

The Baring Foundation

Future Advice:
the Strengthening the Voluntary
Sector grants programme
2012-2015

Matthew Smerdon and Joe Randall, Baring Foundation

The Baring Foundation

The Baring Foundation was set up in 1969 to give money to charities and voluntary organisations pursuing charitable purposes. In 42 years we have given over £100 million in grants. Our budget for grant-making in 2012 was £3.2 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 over 900 organisations, giving a total of £17 million.

Strengthening the Voluntary Sector – Working papers

Since 2006, the Foundation has published papers that aim to share information and lessons being generated by the grants programme. Please see the back cover for details of other papers in the series which are all available on our web-site.

www.baringfoundation.org.uk

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Future Advice

It was like someone taking a great weight off my shoulders.

Sheffield Law Centre client in a feedback form completed at the conclusion of their case (Council on Social Action, 2009)

We already have waiting lists of five weeks for a number of our outreach sessions, with demand particularly high in welfare benefits and housing. (Legal Aid) changes will take out 1,456 social welfare cases in Islington – 28 new cases a week. This in an area which has high levels of economic deprivation, and the second highest rate of child poverty in England. We have not yet seen the full impact of welfare reform, and are daily seeing more clients affected by loss of working hours, and cuts in their actual rate of pay. We are also seeing a deterioration of practice amongst both private sector landlords and employers.

Ruth Hayes, Islington Law Centre (Hayes, 2012)

In the UK over the last couple of decades, it has frequently felt... like a war on the poor. A war in which political discourse, a coarsened language, the burden of austerity and dodgy science have all been used to demean people living in poverty, and to allow a reduction in their living standards... We have too often blamed poor people for their poverty. They do not lack ambition, drive or capability. What they face is the damaging impact of policies and practice that in themselves make poverty inevitable for many, catastrophic for some and deeply damaging and divisive for society as a whole.

Julia Unwin, Joseph Rowntree Foundation (Unwin, 2012)

Summary

Since 1996, the Baring Foundation's Strengthening the Voluntary Sector (STVS) grants programme has funded organisational development, believing it to be a crucial part of ensuring voluntary organisations are effective. At a time of economic downturn, cuts in public funding, significant policy reform and rising demand for services, organisational development can play a crucial role in helping organisations to navigate these challenges. Increasingly, alongside this support, the Foundation is making grants and commissioning work aimed at influencing the wider funding and policy environment for voluntary organisations.

Access to free, high quality social welfare legal advice is an essential part of a good society. When people receive quality advice, this creates important and well-evidenced positive impacts – on individuals, on wider public policy goals, on public spending and on the public good.

Advice agencies have been under pressure for some time from public policy and funding reform. This pressure has increased still further since 2010 due to significant cuts in public funding and rises in the demand for advice services.

The Foundation has had a growing interest in the advice sector over recent years and in 2012 launched the STVS Future Advice programme. This is seeking to support the building of a series of bridges to a future system of effective social welfare legal advice services:

- Attracting income
- Making the most effective use of resources
- Strengthening advice organisations
- Making strategic use of the law
- Building the evidence base for advice
- Advocating and campaigning for advice

The Future Advice programme is split into three strands:

- (i) **The Providers Fund** – a grants programme of up to £2 million over three years aiming to:
 - (a) help frontline advice providers to develop and implement ideas for restructuring and organisational development that will put their organisations on a more sustainable footing; and (b) generate tools, resources and lessons on the future sustainability of advice services that are of benefit to the wider advice sector.This Fund is a collaboration between the Baring Foundation, Comic Relief, The Diana, Princess of Wales Memorial Fund and Unbound Philanthropy.
- (ii) **The Strategic Fund** – grants and commissions of up to £1 million over three years aiming to bring about a more supportive policy and funding environment for advice.
- (iii) **The Learning Programme** – a range of support will be provided to grantees as well as work done to capture and share lessons. Over the course of the next three years the Foundation will publish further Working Papers and material coming out of this work.

Section 1

Background to the STVS Future Advice programme

The Baring Foundation funds organisational development believing it to be a crucial part of ensuring voluntary organisations are effective.

Since 1996, the Strengthening the Voluntary Sector (STVS) grants programme has awarded over 900 organisational development grants to UK charities. Our experience over this time, drawing on the direct contact we have with grantees as well as wider evaluation and research, convinces us of the direct and multiple benefits that organisational development produces.

The STVS programme from 2006 to 2011 looked at the independence of the voluntary sector from government. It helped organisations to develop systems, skills, structures and strategies that strengthened different aspects of their infrastructure. Most importantly, we found that it gave organisations time and space to focus on their core purpose and values and on how best to pursue these in their relationships with the different branches of government. Organisations used grants in a range of ways including improving monitoring and evaluation systems, negotiation skills and strategic planning. They then set about using these new resources to be prepared and better equipped to negotiate and even to shape the complex environments in which they operate. Organisations that achieved this reported direct improvements in the effectiveness of their work (Gregor and Smerdon, 2011).

“Now, more than ever” is a phrase that perhaps gets over-used in papers like these, but at a time of economic downturn, cuts in public funding, significant policy reform and rising demand for services, it is clear now just how important it is for voluntary organisations to be able to navigate the challenges they face if they are to continue their important work. The Foundation remains committed to the role of organisational development in achieving this and is launching a new programme that will provide this support to the advice sector.

Free, high quality advice services are an essential part of a good society.

The Baring Foundation has a long history of supporting the advice sector, knowing it to be an essential part of any effort to address our core purpose of tackling disadvantage and discrimination. Advice agencies help people to secure their rights and entitlements, to resolve disputes, to hold the powerful to account and to find comfort and skilled support in times of the most extreme difficulty and anxiety. They are a necessary component of securing resources like a basic income and shelter that everyone needs in order to lead lives that are happy and productive and not destructive to themselves and others.

