes; and
 - **we learn from our mistakes** – people's needs for advice are a detailed indication of where services fail to deliver.

6. The Legal Services Commission (LSC) should work in partnership with local authorities, prioritising those areas with significant levels of deprivation, to co-locate independent advice services, creating single centres that are more widely known and better able to deal with the full range of problems that people face.
7. We recommend that DCA and LSC work with other Government departments to ensure that whatever independent advice service people choose to contact, they can easily access appropriate advice across the full range of problems that they face. This will involve introducing hand-over arrangements between telephone help lines, especially between those that are a first point of contact and those that provide advice with a legal element.
8. The Tribunals Service is already working to drive improvements in public services through feedback. However, we recommend that, as part of the 'Local Visioning' programme, the DCA work with the Office of the Deputy Prime Minister (ODPM) to use the type and number of cases coming to advice agencies and tribunals to inform and plan local public service performance.

Key themes

- People who cannot resolve their problems often end up in cycles of decline.
- These cycles of decline result in many people losing their jobs and income, suffering stress related illnesses and having their relationships break down.
- This is closely related to social exclusion, poor outcomes for children and levels of crime and anti-social behaviour, all of which represent significant costs to public services.
- Information and advice is effective in helping people to resolve their disputes, but it is often hard to access and is focused on problems rather than people.
- This has the greatest effect on vulnerable people — those who try but fail to get advice when they need it are left with twice as many unresolved problems than those who get advice.
- We believe that Government invests significant amounts of money in the commissioning of independent advice, but this is fragmented and uncoordinated.
- This means that independent advice is not focused on people's needs, has low awareness and doesn't take advantage of opportunities to feed back to service providers.
- Our future strategy needs to ensure that we deliver people focused advice, that people get the right advice first time and that we learn from our mistakes.
- We will deal holistically with all problems that people face by working with local authorities to create Community Legal Advice Centres to be funded through Local Area Agreement mechanisms and linked with Victim Care units.
- By improving the links between telephone help lines we will enable people to access the right advice to resolve their problems.
- We will learn from people's advice needs so that we understand where services fail to deliver to vulnerable people by cooperating with ODPM and analysing advice agency and tribunals cases to improve local public service delivery.

Background

9. The Department for Constitutional Affairs is committed to ensuring that people, especially those who are vulnerable and disadvantaged, are able to resolve their disputes in the most effective way. The Command Paper *A Fairer Deal for Legal Aid*, published in July 2005, proposed this interdepartmental examination of the funding and provision of early advice for civil matters.
10. This report aims to develop a strategy for helping people to resolve their problems and disputes more effectively. In doing this it:
 - develops a better understanding of the economic and social arguments for the Government's provision of civil legal aid and support for other advice services;
 - examines the Government's current arrangements, policies and programmes for providing independent advice;
 - develops recommendations for making the system more accessible, effective and efficient; and
 - takes a joined-up strategic approach to driving improvements in public services through feedback from advice services and tribunals.
11. This analysis draws heavily on new evidence. Our understanding of people's experiences of disputes and their associated problems, as well as the costs of these to individuals and public services, draws mainly on the Legal Services Research Centre's Civil and Social Justice Survey.¹ From this year, this will become a continuous survey, expanding our understanding of the consumer experience of disputes and advice yet further. The barriers to the coordination of independent advice at local level were identified in the DCA commissioned report *Local Planning and Commissioning of Advice*.² Our understanding of the independent advice market, including our estimate of Government funding of independent advice is in part derived from another report commissioned recently by the DCA.³
12. Lord Carter of Coles has been conducting an independent review of legal aid procurement. His final report will be published later this spring and this will make recommendations on civil legal aid including the LSC's funding of early advice. The findings in this report are subject to any recommendations made by Lord Carter on the future procurement arrangements in civil legal services.

