

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.

Involving volunteers - what's the idea?

In 2012 it is estimated that across the UK 22.7 million people volunteered at least once.ⁱ Volunteering can be defined as the giving of unpaid time of one individual to the benefit of the wider community. It is historically an essential weave of the fabric of civil society in the UK, and one that is increasingly the focus of socio-economic and political discourse through concepts such as the Big Society and localism.

As the legal advice sector faces the twin demands of rising demand for services and cuts in funding, should advice organisations fall back on volunteers to fill the void? What are the risks of taking this approach, and are there wider benefits to volunteer involvement that organisations may want to harness to strengthen their work and delivery of services?

This bulletin examines volunteer involvement in a number of different organisations that have received a grant from the Future Advice Providers Fund.

For the purposes of this bulletin, a distinction is made between "pro bono" volunteering and other types of volunteer involvement. Pro bono is "*free legal help that provides access to justice for someone who cannot afford to pay for legal assistance and is not entitled to legal aid*"ⁱⁱ, and is the subject of bulletin no. 3 in this series. This bulletin focuses on other types of voluntary activity where the volunteer may draw on their legal knowledge and skills but is not involved in giving direct legal advice. The bulletin has a particular focus on projects where volunteers are involved in immigration and asylum advice.

The different approaches to volunteer involvement taken by the host organisations are outlined. Across all of the organisations a number of common lessons underpinning successful volunteer management are identified as well as common challenges.

How are the projects involving volunteers and what are the benefits?

Volunteers are integral to direct service provision

In a number of organisations, volunteers are central to project delivery and in that respect, the project might be termed “volunteer-led”. The Manuel Bravo Project in Leeds is one example where volunteers undertake a range of roles which have complex interaction with each other in order to prepare a legal bundle for a client, often in a short space of time. The overall aim of the Manuel Bravo Project is to provide support to asylum seekers to lodge an asylum appeal or a fresh claim for asylum where they have no representative and are unable to obtain one.ⁱⁱⁱ In 2012, 38 people were helped.

Volunteer roles on the project are divided between legal volunteers carrying out pro-bono specialist or non-specialist advice, and project volunteers who support this work. Specialist legal volunteers provide an initial opinion on the merit of the case, and where a client is taken on they are assigned to one of four non-specialist teams from four different law firms across Leeds who run a weekly clinic. The work of these pro-bono legal volunteers is considered more in bulletin no.3, but the interaction of the legal volunteers with the other project volunteers is an important and successful part of volunteer involvement within the project.

Two such volunteer roles at Manuel Bravo are the host volunteer and the volunteer case co-ordinator. Hosts have a reception type role and are responsible for setting up the clinic session every week, making tea and coffee, and co-ordinating clients and interpreters as they

arrive. A volunteer case co-ordinator is assigned to manage all the contact between the volunteer researchers, solicitors, and members of staff involved in the client’s case. This is essential to ensuring that deadlines are met and that all necessary documents are collected and correctly formatted to be added to the bundle.

The benefit of both these volunteer roles is that they allow the legal volunteer to maximise their time and energy on taking instruction from the client and preparing their case.

Also central to the delivery of the project are research volunteers. These are predominantly law students or other students who, on a rota basis, are given topics of research by the legal volunteer to support a client’s case. This may include looking up any cases cited in a refusal letter, obtaining country of origin reports or other research pertaining to the case.

The benefit of this work is that research can be carried out at a time which suits the volunteer, and beyond being allocated a place on the rota, does not require them to commit to a regular day a week. This is a good example of “micro-volunteering”^{iv}, part of a growing trend of volunteering in the virtual sphere. This type of role allows volunteers to continue volunteering with an organisation even if they move away from the area; many of Manuel Bravo’s researchers are remotely based, some as far away as Belgium and the Netherlands.

Volunteers add capacity to the paid staff team

In a large number of grantee organisations, volunteer involvement is becoming increasingly central to adding capacity of the existing paid staff team, across both advice agencies and Law Centres. As outlined below, volunteers working in immigration and asylum may need to be regulated by the Office of the Immigration Services Commissioner (OISC) to be properly integrated into staff teams, but despite this there are several grantees who have developed central non-advice giving roles.

