

The Baring Foundation

# Rights with Meaning

The background and aims of the 2008 STVS –  
independence programme  
focusing on advice and advocacy organisations

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Strengthening the Voluntary Sector – independence

## The Baring Foundation

The Baring Foundation was set up in 1969 to give money to charities and voluntary organisations pursuing charitable purposes. In 40 years we have given over £98 million in grants. Our budget for grant-making in 2009 is £2.2 million.

The Foundation believes in the fundamental value to society of an independent and effective voluntary sector. It uses its funds to strengthen voluntary sector organisations, responding flexibly, creatively and pragmatically to their needs. The Foundation puts a high value on learning from organisations and their beneficiaries and seeks to add value to grants by encouraging the sharing of knowledge through a variety of means.

## Strengthening the Voluntary Sector

In 1996, the Baring Foundation launched the Strengthening the Voluntary Sector grants programme. This programme funds organisational development work aimed at supporting organisations to be efficient and effective. The programme has supported 712 organisations, giving a total of £14.5 million.

## Strengthening the Voluntary Sector – independence

In 2006, the trustees added a focus to the grants programme inviting organisations to apply for work that would help them to maintain or increase their independence from government. In 2008 the programme was focused further to support the independence of advice and advocacy organisations. This paper forms part of a series of papers designed to share information and lessons from this grants programme. Please see the back cover for details of other papers in the series. These are available on our web-site.

**[www.baringfoundation.org.uk](http://www.baringfoundation.org.uk)**

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# Executive Summary

## 1. The Baring Foundation's grants programme on independence from government

In 2006, the trustees of the Baring Foundation added a focus to the Strengthening the Voluntary Sector (STVS) grants programme. Grants would aim to help voluntary organisations to maintain their independence from government. Independence was defined not as a defensive state of separation, but rather as the positive ability of voluntary organisations to pursue and secure a set of freedoms: The freedom to uphold purpose and values; to negotiate robustly with funders without fear of sanction and to engage in public debate. In 2006, the Foundation made 22 grants totalling £1.8 million to a broad range of organisations tackling disadvantage and discrimination.

## 2. Rights with meaning – a focus on advice and advocacy organisations

In the next round, 2008, grants focused on one part of the sector – legal advice and advocacy organisations. These organisations contribute immense benefit to society. They work with vulnerable people often with complex needs through individual case work, work on education and prevention and policy influence. Furthermore, so much of the wider voluntary sector's activity, from improving mental health to reducing re-offending, usefully takes place hand in hand with advice and advocacy work. Advice and advocacy organisations face a set of high order concerns about independence: They exist to help people to secure their legal rights from government. It is therefore dangerous when government directs the work of these organisations and undermines the ability of individuals to secure these rights. People's rights have no meaning without the means to enforce them. This strikes right at the core of why voluntary organisations need to be free of public control.

## 3. The threats to the independence of advice organisations

Advice organisations are currently facing a range of threats to their independence.

*Fixed fees* – as part of major government reforms of the advice sector, organisations delivering legal aid are now paid at a standard fixed rate per case, replacing a system based on funded posts delivering an agreed number of hours. This approach is putting severe pressure on the ability of organisations to maintain levels of quality and remain financially viable.

*CLACs, CLANs and integrated social welfare centres* – these are a government-led attempt to make local advice services better integrated and coordinated. They potentially involve a number of advice organisations funded under a single contract and are jointly commissioned with local authorities. Serious concerns about this development from advice agencies include over-prescription in the types of services provided, reduction in quality, dismantling of local advice services and damage to the public's perceptions of the delivery organisation's independence from government.

*The rise of New Public Management and commissioning* – the problems being faced are symptomatic of the government's approach to funding and administering services delivered by the voluntary sector. The principal mechanism for administering this is commissioning, which emerges from activity across the STVS programme as a formidable threat to independence. The approach means that whilst there is reduced public sector provision of services, there is an increase in central control over the incoming providers of those services. It assumes that performance and value for money are best improved by introducing competition, targets and extensive reporting arrangements, reflecting a model of service provision that does not take adequate account of the needs of users or the expertise of providers. Commissioning is duly criticised by organisations for reducing flexibility, the ability to meet needs, the capacity to dissent, the ability to collaborate, the freedom of organisations to set their own priorities and to provide the wider benefits of services beyond the tightly defined contract outputs.

## 4. The threats to the independence of advocacy organisations

There are a different set of challenges being faced by advocacy organisations

*Statutory entitlement to advocacy* – advocacy has risen in prominence in government legislation and policy on health and social care. Under the Mental Capacity Act (2005) people now have a statutory right to advocacy. Although a welcome new principle, this has been accompanied by increased scrutiny and regulation by government, raising the question of how advocacy groups retain independence when they are performing a role for which there is a statutory entitlement.

*Preserving wider forms of advocacy* – as funding for advocacy becomes focused on meeting statutory entitlements there is less importance placed on wider forms of advocacy. And, as with advice agencies, statutory funders making more use of commissioning means it is more difficult to preserve the values that underpin independent advocacy.

*Personalisation* – the principle of giving people control over how to meet their own needs should sit well with the voluntary sector. However, a range of potential implications are causing concern. For example, not delivering services collectively has an impact on representing collective concerns. Also, paying for advocacy from individual budgets can be said to compromise the long held belief that advocacy must be free to the end service user. For individuals, this could mean a choice between purchasing a number of hours of important care support or the ability to be heard.

## 5. The impact on the independence of advice and advocacy organisations

These factors are having a range of impacts on independence

**Increasing government direction** – organisations are increasingly pressured into adapting to meet the requirements of commissioners, not the needs of the people who use their services.

**Making it hard to maintain quality** – increasingly the government definition of quality is at odds with the sector's definition. Advice and advocacy are reduced from a process of helping someone to take more control over their life to a transaction about a particular event or task.

**Transferring risk** – organisations that deliver services, but are not involved in their design, shoulder all of the risks – of failure for users, of damaged reputation and of a weakened organisation.

**Undermining challenge** – there is pressure to self-censor in front of statutory funders for fear, real or perceived, that funding will be withdrawn as punishment.

**Increasing competition** – increased competition between providers unhelpfully increases tension, reduces the ability to collaborate and favours larger organisations that can cope with loss leaders and the administrative tasks of engaging in commissioning.

**Eroding distinctiveness** – the capacity to work in different ways, to innovate and be flexible and responsive to local circumstances is eroded by the standardisation that commissioning requires.

**Diminishing unrestricted funding** – the need to subsidise contracts means that organisations use reserves and other income to maintain services. This reduces the capacity for work on social policy, prevention, identifying needs, developing new services and investing in organisational infrastructure.

Together, these factors provide comprehensive challenge to the freedom to uphold purpose and values, to negotiate without fear of sanction and to engage in public debate.

## 6. The aims of the 2008 grants programme

In December 2008, the Foundation made grants totalling £1.2 million to seven advice and advocacy organisations. These grants are described in detail in this report. Working with the organisations funded by the programme a number of aims were agreed. These are that, by the end of the programme:

- The funded organisations are collecting, or accessing from other sources, better evidence of client needs and / or better evidence about demand for services;
- A definition of 'quality advice' and of 'quality advocacy' will have been produced that reflects client needs as defined by the sector, not by government;
- Government definitions of 'quality advice' and 'quality advocacy' will be moving to reflect the sector's own, particularly focusing on the needs of clients;
- Funding and commissioning arrangements are being changed in line with evidence of needs and the definition of quality;
- There is increased capacity in organisations to influence policy;
- There is a more productive relationship with government.

