

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 ilegal

By Natalie Byrom with foreword by Patrick Torsney and Colin Henderson

ilegal

Warwick | Law School

THE UNIVERSITY OF
WARWICK

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 ilegal

By Natalie Byrom
with foreword by Patrick Torsney and Colin Henderson
April 2013

Natalie Byrom is a member of the Centre for Human Rights in Practice at the University of Warwick.

Patrick Torsney and Colin Henderson are leaders of ilegal, the largest online community of individuals working in social welfare law and civil legal aid in the UK (www.illegal.org.uk).

Comments and Feedback

The author would like to thank Dr James Harrison, Associate Professor, School of Law and Co-Director of the Centre for Human Rights in Practice for his support and feedback on numerous earlier drafts of this report. The author would also like to thank Professor Andrew Williams, School of Law and Co-Director of the Centre for Human Rights in Practice, Sue Bent, Director of Coventry Law Centre and Abby Kendrick, PhD candidate in the School of Law, University of Warwick for providing very useful comments and feedback on earlier drafts of the report.

We would like to express our sincere thanks to all those who were involved in promoting the survey, including but not limited to:

Nick Dilworth, Lord Willy Bach, Patrick J Butler, Owen Bowcott, Professor Richard Moorhead, Catherine Baksi, Lucy Reed, Giles Peaker, Jon Robins, Sara Ogilvie (and colleagues at the Low Commission), Nick Stanton, Ruth Hayes, Farhat Akbar and Nimrod Ben-Cnaan. We are very grateful to the following publications for providing coverage of the survey: Legal Voice, Legal Action, the Pink Tape blog and the Guardian.

Finally, we would like to thank the 674 respondents who provided responses to the survey. We appreciate their time and willingness to share their experiences.

1. Foreword

In November 2010 the coalition government announced its plans to abolish Legal Aid for the majority of non-criminal legal problems. This attack on access to justice and the rule of law had no mandate – no party manifesto had even hinted it – and no precedent. Every area of assistance not directly engaging ECHR rights was to be removed. The Government itself admits over 600,000 cases per year will no longer be funded.

Two years of campaigning and resistance followed. Despite being defeated an unprecedented number of times in the House of Lords, the Legal Aid, Sentencing and Punishment of Offenders Act (“LASPO”) passed and came into force this month, coinciding exactly with the introduction of many welfare “reforms”. Whatever your views on the coalition government’s austerity agenda, it is now abundantly clear that equality before the law is no longer a statutory principle of our society. The likely impact on social cohesion of both welfare reform and turning the justice clock back to the pre-Beveridge 1940s will be profound.

However, LASPO does more than abolish the right to professional advice and assistance for those who could never afford to buy justice. It represents the end of many of the careers of those who have dedicated their lives to working for fees that have been kept static for two decades. It squanders precious resources built up over 60 years of consistent public funding of legal advice. We at ilegal, set up 7 years ago by and for these front-line expert advisers and lawyers, were determined to try and capture the destruction being wreaked on our people, many of whom work long hours in Citizens Advice Bureaux, Law Centres and specialist advice agencies, yet whose expertise was repeatedly rubbished by Ministers during the LASPO debates.

We are deeply grateful to the highly respected Centre for Human Rights in Practice at the University of Warwick for agreeing to study this issue for us within a very short timeframe. We are also in awe of the energy, diligence and commitment of Natalie Byrom, who led the research and authored this report.

We hope it adds to the appreciation of the significant social value of properly funded legal advice, underscores the importance of rebuilding equality of access to the law and renews the determination of the sector to provide it. We believe its findings must make everyone consider one key question: if we truly want our society to be a fair and civilised one, what price justice?

Patrick Torsney & Colin Henderson

April 2013

Table of Contents

Foreword.....	3
Executive Summary.....	5
Introduction.....	7
Chapter 1: State of the Sector Survey – Who responded?	8
Chapter 2: The impact of LASPO cuts on expertise in areas of legal aid funded civil law	10
Chapter 3: The impact of LASPO on current and future clients.....	19
Chapter 4: The impact of LASPO on the nature of legal practice.....	23
Appendix A: Methodology	26
Appendix B: Piping logic for survey and actual numbers of respondents	27
Appendix C: Supplementary Tables	28

Executive Summary

This is a summary of the key findings of a survey examining the cuts to civil legal aid introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“LASPO”). The survey was produced as a result of a partnership between the Centre for Human Rights in Practice at the University of Warwick and iledal.

Chapter 1 – Profile of participants

674 individuals currently working in Legal Aid funded civil law responded to the survey. Whilst the majority of respondents identified as working in the not-for-profit sector, a significant number currently work in private practice.

Chapter 2 – The Impact of LASPO on Legal Advice Workers and the Loss of Expertise from the Sector

Almost one third of respondents (194 individuals) reported that they were at risk of redundancy as a result of the funding cuts. This translates to a potential loss of 1,479 years of experience from the sector.

Large numbers of respondents also reported greater job insecurity (235 individuals/ 34.9%), reduced paid hours (89 individuals/13.2%), and reductions in the legal services provided (115 individuals/17.1%) as a result of the cuts.

It is the most experienced and qualified advisors whose jobs are most at risk:

- Those who have worked in the sector for over 10 years are the worst affected by redundancy (45.3% of respondents in this category reported being at risk of redundancy).
- 64.4% of those at risk of redundancy are specialist advisors, and 54.6% satisfy the LSC Supervisor Standard in at least one area of law.

Advisors in the areas of housing, debt and welfare benefits, where the recession and spending cuts have led to increased demand for legal advice, are also at greater risk of redundancy than those who advise in other areas of law.

Chapter 3 – The Impact of LASPO on Current and Future Clients

The impact of reductions in service will not be felt across the country equally. Particular problems were identified in the following regions:

- 50% of respondents who stated that their service was ‘very likely to close completely in 2013’ were from the North of England
- A disproportionate number of respondents from the South West stated that their agency would cease to provide specialist casework entirely as a result of the cuts (respondents from the South West of England comprised 13.4% of the total sample, but accounted for 19.4% of the total of those who said that specialist casework would be ending as a result of the cuts).
- Within the sample surveyed, the Midlands is over-represented in terms of numbers of services under threat of closure. The number of respondents citing as a likely impact of the cuts the closure of their service within the next two years (22.1%) is greater than would be predicted on the basis of the number of respondents from this area (16.7%).

