

The Future Advice Programme

Access to justice is an essential part of a free and fair society. This means that citizens, above all those facing disadvantage and discrimination, should be able to assert their rights and to hold others to account. Not-for-profit legal advice services, established on the principle that access to justice should not hinge on one's financial resources, therefore play an indispensable role at the critical juncture between individuals and the public and private bodies with which they interact. Yet these services are under increasing pressure, pummelled by rising demand, far-reaching cuts in public funding, the impacts of welfare reform, and increased competition for resources. The resulting situation has been characterised by some as a "perfect storm".

The Future Advice programme was established by the Baring Foundation in 2012 to help the legal advice sector negotiate this increasingly difficult environment and to place it on more sustainable footings. The programme is split into three strands: the Providers Fund, in collaboration with Comic Relief and The Diana, Princess of Wales Memorial Fund, to support innovative organisations testing promising new ideas, the Strategic Fund to help create a more supportive policy and funding landscape for advice, and the Learning Programme, in collaboration with Unbound Philanthropy, to help capture and spread the lessons widely.

This bulletin forms part of a series intended to serve as action papers for the Future Advice programme. Each bulletin offers an outline of the major themes and innovations that are currently being explored by grantees in the Providers Fund. We hope that they will offer other practitioners a starting point for new projects, guidance on how they might replicate or adapt existing models to fit their own organisation, and highlight potential pitfalls and challenges that will need to be taken into consideration.

Early Action and Advice - what's the idea?

All too often, clients present for legal advice with problems that could have been solved at an earlier date. They access the service once their situation has reached a critical state, facing problems that have escalated into something truly serious, requiring time and resource to unpack. The challenge has been neatly defined by the Early Action Taskforce; how do we build a society that prevents problems from occurring rather than one that copes with the consequences?

One of the bridges to a more effective and sustainable system of advice has to be developing nimbler and more responsive methods for tackling problems before they escalate. Following the old idiom that "a stitch in time saves nine" this approach offers the prospect of not only resolving individual situations both quicker and cheaper, but simultaneously achieving better outcomes for all stakeholders. If a client facing eviction could be helped from the date of their first unpaid bill, it would be a better state of affairs for client, landlord and public purse alike.

Of course, this is nothing new. Organisations, particularly umbrella bodies, have trialled initiatives that explore the potential of an early approach. A recent Baring Foundation paper (Randall 2013) outlined the deep evidence base they have generated, and demonstrated the positive outcomes from timely interventions which contain or even wholly prevent the development of problems.¹

This bulletin explores how Future Advice grantees have identified and implemented opportunities to act sooner, and notes the benefits of this approach, particularly in relieving the pressure on specialist frontline services.

What are the projects?

Citizens UK

Citizens UK is the umbrella organisation for local citizen organising alliances across the UK. The New Citizens Legal Service project being supported by the Future Advice programme is being led by London Citizens, a community alliance of 230 organisations, 60% of which have a migrant population amongst their own members, with an estimated reach of 250,000 people across London. Working throughout east London, the New Citizens Legal Service builds on a strong tradition of volunteerism to embed early warning schemes in local communities, and uses collective buying power to respond to changes in legal aid. The project uses community organising techniques to connect migrant communities to quality and affordable immigration advice and representation. It trains volunteers and community leaders in diaspora communities to spot nascent legal problems and signpost people on to a NCLS co-ordinator, who helps people build a case file prior to connecting them with services at a partner law firm. It also organises immigration workshops to triage large numbers of cases, provides free legal consultations from OISC qualified advisers, educates people on the immigration process, offers an assisted complaints process supported by law students, and assists communities to identify cowboy lawyers.

Community Links

Based in the London borough of Newham, Community Links is a large multi purpose organisation providing services to local children and adults. It had a substantial in-house advice service dealing with welfare benefits, debt, and housing but, following major funding cuts including the loss of all its local authority funding for advice, it has had to rethink its models for advice provision.

Part of the response is to move generalist advice away from the Community Links headquarters in Canning Town, and instead offer outreach sessions in community centres in other parts the borough. Community Links now offers weekly generalist advice sessions in five of its own partner hubs. These are primarily targeted at existing hub service users, such as parents who bring their children to a playgroup in the same building. An emphasis is placed on maintaining a friendly and relaxed atmosphere, where people can chat over any concerns in an environment where they feel comfortable. This creates opportunities for early action, prevents acute need from arising and places the work in a wider holistic service for vulnerable people. The impact of the pilot is being tracked so as to share lessons locally and nationally.