Alongside the grants we will be carrying out a range of additional activity and would be pleased to hear from anyone interested in collaborating with us on achieving these aims.

# Rights with meaning: The 2008 STVS – independence programme

## Background

In 2006, the trustees of the Baring Foundation added a focus to the Strengthening the Voluntary Sector (STVS) grants programme. They wanted to explore in more detail the effects on voluntary organisations of closer relationships with all the branches of government. In particular, they wanted to examine the impact these relationships were having on the ability of voluntary organisations to maintain their independence. Trustees could see the welcome opportunities for voluntary organisations of greater contact with government but also the threat that closeness might change what organisations do and the way they do it.

We defined independence not as a defensive state of separation, but rather as the positive ability of voluntary organisations in their relationships with government to pursue and secure a set of freedoms. The freedom to:

- uphold purpose and values;
- negotiate robustly with funders without fear of sanction; and
- engage in public debate.

## The importance of independence

These freedoms are, firstly, simply a good thing. William Beveridge, writing about the role of voluntary action in the good society stressed the importance of action with a will and a life of its own. But it goes further than this, because the freedoms of independence are of pivotal importance to the substance of voluntary action – what it is, how it is done and how effective it is. Independence gives voluntary organisations the freedom to challenge, to be a channel for dissent and a platform for influence often in the face of statutory indifference, and in some cases active resistance. Independence is also what voluntary organisations use to identify and understand needs that government cannot see, and may actually choose not to see. Then, against a backdrop of relatively standardised public services where taking risks is difficult, independence is one part of voluntary organisations' ability to pioneer new approaches, working with people in ways that meet their needs, irrespective of the priorities of the funding body. This may be about being innovative, but it may just be about providing support to people falling outside or through statutory safety nets. Finally, independence is important because some people who have reason to be wary of government, or who need support to challenge government, come to voluntary organisations specifically because they are not government. Independence for these organisations is what gives people the confidence and trust to seek the support they need.

## The development of a grants programme to support independence from government

The Foundation could see that the ability of voluntary organisations to retain their independence in their relationships with government varied considerably. The questions that the Foundation began to explore were what are the circumstances under which organisations can achieve productive relationships with government, where the experience and resources of voluntary organisations and government combine to greatest effect? Within relationships with government and the constant shifting of context and power, how could voluntary organisations be strengthened to cope with the threats and take advantage of the opportunities?

The programme was in no sense “anti-government.” Rather, it grew out of the Foundation’s belief that the independence of voluntary action is fundamental, whatever the hue or stance of the government of the day.

At a time when all the political parties indicated their enthusiasm for the sector playing a greater role in public services, it was considered timely to address ways for the sector to resist the potential to move away from their original objectives and take on new roles defined for them by others.

## STVS – independence 2006

In 2006, the Foundation made 22 grants totalling £1.8 million to organisations tackling disadvantage and discrimination. A broad range of work was funded in a broad range of organisations including service delivery and infrastructure bodies. Grants supported a variety of activities that organisations believed would help them to strengthen their independence in relation to government including: planning and putting in place systems for gathering better evidence of needs, impact and value for money; improving negotiating and lobbying skills; strengthening confidence and power by collaborating with other organisations; making use of the Compact; improving campaigning skills; developing alternative models for contracting; developing alternative approaches to delivering services; and improving internal skills and governance.

We saw emerging over the first two years of the programme the contribution that this work could make to strengthening organisations’ sense of their own independence, but also that the pressures acting on independence were intense and even becoming more severe. In 2006, trustees, seeing the urgency of the challenges and the level of interest in the programme, had decided to bring forward funding from the 2007 programme to fund more work at that point. This meant that no grants were made in 2007 and the Foundation used this time to do a range of research and development work alongside the grants programme (see the back cover of this report for a list of publications that resulted out of some of this work). New funding was available to distribute in 2008 and the trustees considered how the programme might develop.

## STVS – independence 2008

### **A focus on advice and advocacy organisations**

Having funded a range of organisations in 2006, it was felt that it would be helpful to focus the next round of grants on one part of the sector. Trustees particularly wanted to focus on issues for local delivery organisations and a range of options were considered. Some of the planning assumptions underneath the 2008 programme included:

- The programme would continue to fund practical organisational development work in voluntary organisations whose independence was under pressure;
- Within this, organisations would define their own priorities;
- Organisations could apply to strengthen their own organisation or to strengthen others;
- Grants would aim to have an impact on individually funded organisations and also collectively generate wider strategic impact. Consequently, this time round, applicants would be asked specifically to identify how the grant would

strengthen their own organisation (or other organisations) **and** generate lessons and impact that would help others to strengthen their independence from government;

- Focusing on a particular service area would mean that research and influencing activity could be targeted at particular parts of government, increasing the potential to have a strategic impact with the grants.

In reviewing areas of the sector on which to focus, we saw that there are some parts of the sector where the ability to operate independently of government is especially fundamental. This was most true where the function of the organisation is to help a person to secure their legal rights and entitlements **from** government. In the 2006 round we had made three grants to legal advice and advocacy organisations:

AdviceUK, the umbrella organisation supporting independent advice agencies in the UK, received a grant of £96,515 to challenge the threat to independent advice caused by the government proposals for organising local advice services into Community Legal Advice Centres (CLACs) and Community Legal Advice Networks (CLANs).

It was argued that this model, being led by the Legal Services Commission, the body that administers legal aid, would undermine the capacity of advice organisations to provide independent quality advice to people. Underpinning the approach were a number of assumptions that reflect wider government practice on funding and administering services such as greater competition, targets and efforts to improve internal efficiency. AdviceUK recognised the importance of providing efficient services at value for money, but wanted to explore the potential for a sector-led *systems thinking* approach which it felt offered better potential. The grant enabled this approach to be developed in collaboration with advice organisations in two areas, the city of Oxford and the county of Powys in Wales. The results were published in a report called *It's the System Stupid: Radically re-thinking advice*. (AdviceUK 2008)

Action for Advocacy, the umbrella group for advocacy organisations in England and Wales, received a grant of £100,000 to develop a quality mark for advocacy organisations. This aimed to build a method for demonstrating excellence around showing that the values central to advocacy organisations were being upheld – independence, empowerment, accountability and so on. This contrasted with government-led approaches to quality assurance that focused on process issues such as whether organisations followed certain administrative procedures. Action for Advocacy's aim was to build values such as independence into the structure and operations of advocacy organisations. This would enable them to demonstrate quality to local authority purchasers in ways that were meaningful to advocacy groups and their users. The Quality Performance Mark (Action for Advocacy 2008) was launched in September 2008 and has been enthusiastically received by organisations and local authorities.

Partners in Advocacy in Edinburgh, an organisation providing advocacy support to people who use learning disability services, received a grant of £28,806 to devise and implement monitoring and evaluation systems and to gather user feedback. The work was a response to pressure from government to provide advocacy services in ways that the organisation felt were not meeting the needs of the organisation's users. The types, range and quality of advocacy were being compromised.