A number of respondents therefore raised concerns about the creation of ‘advice deserts’ in areas of the UK where services are already scarce and they are now disproportionately affected by cuts.

Respondents also highlighted particularly severe impacts on specific groups of clients including those in rural areas, children, those with disabilities and those who are otherwise vulnerable or disadvantaged.

Chapter 4 – The impact of LASPO on the nature of legal practice

The results of the survey highlight the efforts made by those who currently work in the sector to shield their clients from the impact of the cuts; cutting costs on overheads, applying to the Advice Transition Fund (if working for a not-for-profit agency) and running other grant funded projects in order to finance their existing operations rather than change the way that they deliver services.

However, a significant number of respondents reported that their agency will be charging for advice in some form to fill the funding gap left by legal aid cuts, marking a significant departure for both the sector and the clients it has traditionally served.

Highly qualified women who have worked for more than 8 years in the profession were disproportionately likely to report being at risk of redundancy. Of the total number of people who stated that they had worked in the sector for over 8 years and had a highest qualification at the equivalent of Level 8 on the Framework for Higher Education Qualifications, 68.4% were women, but women comprised 87.5% of those in this category who reported as being at risk of redundancy. This raises issues about the future diversity of the profession and warrants further research.

Introduction

This report presents the findings of a survey conducted between 29 January 2013 and 3 March 2013, immediately prior to the cuts to civil legal aid introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“LASPO”) taking effect.

The cuts to civil legal aid that LASPO introduces are designed to reduce the budget for civil legal aid by £350 million. They aim to accomplish this in two ways: firstly, by removing from scope entire areas of law that were previously covered by the scheme and secondly, by adjusting the eligibility criteria for legal aid¹.

The survey was produced as a result of a partnership between the Centre for Human Rights in Practice at the University of Warwick and ilegal. The Centre for Human Rights in Practice has produced extensive research in relation to the impact of government spending cuts on vulnerable and disadvantaged groups (www.warwick.ac.uk/fac/soc/law/chrp). ilegal is the largest online community of individuals working in social welfare law and civil legal aid in the UK (www.illegal.org.uk). The contents of this report has been reviewed by a team of senior academics from the Centre for Human Rights in Practice at the University of Warwick.

The survey was targeted at those who currently work on the front line of the advice sector, delivering legal aid funded advice and representation to clients. It was not affiliated or specific to any particular advice agency or network. The aim of the research was to explore the impact of the cuts to civil legal aid on those who work in legal aid, the clients that they serve and further, to examine the cumulative impact of these changes on the networks of organisations and individuals who currently provide legal aid funded advice and representation. Questions were also designed with a view to collecting information on the impact of the cuts on recruitment, retention and diversity within the legal profession.

Whilst this survey does not purport to be statistically representative of the sector as a whole, the large number of responses collected enables us to be confident in the conclusions we have drawn regarding the findings of this survey. For further information on the methodology adopted in this survey, please see Appendix A below.

The report is divided into four chapters. Chapter 1 provides background information on the profile of individuals who responded to this survey. Chapter 2 explores the impact of the cuts on the retention and development of expertise in the areas of law currently funded by legal aid. Chapter 3 examines the impact of the cuts on the clients currently served by providers of legal aid funded civil law, with a particular focus on evaluating the veracity of arguments linking the cuts to legal aid with the development of “advice deserts” in parts of the UK. Chapter 4 discusses the impact of the cuts on the legal profession, with particular reference to the potential impact of reforms on the regulatory objectives specified within the Legal Services Act 2007. It also examines the ways in which the agencies and businesses that respondents work for are changing and adapting as a result of the cuts, and aims to explore some of the cultural shifts that may be said to be taking place in response to having to source alternative funding streams.

¹ “Legal Aid Reform in England and Wales: The Government Response” June 2011: p7

Chapter 1: State of the Sector Survey- Who responded?

Overview

- In total, 674 individuals took part in the survey.
- The majority of respondents currently work in the not-for profit sector, although a significant proportion work in private practice.
- The majority of respondents gave their location as either London and the South East or the North of England.
- The majority of respondents (61.8%) are female.

1.1 Respondents by current role

In total 674 people took part in the survey. The majority of these respondents provided data on their current role. Of those respondents who were willing to share this information (599), the majority described their current role as that of Specialist Adviser (38.9% of total respondents). The next most popular category was that of Solicitor (which, if calculated including those who describe themselves as Solicitor (higher rights) constitute 26.4% of the overall sample).

Table 1: Participants by Current Role

Current Role	Total
Barrister	4.0%
Business support	4.0%
Director/CEO/Manager	7.9%
Generalist Adviser	3.8%
Other (please specify)	2.0%
Paralegal	4.0%
Solicitor	25.2%
Solicitor (higher rights)	1.2%
Specialist Adviser	39.0%
Supervisor	0.5%
Trainee Solicitor	4.8%
Unpaid Volunteer Adviser	3.4%
Grand Total	100%

1.2 Respondents by current employer

Table 2 below shows the organisations that respondents identified themselves as working for. Of those respondents who provided data on their current employer (599) the majority identified themselves as working for Citizens Advice Bureaux, with private practice proving the next most popular choice.

Table 2: Participants by Employer

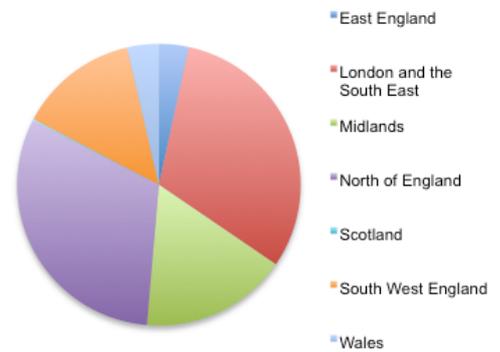
Employer	Total
Charity	2.7%
Citizens Advice/CAB	35.7%
Independent Advice Agency	9.4%
Local Authority	1.8%
Law Centre	8.5%
Private Practice	34.2%
Shelter	4.7%
Other	3.0%
Grand Total	100%

1.3 Respondents by location

Table 3 below shows the geographical spread of those who responded to the survey. Of the total sample who provided this information (416 respondents), the majority gave their current location as the North of England (31.25%) or London and the South East (31.2%).