Advice also plays an indispensable role alongside other services for vulnerable people, whether that is part of helping something positive to happen, such as to improve health or employment prospects, or to help prevent something bad from happening, such as reoffending or suffering from an addiction. Advice helps people to deal with problems that, left unchecked, can become totally overwhelming.

The terminology surrounding “advice” is worth trying to clarify. We commonly refer to “the advice sector” meaning not-for-profit organisations that provide free advice about problems for which legal remedies exist, also known as “justiciable” problems. The relevant categories of law are often gathered under the catch-all label “social welfare law,” but the areas this includes can differ; certainly the core categories of welfare benefits, debt and housing, (Ministry of Justice, 2009) then also community care and employment (Legal Services Commission, 2012) and also immigration (Legal Action Group, 2011). At the same time, areas such as asylum, discrimination, education and public law can be implied.

Broadly, they are areas of civil law that affect poorer people (Advice Services Alliance, 2010). They are both protective and restorative: Both the barrier at the top of the cliff, through the provision of information, advice and public legal education, and the ambulance at the bottom of the cliff, through specialist advice and representation (Genn, 2009). The Foundation takes this broader view of the definition and so sees the Future Advice programme as spanning work from public legal education to specialist level advice in all the categories listed above.

Justice for All, a coalition set up in 2010 to protect free social welfare legal advice, refers fittingly to advice agencies as being part of the fabric of community life (Justice for All, 2012). In the last year, one in five people sought advice on housing, employment, debt or welfare benefits problems (Legal Action Group, 2012). Legal Aid, the fund administered by central government that supports specialist-level social welfare legal advice services, is often referred to as an essential pillar of the modern welfare state.

Advice agencies produce important positive impacts.

Anyone that spends even the briefest time in an advice centre will see the positive impact that quality advice can have on someone. This starts with the intense relief of finding a sympathetic ear but this is not by any means the whole story. Good advice workers build a trusting relationship with their client and apply their knowledge and experience to problems that are often immensely complex. They do this with the tenacity and legal expertise needed to negotiate the volumes of case law and regulation that surrounds policies and services relating to these different categories of civil law.

The following examples show just some of the ways in which receiving quality advice has profound and lasting impacts on people's lives:

... on individuals

- Young people who have received advice report that it averted homelessness, criminal behaviour, mental health problems, social services intervention and even death. It also led to improvements in physical, mental, social and emotional well-being, problem solving skills and the ability to manage money (Kenrick, 2011);
- Research by the National Federation of Women's Institutes (2011) found that for women experiencing domestic violence, access to Legal Aid provided safety and protection and that without access to Legal Aid, they would have to stay in abusive relationships (National Federation of Women's Institute, 2011).

... on public spending

- Research by Scope concluded that social welfare legal advice services are an important tool for improving the accuracy of welfare benefits decisions and ensuring disabled people have the right financial and practical support to get back into work (Sarab and Bush, 2011);
- Getting good advice stops problems from spiralling out of control. One event, such as losing a job can lead to debts, rent arrears, eviction, stress and even family breakdown. Advice can help to stabilise someone's financial situation and avoid homelessness which, as well as the benefits to the individuals and families involved, saves the state money in re-housing, benefit payments and health costs. Citizens Advice research estimates that between £2 and £9 is saved for every £1 invested in advice (Citizens Advice, 2010);
- Using a 'Social Return on Investment' (SROI) approach nef estimate that an investment of £1 in a Law Centre's legal education and prevention work, produces £6 of social value. The socio-economic benefit to cost ratio identified for a case study of casework was even greater – in excess of ten-to-one (nef consulting 2008);
- Applying an SROI approach to four case studies of different types of housing and debt advice, AdviceUK demonstrated a social return of approximately £9 for each £1 invested (nef consulting and AdviceUK 2010);

- A report for the European Pact for Mental Health and Well-being estimated that for every €1 invested in debt management and financial advice services, there may be a return of more than €3.50. This is due to avoiding health care costs and the negative impacts of anxiety and depression on an individual's employment and productivity (McDaid, 2011).

... on the public good

- Professor Hazel Genn argues that access to civil Legal Aid is particularly important during recessions. The civil justice system supports the enforcement of rights, access to entitlements and the resolution of conflicts that might flow from recession. It is necessary, she says, not only to lift up people who are socially excluded, but equally to prevent people from sliding into social exclusion.

... and advice services are valued highly by the public

- 82% of respondents to a national opinion poll on social welfare legal advice services believed that free advice on common civil legal problems should be available to everyone, or at least to those with income on or below the national average wage. The poll also found support for legal services paid for by the state was consistent across all social classes and that by proposing to cut much of civil Legal Aid, the government was in danger of completely ignoring the views of the public (Legal Action Group, 2012).

Whilst the benefits of getting advice are clear, not getting access to quality advice can have many adverse impacts.

Work by Youth Access on the impact of advice on young people found that unresolved social welfare problems lead to a range of adverse consequences. These might include illness, often due to stress, losing income, or losing confidence and can also lead to young people experiencing crime, homelessness, relationship breakdown, unemployment and barriers to education and employment.

Youth Access also reports that government economists have used Crime and Social Justice Survey data to estimate that over a three and a half year research period, unresolved law-related problems cost individuals and the public purse at least £13 billion as a result of loss of employment, lost income, physical and stress-related illness and violent behaviour resulting from the stress of problems and resultant relationship breakdown. JustRights, the campaign for fair access to legal services to children and young people, has conservatively estimated the cost of the unresolved problems experienced by 16-24 year olds alone at £1 billion per year (Kenrick, 2011).

Advice agencies have been under pressure for some time.

The Baring Foundation's commitment to the advice sector became more focused in 2008 when the STVS-independence programme was devoted to supporting advice and advocacy groups. Our 2009 STVS working paper *Rights with Meaning*, looked at the impacts on advice services of market-based reform, contracting and inefficient public administration that were making it increasingly difficult for agencies to provide the right support at the right time to their clients (Smerdon, 2009). That paper argued that advice organisations were increasingly pressured into adapting to meet the requirements of commissioners, not the needs of the people who use their services. In particular, advice was increasingly being reduced to a transaction, rather than a process of helping someone to take more control over their life. There was also an impact on the scope for wider, valuable public legal education and other preventative work to address problems at a policy level.