One example is South West London Law Centres, (SWLLC) which involves around 250 volunteers and where around 5,000 clients are seen on a

pro-bono basis in addition to 5,000 through legal aid. As well as the pro bono volunteers (evening surgery advisors) who provide one-off initial advice at evening clinics; there are a range of other volunteer roles at SWLLC, including **reception volunteers** and **casework assistant volunteers** who are central to increasing the capacity of the paid staff team. Most of the volunteers at SWLLC are Legal Practice Course (LPC) or Bar Professional Training Course (BPTC) students, and the benefit of involving volunteers from these backgrounds is that they have a pre-existing level of knowledge and skills to bring to the role. The successful involvement of volunteers at SWLLC is due to the proper integration of volunteers into paid staff teams, rather than using them as an add-on. From the Head of Legal Practice to the paid solicitors in the Law Centres, each member of staff has a **casework assistant volunteer** role attached. The volunteer is trained and managed directly by the solicitor and works with them drafting letters, phoning clients, and accompanying them to court. In a similar way, reception volunteers are recruited, trained, and managed by the branch administrators.

Volunteers extend the reach of an organisation into the community

Volunteers not only serve the interests of beneficiaries within the organisation, but can also extend the reach and scope of the work into the community, and one example of this is the involvement of signposter volunteers with Citizens UK.

The **immigration signposter** role is part of an initiative to ensure that people in east London access good quality immigration advice. Citizens UK identified that many people are paying a substantial amount of money for poor quality advice. Immigration signposters are volunteers who have an existing role in their community, such as parent support worker, church volunteer etc. and who will come into regular contact with people needing immigration advice. Their role is not to give advice, but to signpost to a trusted provider and to assist the client with gathering any evidence or additional documents they need. By using

collective buying power, the project has negotiated on prices with a commercial law firm. As well as signposting, the volunteers can use their existing relationships with clients to address expectations around the outcomes of advice and to support the client as they make decisions based on these outcomes. Many people seeking immigration advice struggle to come to terms with the fact that their case may have low merit, and that spending a large amount of money will not change this. Managing expectations requires sensitive, on-going support that a community volunteer is able to provide. Citizens UK is also looking to develop this role, so that volunteers are able to help clients identify if they have received bad advice. If the immigration signposter role is successful it may also be extended to housing and welfare.

Volunteers strengthen partnerships

Across a number of organisations, partnerships are being formed to strengthen and develop volunteer involvement and to ensure a good local provision of service and referral into legal advice. It might be argued that without the participation of volunteers in these organisations, these links would be more difficult to make. One example of this is the partnership work between Southwark Law Centre and refugee and asylum support agencies in the areas of Southwark and Lewisham. The partners include Southwark Day Centre for Asylum Seekers (SDCAS), Lewisham Refugee and Migrant Network, and both local Citizens Advice Bureaux. This example will focus on the partnership between the Law Centre and day centre.

SDCAS runs day centres across three different sites and involves 50-60 volunteers per year. The majority of volunteers are Southwark residents and come from a wide range of backgrounds, including students, retired professionals, ex- or current clients. The benefit of involving local stakeholders is an increased commitment to the day centres and means retention of volunteers is good. Volunteers are integral to all aspects of day centre activities, from **general centre volunteers** – whose tasks include welcoming people, registration and client care – to more specific roles such as **ESOL**

tutors, IT support, allotment volunteers, play session volunteers or signposting and advice volunteers. The benefit of having such a wide range of volunteering opportunities means that volunteers are able to rotate roles and develop their skills and interests. Volunteer satisfaction and motivation remains high.

Southwark Law Centre has a partnership with the day centre to provide training to its staff and volunteers to increase their knowledge and signposting skills. From 1st April 2013 this will also include OISC level one. Every solicitor at the Law Centre has a fixed day per year to deliver training as part of their own training plan. For the day centre, the partnership ensures that its volunteers receive quality training and skills, which increases volunteer satisfaction and ultimately retention. It also provides a direct referral route for their clients into legal advice. For the Law Centre, the day centre volunteers provide an access point to their legal services. Investing in the volunteers' knowledge and skills means better initial screening, thus reducing the number of inappropriate referrals and making best use of their solicitors' time.

A partnership of this kind also has a number of indirect benefits. As the client is being seen by both the law and day centre there is more opportunity for a holistic approach towards the client's legal, physical and emotional needs. The day centre employs a number of mental health workers and they are often able to share key information with the Law Centre to support a client's case. From a community perspective, a partnership of this type ensures stronger representation of the needs and issues of asylum seekers on local decision making agendas.