These grants, plus a wider review of issues in the sector, reinforced the set of high order concerns about independence for advice and advocacy organisations. These organisations exist to help people to secure their legal rights and entitlements from government. It is therefore dangerous when government undermines the ability of individuals to secure these rights by overly directing their work. This fact propelled the founders of AdviceUK who shared the conviction that ‘people’s rights have no meaning without the means to enforce them’ (AdviceUK 2009). This strikes right at the core of why voluntary organisations need to be free of public control.

People who have recourse to legal help and advocacy are often vulnerable with complex needs. Advice and advocacy organisations play a hugely important role in tackling disadvantage and discrimination on a number of levels:

**Individual case work** helping people to secure their legal rights and entitlements across many areas including social welfare, asylum and immigration, mental health, social care, housing and health.

**Education and Prevention** helping to ensure that advice and advocacy not only provide short-term solutions to the pressing issues faced by people, but also longer-term solutions that will enable people to be better able to tackle future problems. This role in education and prevention generates savings for other areas of public expenditure; and

**Policy change** taking on test cases, identifying needs and challenging problems and waste caused by public sector systems and policy failure.

Furthermore, so much of the wider voluntary sector’s activity, from improving mental health to reducing re-offending, usefully takes place hand in hand with advice and advocacy work that can address some of the factors that contribute to the problems people face.

For the purposes of the programme guidelines, advice and advocacy organisations were defined as organisations that exist to help people secure their legal rights and entitlements. Other organisations that delivered advice and advocacy as part of other services were eligible to apply for the programme if they could demonstrate that advice and advocacy were major parts of their service. Also, advice organisations had to be focused on the social welfare categories of law – debt, housing, welfare benefits, employment or on immigration and asylum advice.

Finally, in order to pursue the trustees’ interest in issues at the local level, and to try and achieve an acceptable success rate for applicants to the programme, eligibility was limited to organisations based in Bristol, Coventry, Manchester, Sheffield, Lincolnshire or Kent, or to infrastructure bodies that would be working to strengthen local organisations in these areas. It was not assumed that grants would ultimately be made in all these areas.

Although advice organisations and advocacy organisations share the same purpose, the circumstances of their relationships with government differ between them. Notably, they have relationships with different parts of local and central government. This created the opportunity to see how both are faring in the current climate and to see what each can learn from the other. The following two sections look at some of the background issues that are specific to advice organisations and advocacy organisations, and the grants that were made.

## Challenges facing advice organisations<sup>1</sup>

Advice organisations are funded in a variety of ways by government. Most significant, in terms of amount, is funding from local authorities for the provision of advice and guidance to local residents. This funding comes in the form of grants and, in common with other parts of the sector, increasingly as contracts for services to specific groups of clients, often as part of services prioritised through the Local Area Agreement process. Different central government departments also fund advice work including the Department for Work and Pensions, HM Revenue and Customs, the Department for Business, Innovation and Skills and the Equalities and Human Rights Commission but most significant, in terms of influence in recent years, is the Legal Services Commission (LSC). This non-departmental public body is sponsored by the Ministry of Justice. Although far smaller in value than local authority funding, the LSC shapes the environment for advice agencies delivering legal aid in many ways and to a very great extent.

### *Reforms to Legal Aid*

2009 marks the 60th anniversary of legal aid. Established under the Legal Aid and Advice Act 1949, legal aid sets in law a person's entitlement to:

*'assistance...and legal advice...so that no one will be financially unable to prosecute a just and reasonable claim or to defend a legal right.'*  
(Hansard 2007)

Lord Falconer, writing in 2005 as Secretary of State for Constitutional Affairs and Lord Chancellor, called legal aid 'one of the proudest legacies of the progressive post-war Labour governments.' (Department for Constitutional Affairs 2005: p.5) As such, it is often claimed that legal aid is an additional pillar of the welfare state or at least that it 'helps make the other pillars of the welfare state work properly.' (Callaghan 2009)

The current annual legal aid budget is £2 billion. Of that, £1.2 billion is currently spent on criminal legal aid with the balance of £800 million spent on civil legal aid. Of this, the majority is spent on family law, with £200 million being spent on social welfare law. (Bach 2009) Making the distinction between criminal legal aid and social welfare legal aid is important, because although government points to an increase in the legal aid budget over the last 20 years, an average annual real terms growth of about 5%, (*ibid.*) it also acknowledges that the rise in spending reflects increases in criminal legal aid, not spending on social welfare law. Lord Bach, Parliamentary Under Secretary of State in the Ministry of Justice and responsible for legal aid, said at an event to mark the 60th anniversary of legal aid that:

*'my view is that we've got the balance (between criminal and civil) wrong. The criminal side is compulsory spend. Of course people in court should be properly represented. But this means there's always a squeeze on the civil side – which is not linked to demand. And in particular on social welfare law.'* (*ibid.*)

However, sitting beneath these issues about levels of funding is a raft of reforms of legal aid that provide the important context for the concerns about independence at the root of the STVS grants programme and this is worth reviewing.

(1) The term 'advice organisations' is being used as a catchall term that includes independent advice agencies, Law Centres and Citizens Advice Bureaux.

In May 2004, the Department for Constitutional Affairs (DCA) established the Fundamental Legal Aid Review. This study was asked to look at the long-term future of the legal aid system and how it could:

- provide services which meet the needs of society;
- be best used to help people improve their lives and prevent social exclusion; and
- help deliver innovative ways of delivering legal services to ensure best use of taxpayers' money. (Cabinet Office 2009).

There was also a clear requirement to cut the costs of legal aid. (Hynes and Robins 2009) Another issue to be addressed was the problem of "advice deserts" – areas of the country where face-to-face provision of voluntary sector legal advice was limited. (DCA 2005) Although a final report of the Review was not published, some of the results were contained in the DCA report *A Fairer Deal for Legal Aid* published in July 2005. This set out the Government's long-term strategy for legal aid and highlighted a number of areas for reform, particularly of the criminal legal aid system. One of the most significant outcomes of that report was the announcement of an independent review of legal aid by Lord Carter of Coles which would promote 'an active and competitive legal services market' providing greater efficiency and value for money. (*ibid.*: p.19)

When Lord Carter published his report in July 2006, its main recommendations for civil legal aid were:

- Fixed or graduated fees for all casework i.e. cases would be paid at a standard fixed rate, replacing a system based on funded posts delivering an agreed number of hours over the course of a year. Organisations would depend on a "swings and roundabout" effect where long cases costing more than the fixed fee would be balanced out by short cases where a profit could be made;
- A 'unified contract' for all civil work and limiting contracts to either £25,000 or £50,000; and
- Best Value Tendering (BVT) to be introduced for all civil contracts. BVT was seen as helping to deliver quality services where the price paid for those services reflects the cost of their provision.

Lord Carter made clear in the report that the development of a market for legal aid services would mean some organisations would have to merge or close. Also, that the move to fixed fees was a step to an eventual transition to a full market approach. It was part of the response to what Lord Carter saw as:

*'scope for greater efficiency in the way that not for profit organisations deliver legal advice services. The funded post model that applies to not for profit agencies may encourage inefficiency, as by paying for hours worked rather than cases completed it may encourage some caseworkers to spend more time on cases than is strictly necessary.'* (Lord Carter of Coles 2006: p.45)

The discussion and definition of what is 'strictly necessary' is absolutely fundamental to this debate.