Community Links is also a partner in Law for Life's project (see below), and is helping many clients access Public Legal Education courses and develop their own core legal capabilities. The project also trains non-advice staff and individual residents to spot advice issues early.

Coventry Law Centre

The Coventry Law Centre project has integrated a specialist advice worker within the Children and Families First team, which is leading Coventry City Council's response to the government's Troubled Families initiative. This gives the Law Centre a new channel for undertaking outreach work, and facilitates much earlier interventions and ongoing contact with vulnerable families, especially during pivotal events such as a family member losing employment or entering hospital. Unlike in the Law Centre itself, the Troubled Families adviser never closes a case. They believe that this sustained contact and proactive support will help tackle legal problems as they start to arise.

Crucially, the specialist advice worker is also a visible and approachable figure for other members of staff in the council's Children and Families First team. A shared Google calendar allows any member of the team to reserve time with the

adviser, either to discuss a client's case, or have some support on a home visit. Over the course of the programme (2012-15), the Law Centre will have some input in each of the 900 families included on the Council's list.

Another key part of the project is in helping improve the legal understanding and capabilities of non-advice colleagues, training them to spot a client's legal issues, and make swift and appropriate onward referrals to more specialist support. The Law Centre hopes these skills will be carried back into other departments when the Troubled Families programme comes to an end.

The Providers Fund grant covers the cost of this placement for one full year. After this, the city council has agreed to continue funding the post if they are convinced of the value it provides to their Troubled Families programme. To aid in this, the Law Centre is working with the an academic partner, the Centre for Human Rights in Practice at the Warwick School of Law.

Law for Life

As the leading champion of Public Legal Education (PLE), Law for Life works to ensure that people have the knowledge, confidence and skills needed to deal with law-related issues. Public Legal Education is considered a key component of an early action approach, because other agencies will see a significant long-term benefit if more clients are legal capable, and "better able to manage their everyday lives without recourse to increasingly limited advice service provision."ⁱⁱ

The Future Advice programme supported Law for Life to establish and evaluate three PLE training courses. These were delivered at the end of 2012, with participation from targeted community groups. Each course was split into several sessions, and entailed between 12 and 15 hours in total. The core content focused on four major domains of legal capability that were intended to reflect the needs and real-life experiences of participants. These included: recognising and framing the legal dimension(s) of an issue; how to find out more about these legal dimensions; how to deal with a law-related problem; and how to engage and influence others on these issues. An independent evaluation found "significant improvements in the legal capability of project participants."ⁱⁱⁱ

Respondents to a "before and after" questionnaire indicated more knowledge in recognising legal problems, and more confidence in their own ability to pursue and assert their rights. One project partner also reported that some of the participants were more self-assured in dealing with legal issues independently, and were less likely to be heavily reliant on advice agencies in the future.^{iv}

Riverside Advice

Riverside Advice is based in Cardiff. This project is using the Vanguard Method of systems thinking pioneered by Advice UK in Nottingham and Portsmouth and aims to redesign the structure of advice provision in Cardiff so that it meets the fundamental needs of clients. It is being carried out in collaboration with Speakeasy Advice Centre and Cardiff City Council.

The idea is to map client journeys to advice from start to finish, and gradually build a picture of the causes of critical demand, how clients traverse through the system, and pick out the missed intervention points that might have enabled an earlier resolution. By understanding the network of interlinked processes and contact points that impact on an individual case, systems thinking collates the evidence base for a more efficient and client-centred model from the ground up. The intended outcome is a supportive landscape that allows clients to extract what they need from the system, rather than having to negotiate an inefficient path through a structure which is unnecessarily time-consuming or inappropriate to their needs.

Southwark Law Centre

Southwark Law Centre in London provides independent advice, representation, and training in several categories of law. It is highly regarded for the quality of its specialist immigration advice, and has previously held major contracts with the LSC and several London borough councils. However, in recent years Southwark Law Centre has experienced significant cuts in funding, coinciding with massively rising demand for immigration and asylum advice as other local advice providers have closed down. In 2012 it was inundated with clients and had to turn away dozens of referrals.