Table 3: Respondents by location

Respondents by location	
North of England	31.2%
East of England	3.4%
Midlands	16.8%
London and the South East	31.2%
West of England	13.4%
Wales	3.6%
Scotland	0.2%
Grand Total	100%



1.4 Respondents by gender and ethnicity

Table 4 below shows the breakdown of respondents according to gender and ethnicity. Of those individuals who provided this data (410) the majority were female and would describe themselves as White British.

Table 4: Participants by ethnic origin and gender

Ethnic origin	Female	Male	Grand Total
Asian/Asian British	15	7	22
Black/African/Caribbean/Black British	2	5	7
Mixed/Multiple ethnic groups	4	2	6
Other (please specify)	9	14	23
Prefer not to say	4	5	9
White British	225	118	343
Grand Total	259	151	410

Chapter 2: The impact of LASPO cuts on expertise in areas of legal aid funded civil law

Overview

- One in three respondents identify as being at risk of redundancy as a result of the cuts. In addition, large numbers of respondents also reported greater job insecurity (235 individuals/34.9%), longer unpaid hours (89 individuals/13.2%), and reductions in the legal services provided by their organisation (115 individuals/17.1%) as a result of the cuts.
- Those who have worked in the sector for over ten years are worst affected by the risk of redundancy. Next worst affected are those who have worked in the sector for between 4-7 years.
- Specialist Advisors are worst affected by the risk of redundancy.
- Expertise in the areas of law that have traditionally been referred to as “Social Welfare Law” (Debt and Money, Employment, Housing and Welfare Benefits), is most threatened as a result of the cuts.

2.1 Introduction

This chapter of the report is devoted to exploring the impact of the funding cuts on the individuals who responded to the survey, with particular reference to exploring the proportion of the sample who reported being at risk of redundancy, subject to reduced paid hours or that their agency will be offering reduced services. This chapter is particularly concerned with exploring the existing level of expertise in legal aid funded law possessed by respondents to this survey, and modelling the impact of the cuts introduced by LASPO on the retention of this expertise within the sector.

2.2 Respondents, reduced paid hours and risk of redundancy

Of a total sample of 674 respondents, 194 reported being at risk of redundancy as a result of the cuts. This equates to nearly one in three respondents. The most affected by the risk of redundancy are Specialist Advisors who have worked in the sector for over 10 years, shortly followed by Specialist Advisors who have worked in the sector for 4-7 years. Specialist Advisors who have worked in the sector for over 10 years are over-represented in terms of those at risk of redundancy, individuals in this group make up 17.9% of the total respondents but account for 29.4% of those at risk of redundancy.¹ Those Specialist Advisors who have worked in the sector for between 4-7 years are also disproportionately affected by the risk of redundancy: individuals in this group constitute 11.9% of the total sample but 19.6% of those at risk of redundancy. The profile of those respondents at risk of redundancy is displayed below at Table 5:

Table 5: Respondents at risk of redundancy

Current role	Length of time spent in sector					Grand Total
	<1 year	1-3 years	4-7 years	8-10 years	10 years plus	
Barrister			1			1
Generalist Adviser		1	1		1	3
Other (please specify)	2					2
Paralegal			1	1	2	4
Solicitor		5	10	3	14	32
Solicitor (higher rights)				1	1	2
Specialist Adviser		12	38	18	57	125
Trainee Solicitor		2	1		1	4
Unpaid Volunteer Adviser			1			1
Business Support		2	1	2	4	9
Director/CEO/Manager			2	1	7	10
Supervisor					1	1
Grand Total	2	22	56	26	88	194

¹ A difference of plus or minus 5% between the proportion of the total sample reporting a given characteristic and the proportion of respondents with that characteristic in a particular category is regarded as statistically significant.

Table 5a below displays the profile of respondents who reported as being subject to reduced paid hours as a result of the cuts. Specialist Advisers are significantly over-represented in this group: 39.0% of the total sample gave their current role as that of Specialist Adviser, whilst 59.6% of those who reported being subject to reduced paid hours list their occupation as Specialist Adviser.

Table 5a: Respondents reporting as subject to reduced paid hours

Role	Length of time spent in sector					Grand Total
	<1 year	1-3 years	4-7 years	8-10 years	10 years plus	
Barrister			1	1	3	5
Other (please specify)	1					1
Paralegal	1				1	2
Solicitor		1	6	2	7	16
Solicitor (higher rights)					1	1
Specialist Adviser		3	14	6	30	53
Trainee Solicitor					1	1
Unpaid Volunteer Adviser	1					1
Business Support		1	1			2
Director/CEO/Manager			2		4	6
Supervisor					1	1
Grand Total	3	5	24	9	48	89

Table 5b below displays the number of respondents who reported that, as a consequence of the cuts, they would be reducing the categories of law in which they practise. Solicitors are over-represented within this group: those who describe themselves as Solicitors constitute 25.2% of the total sample but represent 32.2% of those who describe offering legal services in a reduced number of areas of law as an impact of the cuts.

Table 5b: Respondents reporting a reduction in the categories of law in which they provide advice and representation

Role	Length of time spent in sector					Grand Total
	<1 year	1-3 years	4-7 years	8-10 years	10 years plus	
Barrister		1		1	2	4
Generalist Adviser		3	1			4
Other (please specify)	1		2			3
Paralegal	2					2
Solicitor		1	14		22	37
Solicitor (higher rights)			1	1	2	4
Specialist Adviser		7	14	9	14	44
Trainee Solicitor		7				7
Business Support				2	1	3
Director/CEO/Manager			2	1	1	4
Supervisor				1	2	3
Grand Total	3	19	34	15	44	115

2.3 LASPO and expertise: Why focus on expertise?

“Over the past ten years we have developed an expertise in specialist welfare benefits casework that is highly regarded by the community. We have a specialist Polish speaking national who has developed expertise in right to reside cases. We are relied on by mental health professionals, GP’s and other agencies to take referrals for clients with complex needs. Our work load and demand for our service is at an all time high...the majority of our caseload involves an appeal and tribunal representation”

Retention of expertise may be considered vital to ensuring the ongoing efficacy of advice and representation in civil law matters. As such, it is a matter of critical importance to individuals with civil law problems. As one respondent stated: *“There have been so many recent changes in social welfare law: benefits, housing etc that even the most experienced lawyers are having to wade through waves of legislation [to understand them]. . . people in a crisis need. . . face to face advice, a human for a human problem, they are not buying an insurance policy on the phone.”*

In addition, the current system of legal education and training relies to a certain extent on individuals acting as expert mentors to their junior colleagues (most explicitly, during the pupillage or training contract stage). If individuals with high levels of expertise are removed from the profession, the sustainability of this model of training is brought into question. As such, the loss of expertise threatens to undermine the standard of advice and representation provided by individuals in the areas of civil law currently funded by legal aid, both immediately and in the future. Decline in expertise in these areas of law may be the lasting legacy of the cuts introduced by LASPO.