¹ *Causes of Action (2nd Edition)*, Legal Services Research Centre (2006)

² *Local Planning and Commissioning of Advice*, Matrix Research and Consultancy (2005)

³ *Estimating the size and nature of the civil legal advice sector in England and Wales*, Matrix Research and Consultancy (2005)

An analysis of the issues

13. This section outlines the damaging consequences that can arise for people with serious problems or for those involved in disputes, the knock-on costs to public services, and the way in which people presently try to help themselves. It then examines people's experiences of Government funded services that aim to help people resolve them. Finally, it sets out the key deliverables of any future strategy.

People who cannot resolve their problems often enter cycles of decline

A portrait of Kathy – A consumer journey

Kathy works part time and is married with two children. Her husband started hitting her when his drink problem escalated. He left and the hitting stopped, but so did the income. She knew she was entitled to benefits but could never get through to the Citizen's Advice Bureau. Eventually she took time off and went to the CAB offices, where they sorted out her application for housing benefit. Kathy was really struggling now, and after finding out that her daughter was being bullied at nursery, gave up work to keep her at home. Kathy's debts began to mount. At first she didn't answer the letters from the landlord, then she stopped opening them. When the court summons arrived she headed for the council offices.

14. Serious problems and disputes not only cause considerable stress for those involved, but also affect their judgement and resources in ways that increase the chances of further problems developing. These new problems can in turn trigger more problems and a vicious cycle sets in.⁴
15. People who experience difficulties with relationship breakdown, housing and employment often have a range of further problems and disputes,⁵ the most common of which are:
- disputes with neighbours;
 - debt;
 - welfare benefits problems;
 - problems with children;
 - domestic violence; and
 - discrimination.

⁴ *Causes of Action (2nd Edition)*, Legal Services Research Centre (2006)

⁵ *ibid*

16. The more problems someone has, the more likely they are to suffer further problems. Of the 33 per cent of people with one or more problems, 37 per cent had two or more, and of those 44 per cent had three or more. The longer matters are left unresolved, the more this vicious cycle persists, and the harder it is to break.⁶

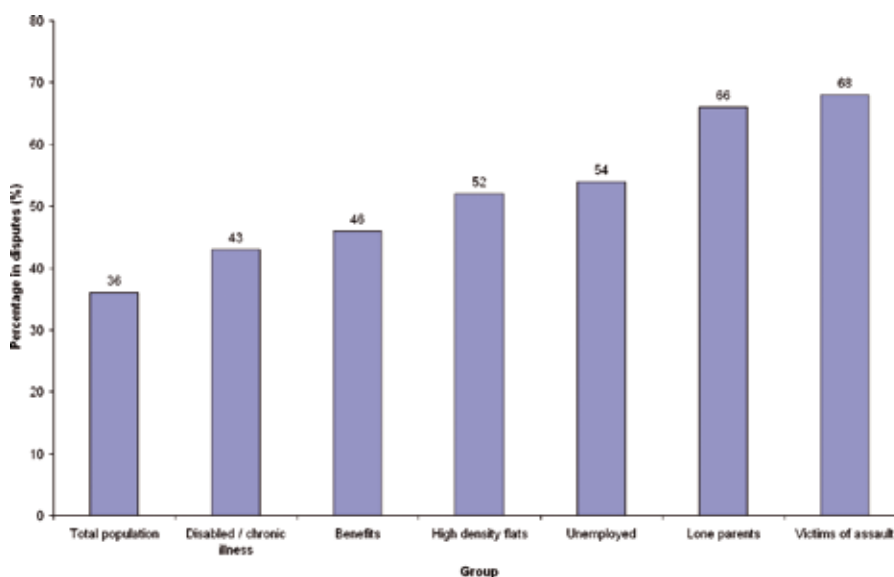


Figure 1: Some groups of people are more likely to experience problems⁷ (data collected over a 3½ year period)

17. As Figure 1 above shows, people from particular groups are most likely to experience problems. Over four million people each year have at least one serious problem, but the people most at risk of developing clusters of problems are:

- victims of assault;
- lone parents;
- unemployed people;
- those living in high density housing;
- those on benefits;
- people with disabilities; and
- people who are physically and mentally ill.