Involving volunteers leads to innovation in approach

Involving volunteers not only contributes to and extends the reach of an organisation, but in itself can offer an opportunity to innovate and develop new models of working. One example of this is the partnership between Stoke CAB and the CLOCK project (Community Legal Outreach Collaboration Keele).^v This role is developed from the McKenzie Friend principle,

where someone, not necessarily legally qualified, assists a litigant-in-person in a common law court. Community partners train law students from Keele University to provide practical assistance to people without representation through the legal process.

As part of this initiative, Stoke CAB trains law students to accompany people to Employment Support Allowance (ESA) medical assessments as a note taker. The CAB has produced a number of reports which highlight its concern over the number of people being declared fit to work who are unable to do so because of poor quality ESA assessments.^{vi} The aim of the CLOCK volunteer is to record the details of the assessment so that a quality appeal can be lodged if necessary. However, so far, results have shown that having a note taker present has had a massive impact on the quality of assessment themselves, with much better outcomes for clients.

Lessons for successful volunteer involvement

Good management and robust volunteer infrastructure

It might be said that behind every effective volunteer is a good volunteer manager. Overwhelmingly, the success of volunteer involvement in grantee organisations is attributed to having the necessary paid staff resources to support it, and, conversely, where it is struggling, a weak volunteering infrastructure has been identified. For Manuel Bravo, whose service delivery is almost entirely volunteer-led, the success of this project is dependent on a volunteer manager overseeing recruitment, training, supervision and the complexities of a rota where more than five different volunteer roles need to intersect to meet the client's need. Furthermore, Manuel Bravo also has two paid caseworkers (one at OISC level three and one at level two). Co-ordination is essential to providing continuity where there are gaps in the project.

Similarly, SWLLC also attributes the success of its volunteer programmes to having a robust

volunteering infrastructure.^{vii} Although volunteers are locally integrated and managed in teams across five offices, SWLLC provides a central infrastructure through the post of operations manager and volunteer services manager. These posts are essential to ensure the overarching quality of recruitment, training, and support and supervision needed for such a high level of volunteer involvement. Moreover, this central infrastructure allows the Law Centre to grow its volunteering programmes and to expand to other boroughs.

By comparison, where that infrastructure is weak or the resources are lacking, developing volunteering is more difficult. Currently at the Southwark Day Centre there is no dedicated volunteer co-ordinator resource, so volunteers are managed as part of other staff roles. The centre co-ordinator highlighted the difficulty of managing volunteers across three different sites, and the limitations of the ways in which roles could be developed until this resource is found.

Recruitment and selection

Matching the right volunteer to the right role is widely regarded as one of the tenets of good volunteer management, and this has been highlighted as a key to the success of many volunteering programmes amongst grantee organisations.

For most Law Centres, the majority of volunteers are students on LPC, BPTC or undergraduate law courses who are looking to gain experience in a legal setting. For other organisations such as Citizens UK, CABx and Southwark Day Centre, volunteer engagement is much broader and yet recruitment is still strategic and deliberately engages key stakeholders as volunteers to strengthen the organisation as a whole.

For all grantee organisations, the initial selection of volunteers is an important step. SWLLC puts emphasis on pre-sifting through application forms to identify suitable volunteers, and ensures that its solicitors are involved in the selection and interviewing of their own volunteers which helps to create 'buy-in' to volunteer involvement.

Clearly defined volunteer roles, boundaries and supervision

Another key to success is having a well-defined volunteer role outline that has clear boundaries, and the opportunity to re-visit these boundaries through regular supervision. Firstly, this is essential to avoid volunteers giving advice where they are not trained or regulated to do so. Secondly, a clear volunteer role helps manage a volunteer's expectations of the role and supervision enables a volunteer's continued motivation to be discussed.

For Citizens UK, having clear volunteer boundaries is essential to the role of immigration signposter. What the project has found so far is that within local communities often people are giving well-meaning, yet unregulated bad advice to others. By providing a clear volunteer role, the dangers and pitfalls of this are made explicit to community members and awareness of the need for proper advice is raised across the community as a whole. The immigration signposter role has also highlighted the need for good, regular supervision. As well as needing access to a project worker who can answer and address specific questions and concerns, there is a need for regular group supervision where volunteers can identify and discuss challenges and successes with each other.

A clear volunteer role is also essential to address the expectations of volunteers, as well as the commitment required by an organisation. For Manuel Bravo, the project requires volunteers to commit on a six weekly basis for a very intensive period to work on a client's case. By highlighting this clearly from the outset, they ensure they only take on volunteers who are able to fit this into their schedule, thereby promoting a good level of retention.