2.4 How much expertise is enough?

The importance of competition within the market for legal services has been alluded to in several pieces of legislation. The Access to Justice Act 1999 Section 25(3) stated that the Lord Chancellor has an explicit duty to have regard to the need to ensure that there is a sufficient supply of competent providers when setting remuneration rates. The Legal Services Act 2007 Section 1(1) (e) sets as a regulatory objective: “promoting competition in the provision of services”. As such, ensuring that there are multiple providers of good quality legal advice and representation in civil law matters, accessible to individuals with civil law problems, may be seen to be critical in fulfilling the obligations imposed by successive pieces of legislation.

2.5 Defining expertise

Expertise has proved a difficult concept to define, and as such, not readily amenable to empirical measurement. The Oxford English Dictionary defines expertise as “expert skill or knowledge in a particular field”. Other authors writing on professional competence have attempted to provide a more holistic account of expertise that promotes an understanding of the concept as a “way of being” or mode of practice (Sandberg and Pinnington, 2009). Whilst arguably more accurate as a means of understanding expertise, these models are difficult to operationalize in such a manner as to render the study of expertise possible within the context of a survey of this length.

For the purposes of this study, in attempting to measure the expertise of respondents across the various areas of civil law currently funded by legal aid, the variables used were those of “length of time spent working in the sector” and “highest level of qualification gained” as well as information about the participants’ current role, where provided. A further indicator of expertise used was the possession of the LSC Supervisor Standard in a given area of law: further explanation of this is provided later in the chapter.

As part of the survey respondents were asked to select from a range of options all the qualifications that they possessed. These qualifications were awarded a score according to the categories and guidance contained within the Office for National Statistics census (2011) supplemented by the QAA Framework for Higher Education Qualifications in England, Wales and Northern Ireland in order to differentiate between higher level qualifications (see Table 6 adjacent).

Table 6: Qualifications by Census/FHEQ level

Answer Options	Census/FHEQ Score
Qualified Barrister	8
Qualified Solicitor	8
Legal Practice Course	7
BPTC or BVC/LSF	7
Graduate Diploma in Law or CPE	7
Postgraduate degree in Law	7
Other postgraduate degree	7
Undergraduate law degree	6
Other undergraduate degree	6
DRO accredited intermediary	-
ILEX qualification	3 or 6 depending on level specified by respondent
OISC accreditation	1/2/3 depending on level specified by respondent
A- Levels	3
None	0

2.6 The level of expertise amongst respondents

The majority of individuals who responded to the survey possessed a great deal of expertise. Table 7 below demonstrates that the majority of participants (60.8%) have worked in the sector for over 4 years and possess a highest qualification at Level 6 or above (undergraduate degree or equivalent).

Table 7: Expertise of respondents

Highest level of qualification	Length of time spent in sector					Grand Total
	10 years plus	8-10 years	4-7 Years	1-3 Years	< 1 year	
No Qualifications	18	4	7	8	1	38
Level 3 Qualification	49	9	31	7	1	97
Level 6 Qualification	57	14	29	12	8	120
Level 7 Qualification	43	17	32	41	18	151
Level 8 Qualification	91	27	54	18	3	193
Grand Total	257	71	152	86	31	599

2.7 The impact of the risk of redundancy on expertise within the sector

Table 8 below displays the level of expertise of the 194 individuals who reported being at risk of redundancy as a result of the cuts.

Table 8: Impact of the risk of redundancy on level of expertise

Highest level of qualification	Length of time worked in sector					Grand Total
	10 years plus	8-10 years	4-7 years	1-3 years	< 1 year	
No Qualifications	6	1	5	3	1	15
Level 3 Qualification	18	5	15	3		41
Level 6 Qualification	23	5	9	3		39
Level 7 Qualification	24	7	16	7	1	55
Level 8 Qualification	17	8	11	6		42
Grand Total	88	26	56	22	2	194

Those who have worked in the sector for over ten years are more affected by the risk of redundancy than those in any other group: people who have worked in the sector for this length of time represent just under half (45.3%) of all those at risk of redundancy.

Individuals who have worked in the sector for between 4-7 years are the second most affected

group, respondents in this category constitute 28.8% of the total of those at risk of redundancy. This is troubling for the sector as those who have spent between 4-7 years in the sector represent a significant investment in terms of training on the part of their employers.

The majority of individuals who reported being at risk of redundancy have spent over 4 years working in the sector and possess a highest qualification at Level 6 or above. Respondents who fit this profile constitute 61.8% of the total of those at risk of redundancy.

2.8 Job title, expertise and the impact of the cuts

Any consideration of the impact of the cuts to legal aid on expertise must reference the differential impact on individuals with different roles within the sector. An individual's job title, in so far as it reflects the possession of certain skills or technical knowledge, may be considered an indicator of the level of expertise possessed by a given respondent. However, it is important not to use job title as a proxy for expertise in isolation from other factors, particularly, length of time spent working in sector; for this reason, Table 9 below presents the impact of the risk of redundancy on respondents according to both job title and length of time spent in sector.

Table 9: Impact of the risk of redundancy on different roles within the sector

Current Role	10 years plus	8-10 years	4-7 years	1-3 years	< 1 year	Grand Total
Barrister			1			1
Business support	4	2	1	2		9
Director/CEO/Manager	7	1	2			10
Generalist Adviser	1		1	1		3
Other (please specify)					2	2
Paralegal	2	1	1			4
Solicitor	14	3	10	5		32
Solicitor (higher rights)	1	1				2
Specialist Adviser	57	18	38	12		125
Supervisor	1					1
Trainee Solicitor	1		1	2		4
Unpaid Volunteer Adviser			1			1
Grand Total	88	26	56	22	2	194

As Table 9 above demonstrates, the majority of those at risk of redundancy are Specialist Advisers who have worked in the sector for over 4 years. Individuals who satisfy these criteria constitute 58.2% of all those at risk of redundancy. Specialist Advisers who have worked in the sector for over 1 year represent 64.4% of all those at risk of redundancy. The next largest group by proportion at risk of redundancy are qualified Solicitors who have worked in the sector for over 1 year: they comprise 17.5% of the total at risk of redundancy.