At the same time, a study commissioned by the Law Centres Federation produced bleak data on the financial impact on Law Centres of adapting to new funding arrangements for Legal Aid introduced in 2007. Unrestricted cash reserves, carefully and sensibly accumulated over years, were reduced by 70% in just twelve months, significantly hampering the long-term sustainability of these organisations (nef Consulting, 2009). As such, advice reflected, as well as any area of social policy, the contradictions in the New Labour government's

effort to reconcile the role of the voluntary sector as both delivering value for money and strengthening society and social justice (Smerdon, 2006).

In 2008, Lord Bach became Minister for Legal Aid and signalled a commitment to protect social welfare legal advice services. The study carried out for Lord Bach by the Ministry of Justice on *Legal Advice at Local Level* found many areas of concern including:

- The impact of the recession on driving up demand;
- The payment system under Legal Aid of “swings and roundabouts” (where a caseload of longer and more complex cases should be offset by sufficient shorter and simpler ones) was causing difficulty for those providers who dealt mainly or exclusively with longer and more complex cases. This was having a particular impact on not-for-profit providers;
- The need for more work to monitor the impact of incentives for providers to change behaviours that were not necessarily in the best interests of the client such as cherry-picking simple cases, closing cases sooner to claim the fee and assigning cases to less qualified, cheaper staff; and
- The need to reduce the bureaucratic burden on voluntary sector providers of reporting requirements for Legal Aid. (Ministry of Justice, 2009).

A subsequent high profile example of the pressures faced by organisations that were trying to balance cost efficiency with quality services was Refugee and Migrant Justice (RMJ), which went into administration in June 2010 causing enormous disruption and misery for large numbers of its very vulnerable clients.

This pressure on advice agencies has increased still further.

On coming to power in 2010, the Coalition Government stated its intention to cut the public deficit. Advice agencies draw support from a mix of funding sources, sometimes assisted by the contributions of volunteers and pro bono lawyers. Income to most advice agencies is drawn significantly from public funding sources. Local authority funding is the largest source. As noted above, Legal Aid, administered by central government, supports advice at the specialist level. The Big Lottery Fund, other grant-making trusts, law firms and utility companies also contribute. Historically, direct donations from the public to advice agencies have not been significant, with Shelter being the exception, though it is perhaps relevant that Shelter is known more widely as a housing and homeless charity rather than an advice provider.

Given the importance of government funding, advice charities are particularly suffering as local authorities and central government seek to reduce spending, as the following shows:

Funding is being cut ...

... overall:

- Research by Justice for All (2012) found that:
 - 73% of advice charities reported a drop in income in 2011. 32% of these saw their funding decrease by over a fifth, and 8% by over a half.
 - Only 4% of advice providers experienced any increase in funding in 2011.
 - 69% of providers expect funding to fall in the next year, and 11% anticipate a reduction of over 50%. One in five stated that they faced closure.
- A survey of AdviceUK members in December 2011 found that 95% of AdviceUK members reported cuts in funding averaging £34,000, and were anticipating deeper cuts in the next financial year (Advice UK, 2012).

... by local authorities:

- As of March 2011, members of the Law Centres Federation were experiencing £4.2 million cuts in local authority funding – a 53% reduction (Law Centres Federation, 2011);
- In 2011, Citizens Advice Bureaux faced an average 10% cut in local authority funding (Citizens Advice, 2011);
- The outlook for local authority funding for advice is bleak, as such funding is discretionary, and local authorities' ability to make necessary savings remains uncertain (Audit Commission, 2011).

... through reductions in the scope of Legal Aid funding from April 2013:

- a reduction in funding for social welfare legal advice services of £81 million in 2013, of which £51 million currently goes to not-for-profit advice providers. This represents a 75% reduction in their Legal Aid funding;
- The loss of Legal Aid-funded advice in 371,800 social welfare law cases per year (Ministry of Justice, 2011);
- Half of all Citizens Advice Bureaux carry out Legal Aid work, and in total they expect to lose £23 million. Over half of bureaux surveyed on the impact of Legal Aid cuts said its withdrawal would threaten their bureau's service as a whole;
- 46% of all Law Centres' funding comes from Legal Aid, and the Law Centres Federation have said that a third of all Law Centres could close as a result of its reduction.

... through reductions in funding from other public sector organisations:

- In March 2012 the Government Equalities Office ceased to fund the Equality and Human Rights Commission's provision of face-to-face legal advice on discrimination for people ineligible for Legal Aid. Since 2009 the EHRC has provided £3.2 million in funding to 60 voluntary sector agencies to give advice and carry out casework on discrimination (AdviceUK, 2012).

The Coalition Government's plans for social welfare legal advice services were made clear in the Green Paper on the reform of Legal Aid published in 2010. The proposals contained in the Legal Aid, Sentencing and Punishment of Offenders Bill (LASPO) sought to reduce Legal Aid spending of £2 billion by £350 million, with £51 million of this relating to not-for-profit social welfare legal advice services. The Green Paper provoked an enormous volume of opposition, with the Ministry of Justice receiving over 5,000 submissions to the consultation. Both the Justice Committee and the Public Accounts Committee expressed concern over the viability of the reforms, particularly in terms of the proposed savings outlined (Justice Committee, 2011 & Public Accounts Committee, 2012). The Civil Justice Council noted that the Legal Aid reductions and changes would take away routes to accessible early advice and leave intervention too late or denied altogether (Civil Justice Council, 2011).

Opposition to the Bill in the House of Lords was unprecedented in recent times. The Bill suffered 14 defeats on issues including children's access to Legal Aid and domestic violence, prompting a widely-circulated observation that LASPO was the most defeated government Bill in 30 years.