What are the challenges?

Complying with OISC regulations for immigration and asylum advice

For organisations working in immigration and

asylum advice grappling with the holes left by cuts, volunteer involvement may seem like the solution to continuing to meet urgent client need. However, in order to integrate their volunteers into this work, proper accreditation of volunteer advisors is needed. In addition to the Law Society's Immigration and Asylum Law Accreditation Scheme^{viii} which is available to solicitors, and to the Immigration and Asylum Accreditation Scheme for those who provide legal aid advice,^x accreditation with the Office of the Immigration Services Commissioner (OISC) allows non-specialist volunteers to deliver advice, but presents a number of significant challenges for the organisation.

OISC covers Immigration and Asylum Protection and these categories are divided into three levels depending on the complexity of the work involved and the competencies that are required. Details may be found on the OISC website at <http://oisc.homeoffice.gov.uk/>, but broadly these levels relate to advice and assistance (level one), casework (level two) and advocacy and representation (level three). OISC also permits people to be regulated in either immigration only or asylum only at levels one and two (and three), however to progress to level two an adviser needs to be accredited in both categories at level one.

At level one, the range of work that a volunteer can undertake in the asylum category is extremely limited. However, in immigration, level one advisers are permitted to make certain basic applications under the Immigration Rules, basic nationality applications and certain basic European Union and European Economic Area applications. Where a case becomes complicated or an application is refused, the client must be referred as soon as possible to an adviser authorised to practice at a higher level.

Level two advisers are authorised to handle all other types of applications other than judicial review and bail applications before an Immigration Judge. They can lodge appeals and statements of additional grounds but must then refer the case to a regulated level three adviser.

OISC only applies to the giving of immigration

and asylum advice. In practice, there can be a fine line in determining whether advice has been given, presenting both an opportunity for organisations involving volunteers, and a significant challenge to ensure rules are not broken. For example, a volunteer with no OISC accreditation can take written information from a client if, in doing so, they do not give advice. They can also give a client written information containing immigration and asylum advice providing they do not answer any questions thereon. However, in both these examples there is a high probability that clients will ask the volunteer questions relating to the information being provided, which may lead to the volunteer giving advice when they are not permitted to do so.

A major issue for organisations wanting to accredit their volunteers with OISC is how to ensure they stay within the boundaries of their OISC level. As well as specifying required levels of Continuing Professional Development to maintain levels of accreditation, OISC requires all regulated advisers (whether staff or volunteers) to be peer reviewed regularly to check the quality and level of their advice. In addition, many of the principles of good volunteer management, as outlined in the previous section, need to be deployed; a proper infrastructure of volunteer support needs to be in place not only to check the boundaries of the volunteer's work through regular supervision, but also to provide a mechanism for referral of more complex cases.

There is provision within the OISC framework for volunteers or staff to work beyond their level of competence, but this is very strictly controlled: the volunteer or staff member has to be very closely supervised by someone suitably qualified, something which has big implications for staff time. The arrangement is also intended to be temporary, with the volunteer or staff member being expected to apply for accreditation at the higher level after six months or 80 hours.^x

What are the barriers to OISC compliance?

The main barrier is that the costs of putting volunteers through OISC training is prohibitively

high when factored against the risk that volunteers may leave at any point. Training to complete the online OISC test(s) is organised through a range of private firms and typically costs almost £300 at level one and almost £600 at level two.^{xi} Alternatively, some organisations have organised their own training costing around a minimum of £1,500 per day (for up to 24 people), plus travel, venue hire, necessary accommodation and manuals. The level of training needed is heavily dependent on the background of volunteers; law students or volunteers from a legal background may need considerably less. It is estimated that on average, non-legal volunteers may need up to two days training at level one, and up to five days for level two. Since June 2013, a training organisation called HJT has been responsible for administering the test; the level one test will be held at assessment centres (rather than online), so travel will be an additional cost.

To overcome these costs, some volunteer-involving organisations have negotiated ad-hoc discounted places on training that is being run elsewhere, although these places are often only available at the last minute, and are not a satisfactory strategic approach. For organisations such as Southwark Day Centre, partnership with a Law Centre means that its volunteers are able to access regular, appropriate training from solicitors. For others, such as Manuel Bravo, volunteers who have been regulated elsewhere with OISC (at level two) are able to transfer their registration to the organisation within a three-month window, thus representing a significant saving for the project.