18. Not only are these people most at risk of developing a number of problems, but they are also the least likely to be able to deal with them. This is often a result of their inability to cope, combined with a poor support network, making them unable to interact effectively with people and services. Those at particular risk are people who lack support networks such as children leaving local authority care.

⁶ Derived from *Causes of Action (2nd Edition)*, Legal Services Research Centre (2006)

⁷ *ibid*

19. The Legal Services Research Centre’s Civil and Social Justice Survey shows that the impact of problems and disputes can significantly increase the chance of people being pushed into, and kept in, social exclusion. As a direct result of disputes in other areas, each year more than:
 - 372,000 people lose their jobs, resulting in over £2 billion lost income;
 - 1,100,000 people suffer a stress related illness serious enough to seek medical help; and
 - 250,000 relationships break down.
20. The same survey also shows that as a result of problems and disputes over 1 million people each year suffer serious loss of self-esteem. This is accepted as being a trigger for people losing control of their lives, which can result in domestic violence, relationship breakdown and substance misuse.
21. It is now widely recognised that, if relationship breakdowns are handled badly, the effects on children involved can be profoundly damaging, often leading to unsuccessful school performance, truanting and running away.
22. The consequences of problems and disputes can lead to crime and anti-social behaviour. Poor family environments are believed to increase the likelihood of children behaving anti-socially and committing crime. For ex-prisoners, factors such as employment, housing, debt and family relationships are shown to impact on levels of re-offending.⁸ Conversely, being in employment reduces the risk of re-offending by between a third and a half; and having stable accommodation reduces it by a fifth.

People involved in disputes generate costs for public services

23. The resulting costs to public services are significant, and we estimate them to be more than £1.5 billion annually. Loss of employment, physical and stress-related illness and violent behaviour resulting from the stress of problems are the key contributors. Combined with the £2 billion of lost income, this gives a total cost to the economy of over £3.5 billion each year. However, the true figure is likely to be significantly higher as this only includes those costs to individuals and government that can be clearly identified and given a monetary value.

Unfair loss of employment	Unemployment benefits	Over £200 million
Physical and mental health	NHS treatment	Over £1 billion
Violent behaviour	Police response	Over £330 million
	Total	Over £1.5 billion

Figure 2: DCA estimates of the annual consequential cost of unresolved disputes to public services in England and Wales

⁸ *Reducing re-offending by ex-prisoners*, Social Exclusion Unit (2002)

People have varied success in resolving their problems and disputes

24. When people suffer problems or become involved in disputes, they can try to resolve them themselves with the people or organisations involved, or they can seek help from an independent third party. Organisations, especially public services, often make available information and advice, and have established appeal processes for this purpose. However, if these prove inadequate or they do not exist, both free and paid for sources of help are available elsewhere. This ranges from information on web sites or leaflets, to telephone and face-to-face advice.

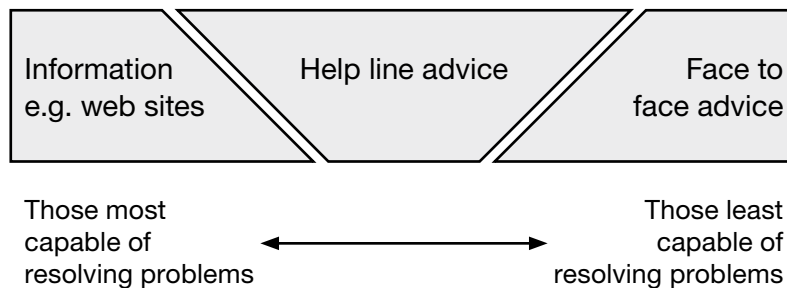


Figure 3: People least able to resolve their problems need more intensive forms of advice

25. For those people who are capable of resolving problems and disputes themselves, web sites are an important source of information. Research shows that government-funded advice web sites are a highly trusted and useful source of information. However, it also shows that people find these web sites difficult to understand due to the complex vocabulary used, and that this may prevent some people from accessing or understanding this advice. The research suggested that these web sites are also difficult to find, with a Government sponsored web site appearing in the first 10 search results on only 9 per cent of occasions.⁹

26. Vulnerable people need a greater level of help, and good telephone or face-to-face advice is vitally important. These people are often unable to engage effectively with, and do not trust, the person or organisation with which they have a dispute. Instead, they are more likely to trust and be willing to work with independent advice services.