## Fixed fees

The move to fixed fees proved extremely controversial prompting severe criticism from advice agencies (Advice Services Alliance 2007; AdviceUK 2008; James, in preparation) unions (Unite 2008) and the media (Bunting 2008). The House of Commons Constitutional Affairs Committee conducted an inquiry into the impact of Lord Carter's reforms and described the implementation of fixed fees as a 'breathtaking risk' (HCCAC 2007: para 129) being introduced at 'breakneck speed.' (*ibid.*: para 133)

To summarise, fixed fees are criticised for causing a range of consequences:

- Fixed fees are set **too low to be sustainable**. In order to maintain levels of quality and to remain financially viable, organisations have to subsidise legal aid advice services with unrestricted funding. The Law Centres Federation reports the astonishing figure that levels of unrestricted reserves amongst their members have dropped by 70% since the introduction of fixed fees. (NEF Consulting 2009) The LSC and MoJ have argued that this decline is a passing consequence of learning to cope with the new financial arrangements but four law centres have already closed. Some organisations ended up owing money to the LSC because payments made to support the transition to the new system were found to be more than organisations were earning in fees.
- Payment only being made once cases are closed puts **huge pressure on organisations' cash flow**. Despite transition arrangements put in place by the LSC, the amount of money owed on work in progress, i.e. matters started but awaiting closure, can be as much as 30% to 61% of annual budgeted income from the Unified Contract. (*ibid.*)
- Fixed fees have introduced a focus on New Matter Starts (NMS) as the principal unit of measuring how much work an organisation is doing and with the number of NMS used as a way of measuring the impact of the scheme. In order to hit NMS targets, providers are finding it **necessary to split cases** i.e. divide a client's problems into different case categories. This means that the number of NMS does not necessarily reflect numbers of people helped. Participants in a London Advice Forum discussion about fixed fees in April 2009 referred to organisations becoming "fixed fee factories."
- All this leads organisations to change the way they work, not necessarily in the best interests of their clients. For example, it is reported that some organisations "**cherry pick**" cases that are short-term and simple, rather than longer-term and more complex. (Ministry of Justice 2009) By deciding which cases to take on and which not, this means in effect that **voluntary organisations are having to make decisions about rationing public services**. Although providers can claim higher fees for "exceptional cases," this facility is administratively time consuming and not being used by organisations as much as expected. This creates an economic disincentive to work with the most vulnerable people with the most complex problems. Advisors feel they **cannot provide a service aimed at solving whole problems**, ultimately a more effective approach as well as more cost effective and better value for money.
- The pressure to claim a fee leads to organisations **closing cases sooner** than they would have done before, which, whilst lowering immediate costs, is not necessarily in the best long-term interests of the client, or indeed the public purse. For example, rather than following a homeless case through from start

to appeal, a 'case' will consist of brief advice and sending someone back to the Homeless Person's Unit.

- An **average fee does not account for different levels of costs** depending on the area of the country or on client groups. Research by NEF noted the additional costs of delivering advice in London (due to higher salaries, competitive recruitment and higher rents). (NEF Consulting 2009) The LSC's own Regulatory Impact Assessment on the legal aid changes found that certain client groups from Black, Minority, Ethnic and Refugee (BMER) communities are also likely to have higher cost cases: Mixed Asian (by 46%), Indian (by 34%), Mixed White/Black African (by 27%), Pakistani (by 25%) and White Irish (by 23%). (LSC 2006: p.34) This potentially discriminatory impact is felt most severely in the London region where a significantly higher proportion of clients (74%) are from BME backgrounds. (City Parochial Foundation 2007) At the same time, fixed fees do not make additional allowance for the costs of providing advice in a rural area where travel is necessary.
- **Administration associated with fixed fees is excessive.** The bureaucracy goes beyond reasonable requirements for demonstrating accountability.
- All this leads to a **reduction in specialist and challenging work** and advice agencies taking forward test cases. It also **draws organisations away from social policy and preventative work** with clients as well as other activity including providing support to other organisations, managing *pro bono* activity and Public Legal Education.
- The pressures of operating under these arrangements **damage the relationship between legal advisors and their clients.** Research shows that this relationship is highly valued by clients and that the quality of the relationship is instrumental to a successful outcome. (CoSA 2009)
- In 2007, the House of Commons Select Committee on Constitutional Affairs carried out an inquiry into the impact of the Carter reforms to legal aid and noted 'a catastrophic **deterioration in the relationship** between suppliers, their representative organisations, and the LSC' (HCCAC 2007: p.78)
- Finally, **morale has suffered** amongst staff at advice organisations as workloads increase and it becomes harder to maintain quality services to clients. Also, as organisations fear for their futures.

A real frustration for the social welfare advice sector underpinning all these changes was the knowledge that the real increases in legal aid expenditure were occurring in Crown Court defence work and public law children's cases.

### *CLACs and CLANs*

A few months before Lord Carter published his report, in March 2006, the LSC outlined a strategy to redesign local advice services. The aim was to make them better integrated and coordinated, potentially involving a number of advice organisations funded under a single contract providing a range of levels of advice. This would be jointly commissioned with local authorities. (LSC 2006) These proposals for Community Legal Advice Centres (CLACs) in urban areas and Community Legal Advice Networks (CLANs) in rural areas caused controversy, particularly the proposal to commission jointly with local authorities which would mean the LSC hugely increasing its influence over funding for local advice services. Delivery of CLACs and CLANs would also be open to the private sector.

Two contracts for CLACs, in Leicester and Hull, went on to be won by a private sector consortium involving Sheffield-based employment services organisation A4e and solicitor's firm Howells.

The third tier advice sector organisation Advice Services Alliance reviewed the principal criticisms of CLACs (ASA 2008):

- CLAC specifications were highly prescriptive, creating a risk that CLACs would be inflexible in their operation;
- The government branding on CLAC offices would compromise the public's perception of the organisation's independence from government;
- Monitoring arrangements involved onerous performance targets that emphasise numbers of clients not quality of advice;
- Establishing CLACs as local monopolies creates difficulties for clients if the CLAC is unable or unwilling to help them, and for funders, who will have "put all their eggs in one basket";
- Requiring CLACs to provide generalist and specialist advice may be problematic, as the provision of both types of advice within one organisation on the scale envisaged is largely untested;
- Having two or more providers increases the likelihood of complicated organisational structures, potential conflicts of interest, and regulatory confusion;
- There was ambiguity over whether CLACs' services were to be limited to local residents;
- There was the serious threat that CLACs will not respond to local need. The requirement to target priority client groups is problematic, seems unlikely to work, and needs serious reconsideration;
- Funding is not sufficient to match the expectations that are likely to be created by the establishment of CLACs. It seems that the generalist advice service is being asked to achieve too much for too many people given the resources available. Many clients are likely to be disappointed by the limitations that will inevitably be placed on the service. There are concerns as to whether the specialist services will be sufficient;
- There are serious concerns about quality;
- Some of the specifications mean that CLACs are very closely tied to council services.

Further concerns were noted by DG Legal (2009) including:

- The expertise of specialist (single category) providers may be lost if they are not part of a winning bid;
- Unsuccessful third sector bidders will lose an important part of their funding which may cause many of them to close;

- If a commercial provider wins the contract, but does not wish to continue to deliver the service after a period of time (e.g. three years), then there may be few third sector providers left to fill the breach; and
- Some groups may prefer to receive advice from their own community.