In response, Southwark Law Centre is developing its linkages with other refugee and asylum support agencies in the areas of Southwark and Lewisham. These include two local Citizens Advice Bureaux, Southwark Day Centre for Asylum Seekers, and Lewisham Refugee and Migrant Network. It is hoped that by working in partnership with these organisations, Southwark Law Centre will be able to develop the core legal capabilities of other staff and volunteers who come into regular contact with asylum seekers. They believe this will result in more frequent and earlier interventions, more efficient gathering of documents and casework material, and more appropriate referrals back to the Law Centre. Developing this highly effective triage system will be a major piece in the puzzle to sustain immigration advice provision in south London.

Most immediately, staff and volunteers in partner agencies are being trained in immigration law to identify asylum claims. This allows them to assess clients for basic legal issues and deal with certain *pro forma* segments of immigration casework. It also instils the skills to spot cases that need more specialist help. It will therefore create a core legal capability across the asylum and immigration support network of these boroughs, and join up a range of important services for vulnerable people.

Wythenshawe Advice Centre

Wythenshawe is a residential district in Manchester, and the site of one of the largest housing estates in Europe. It is an area of relative deprivation, with high unemployment and few economic opportunities outside low-waged jobs at the local hospital, airport and service industries of southern Manchester. There are two major housing trusts in Wythenshawe, which between them own 14,000 rental properties.

Wythenshawe Advice Centre has developed and delivered financial management workshops for prospective tenants of the local housing trusts. The workshops educate tenants about financial planning, the real cost of door to door lending/selling, pawn brokers, and so on. Workshops are provided as soon as prospective tenants sign onto the waiting list. Currently, finances are only discussed (and then with housing trust representatives) in the weeks before clients get the keys, which is at the end of a long wait for a vacant property, currently seven years. By this time, people are reluctant to admit to any outstanding catalogue or payday lender debts in case it delays their moving-in date even further. However, new tenants often struggle to keep up with rental payments as their financial situation deteriorates.

Wythenshawe Advice Centre believes that early action is crucial to break the cycle of debt and reduce the number of clients who only present for help once they are facing eviction. In particular, it aims to denormalise borrowing from high-interest lenders, and establish itself in the community consciousness as a trusted organisation which is fully independent from the housing trust, and therefore able to offer honest and impartial support. The aim is for the housing trust to commit to fund this work in the long-term, given its interest in having tenants who can pay their rent and sustain a tenancy. Having this initial route in also allows the Advice Centre to scope other issues their clients may be facing.

These early action projects have gathered around four categories:

- i) Equipping citizens with a foundation level of legal capability** – enabling people either to avoid accumulating the foundations of a legal problem, or else be able to act with speed and confidence if they find a situation is getting out of hand.
- ii) Intervening at the right time** – creating more nimble structures and internal processes that ensure nascent problems are picked up and dealt with before they escalate.
- iii) Delivering advice differently** – making prompter interventions by developing more innovative supply models, especially through liaison and collaboration with external partners.
- iv) Tackling the drivers of demand** – developing mechanisms to capture demand for legal advice caused by failures in the internal processes of both statutory bodies and other service providers.

What are we learning?

If practitioners can develop appropriate models, there are a number of benefits that early action can deliver.

PLE has a ripple effect

There is a significant ripple effect achieved by implanting legal capability within key members of local communities. In this sense, the added value of training up just a few active and engaged citizens can be exponential, creating an entire early warning system of core legal capability. If a local neighbour or friend is able to recognise when someone is facing a problem with a legal dimension, and knows where to refer them on for specialist support, we are moving closer to legally capable communities which are empowered to look out for one another, thus facilitating quicker specialist support and fewer serious escalations. The external evaluation of Law for Life's *Legal Capability for Everyday Life* programme concluded that this "represents an accessible and

relatively low-cost measure which advice agencies can use to help their users become better able to manage their everyday lives without recourse to increasingly limited advice service provision."^v

Early action tackles the causes of demand

One of the preconditions of an early action approach is the need to find where interventions are both appropriate and possible. Formally mapping client journeys allows organisations to understand the main causes of demand for legal services. Communicating this back to those responsible for driving it can lead to more effective and consistent working practices and a reduction in preventable demand. Crucially, it also helps build an understanding of the key signals, or 'trigger factors', which might indicate the need for a timely intervention when the problem proves unavoidable. Early action is thus both a way of delivering more efficient advice whilst simultaneously helping to reduce future demands on services.