27. Those people who seek and obtain advice are more likely to resolve their dispute satisfactorily than those who do not. These people account for half of all the people engaged in disputes and, having been successful, they will be better placed to resolve future problems at an earlier stage. Those people who have less serious problems and are more capable of dealing with them on their own are less likely to seek advice.

⁹ *Consumer internet study*, Department for Constitutional Affairs (2004)

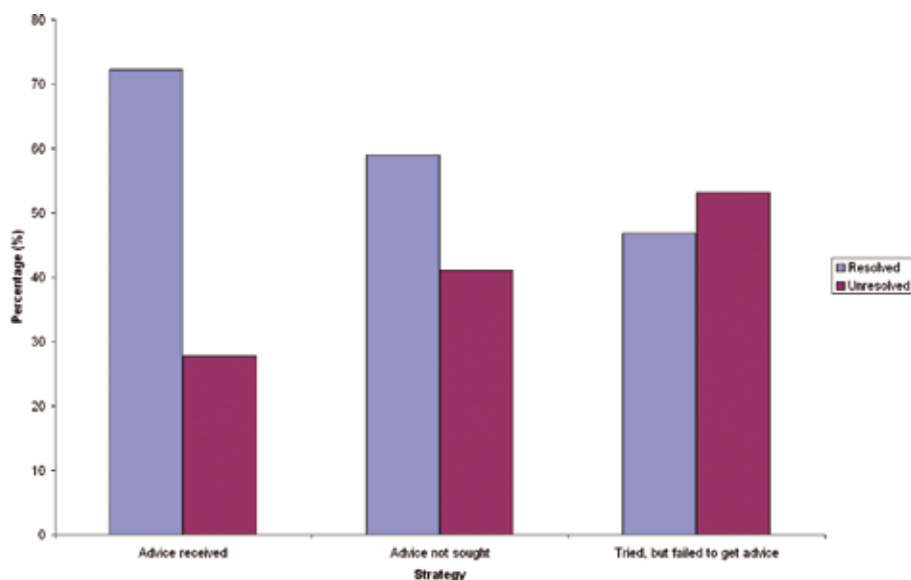


Figure 4: The effectiveness of independent advice in resolving peoples' problems¹⁰

28. The people least likely to resolve their problems and disputes are the 10 per cent of those who try to obtain advice, but who fail to do so. These people are left with twice as many unresolved disputes as those who obtain advice. These unresolved disputes are likely to continue to cause further problems, as these people tend to be more vulnerable.¹¹
29. Our research suggests that people need clear, well-known brands to help them navigate the range of services available and the majority of the independent advice sector is made up of a large number of small providers. This means that a key barrier to people obtaining independent advice is being unaware of where to go,¹² which often results in people not seeking advice at all, or seeking it from the wrong provider. Those who try to obtain advice from the wrong place are rarely signposted elsewhere and, even if they are, the suggested alternative is often still unsuitable.^{13,14,15} People then quickly give up as 'referral fatigue' sets in.¹⁶
30. We believe that this low awareness and lack of effective referral between advice providers is a result of the uncoordinated way that Government funds and commissions these services. The result is a fragmented and uncoordinated provider base, which is confusing for the public, and where resources for awareness raising activity are spread thinly.