Campaigning activity around LASPO achieved some important changes in relation to social welfare:

- The definition of domestic violence was broadened, and concessions made on the evidence that will be required to prove domestic violence has occurred, as well as the time limit within which this is applicable;

- Legal Aid was retained for welfare benefit appeals to the second tier tribunal and higher courts, and for the first tier tribunal on 'points of law' only;
- Government will now be able to add as well as remove areas of law from the scope of Legal Aid without primary legislation;
- Victims of trafficking will still be entitled to Legal Aid;
- The Director of Legal Aid Casework will be independent from Government (Justice for All, 2012a).

However, the government succeeded in passing the Bill, rejecting most amendments on the grounds that the Bill was primarily a financial measure, and the Legal Aid, Sentencing and Punishment of Offenders Act was introduced in 2012 bringing in sweeping reductions in the scope of what Legal Aid will cover.

Alongside cuts in Legal Aid, funding for important parts of the advice sector infrastructure has also been lost. The Legal Services Commission had previously supported a series of specialist telephone support lines for advice workers in public law, welfare benefits, debt, housing, community care, immigration and mental health. The lines acted both as a source of support for complex cases as well as a central point where emerging issues, such as systemic maladministration, could be identified. The loss of these phone lines leaves a significant gap.

That said, the Coalition Government recognised the impact of public funding cuts on the not-for-profit advice sector. In February 2010, the Baring Foundation worked with the Cabinet Office to hold a Summit on mitigating the impacts of the cuts. Responding to this, to intensive work by the advice sector infrastructure bodies, to calls from the Justice Select Committee and to significant campaigning activities, such as Justice for All, the government announced an Advice Review and created a £20 million Advice Services Fund for 2011-12. This has been followed by the Advice Services Transition Fund, in partnership with Big Lottery Fund, which will provide £65 million in England for 2012-14. These sums fall a long way short of replacing the funding that has been lost, but should be seen as an acknowledgment of the concerns held by some in government.

And demand for advice is increasing.

In the meantime, demand for advice services has been increasing, driven by factors such as rising levels of unemployment, debt and the impact of welfare reforms, as the following examples show:

Demand for advice:

... is widespread:

- In the last year, 1 in 5 people have sought advice on housing, employment, debt or benefits problems. This advice is most often sought from a not-for-profit advice provider, phone or internet service (LAG, 2012).

... is increasing:

- 78% of AdviceUK members reported that demand for their services had increased by 10% or more in the 12 months leading up to December 2011 (Advice UK, 2012);
- 88% of advice charities surveyed by Justice for All reported that more people came to them for advice in the last year (Justice for All, 2012);
- The numbers of litigants in person is already soaring. The Civil Justice Council concluded at the end of 2011 that 'every informed prediction is that, by reason of the forthcoming reductions and changes in Legal Aid, the number of self-represented litigants will increase, and on a considerable scale' and that 'pro bono legal services cannot begin to meet the scale of shortfall in provision' (Civil Justice Council, 2011: pp. 8-9).

... is affected by wider economic circumstances:

- Advice Services Coventry reported unprecedented increased demand for their members' services at the beginning of 2009. Coventry CAB, for example had experienced a 40% increase in debt advice and a 100% increase in clients seeking advice about pending evictions due to mortgage arrears (Advice Services Coventry, 2008);
- Citizens Advice, AdviceUK and Shelter described a 'rising tide' of mortgage arrears and repossessions in early 2009, in the immediate aftermath of the financial crisis, which led to significant increased demand for their advice services (AdviceUK, Citizens Advice & Shelter, 2009);
- Citizens Advice reported sharp increases in advice demand associated with unemployment, benefit, debt and consumer problems experienced by Citizens Advice Bureaux after the beginning of the recession in 2008-09 (Citizens Advice 2012 and 2011);
- Research conducted by the Money Advice Trust and the University of Nottingham found that demand for debt advice is closely associated with macro-economic developments, and particularly movements in the unemployment rate, average earnings and the cost of credit. They found for example, that a one percentage point increase in the International Labour Organisation measure of the unemployment rate is associated with an additional 60,000 debt advice enquiries per quarter, and that a one percentage point increase in the quoted average interest rate on a £10,000 personal loan is associated with an additional 40,000 debt advice enquiries per quarter (Gathergood, 2010).

Other factors also have an impact. Demand for advice:

... is likely to be affected by government policy:

- These include wide-ranging changes to the benefits system - the introduction of a unified 'Universal Credit'; caps being placed upon Housing Benefit, and on a household's overall benefit entitlement; the replacement of Incapacity Benefit with Employment and Support Allowance (ESA); the replacement of Disability Living Allowance with the Personal Independence Payment; extensive changes to tax credits; the removal of age-related tax allowances; and reforms to Child Benefit eligibility. Advice providers inevitably experience increased demand as a result of such changes, as errors and confusion are produced by any such large-scale reform;
- The introduction of the new Employment and Support Allowance (ESA) has proved particularly problematic, driving up demand in advice agencies. In the 18 months after its introduction in 2008, Citizens Advice Bureaux experienced an increase of over 40% in the numbers wanting help with sickness benefits (Citizens Advice, 2010a).

Finally, underpinning the reality of funding cuts, advice services have to win the argument about their role and value.

Cuts in public funding have been presented by government as harsh and regrettable economic realities. However, particularly as regards Legal Aid, economic arguments that cuts would simply transfer costs to other parts of government (Cookson, 2011) and lead to greater expenditure in the long run, have been disregarded. Even the argument that one of the groups that will inevitably deal with the fall-out in the reduction of advice services will be MPs themselves via their surgeries, made no headway.

The Ministry of Justice's own initial assessment of the potential impact of Legal Aid scope changes noted potential economic and social costs, reduced social cohesion, increased criminality, reduced business and economic efficiency, increased resource costs for other Departments and increased transfer payments from other departments (Ministry of Justice, 2010a). And yet, the changes went ahead.