The Law Society led a legal challenge to the introduction of CLACs which secured an agreement with the LSC that a 'closed list' would be drawn up limiting to ten, the number of areas where the LSC would aim to establish CLACs. Lord Bach argues that CLACs are more flexible than their critics permit (Bach 2008), there is a current sense that the momentum behind this development is slowing.

However, the LSC is committed to the development of 'integrated social welfare law centres' (CLACs and CLANs by another name) whether jointly procured with local authorities or not. From 2010, organisations wishing to hold a civil legal aid contract in housing, welfare benefits or debt will have to provide advice in all three areas or form a consortium or merge with other providers. Procurement areas will be larger and the number of contracts on offer will reduce.

The response of some local authorities to joint commissioning has been interesting. For example, Bristol City Council initially said it was not interested. Gloucester pulled out of discussions. A joint statement issued by Gloucestershire Councils stated that;

*'following extensive discussions between the councils and the LSC, it has been agreed that it would be more appropriate to defer the tendering of the service contract until 2012. This will allow time to establish a clearer and more up to date picture of both local need and current service provision. This will also enable alternative approaches to procurement to be considered. The councils and LSC will be looking at different approaches to ensure that the partnership demonstrates the best value and quality of services for local residents.'* (Cotswold District Council 2009)

Now also, in late 2009, Best Value Tendering for civil legal aid has been put back to 2013 although huge concerns about the next round of commissioning advice services in 2010 dominate the priorities of advice organisations. Competitive tendering will be piloted in a small number of areas.

### *The rise of New Public Management and commissioning*

Hynes and Robins argue that these reforms reflect a strategy by the LSC of 'becoming a "procurement agency" rather than the administrator of the legal aid system' (2009: p.51). This development is part of the much wider use in government of "New Public Management" approaches visible through the large increase in contracts for services (Reichardt *et al* 2008) the move towards competitive markets, the adoption of accountability arrangements such as output targets and the focus on improving internal efficiency.

This is a controversial debate with some parts of the sector welcoming the opportunity provided by commissioning to increase the scale of service provision alongside an opportunity potentially to establish a closer more influential relationship with government. Others feel they have little choice but to engage in commissioning as a potential source of funding for their work. Others see commissioning as causing irrevocable damage to the voluntary sector. Certainly, commissioning and the wider assumptions that underpin it emerges from activity across the whole STVS programme as the most formidable threat to independence

(Smerdon 2006, Pharoah 2007, Smerdon 2009a, Smerdon 2009b). First and foremost, the trend means that whilst there is reduced public sector provision of services, there is an increase in central control over the incoming providers of those services. Commissioning is duly criticised by organisations for reducing flexibility, the ability to meet needs, the capacity to dissent, the ability to collaborate, the freedom of organisations to set their own priorities and to provide all the wider benefits of services beyond the tightly defined contract outputs. Of particular concern to advice agencies has been that the level of quality being sought in contracts is too low. It should also be noted that contracts in the legal aid sphere actually contain perverse incentives to maintain need and demand because payment is by unit / case rather than successful outcome. This also discourages learning from success or failure.

A response to this, that we have found instructive, has been the work of AdviceUK and Vanguard Consulting funded under the STVS 2006 programme. Briefly described above, this grant has supported work driven by a “systems thinking” approach to planning and delivering local advice services. This is based on a critique of public service reform as favoured by the UK government:

*‘The free market has become the accepted model for the public sector...And so, in the UK and elsewhere, there’s been massive investment in public sector ‘improvement’, ‘customer choice’ has been increased and new targets have been set and refined. But our experience is that things haven’t changed much. This is because governments have invested in the wrong things. Belief in targets, incentives and inspection; belief in economies of scale and shared back-office services; belief in ‘deliverology’... these are all wrong-headed ideas and yet they have underpinned this government’s attempts to reform the public sector.’ (Seddon 2008: p.iv)*

NEF makes a similar argument in its report *Unintended Consequences*. (NEF 2007) This identifies a number of myths underpinning public services reform, for example, that market ‘disciplines’, including commissioning and competitive tendering, are the best ways to improve local public services and that centrally imposed efficiency targets can help deliver better and cheaper local public services. This all means that whilst efficiency is pursued, effectiveness is undermined.

Hynes and Robins point out that the belief that introducing competitive markets will lead to improved efficiency and performance has never been proved. They cite evidence from North America of contracting out criminal legal aid services that shows reductions in quality and an increase in costs. A separate recent review of evidence from the contracting-out of employment services in Australia, Denmark, Germany and the Netherlands by Child Poverty Action Group, in a report sponsored by the Baring Foundation and City Bridge Trust, found little evidence that contracting out improves performance, or that it saves costs, or that it encourages innovation, or that it is good for users. (Wright 2008)

#### *The onset of recession*

Just as the Baring Foundation trustees began considering applications to the programme, the economy entered its decline and so advice agencies, in addition to the challenges set out above, also found themselves dealing with an increase in demand for their services. For example since April 2008, Citizens Advice Bureaux in England and Wales have seen daily enquiries relating to redundancy increase by 125%. By October 2008, CABx had seen 35% more people with mortgage and secured loan arrears problems, compared with the previous 12 months, with 77,324 new enquiries since October 2007. (Ministry of Justice 2009) This led some

in the advice sector to refer to the situation being faced as somewhat of a “perfect storm.”

### *In summary – the impact on independence*

This background is set out here to reinforce that nowhere in the analysis and proposals by the government was there adequate consideration of how advice organisations would retain the freedoms necessary for operating independently. Although there is regular mention in government documents of “independent” advice the implications of the changes are fundamentally damaging to independence:

**Increasing direction** – rather than meeting needs as they present on their doorsteps, local advice organisations are required to meet specifications set by government, not necessarily with advice organisations’ input. Organisations are increasingly pressured to adapt services to meet the requirements of commissioners, which may not reflect the needs of their users. This is accompanied by approaches for monitoring and accounting that take up time and drain resources.

**Making it hard to maintain quality** – increasingly the government definition of quality advice (predominantly driven by cost concerns) is at odds with the sector’s definition (driven by concerns over meeting needs). Defining what, in Lord Carter’s words, is ‘strictly necessary’ is of course crucial in the debate about the best way of spending public money. Both the public sector and the voluntary sector have a legitimate interest in value for money, but the emphasis in government is heavily weighted to what is cheapest in the short-term and easier to count. Ultimately legal advice needs to be seen as a means for individuals to be valued, listened to, respected and helped to have more control over their own lives. This objective does not sit well with the notion of ‘fixed fee factories.’

**Transferring risk** – Advice organisations that deliver services, but are not involved in their design, shoulder all of the risks – of failure for users, of damaged reputation and of a weakened organisation. (Paxton *et al* 2005)

**Undermining challenge** – there is pressure to self-censor in front of statutory funders for fear, real or perceived, that funding will be withdrawn as punishment. This occurs in at least two ways. Firstly, through fear of challenging the terms of the funding relationship that organisations feel are damaging e.g. not signing contracts, and secondly in taking up cases on behalf of clients where advice organisations may be challenging the same statutory authority that funds it. Both elements potentially restrict the ability of organisations to dissent.