¹⁰ Derived from *Causes of Action (2nd edition)*, Legal Services Research Centre (2006)

¹¹ *ibid*

¹² *Causes of Action (2nd edition)*, Legal Services Research Centre (2006)

¹³ *An Anatomy of Access: Evaluating Entry, Initial Advice and Signposting Using Model Clients*, Moorhead R. and Sherr A. (2003)

¹⁴ *Independent Review of the Community Legal Service*, Matrix Research and Consultancy (2004)

¹⁵ *Civil Legal Aid: Adequacy of Provision*, Report from the Constitutional Affairs Select Committee (2004)

¹⁶ *Causes of Action (2nd edition)*, Legal Services Research Centre (2006)

Uncoordinated and fragmented provision leads to poor outcomes for people

31. Figures for total central and local Government funding of independent advice are not available. However, a recent report suggests that the total funding is likely to be £6 billion per year and a significant proportion of this is likely to be Government funded.¹⁷ Both this funding and the way in which these services are commissioned are fragmented and uncoordinated at national and local levels. This is not only an ineffective use of Government resources, but has a significant impact on how effectively they help people.
32. At a national level, departments offer advice on how to tackle problems and disputes that are directly relevant to their policy responsibilities. They often fund several telephone help lines that aim to deal with the same type of problem, and these help lines are not effectively joined up with those sources of advice to which they may need to refer people.
33. Not only do the services they provide tend to help people deal with only one of the problems out of the range they may have, but for those people whose cases are more serious and need advice that includes a legal element, the referral mechanisms are often ineffective. This is illustrated by the focus of each of the major independent help lines that Government departments fund outlined in figure 5 below.

Help line	Sponsoring Department	Area of advice	Annual call volume
Community Legal Service Direct	DCA	Education, debt, employment, housing and benefits	450,000
Consumer Direct	DTI	Consumer problems	960,000
National Debtline	DTI	Debt	60,000
Advisory, Conciliation and Arbitration Service	DTI	Employment	900,000
Equality Commissions	DTI	Employment and discrimination	170,000
Parentline Plus	DfES	Family and relationship breakdown	100,000
Health and Safety Executive	DWP	Employment	250,000
Shelter's Advice Line	ODPM	Housing	55,000

Figure 5: Some of the major Government funded help lines and their focus areas

¹⁷ *Estimating the size and nature of the civil legal advice sector in England and Wales*, Matrix Research and Consultancy (2005)

34. At local authority level, the funding and provision of advice can also be fragmented and uncoordinated across different service areas. This lack of coordination is unsurprising given that there is often little consensus and understanding amongst service areas about the role and importance of independent advice. This, combined with limited guidance from central Government departments, results in a lack of coherent systems for the planning, management and delivery of independent advice.¹⁸ Consequently, there is a wide variation in the extent to which local authorities dedicate resources to plan and commission these services effectively. Also, the nature of the services provided often reflects the needs of the providers over those of the public.

The problem... is that there are so many funders that it is difficult for them to know what they want to achieve. There are too many different agendas funding advice.

Project Manager, GP Surgery Advice Project

35. This lack of coordination also means that information that could be used to improve public services is not shared in a consistent and effective way. This is particularly relevant to those systemic problems that will, without effective feedback from the organisations that help people with problems, continue to lead to contested decisions. For example, difficulties experienced with forms that are not people-friendly or inflexible processes.¹⁹

¹⁸ *Local Planning and Commissioning of Advice*, Matrix Research and Consultancy (2005)

¹⁹ *Improving Services, Improving Lives*, a Social Exclusion Unit interim report (2005)

Developing the strategy

36. Any effective strategy for this area needs to ensure that:

- **advice is people-focussed** - dealing with the many problems and disputes that individuals may face, rather than dealing with each problem in isolation;
- **advice is right first time** - so that wherever people go to get advice, they are able to access the advice they need to resolve their problems and disputes; and
- **we learn from our mistakes** – people’s needs for advice are a detailed indication of where services fail to deliver.

37. To do this, central and local Government must work together to commission independent advice services that more effectively focus on people’s needs and that are delivered in places, at times and in ways that best allow people to use them.

People focussed advice

38. LSC should work in partnership with local authorities, prioritising those areas with significant levels of deprivation, to co-locate independent advice services, creating single centres that are more widely known and better able to deal with the full range of problems that people face.