Ultimately, decisions to cut social welfare legal advice services so significantly are, of course, choices and other routes for saving money could have been chosen. Indeed, in some areas, like Coventry, for example, local authority funding for advice has been preserved. Of greatest concern is that the cuts are far from over (IFS, 2012). The prospect remains of funding for advice services reducing further.

The government states in the introduction to the Green Paper on the proposals to the reform of Legal Aid that 'access to justice is the hallmark of a civilised society' (Ministry of Justice, 2010b: p.5). Its actions over Legal Aid, even acknowledging the two rounds of exceptional funding to the advice sector, contradict this statement. In the first draft of the LASPO Bill, the government included a clause that would have enshrined the scope changes in legislation, meaning that primary legislation would, in turn, be needed to re-introduce these areas at a later date, even if this could be afforded. Ultimately, cross-benchers in the House of Lords secured a concession on this clause. In the words of Tom Brake MP, this provided a 'safety valve to allow government to change tack if some of the predictions about the impact come true' (Hynes, 2012: p.116). However, this was the result of the most intense campaigning which came up against the more deeply held view by the government that Legal Aid needed to be re-shaped once and for all, no matter the economic circumstances. The Civil Justice Council has concluded that 'as a result of the reductions and changes in Legal Aid, there will be a denial of justice. There must be no misunderstanding about this' (Civil Justice Council, 2011: p.9).

This has an impact today, but also in the future and not just in the human cost. Advice agencies and Law Centres are making staff redundant. Organisations are closing. The advice sector is losing experienced and committed people who have the knowledge and skills to provide these services. The point is well made by the organisation Young Legal Aid Lawyers that 'just as the health service needs doctors and nurses to continue, so the Legal Aid system needs solicitors and barristers with the requisite skills to carry out complex and challenging work. There is mounting concern about where the Legal Aid lawyers of the future will come from' (Young Legal Aid Lawyers, 2012: p.1).

All this adds up to an urgent need, firstly, to support the advice sector through the coming years, and secondly, to examine just how the role and value of social welfare law can gain the recognition it warrants and needs, right across the political spectrum.

Section 2

The STVS Future Advice Programme

This year the STVS programme launches a new theme called Future Advice. The programme focuses on not-for-profit agencies providing social welfare legal advice services. The long-term goal of the programme is to support an effective system of advice services for people suffering disadvantage and discrimination.

The Future Advice programme is based on a set of principles, assumptions and interventions.

At the start of this process, we discussed what principles might underpin a future system of effective advice services. We suggested seven principles. Services should:

1. Be accessible to those who need them.
2. Be available early so as to prevent problems from escalating.
3. Address the causes of demand for advice and be based on evidence of need.
4. Be good quality.
5. Be designed around people's needs, supporting them to resolve their own problems and so take more control over their lives.
6. Support co-operation and collaboration across the whole system, individuals, advice agencies and the public sector.
7. Ensure the independence of advice organisations so they can act solely in their clients' best interests.

In turn, we outlined the assumptions underpinning the programme:

- That quality legal advice is an essential part of addressing the complex needs of people suffering disadvantage and discrimination;
- That legal advice agencies can benefit from organisational development support in order to provide effective services to people now and in the future;
- That these agencies face an increasingly harsh operating environment due to a combination of rising demand for services, extensive policy reform and reductions in public funding;
- That all this comes after a sustained period of public policy and funding reform which has left the advice sector weakened and in a difficult position to take the initiative;
- That there are creative and committed people and organisations in the advice sector who can lead effective development work.

And in order to take this forward, the programme will involve a number of interventions. It will:

- Make grants to not-for-profit legal advice providers to strengthen their organisations;
- Make grants to advice sector infrastructure bodies to support their members to become stronger;

- Make grants to other relevant organisations to encourage a more supportive environment for not-for-profit legal advice services;
- Bring grantees together to share knowledge and experience;
- Seek to influence the wider environment for advice services.

The Future Advice programme is the development of an interest in advice that has been present in our work for a number of years.

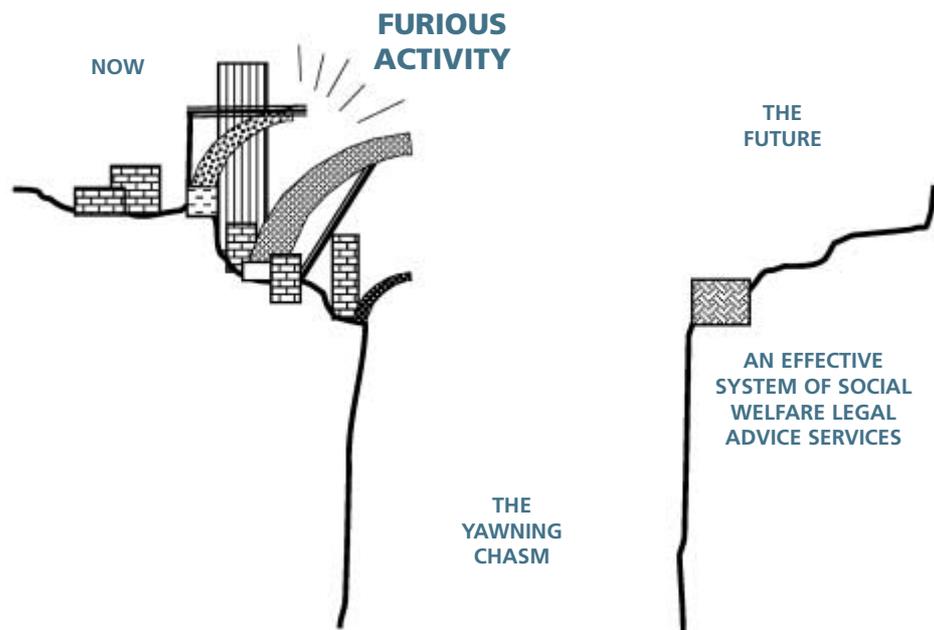
Although this is a new phase for the STVS programme, it is very much a development of themes and topics that have been present in our work over a number of years and so we launch this new programme with existing knowledge of the area and good networks. The Foundation's work with the advice sector is summarised in the following:

- Pre-2006: Advice providers were occasional recipients of STVS project grants, for example, in 2005 the Law Centres Federation was supported to produce a governance manual for Law Centres.
- 2006: Five of the 22 grants made under the STVS – independence programme, were to organisations involved in advice or advocacy (total – £365,350). The Foundation published *Allies not Servants* on the importance of voluntary organisations having the freedom to act independently, in the best interests of their clients (Smerdon, 2006).
- 2008: The Foundation focused the whole STVS – independence programme on advice and advocacy organisations. The programme made local grants in Bristol, Coventry and Nottingham and other grants at a national level (total – £1.2 million). The Foundation published *Rights with Meaning* which set out the thinking underpinning the programme (Smerdon, 2009).
- 2009: The Foundation convened a meeting of grant-making trusts and City law firms with an interest in the advice sector. This went on to become a more formal Network which has met regularly since then and carried out joint work to influence government and to support practical initiatives in the advice sector. One example is a partnership with the Ministry of Justice to save South West London Law Centres from closing and to produce a range of tools and training out of this experience of benefit to the wider specialist advice sector.
- 2010: A further round of STVS – independence grants focused on advice and advocacy organisations (total – £860,000). Whilst continuing to support front-line advice providers, the grants began to address the wider environment for the advice sector, for example, by supporting the Legal Aid Practitioners Group to establish the All Party Parliamentary Group on Legal Aid. In June 2010, the Foundation was heavily involved in efforts to try to save Refugee and Migrant Justice (RMJ) from closure. In December that year, with the Legal Action Group, we met the Legal Aid Minister and supported the call for a Commission on the future of the social welfare legal advice services.
- 2011: In February, the Foundation worked with the Cabinet Office and the Legal Action Group to hold a Summit on the impact of funding cuts on the advice sector. Throughout that year, further grants were made to support policy and research work on the role and value of advice. This included funding research by the Women's Institute and Scope on the impact on their beneficiaries of the proposed cuts in Legal Aid (Women's Institute, 2011; Scope 2011).
- July 2011, the Foundation launched a small grants programme called the *Restructuring Fund* in collaboration with Esmée Fairbairn Foundation. This grew out of development work led by City law firm Allen & Overy in the aftermath of RMJ's closure. Ten grants were made (total £249,000), supporting advice providers to work on becoming more sustainable. The Foundation worked with the Cabinet Office on plans for the Advice Services Review and the Advice Services Fund. At the end of December, discussions

with other funders led to a proposal for a pooled fund to be coordinated by the Baring Foundation that would build on the Restructuring Fund. This is the basis for the Future Advice programme.

The programme is seeking to support the building of a series of bridges to a future system of effective social welfare legal advice services.

An image that has proved helpful in planning the programme has been to picture the bridges to get advice services from where they are now to where we want them to be in the future. Between now and then sits the chasm of funding cuts and rise in demand for services. A slide presented at the launch of a report called *Zero Carbon Britain 2030*, (Kemp, 2010) had some useful parallels and was adapted as below.



The “bridges” that the Foundation is seeking to support are:

- Attracting income – the advice sector has experienced acute decline in its traditional funding sources. Whilst work can be done to preserve what remains and use it effectively, intense work is also needed to help advice agencies expand funding relationships which are currently only at a relatively small scale and to create entirely new sources.
- Making the most effective use of resources – as services reduce in scale, and the sector faces the inevitable reality of having to do more with less. Doing this as effectively as possible includes making more use of approaches such as public legal education, early action, focusing on the empowerment of clients and collaborating with others working in non-advice services. It also involves work to improve the wider system for advice, making systems more efficient and tackling preventable demand so as to free up services to focus on where support is most needed. The Foundation has published a working paper looking specifically at what early action means in relation to legal advice (Randall, 2013).
- Strengthening advice organisations – the advice sector needs to be made up of strong, effective organisations. This bridge speaks most closely to the traditional areas of the STVS programme covering systems, skills, strategic planning and effective structures.
- Making strategic use of the law – as the availability of front-line advice services inevitably declines, the sector will have to make more use of strategic litigation to widen as far as possible access to justice for vulnerable people. Effective strategic litigation can secure a range of useful outcomes – increasing the accountability of

public decision-makers, changing the culture of decision making by public bodies, raising awareness about a particular issue, encouraging public discussion, providing a catalyst for organisations to work together on an issue, applying pressure for social and legislative change and helping vulnerable groups to make their voices heard.

- Building the evidence base for advice – there is increasingly robust evidence on the value for advice which can be marshalled and strengthened. There is particular benefit in research that demonstrates the different positive benefits advice has and the role that this evidence can then play in attracting funding and boosting wider support.
- Advocating and campaigning for advice – the advice sector plays such an important role. Public opinion surveys reveal existing strong support. This needs to be preserved and extended. Reaching out to the political parties, particularly in the run-up to the 2015 election, is crucial.

This represents a very big territory for what is quite a small grants programme and so beyond these bridges, we have started to define categories and sub-categories. This has been refined in the light of applications to the programme and have been used to guide choices about how best to distribute funds. It also provides a way of mapping grants so as to reveal where the programme is particularly active. Certain areas where there is perhaps greatest potential are likely to be prioritised over time. The following table captures these different areas.