Information Box 1: What is a “Specialist Adviser”?

The term “Specialist Adviser”, whilst well known and understood within the sector, is perhaps not as widely comprehended by those who do not work in legal aid funded law.

Specialist Advisers are tasked with providing advice and representation on complex issues in a particular area of law. Depending on the area of law they specialise in they may be required to provide representation for clients at tribunals (e.g. if a Specialist Adviser in Welfare Benefits law, they will be tasked with representing clients at Social Security Appeal Tribunals). They are required to take part in on going training and to maintain an up to date knowledge of relevant changes in law and policy in their area. They are usually required to meet the LSC Supervisor Standard in their area of law (see below for further information). They are also tasked with carrying out file reviews and providing casework supervision as needed.

Whilst the pre-requisites for gaining employment as a Specialist Adviser may vary between employers, in general, applicants will be asked to demonstrate a minimum of two years full time experience of providing specialist level casework in order to be considered. This must include experience of preparing submissions and representing at tribunals. They must evidence thorough technical legal knowledge in their area of law, and understanding of professional advice standards including conflict of interest and client confidentiality. Specialist Advisers often possess legal qualifications.

Table 10 below demonstrates that within the sub category of Specialist Advisers at risk of redundancy, the majority (65.6%) hold qualifications at Level 6 or above. Overall, 70.6% of all those who stated that they were likely to be made redundant as a result of the cuts report having a highest qualification at Level 6 or above.

Table 10: Impact of the risk of redundancy on different roles by highest level of qualification

Current Role	Highest level of qualification					Grand Total
	None	Level 3	Level 6	Level 7	Level 8	
Barrister					1	1
Business support	2	3	1	3		9
Director/CEO/Manager	2	3	3	2		10
Generalist Adviser			2	1		3
Other (please specify)	1			1		2
Paralegal		2	2			4
Solicitor					32	32
Solicitor (higher rights)					2	2
Specialist Adviser	11	32	31	44	7	125
Supervisor			1			1
Trainee Solicitor				4		4
Unpaid Volunteer Adviser		1				1
Grand Total	16	41	40	55	42	194

2.9 Impact of the risk of redundancies on expertise across different areas of law

A further indicator of expertise in the areas of civil law currently funded by legal aid is possession of the LSC Supervisor Standard in a given area of law. For more information on the LSC Supervisor Standard see Information Box 2 below.

Information Box 2: What is the LSC Supervisor Standard?

The LSC Supervisor Standard was introduced as a component of the Specialist Quality Mark Standard ("SQM") in 2002. The SQM is an organisational standard that can be applied to any legal services provider operating a specialist service. Compliance with the SQM or other recognised legal quality standard (e.g. Lexcel) is a prerequisite of legal service providers that hold a contract with the Legal Services Commission for providing legal aid funded legal services.

In order that an organisation be awarded an LSC contract, they must demonstrate that the individuals they nominate as supervisors meet standards in relation to technical legal competence, measured by demonstrating that they have experience in their category of law of 1050 hours over the preceding three years if employed on a full time basis or over five years if part time. For some areas of law there is a requirement that supervisors have worked on specific types of cases.

In some categories, for example family and mental health, supervisors must be members of a specialist panel as well as providing evidence of 350 hours case involvement over the preceding 12 months.

The role of a supervisor is to oversee the work of caseworkers in a given category of law and to assume overall responsibility for the quality of work produced by their team. They are required to be physically present in the office for sufficient time to demonstrate effective supervision, and are also subject to minimum Continuing Professional Development requirements (six CPD hours or equivalent per year)

In the most recent guidance published by the LSC in May 2012, it is specified that supervisors must also meet one of three supervisory skills standards; either (a) assessed as working at Level 3 or higher (within the NVQ framework) in relevant elements of the national standards or, (b) have completed training covering key supervisory skills in the 12 months immediately preceding the SQM application or (c) be able to demonstrate experience as an effective supervisor (covering supervision of all of the work being done in the department) of at least one full-time member of staff or equivalent for at least one year in the last five years.²

Table 11 adjacent demonstrates the impact of the risk of redundancy on the provision of advice and representation by individuals who hold the LSC Supervisor Standard in a given area of law. This demonstrates that the majority of respondents who satisfy the LSC supervisor standard and are at risk of redundancy satisfy the standard in the areas of Debt and Money, Welfare Benefits and Housing.

2.10 Compounding the expertise loss: redundancy and individuals with expertise in a number of areas of law

It is possible to attain the LSC supervisor standard in more than one area of law simultaneously (Table 12a adjacent will explore the impact of the risk of redundancy on respondents who hold the LSC supervisor standard in more than one category of law in more detail). This means that the loss of one individual from the sector can equate to a loss of expertise in not one, but multiple areas of law.

Table 12 adjacent provides information on the numbers of respondents by role who satisfy the LSC Supervisor Standard in more than one area of law. Whilst the majority of respondents who reported satisfying the LSC Supervisor Standard do so in only one area of law, a significant proportion satisfy the Standard in two or three areas of law.

Table 12a adjacent demonstrates the impact of the risk of redundancy on individuals who satisfy the LSC Supervisor Standard in one or more areas of law.

² LSC Specialist Quality Mark Standard, May 2012 per D3.2

Table 11- Impact of the risk of redundancy respondents who satisfy the LSC supervisor standard

	Supervise Debt and Money	Supervise housing	Supervise Community care	Supervise Immigration and Asylum	Supervise Public Law	Supervise Discrimination	Supervise Welfare Benefits	Supervise Employment	Supervise Mental Health	Supervise Family	Other (please specify)
Barrister		1	1								
Business support	6	4		1			6	3		1	1
Director/CEO/Manager	5	4					5	1		1	
Generalist Adviser	1	1									
Other (please specify)				1			1				
Paralegal		1		1			1	1			1
Solicitor	2	9		1	1	4	5	4	1	10	3
Solicitor (higher rights)		1			1					1	
Specialist Adviser	56	24	1	4		3	46	13		1	2
Supervisor											
Trainee Solicitor			1	1							
Unpaid Volunteer Adviser							1				
Grand Total	70	45	3	9	2	7	65	22	1	14	7