**Undermining a policy role** – the lack of capacity to feedback to government is highly damaging. Advice organisations have an important role in helping government to learn from success and failure: where policy is failing, where failures in local administration systems are causing problems and where new needs are emerging and to which government needs to respond.

**Undermining a role in prevention and Public Legal Education** – organisations also find it much harder to provide these valuable elements of their work. This is of huge significance to the level of future needs and the ability of individuals to take more control over their own problems.

**Increasing competition** – increased competition between advice providers unhelpfully increases tension and reduces the ability to collaborate on strategic

initiatives or service delivery. It also tends to favour larger organisations that can cope with loss leaders and the administrative tasks of engaging in commissioning.

**Eroding distinctiveness** – one of the advantages offered by the advice sector in an era of relatively standardised public services, is the capacity to work in different ways, to innovate and be flexible and responsive to local circumstances. This is eroded by the standardisation that commissioning requires with advice organisations potentially becoming instruments of government policy rather than independent organisations.

**Diminishing unrestricted funding** – the need to subsidise legal aid contracts means that organisations are using reserves and other income to maintain services. This reduces the capacity for work on social policy, on prevention and on identifying needs and developing new services. It also undermines the infrastructure of organisations by diverting funds away from supporting efficient and effective internal systems and skills. It makes organisations particularly vulnerable to sudden cuts in funding.

Together, these factors provide comprehensive challenge to the freedom to uphold purpose and values, to negotiate without fear of sanction and to engage in public debate.

### Grants made to advice organisations

In this context, these are the grants trustees made to advice organisations in December 2008.

AdviceUK – a grant of £199,979 over three years to work with the New Economics Foundation and the Directory of Social Change to:

- Provide contracts training for advice providers addressing policy context, planning for commissioning, competition vs collaboration and implications for governance;
- Support advice providers in Manchester and Coventry to develop a *systems thinking* user-led approach to advice;
- Support the engagement of the advice sector with government – influencing Local Area Agreements to include needs-led advice, influence development of commissioning frameworks and build understanding in national government of the role and contribution of user-led advice services;
- Develop approaches to outcome-based commissioning based on client need and valuing whole-life benefit to service users as an alternative to transaction and output monitoring;
- Promote learning and understanding between advice providers, commissioners and policy makers.

Following enthusiasm from Nottingham City Council to develop a *systems thinking* advice service pilot, a further grant of £30,000 was given in March 2009 to fund the participation of Nottingham advice organisations in this work. Agreement was also given to divert part of the grant to providing consultancy support to work with the Welsh Assembly Government to develop new approaches to funding advice in Wales.

Avon and Bristol Law Centre on behalf of Advice Centres for Avon, the umbrella group representing the interests of advice organisations in Avon – a grant of £174,831 over three years to develop the Advice Network in Bristol to:

- Provide a range of support to local advice organisations on responding to consultations, developing social policy and campaigning work, sharing research, analysing and addressing training and development needs and distributing funding information;
- Develop a workforce development programme;
- Collate evidence of advice needs and good practice;
- Coordinate local responses to consultation and campaigning.

Coventry Law Centre on behalf of Advice Services Coventry, the partnership body for advice organisations in Coventry, in part working with AdviceUK – a grant of £191,113 over two years to:

- Review processes and systems in partner agencies to ensure there is a shared vision and processes in place to ensure services are customer focused, including understanding the drivers for demand (i.e. failures in public services) and work to address these, calculating costs of delivering advice and agreeing shared outcome measures;
- Invest in IT systems to support joint working across the partnership;
- Review governance structures in individual agencies and across the partnership as a whole;
- Develop the capacity of Advice Services Coventry to undertake social policy work and campaigning;
- Establish a forum of community members to act as advocates / links between community groups and advice agencies and aid user engagement in the design and delivery of services.

Law Centres Federation – a grant of £200,000 over four years to:

- Document and articulate the Law Centre model;
- Support enhanced strategic planning at law centres in the programme geographical areas;
- Develop criteria to assess the effectiveness of the Law Centre model and baseline data;
- Develop and implement a communications strategy focused on sharing what Law Centres do effectively and regarding government reforms of community legal services.

Refugee and Migrant Justice a grant of £199,680 over one year to:

- Bring together a group of immigration and asylum advice organisations, relevant government departments and Asylum and Immigration Tribunal judges;

- Design and carry out an in-depth research project into the cost and impact of quality legal representation for immigrants and asylum seekers;
- Share the results with government as the basis for negotiation about quality and cost.

## Challenges faced by advocacy organisations

As with advice, a fundamental principle of advocacy is its independence – the notion of one person without prejudice or self interest standing alongside another to offer aid and support in the face of statutory indifference or active harm. Advocacy groups fear that the freedom to uphold this value base is being diluted or lost as advocates find themselves compromised by pressures that can prevent them from acting on behalf of service users.

As noted above, an interesting distinction between advice and advocacy organisations is that they are funded by different parts of government. In central government, rather than DWP and LSC, advocacy groups are more likely to have funding relationships with the Department of Health or at a local level with Primary Care Trusts and social services departments. This means funding for advocacy services has developed in very different ways.

Recent years have seen a rise in the prominence of advocacy in government legislation and policy on health and social care, in particular, the Valuing People strategy for learning disability, the Mental Capacity Act and the Mental Health Act. The potential benefit of supporting people to have a voice and make choices has been recognised. However, accompanying this recognition has been increased scrutiny and regulation by government. As with advice organisations, new funding mechanisms, increased use of commissioning and standard setting led by statutory authorities are affecting the number of people who are able to access advocacy support, the type of support they receive and the circumstances where they can receive advocacy, all issues that seriously undermine independence. Further, the duty to commission advocacy for which there is now a legal right is making it increasingly difficult for other forms of advocacy to attract and retain funding.

### *Independent Mental Capacity Advocates*

The Mental Capacity Act (2005) created the Independent Mental Capacity Advocate (IMCA) service. Its purpose is to help people who are deemed to lack the capacity to make decisions about serious medical treatment or change of residence and who do not have friends or family whom it is appropriate to consult. NHS bodies and local authorities have a statutory duty to consult the IMCA in these circumstances. Regulations passed in autumn 2006 extended the powers of local authorities and the NHS to instruct IMCAs in certain cases involving care reviews and adult protection cases. More recently the IMCA role has been extended to cover situations where Deprivation of Liberty Safeguards procedures come into force. The IMCA's report must be taken into account in the decision. Rosie Winterton, Minister of State in the Department of Health, said in April 2006:

*'...many vulnerable people will benefit from the safeguards that the Act will...bring. It will help support people who are unable to speak for themselves when they are faced with major decisions about their health and social care but have no family or friends to represent them.'*  
(Department of Health 2007)

Many advocacy groups believe that the statutory right to advocacy is a step in the right direction in ensuring advocacy is available to some of the most vulnerable people in society. But it also raises a number of difficult questions, many of which hang from the dilemma of how advocacy groups retain independence when they are performing a role for which there is a statutory entitlement.

### *Independent Mental Health Advocacy*

In England, from April 2009, the amendments to the Mental Health Act 2007 required the provision of Independent Mental Health Advocates (IMHA). IMHA services provide an additional safeguard for patients who are subject to the Mental Health Act, and are specialist advocates trained to work within the framework of the Act. The role of the IMHA is to help patients to obtain information about and understand:

- Their rights under the Act;
- The parts of the Act which apply to them;
- Medical treatment they are receiving or might receive;
- Reasons for that treatment;
- The rights which other people have in relation to them under the Act;
- Supporting patients to exercise their rights, which can include representing or speaking on their behalf.