"Bridge"	Category	Subcategory
Attracting Income	Preserving / extending public funding	<ul style="list-style-type: none"> - Legal Aid - Local Authorities - Health agencies - Other government depts. DWP, DCLG, HO - Housing Associations - EU bodies
	Selling advice (through advice organisations themselves or social enterprise models)	<ul style="list-style-type: none"> - Fees for advice - Spot purchase contracts - Conditional fee arrangements - Fees for clients of third parties
	Developing / selling related services	<ul style="list-style-type: none"> - Stand-alone social enterprise - Services / training - Referral fees
	Using social investment	<ul style="list-style-type: none"> - Social Impact Bonds for advice - Charitable Bonds Issues - Loan financing
	Increasing income from other voluntary organisations	<ul style="list-style-type: none"> - Housing Associations - Non-advice charities working in relevant fields e.g. mental health, criminal justice, poverty - Trusts and foundations
	Increasing private sector donations / funding	
	Increasing public donations	<ul style="list-style-type: none"> - Membership models - Former clients / alumni - Wider public donations

"Bridge"	Category	Subcategory
Making the most effective use of resources	Intervening earlier in a law-related problem Reaching more people at lower cost More effectively targeting needs Helping people to help themselves	<ul style="list-style-type: none"> - Public Legal Education - Telephone services - Online service / website / social media - "Signposters" / links with non-advice agencies - Advice in new locations / ways - Information provision - Collaboration with non-advice agencies
	Reducing preventable demand	<ul style="list-style-type: none"> - Decision-making and administration in public bodies - Efficient case-flow in advice agencies - Smooth referral pathways and information sharing between advice agencies and non-advice agencies
	Co-designing advice services with funders / commissioners	
Strengthening advice organisations	Carrying out planning and restructuring activities	<ul style="list-style-type: none"> - Financial and strategic planning - Contingency planning - Pro-bono assistance for planning and restructuring - Consultancy assistance for planning and restructuring
	Strengthening infrastructure	<ul style="list-style-type: none"> - Finance/accounting systems - Administrative systems - Case management systems - Other IT infrastructure
	Improving skills and capacity of staff	<ul style="list-style-type: none"> - Management training and development - Volunteers - Pro-bono lawyers
	Rationalising services / merging	
Making strategic use of the law	Using strategic litigation	<ul style="list-style-type: none"> - Eligibility for Legal Aid - Failing and unlawful public policy - Failing and unlawful public administration
	Improving the sector's capacity for strategic litigation	<ul style="list-style-type: none"> - Front-line advice agencies - Non-advice groups
Building the evidence base for advice	Carrying out new research / marshalling existing evidence	<ul style="list-style-type: none"> - Advice needs - Health / social / well-being impacts of advice - Economic benefits / value of advice - Advice sector capacity
	Resisting specific cuts to / decisions adversely affecting advice agencies	<ul style="list-style-type: none"> - Failing and unlawful public administration - Impact of public funding cuts
Advocating and campaigning for advice	Building greater support for / understanding of advice Fighting specific cuts to / decisions affecting advice agencies	<ul style="list-style-type: none"> - Public awareness campaigns - National political debate (parliamentary / political parties) - National agencies - Local government and agencies - National campaigns - Local campaigns

The Future Advice programme is split into three strands.

The programme is split into three strands which will feed into each other but that have their own aims:

- 1. The Providers Fund** – a grants programme of up to £2 million over three years aiming to:
 - (a) help frontline advice providers to develop and implement ideas for restructuring and organisational development that will put their organisations on a more sustainable footing; and
 - (b) generate tools, resources and lessons on the future sustainability of advice services that are of benefit to the wider advice sector.

This Fund is a collaboration between the Baring Foundation, Comic Relief, The Diana, Princess of Wales Memorial Fund and Unbound Philanthropy. In 2012, these funders have contributed £400,000, £500,000, £85,000 and £90,000 respectively and the overall pot is being coordinated by the Baring Foundation. Support from Unbound Philanthropy will not be used to make direct grants to advice agencies, but rather to support activity to draw out the lessons from the grants made.

- 2. The Future Advice Strategic Fund** – grants and commissions of up to £1 million over three years aiming to bring about a more supportive policy and funding environment for advice. As with the Providers Fund, we have entered into a number of funding partnerships here, for example with Trust for London, Barrow Cadbury Trust and Lankelly Chase Foundation on supporting the Low Commission on the Future of Advice and Legal Support (see below).

- 3. The Learning Programme** – as with previous grants programmes, the Foundation will put a strong focus on supporting grantees and learning from the grants. Some of this work is already underway, notably providing support to grantees. Activity is being organised around five areas:

- (i) providing support to grantees, for example free consultancy and a grantee network;
- (ii) capturing lessons using data from standard monitoring reports, plus a programme of visits by staff and consultants;
- (iii) sharing lessons, for example by holding seminars and producing reports;
- (iv) replicating what works – future rounds of Providers Fund grants may support the wider application of effective approaches;
- (v) sharing messages with policy makers, for example where we see particular regulatory barriers hampering progress.

The Providers Fund was launched in April 2012 with invitations sent to 88 advice organisations in England and Wales providing social welfare legal advice services. Within this, there was a particular focus on agencies providing asylum advice. Over the course of the programme, we will be publishing details of the grants made and lessons that are emerging from the work that is funded. As mentioned above, a working paper looking in detail at early action and advice has already been produced (Randall, 2013).

The following tables list grants made so far by the Restructuring Fund, Providers Fund and Strategic Fund.

Restructuring Fund (2011) in partnership with Esmée Fairbairn Foundation

Organisation	Grant Amount £	Term (Years)	Project Description
Asylum Aid	10,000	1	To develop new service models for the delivery of quality assured legal advice and representation to people seeking asylum in the UK.
Coventry Law Centre	30,000	1	To develop and test a new model for advice delivery focused on early intervention and impact that can be used to influence funders, particularly government.
DG Legal	18,000	1	To review work funded by the Restructuring Fund and to produce a report for publication.
Greater Manchester Immigration Aid Unit	10,950	1	To assess the potential for future collaboration with other agencies and to purchase HR support to review the organisation's employment contracts.
Hammersmith and Fulham Community Law Centre	30,000	1	To support the organisation and its partner, Nucleus Legal Advice Centre, to co-ordinate legal advice services in west London to help maintain and improve the provision of social welfare law in this area.
Islington Law Centre	30,000	2	To assist in the development of a charging subsidiary which will offer low cost legal advice and representation in areas that are due to move out of scope of legal aid.
Public Law Project	30,000	2	To upgrade IT infrastructure, purchase a new case management system and improve the organisation's administration.
Rochdale Law Centre	29,970	1	To employ a part-time employment solicitor as part of establishing a new Community Interest Company.
Toynbee Hall	30,000	1	To review and redesign the structure of the organisation's Advice service.
Toynbee Hall	29,921	1	To carry out a feasibility study into the setting up of a Community Debt Management Service.