Table 12: Number of areas of law in which respondents satisfy LSC Supervisor Standard

Current Role	Number of areas of law in which satisfy the supervisor standard							
	1	2	3	4	5	6	7	Grand Total
Barrister	4	2					1	6
Business support	1	1	3	1		1		7
Director/CEO/Manager	2	4	2	1				9
Generalist Adviser	1	1	1		1			4
Other (please specify)	5	1						6
Paralegal	4	2						6
Solicitor	72	15	4	1		2		95
Solicitor (higher rights)	5	1						6
Specialist Adviser	140	33	7	2				182
Supervisor	1	1						2
Trainee Solicitor	4		1					5
Unpaid Volunteer Adviser	1							1
Grand Total	240	61	18	5	1	3	1	329

Table 12a: Impact of the risk of redundancy on individuals who satisfy the LSC Supervisor Standard in multiple areas of law

Role	Number of areas in which supervisor standard met					
	1	2	3	4	6	Grand Total
Barrister		1				1
Business Support		1	3	1	1	6
Director/CEO/Manager			3	2	1	6
Generalist Adviser			1			1
Other (please specify)		2				2
Paralegal			2			2
Solicitor		20	7	1		28
Solicitor (higher rights)		1	1			2
Specialist Adviser		80	24	4	2	110
Trainee Solicitor		2				2
Unpaid Volunteer Adviser		1				1
Grand Total		106	40	10	4	161

Of those respondents who satisfy the LSC Supervisor Standard and are at risk of redundancy, the majority satisfy the standard in only one area of law.

Specialist Advisers who satisfy the Supervisor Standard in one area of law are the worst affected by the risk of redundancy of any group, comprising as they do 41.2% of the total respondents who reported as being at risk of redundancy (80 out of 194 respondents). However, those who advise in two areas of law are also adversely affected by the risk of redundancy, representing as they do 12.4% of the total number of individuals who are at risk.

Of those who meet the standard in more than one area of law and are at risk of redundancy, 98.2% meet the LSC Supervisor Standard in a combination of areas of law that includes either; Housing, Debt and Money, Employment or Welfare Benefits; the areas traditionally referred to as Social Welfare Law. 93.3% of the individuals who advise in more than two areas meet the Supervisor Standard in an area of law classed as Social Welfare Law (for a detailed breakdown please see Appendix C Table 1)

Of those who are at risk of redundancy and meet the Supervisor Standard in one area of law, 84.9% meet the supervisor standard in Debt and Money, Employment, Welfare Benefits or Housing. Table 12b below shows the respondents who reported that they were at risk of redundancy and would not be seeking new employment in the legal sector by the areas of law in which they currently meet the LSC Supervisor Standard.

Table 12b: Expertise of respondents not seeking new employment in sector

Supervisor Standard Attained	No. of respondents	Supervisor Standard Attained	No. of respondents
1	43	Housing, Family	2
Debt and Money	18	Housing, Public Law	1
Employment	4	Welfare Benefits, Employment	1
Family	6	3	5
Housing	8	Debt and Money, Housing, Welfare Benefits	4
Immigration and Asylum	2	Public Law, Mental Health, Family	1
Welfare Benefits	5	4	3
2	15	Debt and Money, Housing, Welfare Benefits, Employment	2
Debt and Money, Discrimination	1	Housing, Immigration and Asylum, Welfare Benefits, Employment	1
Debt and Money, Employment	1	6	1
Debt and Money, Housing	2	Debt and Money, Housing, Immigration and Asylum, Welfare Benefits, Employment, Family	1
Debt and Money, Welfare Benefits	2	Grand Total	67
Discrimination, Employment	2		
Employment, Family	1		
Housing, Community Care	1		
Housing, Employment	1		

From this discussion it is possible to conclude two things. Firstly, that expertise across the areas of Social Welfare Law is at risk compared with expertise in other areas of law. Secondly, those with expertise in areas of Social Welfare Law often possess expertise in other areas of law, which will be lost as a result of their being made redundant. This phenomenon may be said to exacerbate or compound the loss of expertise from the sector as a whole. Chapter 3 will now consider what this loss of expertise may mean for the clients who currently have need of the services provided by the sector, and those who may need them in the future.

Chapter 3: The impact of LASPO on current and future clients

Overview

Respondents reported that the impact of the cuts introduced by LASPO will not be distributed equally across geographical regions, with respondents from areas outside of London and the South East suffering disproportionately.

Advice Deserts

Within the sample surveyed, the Midlands is over-represented in terms of numbers of services under threat of closure. The number of respondents citing as a likely impact of the cuts the closure of their service within the next two years is greater than would be predicted on the basis of the number of respondents from this area.

The reduction in availability of advice in the North of England is likely to be compounded by service closures and the reduction in availability of specialist advice. Of those who reported that their agency was likely to experience closure in 2013, reduction in specialist casework or cessation of specialist casework entirely, one in three stated that their agency was located in the North of England.

Respondents from the South West of England were over-represented in expressing that the cuts to Legal Aid would result in their service ceasing to offer specialist advice to clients.

Impact on the most vulnerable

Participants commented on the impact of the legal aid cuts on clients located in rural areas, who would have to travel further using expensive public transport to access legal advice.

Many respondents were concerned about the impact of the changes on children and vulnerable clients. Also reported were concerns that the most vulnerable may be at risk of exploitation as a result of the cuts.

Respondents highlighted inadequacies in the proposed new delivery methods for advice services, particularly the shift to an emphasis on “self help” and telephone advice lines.

3.1 Introduction

This chapter presents the data provided by respondents on the impact of the cuts introduced by LASPO on their current and future clients.

3.2 The impact on existing clients

“It seems to me, (regardless of the fact that I will be losing my job) that these cuts are going to hit the most vulnerable at the very times that they will need our help the most”

The survey revealed a sector that is struggling to minimise the impact of the changes on its existing clients. Table 13 below shows that the overwhelming majority of respondents reported that they would be continuing to work on the cases of all their current clients until they came to a natural end.