The second issue is that the route to appropriate accreditation can be complex. Whilst a broad knowledge of immigration and advice is required to pass the level one test, accreditation allows an individual to give such limited support that the impact on the workload of the organisation may be minimal until the volunteer has progressed to level two.^{xii} Depending on retention, this may only result in very few volunteers progressing to this stage. Some grantee organisations would like to provide training and supervision to more OISC volunteers but are unable to because there is little to no asylum work that can be done at

level one. Deciding on an appropriate accreditation route for volunteers is enhanced if the organisation has a named contact at OISC who understands the services that are being provided and can advise on the most appropriate level of accreditation. To the author's knowledge, it is possible to apply for a more restricted level of accreditation if the role of the volunteer is extremely specialised and the training and supervision arrangements to OISC's satisfaction. Some organisations, such as Stoke CAB, have even been able to negotiate a level one OISC exemption.

Retaining volunteers

Retention is often cited as the key disadvantage of involving volunteers, with organisations often complaining that "I've only just trained them and now they've left!". However, where successful and sustainable volunteering flourishes amongst grantees, the common element is that the organisation has grasped and adapted to the fact that volunteering is, by nature, a transitory activity and volunteers should be expected to leave at some point.

At SWLLC, like many Law Centres, the large majority of its volunteers are law students. Recruiting such volunteers has several advantages; not only do they come with legal knowledge and skills, but they recognise that volunteering at a Law Centre is highly advantageous to their CV, so retention and motivation is good. However, understanding the needs and trends of volunteers who are students is important. Students in their final year may need time off for study and exams, and in anticipation of this, a strong volunteering infrastructure plans for regular recruitment cycles throughout the year so that gaps are not left in the rotas.

Other organisations have adopted different strategies. Southwark Day Centre has identified that giving volunteers plenty of opportunities to develop helps retention, and so volunteers have a variety of roles they can undertake. Manuel Bravo has adapted its researcher role so that it can be done remotely and as a result have little drop out from their volunteers. Stoke CAB has

identified the need to balance the profile of volunteers between highly able students who are likely to move on, with other people who may need more support but provide a stable core to its volunteering programme.

Meeting the overall costs

As outlined in the key learning section, a strong volunteering infrastructure is essential to promoting sustainable, successful volunteering, but this comes at a price. SWLLC estimate that it costs around £100,000 p.a to run their volunteering programme which includes staff costs, volunteer training materials and volunteer expenses. Grantee organisations report that it is increasingly difficult to identify funding for such resources, which is a barrier to volunteer development.

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Further reading and links

adpconsultancy (2012), *Volunteer programme review, South West London Law Centres*
Citizens UK <http://www.citizensuk.org/>

CLOCK project
<http://www.keele.ac.uk/law/legaloutreachcollaboration/communitylegalcompanion/>

Natalie Byrom (2013), *The State of the Sector: The impact of cuts to civil legal aid on practitioners and their clients*. A report by the Centre for Human Rights in Practice, University of Warwick in association with illegal.

Jochum and Paylor (2013), *New ways of giving time: opportunities and challenges in micro-volunteering: a literature review*. IVR and NCVO

NCVO
<http://www.ncvo-vol.org.uk/members/your-services/information/volunteering-resources>

Manuel Bravo
<http://www.networkleeds.com/Publisher/Article.aspx?ID=89751>

Stoke CAB
<http://www.stoke-cab.org.uk/>

South West London Law Centres
<http://www.swllc.org/>

Southwark Law Centre
<http://www.southwarklawcentre.org.uk/>

Southwark Day Centre for Asylum seekers
<http://www.sdca.org.uk/>

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- ii <http://www.studentprobono.net/>
- iii <http://www.networkleeds.com/Publisher/Article.aspx?ID=89751>
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- v <http://www.keele.ac.uk/law/legaloutreachcollaboration/communitylegalcompanion/>
- vi http://www.citizensadvice.org.uk/not_working
- vii adpconsultancy, December 2012, *Volunteer programme review, South West London Law Centres*
- viii <http://www.lawsociety.org.uk/accreditation/specialist-schemes/immigration-asylum/>
- ix <http://ftp.legalservices.gov.uk/civil/immigration/accreditation.asp>
- x <http://oisc.homeoffice.gov.uk/servefile.aspx?docid=231>
- xi <http://www.jcwi.org.uk/training>
- xii <http://oisc.homeoffice.gov.uk/servefile.aspx?docid=7>