39. We recommend that this be achieved by implementing the Community Legal Advice Centre pilots proposed in the LSC’s 5 year Strategy for the Community Legal Service with a view to rolling these out if successful. Neighbourhood Renewal Areas should be prioritised in England and Community First areas prioritised in Wales.

40. We recommend aligning DCA and local authority funding for these centres through the Local Area Agreement framework.

41. It is important that these centres are effectively linked with the proposed Victim Care Units, so that victims of crime have access to social welfare advice.

42. The proposals for Community Legal Advice Centres and for Community Legal Advice Networks aim to bring advice for the full range of problems that people have into one centre or a network of centres, depending on local need. The pilots will be jointly funded with local authorities to deliver face-to-face services in family and social welfare areas of law, deployed according to client need and geographical access criteria and targets. They will have flexibility to decide how best to meet local needs and will also help to determine strategies aimed at resolving the causes of problems.
43. The focus of these pilots on Neighbourhood Renewal Areas and Community First areas will drive both the awareness and accessibility of advice in those communities that are most deprived. Supporting these communities, which also have the highest rates of anti-social behaviour and crime, is therefore in line with Government initiatives such as the Respect agenda and supporting victims of crime.
44. To ensure that the development of centres and networks is deliverable and sustainable at a local level and can be performance managed in a robust but proportionate way, funding should be made available through Local Area Agreements. DCA and LSC should work with ODPM to identify the outcomes within Local Area Agreements to which this development would contribute, and to agree appropriate indicators to monitor performance.
45. Ensuring that victims of crime have access via victim support initiatives to social welfare advice at the earliest stage would target the group most likely to encounter serious disputes and their associated problems.
46. The Green Paper *Rebuilding Lives – supporting the victims of crime*, published in December 2005, looks at the current mechanisms for providing support to victims of crime and proposes major changes. These include the establishment of Victim Care Units (VCUs) that would take on a key role in commissioning, targeting and delivering support to victims. We recommend that DCA works to include within this service information regarding how to deal with social welfare problems and ensure that local delivery be integrated where necessary with the relevant local and national independent advice services.

47. A Victims' Commissioner will be appointed in April 2006 and the role will include looking at better ways to fund the voluntary sector to deliver services to victims. We recommend that the DCA work with the Commissioner to agree the most effective way of providing social welfare advice at the earliest possible stage. In addition, this will help to ensure that any funding for advice services is joined up where necessary.

The Relationship Breakdown Programme

This is delivering changes to improve outcomes for children. Involving DCA (Her Majesty's Courts Service - HMCS), the Department for Education and Skills, the Children and Family Court Advisory and Support Service (CAFCASS) and LSC, this co-operative approach is a strong example of how policies aimed at improving the way people handle disputes, can be implemented across government.

The Proportionate Dispute Resolution programme

DCA (HMCS) is taking forward pilots aimed at helping people resolve their disputes in the most effective way by helping them engage effectively with the right people and take a more constructive approach. These include the 'Pre-Action Notice', National Mediation Helpline and Wandsworth Dispute Resolution Centre pilots.

Social welfare advice in prisons

In an effort to help break the cycle of re-offending, the LSC makes social welfare advice available to offenders in prisons in England and Wales as well as through the Community Justice Centre pilot in Liverpool.

Getting it right first time

48. We recommend that DCA and LSC work with other Government departments to ensure that whatever independent advice service people choose to contact, they can easily access appropriate advice across the full range of problems that they face. This will involve introducing hand-over arrangements between telephone help lines, especially between those that are a first point of contact and those that provide advice with a legal element.
49. We recommend that the DCA and LSC start by working with other Government departments to improve the links between the LSC's CLS Direct service and other Government funded independent help lines and advice web sites. Priority should be given to advice that deals with the three major trigger disputes of relationship breakdown, housing and employment.

50. The proposed work program between DCA and DTI on employment advice services should provide a model for future work with other departments.