Joining up services is working

In the emergent phase of a problem, the person affected might turn to state or civil society services outside the traditional network of the advice sector. This could be a community group, GP, or food bank. Bouncing off this point of contact without triggering the attention of an advisor is a missed opportunity.

Grantees have seen opportunities to make early interventions by linking up with other key partners in the local community, and ensuring that when a vulnerable individual presents for help these partners have established methods of scoping out legal problems and appropriate mechanisms for referring them onwards to specialists. Joined-up networks allow for prompt interventions to be initiated from the first point of contact.

Many of the Providers Fund grantees have been working hard to develop links with local partners, and have been extremely enthusiastic about the benefits of this approach. Enabling early action by joined-up working has also been

an area of particular interest for the Cabinet Office, and a key requirement for bids to the Advice Services Transition Fund. If this approach remains in vogue for any future tranches of funding, it could be a timely opportunity for practitioners to start thinking about opportunities in their own regions.

Acting early saves money

Not only does early action help save costs in the sector itself, it operates as a preventative measure protecting the state from downstream costs. A 2010 study by nef and Advice UK found an estimated £9 of downstream savings for every £1 spent on legal advice in areas such as housing and debt advice. Claiming that the advice sector saves the state money and is worthy of funding is not just opportunism, but a powerful claim that is worth pushing.^{vi}

What are the challenges?

The process of developing and implementing an early action approach is not simple. In every case, it requires fundamentally restructuring established working practices, and overcoming a whole host of practical and psychological barriers that reinforce existing ways of working. Here, we detail challenges that grantees have faced:

Understanding the local environment

Any organisation interested in developing an early action approach needs to consider the specific circumstances that create and perpetuate demand for advice in their local area. What is the network of service providers, civil society organisations and statutory bodies that a client will come into contact with as their legal problem starts to escalate? Who are the main employers? Who are the main housing providers? Which local bodies have a reputation for incompetence or unscrupulousness? Which community groups and civil society organisations work with vulnerable people? Understanding this landscape helps to plot potential intervention points that might enable an earlier and more satisfying resolution.

Making the space

The Early Action Task Force asks the important question: how can the sector continue running ambulances at the bottom of the cliff whilst simultaneously trying to build fences at the top? Across the advice sector, there is a genuine challenge for advice providers to find the space to put early action ideas into practice. There is precious little spare resource to develop new initiatives, let alone undertake a full-scale restructuring of systems and working practices. A lack of wriggle-room is exacerbated by the stipulation of those remaining external contracts, often built around a vision of legal advice as a purely transactional service between client and provider, which limit the flexibility of agencies to trial new approaches.

Community Links found that its services designed for early action were in fact attracting people needing acute help. This was impacting on the number of early interventions that advisers were able to make, not least because of the tendency to prioritise urgent cases when they arose. Whilst it is extremely counterintuitive to try to keep those with the greatest needs away from any advice session, it has to happen if these services are genuinely going to make the switch from acute to early action, otherwise it is just relocating clients with acute needs elsewhere. There can be no universal solution to this dilemma, but many agencies have found it useful to consult with umbrella bodies to advise on service transformation. Community Links also found that a carefully planned promotional strategy, focused on the immediate vicinity and existing clientele of the hub partners, was useful for bringing in the exact demographic they were targeting.

In addition, agency leaders may achieve some positive results in scoping out support from sympathetic external partners. One of the great aspects of early action is that initiatives can be developed at a relatively low cost, whether through volunteer networks or a single staff member integrated into a non-advice services team. Appreciative partners who recognise the knock-on benefits advice delivers for their own services may be willing to pick up the tab if they are convinced of the cost-benefit ratio.

Handling difficult partnerships

For many grantees, the ability to intervene earlier is dependent on building relationships with other frontline organisations which encounter clients at an earlier stage of their legal problem. Whilst this provides the way in to reach vulnerable clients, it also creates a set of variables outside the control of the agency, and with every new partnership comes a new set of teething problems. In the initial stages of a working relationship, it can be difficult to negotiate the miscommunications and inappropriate referrals that take time to deal with and pass onwards. Crucially, grantees have come to realise that non-advice partners are not necessarily pursuing the same goals – for example, it might be in a housing provider’s interests to simply have its client’s credit rating or entitlements restored, with less concern for addressing the underlying legal issues. Partners acting with their own interests in mind are not automatically off limits, as they are at least incentivised to foster a more healthy financial situation for the clients, but this may not sit with the values of some in the advice sector.