Very few respondents stated that they were able to pass files on to other agencies. Those who stopped taking on new legal aid funded cases in advance of the changes reported difficulties in referring clients that they could no longer assist to other agencies. One respondent commented: *“Having stopped taking on new legal aid cases in February 2012 we are very aware of the fact that there is now insufficient provision for Public Law (Care) clients in our area. We previously offered Public Law in two towns. In one, there is now just one provider offering this type of service (from a Legal Executive who has limited experience). As most cases involve at least two lay parties, this means that very vulnerable parents are having to travel for advice, which can be very difficult. When trying to refer on we are hearing that those solicitors who do offer legal aid often have waiting lists for new clients”.*

Many respondents highlighted the lack of public awareness regarding the changes and expressed concerns about explaining these to their clients. One respondent stated: *“It will be very*

difficult to explain the changes to our client group, who, understandably, care little for the detail of our funding arrangements.” Another respondent commented: “I worry for the general public, they do not quite appreciate the impact of the cuts. Despite how many people we tell, there are many who will be surprised by it. The new rules are still so unclear- we cannot even advise people whether they will be eligible come April”.

Table 13: The impact on current clients

How are you planning to finish on-going cases?	East England	London and the South East	Midlands	North of England	Scotland	South West England	Wales	Not stated	Grand Total
Working all from April until they end naturally	3	74	32	72	1	32	6	1	221
Other (please specify)	6	24	24	24		5	1	3	87
Already closing down unfinished cases	2	10	4	9		5	3	2	35
Will be closing unfinished cases Jan - March	2	6		11		6	1		26
Will continue them under other funding		9	6	8			1		24
Unable to pass on so all will end in April.	1	6	3	4		9	1		24
Grand Total	14	129	69	128	1	57	13	6	417

3.3 The impact on future clients: reduction in availability of legal services

It is also interesting to examine the proportion of the sample by affected by the risk of redundancy across the different regions of the UK, compared with the proportion of respondents from a particular region overall. Figure 14 below demonstrates that respondents from the North of England are more affected by the risk of redundancy than the proportion of respondents from this area would suggest. Respondents from London and the South East are significantly less affected by the risk of redundancy than the composition of the overall sample would predict. Table 15 below summarises these findings.

Figure 14: Percentage of respondents by location compared with percentage of respondents at risk of redundancy by location

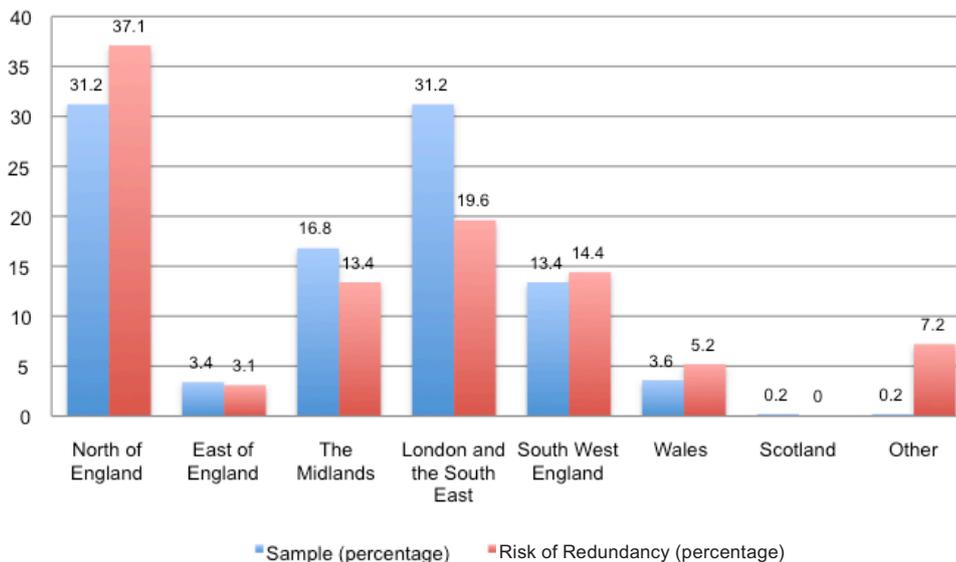


Table 15: Summary of results displayed in Figures 14

Respondents by location	% of sample by location	% of total redundancy by location	% difference
North of England	31.2%	37.1%	-5.9%
East of England	3.4%	3.1%	+0.3%
Midlands	16.8%	13.4%	+3.4%
London and the South East	31.2%	19.6%	+11.6%
South West England	13.4%	14.4%	-1.0%
Wales	3.6%	5.2%	-1.6
Scotland	0.2%	-	+0.2
Other	0.2%	7.2%	-7.0%
Grand Total	100%	100%	-

3.4 The impact on future clients

Of all respondents who chose to comment on the ways in which the cuts introduced by LASPO would impact on the services they helped to provide, the majority reported that the cuts would lead to a reduction in the ability to carry out specialist casework (see tables 16 and 16a below).

Of those respondents who reported that the future of their service over the next two years was uncertain, respondents from the Midlands were over-represented in terms of expressing this as an outcome of the cuts. Overall, respondents from the North of England were most likely to report that their service was very likely to close completely in the near future, half of respondents who stated that their service was likely to close in 2013 were located in the North of England. Respondents from the North of England were also over-represented in expressing that a likely consequence of the cuts would be reduced opening hours. One respondent commented: *"This service has reduced its open door session. The door is open 1pm-4pm weekdays except Thursday. The clients are restricted to gateway during the open door period. If it is deemed they need actual advice they are given an appointment to see an adviser, usually a week later."*

A number of respondents reported that as a result of the cuts, their agency would cease to provide specialist casework entirely. Respondents from the South West of England were over-represented in citing this as a likely outcome of the cuts.

Table 16: Impact of cuts on services by region

	East England	London and the South East	The Midlands	North England	South West England	Scotland	Wales	Grand Total
Specialist casework reduced	7	62	45	76	32	1	8	231
Could close in 2013-15	4	25	23	36	15	-	1	104
Specialist casework ends	4	19	17	35	19	-	4	98
Generalist Advice reduced	2	30	11	30	10	-	1	84
Reduced opening hours	1	13	8	24	6	-	2	54
Very likely to close completely 2013	1	5	2	13	3	-	2	26

Table 16a: Impact of cuts on services by region expressed in percentage terms

	East England	London and the South East	The Midlands	North England	South West England	Scotland	Hat Wales	Other	Grand Total
Specialist casework reduced	3.0%	26.8%	19.5%	32.9%	13.9%	0.4%	3.5%	-	100%
Could close in 2013-15	3.9%	24.0%	22.1%	34.6%	14.4%	-	1%	-	100%
Specialist casework ends	4.1%	19.4%	17.3%	35.7%	19.4%	-	4.1%	-	100%
Generalist Advice reduced	2.4%	35.7%	13.1%	35.7%	11.9%	-	1.2%	-	100%
Reduced opening hours	1.9%	24.0%	14.8%	44.4%	11.1%	-	3.7%	-	100%
Very likely to close completely 2013	3.9%	19.2%	7.7%	50.0%	11.5%	-	7.7%	-	100%
Total sample	3.4%	31.2%	16.7%	31.2%	13.4%	0.24%	3.6%	0.2%	100%

3.5 The disproportionate impact of the cuts to legal services on vulnerable clients

The majority of respondents expressed concerns relating to the cumulative impact of the cuts to legal services on already vulnerable clients. Whilst it is not possible in the space of this report to list all of the worries expressed by respondents, a number of common themes were discernible.