Providers Fund (2012) in partnership with Comic Relief and The Diana, Princess of Wales Memorial Fund

Organisation	Grant Amount £	Term (Years)	Project Description
AIRE Centre	73,497	3	To strengthen organisational management and to support strategic litigation and advocacy on the European-law rights of asylum seekers and vulnerable migrants.
Avon and Bristol Law Centre	93,272	2	To work with Gloucester Law Centre and Wiltshire Law Centre to develop and implement a south west regional structure, to develop sustainable sources of income and to develop relationships with key partners to tender jointly for contracts or apply for grants.
Cambridge House	23,900	2	To set up a training project in partnership with the Law Centres Federation to provide training for housing solicitors in regard to undertaking Legal Services Commission (LSC) certificated housing work and in recovering costs of proceedings from the other side in housing matters.

continued overleaf

Providers Fund (2012) continued

Organisation	Grant Amount £	Term (Years)	Project Description
Citizens UK	75,000	3	To support the New Citizens Legal Service which uses community organising techniques to ensure diaspora communities access affordable and trustworthy immigration advice and representation.
Community Links Trust Limited	75,000	2	To expand a pilot project delivering earlier advice interventions from community centres in east London and to share the learning from this pilot nationally via the Early Action Task Force, and locally by working closely with the local authority.
Coventry Law Centre	75,000	3	To integrate specialist legal advice with intensive work intended to resolve complex human problems.
Disability Law Service	73,019	3	To generate income through a combination of advice, training and consultancy services.
Harrow Law Centre	26,000	2	To support work to participate in collaborative tenders with a particular focus on funds available from the EU, and to share the lessons of this with other advice providers.
Mancroft Advice Project	70,500	3	To measure the impact of social welfare advice on the mental health and wellbeing of young people; to present findings to health commissioners in a written report, presentations, strategic meetings, dialogue; and to share tools and lessons with advice agencies around the country.
Manuel Bravo Project	70,000	3	To employ a development worker to recruit and support pro bono teams from law firms.
Northern Refugee Centre	74,375	3	To provide capacity building and infrastructure support to community-based advice services and to explore different service models.
Rights of Women	30,000	1	To support a range of internal organisational development activities.
Riverside Advice	89,896	2	To implement a systems thinking approach to planning and delivering advice services in Cardiff and to seek to use this to influence statutory funding for advice in Cardiff and Wales.
Southwark Law Centre	73,426	3	To develop a triage model for south east London where agencies match clients with the organisation best placed to provide assistance.
Stoke on Trent Citizens Advice Bureau	75,000	3	To explore three opportunities to access new funding and improve service delivery: the development of a Migration and Integration Centre of Excellence; the potential of employee assistance packages to provide unrestricted income to support advice; and the enhancement of the organisation's training offer.
Wythenshawe Advice	37,000	1	To carry out a programme of early intervention / preventative work through collaboration with outside agencies, particularly local housing trusts.

Strategic Fund (2012)

Organisation	Grant Amount £	Term (Years)	Project Description
Advice UK	26,900	1	To support members with preparing applications to the Advice Services Transition Fund.
Advice UK	40,042	1	To support work to influence policy and practice by advancing the case for systems thinking in the advice sector.
Fair Money Advice	17,000	1	To develop a model for sustainable future sources of income for free debt advice services.
Law Centres Network	13,000	1	To support LCN members with preparing applications to the Advice Services Transition Fund.
Law Centres Network	53,968	2	To support further development of income generation schemes.
Law for Life: The Foundation for Public Legal Education	39,950	1	To work with advice agencies to test the Public Legal Education Evaluation Framework and to advance knowledge and awareness of the value of Public Legal Education.
Legal Action Group	50,000	2	A contribution to the Low Commission on the Future of Advice and Legal Support.
Legal Action Group	8,000	1	To repeat an opinion poll, previously carried out in 2010 with funding from the Baring Foundation, on the availability of social welfare law services to the public and to test public support for social welfare legal advice services.
Legal Aid Practitioners Group	7,920	1	To support the Secretariat costs of the All Party Parliamentary Group on Legal Aid
Public Law Project	100,000	2	To contribute to the Legal Aid Support Project.
Public Law Project	6,500	1	To carry out development work on a proposal for a Legal Aid Support Project.
See the Difference	30,000	1	To work with the Law Centres Federation and Advice UK to pilot new models of attracting public donations to advice centres.
Youth Access	3,650	1	To support its members with applications to the Advice Services Transition Fund.

These grants at present, reflect a focus of activity on the first two bridges – attracting income and making the most effective use of resources. Plans are currently being developed for further grants in 2013.

As with all the Foundation's areas of activity, we are always keen to hear from others that are interested in the work and are enthusiastic about collaboration.

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Strengthening the Voluntary Sector

STVS working paper series

- No. 1 Matthew Smerdon (2006) *Allies not servants*.
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- No. 3 Matthew Smerdon (ed.) (2009) *The First Principle of Voluntary Action*.
- No. 4 Matthew Smerdon (2009) *Rights with Meaning*.
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- No. 6 Kevin Ireland (2011) *Collaborating to Advise*.
- No. 7 Milla Gregor and Matthew Smerdon (2011) *On the Front Foot*.

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Justice for All (2012) *Advice Needs... What local advice charities need to continue serving their communities. A view from the frontline*. London: Justice for All.

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