51. The main forms of independent advice for resolving problems and disputes directly funded by central Government, are telephone help lines and advice web sites. However, the current system of departments working in isolation, servicing their areas of responsibility, has led to confusion for consumers and inefficiency in service provision. Several Government departments are reviewing the way they provide funding for independent advice as part of the Comprehensive Spending Review (2007).
52. Prioritising coordination for those advice services that tackle the trigger problems of relationship breakdown, housing and employment will deliver the greatest benefits as these are the disputes most likely to lead to further problems. Resolving problems in these areas will have the greatest impact in reducing distress for individuals and costs for public services.
53. Linking with other advice help lines will allow CLS Direct to focus on the provision of specialist legal advice for those people who need it most. The LSC is already conducting a pilot with the DTI's Consumer Direct in Wales, which aims to test this model.
54. As part of this work, DCA has agreed with DTI to work on improving coordination between its employment advice services and CLS Direct, and are in discussions about the terms of reference for that work. Proposals for changes to existing services are expected by the end of June 2006.
55. Other Government departments have expressed interest in our approach and discussions are under way to further this work. Our approach is in line with Government strategy as recently outlined by the Cabinet Office.²⁰

The Public Legal Education Strategy Task Force

This aims to develop a strategy to improve the coordination and delivery of public legal education, helping people to understand their rights and responsibilities. This is part of the Education, Information and Advice Strategy that involves all departments. A key priority within the strategy is to help the most vulnerable people by making information more accessible. This will involve developing recommendations for better ways of working across government in line with plans for the future roll out of Directgov (www.direct.gov.uk).

²⁰ *Transformational Government - Enabled by Technology*, e-Government Unit, Cabinet Office (2005)

Learning from our mistakes

56. We recommend that the DCA liaise with ODPM as part of their user empowerment programme to ensure that information on the work of advice agencies and tribunals is used to improve services through design, delivery and assessment.

57. Independent advice providers often help the most vulnerable people to resolve their disputes with public services. This is because these people often lack the ability and support network needed to resolve these disputes themselves. This can mean that there is little interaction between the individual and the public service, resulting in a lack of understanding by that service of the difficulties faced by these people.

58. Independent advice services therefore have considerable amounts of information useful for public service providers to help improve their interaction and engagement with vulnerable and socially excluded people.

59. When disputes with public services cannot be resolved by any other means, they often progress to a tribunal. The number and type of cases arriving at tribunals is therefore a good indicator of the effectiveness of public services in interacting with vulnerable people.

60. ODPM is taking forward work to empower users of local services by involving local people more actively in their delivery and design. Ensuring that this work delivers improved services for socially excluded people presents some challenges, as by definition some of that group cannot access services.

61. In line with that approach, information such as the number and type of disputes coming to advice agencies and tribunals could be an effective proxy to measure the effectiveness of public services.

62. We recommend that DCA continue to work with ODPM to develop proposals for using feedback information from advice agencies and tribunals to assess the effectiveness of public service delivery, particularly for socially excluded people.

63. There are two key elements to delivering this. First, the information needs to be effectively collated by the tribunals and advice agencies. The establishment of the Tribunals Service in April 2006 represents an opportunity to build this feedback into the new business model, and they are currently developing proposals for this.

64. The current fragmentation of independent advice represents a barrier to collecting this information. However, the proposed move towards one-stop shops represents an ideal opportunity to build this collation of information into the service design template, and this should be done.

65. Secondly, the information should be fed back to service providers in a way that is sustainable and likely to result in action. Possibilities include channelling this through Local Strategic Partnerships (LSPs) and the new performance framework model and using this information to help inform inspections and audits. LSPs are multi-agency bodies that aim to bring together at a local level the different parts of the public, private, community and voluntary sectors. They are key to tackling deep-seated, multi-faceted problems, requiring a range of responses from different bodies. They could be an effective way for advice agencies to provide feedback on service delivery at local level to service providers directly, especially when a co-ordinated, multi-agency approach is required.