There is an additional challenge around the issue of independence, and the uncomfortable pressures that can be created by joining up services with statutory bodies. This topic is discussed in more detail in Bulletin no.2 on collaboration with non-legal advice agencies.

Evidencing impact

Making late-stage interventions may be inefficient and frustrating for practitioners, but it remains more straightforward to evidence outputs and outcomes, and therefore more likely to attract the attention of commissioners. The nature of the funding game means it is always easier for publicly accountable figures to support services with clear case-by-case results, in which the impact of their funding is clearly demonstrable, as opposed to measures with broader social impacts but fewer direct measurable outcomes.

Results of early action can be long-term or difficult to isolate from other factors. There is an extremely difficult challenge for agencies to

“prove the negative” – namely, that a particular problem didn't develop precisely because they made an upstream intervention with the client. There is no way of confirming that an intervention at the first unpaid rent bill actively prevented eviction a year later. Establishing an early action project therefore risks being a thankless task, which achieves results but doesn't trigger credit or additional support from statutory services or other civil sector beneficiaries. Agencies will need to work extra hard to find willing partners, and even if successful, be ready to defend their budget in every repeated round of consolidation and cutbacks. Preventative projects with long-term outcomes are an easy target for embattled auditors needing to make a fresh batch of cuts. It's a quick and immediate saving without many immediate consequences. As we have seen, lacking the clear outcomes and hard evidence available in more acute-level projects, it can be tricky to make the case for early action.

Stakeholders must be thorough in developing the data collection and evidencing processes that support an early action approach. Riverside Advice in Cardiff has fastidiously collected personal testimonies from clients to capture the useful work they have done, and built a compelling profile of the value of client-centred services. Another approach might be in taking a more tactical line with the funding sources that the early action project is supporting. Many early action services will see immediate ancillary results, and it is here that the project should seek to root itself.

Swimming against the policy tide

As we have seen, early action is essentially about making upstream interventions in order to reduce acute demand at a later date. Unfortunately, very few important organisations and individuals are actually sympathetic to this approach. It certainly isn't reflected in central government policy, with the National Audit Office recently concluding that budgetary processes are generally medium-term in outlook, and rarely include “spend-to-save initiatives... which require a willingness to accept short-term costs in return for later benefits.”^{vii} The argument for early action in legal advice has

been openly rejected by the government, which has gone so far as to state that assistance should only be extended to those with problems which have reached a critical level: "... we do not propose to devote limited public funds to less important cases on the basis that they could indirectly lead to more serious consequences for that person." – Lord McNally, 18 Jan 2012.

This places agencies trialling early action models in a very difficult place. Their efforts to act earlier are at odds with the government's preferred approach, which could make tapping into new funding streams particularly difficult. Whilst some statutory bodies are convinced by the need to work early and holistically, these are few and far between, and most are moving towards cheaper, stripped back services, which only support individuals experiencing the most severe and acute levels of need.

Avoiding inadvertently increasing demand

The transitional nature of early action may have the inadvertent effect of increasing pressure on frontline services in the short term. As is discussed in the Baring Foundation report on early action (Randall 2013), an increase in outreach and public legal education may well simply raise awareness of advice services, leading to increased rather than decreased demand. This is not necessarily a counterproductive effect: it is in the interests of everyone that individuals feel empowered to get on top of their legal problems, and is of course a core function of the legal advice sector. Yet it could certainly cause even higher stress on the critical-level services at a time when this is not manageable, forcing agencies to be more selective about cases, or else stretching limited resources even more thinly to meet demand.

Liam Orton, The Baring Foundation

Further reading

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http://www.community-links.org/uploads/documents/Triple_Dividend.pdf

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http://www.community-links.org/uploads/documents/Deciding_Timefinal.pdf

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<http://www.nao.org.uk/wp-content/uploads/2013/03/Early-Action-full-report.pdf>

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<http://www.lawforlife.org.uk/wp-content/uploads/Law-for-Everyday-Life-Evaluation-report.pdf>

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- ii The Gilfillan Partnership (January 2013), *Legal Capability for Everyday Life - Evaluation Report*
- iii *ibid.*, p30
- iv *ibid.*, p28
- v *ibid.*, pp4 - 5
- vi Advice UK (2011), *Advice Services: What next?*, p2
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- vii National Audit Office (2012), *Managing Budgeting in Government* p17
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