IMHA may also support patients in a range of other ways to make sure they are involved in decisions that are made about their care and treatment, for example the care planning process, Mental Health Review Tribunals, appropriate aftercare, other support or services and to raise concerns about their experiences / care.

Although the IMHA service is a welcome addition to the rights of people subject to compulsory powers of the Mental Health Act, it is having an impact on existing mental health advocacy services. Many advocacy services had a long history of providing advocacy for people in mental distress, whether they were in hospital or the community. Although commissioning guidance for the IMHA service stressed that local commissioners should not disinvest in these services the IMHA service is influencing funding decisions and reducing the availability of wider mental health advocacy.

The development of the IMHA and IMCA, making it a statutory duty to commission from independent organisations, poses questions about the definition of advocacy, the definition of quality and the way in which the activity of advocacy groups is decided. This situation highlights the need for all advocacy stakeholders to develop a sophisticated and robust understanding of independence and how this can be safeguarded in practice.

### *Personalisation*

A further development affecting the funding and administration of advocacy is the move from allocated social care provision to Direct Payments and then to personalised budgets. Personalisation is a significant move to give individuals money directly to pay for their own care, instead of government funding organisations to provide services for them. The principle underpinning

personalisation, giving people control over how to meet their individual needs, should sit well in the voluntary sector. It's right that the sector is challenged on the quality of its work with vulnerable people and the extent to which services meet their needs. However, voluntary organisations have expressed some concerns – if there are no collective services, what happens to representing collective concerns and developing service user movements? What is the impact on organisational planning – managing multiple micro contracts rather than a block grant?

For advocacy organisations personalisation has an additional impact. If advocacy provision must be paid for from individual budgets it could be said to compromise the long held belief that advocacy must be free to the end service user. For individuals, this could mean a choice between purchasing a number of hours of important care support or the ability to be heard. The Equalities and Human Rights Commission has recognised the danger that a shift towards personalised budgets without the support of freely available advocacy is likely to create a greater inequality of access to services. (Equality and Human Rights Commission 2009)

#### *In summary – the impact on independence*

As with the advice sector, it is not clear to what extent government plans for advocacy have explicitly dealt with concerns about the independence of advocacy organisations.

**Increasing direction** – The creation of IMHA and IMCA has increased the influence that central government has over advocacy commissioning. Without clear information about the benefits and value of non-statutory forms of advocacy, rights of access and the work of advocacy services could become increasingly seen as a tool of government policy implementation.

Local authority contracts for advocacy are increasingly prioritising 'task' or issue-based advocacy operating according to pre-set criteria or via referral systems. This can jeopardise the ability of services to work with individuals on the issues that the service user defines rather than those chosen by the commissioners. Further, it means that the access of vulnerable and isolated people can depend on them being referred by a statutory service, with neglectful or abusive services unlikely to do that. Meanwhile, the capacity for outreach is much diminished.

**Making it difficult to maintain quality** – The creation of the IMCA and IMHA roles were the catalyst for the creation of a national qualification for advocates. Increasingly this is being used as a quality indicator in tendering processes, raising questions about the ability of organisations to harness the skills of volunteers whilst demonstrating a commitment to quality.

Some advocacy services feel that issue-based advocacy is ineffective as it does not get to the root of the problem. If issue-based advocacy services are unwilling to challenge models of service provision and prejudices underlying them, the advocacy service will become little more than a sticking plaster and people will have to return to the service for support. This is a poor outcome for the person involved and also poor value for money for public expenditure. To address this, advocacy services need either to be able to raise issues of poor practice at an organisational level or work to address isolation and separation. To pursue either stream of work requires funding agreements that go beyond merely dealing with a pre-defined issue.

The increase in specialist advocacy such as IMHA and IMCA has accelerated the growth of some organisations. This has led to services being delivered well beyond

the local area in which they were developed, running the risk of advocacy services becoming geographically remote from service users and weakening the feeling of legitimacy that comes from community connectedness.

**Eroding distinctiveness** – Some service providers are seen to ‘consider advocates as assistant social workers who are there to do the mundane bits with a ‘client’ that the Care Manager is too busy to do’ (Dawson 2009). Without clear communication of the role and value of advocacy to all stakeholders, there is a risk that advocates are forced to fill the gaps in existing services rather than supporting individuals to know and exercise their rights and choices.

**Restricting campaigning** – in this service delivery model, advocacy schemes become reluctant to engage in campaigning or social policy activities. Campaigning is seen as a distraction from delivery and risky in terms of securing future funding.

**Undermining outcomes** – advocacy is reduced from a process of helping someone to take more control over their life to a transaction about a particular event or task. This is particularly problematic when the desired outcomes are either inappropriate to advocacy or decided only by the commissioner to meet their policy objectives. Without the ability to confidently negotiate outcomes, advocacy groups will lose the ability to define and demonstrate the quality and value of their work.

## Grants made to advocacy organisations

As noted above, a smaller number of grants were made to advocacy organisations, but these grants as well as addressing important concerns for advocacy groups have the additional advantage of illuminating particular issues being addressed by the grants to advice organisations. We hope the links between these two will be useful.

Action for Advocacy – a grant of £197,626 over three years working with advocacy groups in all the programme geographical areas to:

- Research the financial and personal impact of advocacy, highlighting what would be lost by government pressure to fit advocacy into narrow policy objectives;
- Support advocacy groups to have greater involvement in social policy;
- Provide financial management and negotiation skills training to trustees and managers of advocacy schemes;
- Support the involvement of service users in advocacy organisations.

Grapevine Coventry and Warwickshire – a grant of £35,591 over one year to:

- Reassert the values underpinning citizen advocacy by developing new service specifications and frameworks for supervision and appraisal that reflect core advocacy values;
- Improve systems for collecting evidence of needs;
- Strengthen negotiation skills;
- Improve ways of measuring quality and impact.

## What we are hoping to achieve

In discussion with the organisations funded by the programme we drafted the following shared aims. These state the aims that by the end of the programme:

- The funded organisations are collecting, or accessing from other sources, better evidence of client needs and / or better evidence about the demand for advice and advocacy;
- A definition of 'quality advice' and of 'quality advocacy' will have been produced that reflects client needs as defined by the sector, not by government;
- Government definitions of 'quality advice' and 'quality advocacy' will be moving to reflect the sector's own, particularly focusing on the needs of clients;
- Funding and commissioning arrangements are being changed in line with evidence of needs and the definition of quality;
- There is increased capacity in organisations to influence policy;
- There is a more productive relationship with government.

We have put arrangements in place to evaluate activities against these aims and will report on these when grants have been completed.

## Other activity

Alongside the grants we will be carrying out a range of additional activity. For example we have begun to gather a group of grant making trusts and City law firms that support advice organisations to explore how we collectively can influence reform. Working with others and sharing the lessons being generated will play an important part in all the additional activity that is carried out.

## References

AdviceUK (2008) *It's the System, Stupid: Radically Rethinking Advice*. London: AdviceUK.

AdviceUK (2009) *AdviceUK History*. Available at <http://www.adviceuk.org.uk/about-us/history>

Action for Advocacy (2008) *Quality Performance Mark*. London: Action for Advocacy.

Advice Services Alliance (2007) *Fixed fees, equality and diversity*. London: Advice Services Alliance.

Advice Services Alliance (2008) *CLACs – are they worth it?* Legal Aid Policy Paper. London: Advice Services Alliance.

Bach W (2008) *Speech at the Advice Services Alliance Annual conference*. 18th April 2008.

Bach W (2009) *Legal aid at 60*. Speech made to the Legal aid at 60: Bridging the justice gap conference, London, 11th June 2009. Available at <http://www.justice.gov.uk/news/speech110609a.htm>

Bunting M (2008) *Labour's handling of legal aid makes a mockery of its rhetoric on fairness* available at <http://www.guardian.co.uk/commentisfree/2008/mar/10/justice.law>

Cabinet Office (2009) *Legal Aid* available at [http://www.cabinetoffice.gov.uk/strategy/work\\_areas/legal\\_aid.aspx](http://www.cabinetoffice.gov.uk/strategy/work_areas/legal_aid.aspx)

Callaghan B (2009) *Where would we be without legal aid?* Available at <http://www.legalaid60.org.uk/why/where.jsp>

City Parochial Foundation (2007) Personal communication, 30th May 2007.

CoSA (2009) *Time well spent: The importance of the relationship between advice workers and their clients*. London: Community Links.

Cotswold District Council (2009) *Joint Commission of Legal Advice Services – Final Statement*, available at [http://www.cotswold.gov.uk/nqcontent.cfm?a\\_id=11185](http://www.cotswold.gov.uk/nqcontent.cfm?a_id=11185)

DG Legal (2009) *Establishing an Alternative Advice Services Commissioning Model for Local Authority and Assembly Government Funding in Wales: Consultation*. Old Dalby: DG Legal.

Dawson P (2009) 'Who owns advocacy?' *In Planet Advocacy*. Issue No. 27, March 2009-May 2009. London: Action for Advocacy.

Department for Constitutional Affairs (2005) *A fairer deal for legal aid: CM6591*. London: The Stationery Office.

Department of Health (2007) Background to the IMCA service available at [http://www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/MentalCapacity/IMCA/DH\\_4134876](http://www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/MentalCapacity/IMCA/DH_4134876)

Equality and Human Rights Commission (2009) *From safety net to springboard: A new approach to care and support for all based on equality and human rights*. London: Equality and Human Rights Commission.

James D and Killick E (in preparation) 'Afraid of the form': lawyer/client interactions in the context of immigration law in a London Law Centre. *Anthropology Today*.

Hansard HC vol 460 col 123WH (9 May 2007).

House of Commons Constitutional Affairs Committee (2007) *Implementation of the Carter Review of Legal Aid*. Third Report of Session 2006-07. Volume 1. London: Stationary Office Ltd.

Hynes S and Robins J (2009) *The Justice Gap; Whatever happened to legal aid?* London: Legal Action Group.

Lord Carter of Coles (2006) *Legal Aid: A Market-based Approach to Reform*. London: Lord Carter of Coles.

LSC (2006) *Making Legal Rights a Reality: the Legal Services Commissions Strategy for the Community Legal Service*. London: LSC.

LSC (2006) *Regulatory Impact Assessment Legal Aid Reform: the Way Ahead (Legal Aid: A Sustainable Future) Quality Relationships Delivering Quality Outcomes (The Preferred Supplier Scheme)*. Available at [http://www.legalservices.gov.uk/docs/consultations/CarterandPS\\_PartialImpactAssessment-FullVersion\\_20Dec06.pdf](http://www.legalservices.gov.uk/docs/consultations/CarterandPS_PartialImpactAssessment-FullVersion_20Dec06.pdf)

Ministry of Justice (2009) *Study of Legal Advice at the Local Level*. London: Ministry of Justice.

NEF (2007) *Unintended consequences: How the efficiency agenda erodes local public services and a new public benefit model to restore them*. London: NEF.

NEF Consulting (2009) *Review of the Impact of the Unified Contract on Law Centres*. London: NEF.

Paxton W, Pearce N, Unwin J, Molyneaux, P (2005) *The voluntary sector delivering public services: transfer or transformation?* York: Joseph Rowntree Foundation.

Pharoah C (2007) *Sources of Strength: an analysis of applications to the Baring Foundation's STVS – independence grants programme*. STVS working paper no.2. London: Baring Foundation.

Reichardt O, Kane D, Pratten B and Wilding K (2008) *The UK Civil Society Almanac 2008*. London: NCVO.

Seddon J (2008) *Systems Thinking in the Public Sector: The Failure of the Reform Regime... and a Manifesto for a Better Way*. Axminster: Triarchy Press.

Smerdon M (2006) *Allies not Servants: Voluntary sector relations with government: a discussion of the thinking behind the new focus of the Baring Foundation's Strengthening the Voluntary Sector grants programme*. STVS working paper no.1. London: Baring Foundation.

Smerdon M (2009a) *Mission, Money, Mandate: Report of the Independence Summit* held at the Baring Foundation on 8th July 2009. STVS working paper no.5. London: Baring Foundation.

Smerdon M ed. (2009b) *The First Principle of Voluntary Action: Essays on the independence of the voluntary sector from government in Canada, England, Germany, Northern Ireland, Scotland, United States of America and Wales*. STVS working paper no.3. London: Baring Foundation.

Unite (2008) 'Legal Aid Changes Hit Mental Health, Disability, and Asylum Groups'. Unite press release. 18 September 2008.

Wright S (2008) *Contracting out employment services: Lessons from Australia, Denmark, Germany and the Netherlands*. London: Child Poverty Action Group.



# Strengthening the Voluntary Sector

## STVS working paper series

Matthew Smerdon (2006) *Allies not servants: Voluntary sector relations with government: a discussion of the thinking behind the new focus of the Baring Foundation's Strengthening the Voluntary Sector grants programme*. STVS working paper No.1. London: Baring Foundation.

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Matthew Smerdon (ed.) (2009) *The First Principle of Voluntary Action: Essays on the independence of the voluntary sector from government in Canada, England, Germany, Northern Ireland, Scotland, United States of America and Wales*. STVS working paper No.3. London: Baring Foundation.

## A selection of publications arising out of work supported by the STVS – independence programme

available at [www.baringfoundation.org.uk](http://www.baringfoundation.org.uk)

Action for Advocacy (2008) *Quality Performance Mark*. London: Action for Advocacy

AdviceUK (2008) *It's the System Stupid: Radically Re-thinking Advice*. London: AdviceUK

Alan Lawrie and Jan Mellor (2008) *Surviving Contracts: The complete guide for voluntary organisations*. London: Directory of Social Change.

Baring Foundation and NCVO (2008) *Standing Apart, Working Together: A checklist to help voluntary and community organisations reflect on their independence*. NCVO: London.

Bassac (2008) *Change Check: A practical guide to assessing the impact of your community centre*. London: bassac

Clinks (2008) *Race for Justice – campaign materials*. York: Clinks.

Sharon Wright (2008) *Contracting out employment services: Lessons from Australia, Denmark, Germany and the Netherlands*. London: Child Poverty Action Group.

Suzanne Murray (2008) *A guide to children's centre management for voluntary and community organisations*. London: Islington Play Association.

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