Many respondents expressed concerns regarding the ability of their clients to help themselves in the absence of face-to-face specialist advice. One respondent stated: *“ideas... seem to be veering towards “self help” guides, telephone advice etc... the majority of vulnerable people do not have the facilities to help themselves can’t they understand that?”* Highlighting the potential pitfalls and inadequacies of alternative models for delivering advice was a prominent theme uniting the comments of many respondents. Particularly implicated was the shift towards telephone based advice services, as one respondent observed: *“many of our clients do not speak good English and many others have learning disabilities and are unable to use a phone, especially as it goes through a system which asks them to press certain buttons before they are able to speak to someone. Those affected are our most vulnerable clients.”*

3.6 Defining vulnerable clients

“We are the only provider of specialist benefits and employment advice in the County...We currently deal with around 500 welfare benefits cases a year including large numbers of appeals across the whole range of welfare benefits...our clients are typically vulnerable for a number of reasons, for example physical and mental health problems, chaotic lifestyles, poor literacy and language skills, severe poverty and living in poor quality and insecure accommodation”

Individuals who responded to the survey identified a number of groups of people who they felt would be particularly vulnerable or at risk once the changes to legal aid funding took effect.

Many respondents highlighted the disproportionate impact of the cuts on individuals with irregular immigration status and their families. One respondent stated: *“The removal of immigration matter starts has definitely put more vulnerable or poor clients at risk of not regularising their status”*. The following response, reproduced in full, typifies the concerns of those who commented on this issue: *“The real mischief created by the Government cutting legal aid from immigration cases is the wholly disproportionate effect on immigrant children. The Home Office makes many legal and factual errors in its decision- making. Legal aid to protect the best interests and welfare of children is vital... [The Government] takes away legal aid funding...This means the impecunious client and the children of the client will be unable to access any legal advice on the (often complex) legal issues and more importantly be unable to gather evidence to demonstrate that removing/deporting the family/ individual will have a disproportionate effect on the child(ren). It is a disgrace and children will be removed or deported from the UK in breach of the law.”*

Other responses focussed on the impact on those with mental health problems. Many of those who responded voiced fears that in the absence of legal advice, individuals with these difficulties

would find themselves at risk of exploitation. One respondent commented: *“My current caseload includes many clients with mental health problems - my agency’s benefit work has forged links with many support agencies - and their clients, particularly those with mental health issues, struggle more than most with debt matters. There is a huge debt-collection industry rolling on - often harassing and misleading clients - if a collector can get a debtor to pay their debt, they have “won” - and they don’t care what else the client owes or how they can manage to live. For clients with disability, particularly those with mental health difficulties, this can be extremely distressing and can exacerbate their problems.”*

Also mentioned as being at particular risk were children, for whom the withdrawal of legal aid for private family law might mean losing contact with a parent. Respondents tended to focus on the impact of withdrawal of legal support for fathers seeking access to their children. One respondent stated: *“This will reduce access to justice for those most in need and will lead to a collapse in the court system through an increase in self representing persons who do not know how to conduct a case or prepare for a hearing. There will be many fathers losing contact with their children.”*

Those with chaotic lifestyles were also thought to be particularly at risk. A number of respondents referred to the impact on those who are homeless or vulnerably housed: *“The country has for years now had ‘advice deserts’; these can be expected to expand rapidly. There will be little if any help for the most disadvantaged when they are adversely affected by unlawful decisions of Local Authorities and Benefits Agencies. The homeless will find it particularly difficult to find expert advice.”* Individuals experiencing problems with drug addiction were also felt to be particularly at risk; *“A move towards online and call centre based advice services will not help the vast majority of clients I see who require liaising with their landlords or written advocacy at court. Would you want to go cold turkey, with a print off from a website, before defending yourself at a court hearing which could mean you lose your family home without knowing what your rights are and how to defend them? An advice service could tell you that. A website can’t, it can’t check your understanding.”*

Overview

The results of this survey have demonstrated that the women who responded to this survey are disproportionately affected by redundancy compared with their male counterparts. The most qualified women are those most affected. In light of the regulatory objectives set out in the Legal Services Act 2007 that relate to the promotion of diversity within the profession, this issue merits further research.

The results of this survey indicate that a large number of agencies are relying on the Advice Services Transition Fund to continue their activities in the short term. Further research is required to establish what long term measures are used to sustain operations.

Respondents have highlighted that the cuts to legal aid may have a significant impact on relationships between both individuals and agencies within the sector. Also discussed are the new service delivery models adopted by those who are engaged in providing advice as a result of the cuts. Respondents report having to adopt new strategies to prioritise their clients, and are concerned about the costs involved in developing systems to deal with clients who they are unable to help. This will have a significant impact on referral pathways within the sector.

4.1 The impact of cuts to legal aid funding on gender diversity in the legal aid funded sector

Within this sample it can be observed that the risk of redundancy created as a result of the cuts to legal aid funding has disproportionately affected women. Women who have worked in the sector for between 8-10 years and have a highest qualification at Level 8 are over-represented in terms of redundancy (for a detailed breakdown of these figures see Appendix C Table 2)

In fact, women with a highest qualification of Level 7 are over-represented in terms of reporting being at risk of redundancy amongst both those who have worked in the sector for 4-7 years and those who have worked in the sector for 1-3 years. This is an interesting finding and bears further research to understand whether this trend is replicated beyond this sample of respondents. The women who have worked in the sector the longest and have no qualifications are also greatly over-represented in terms of redundancy in comparison to their male colleagues.

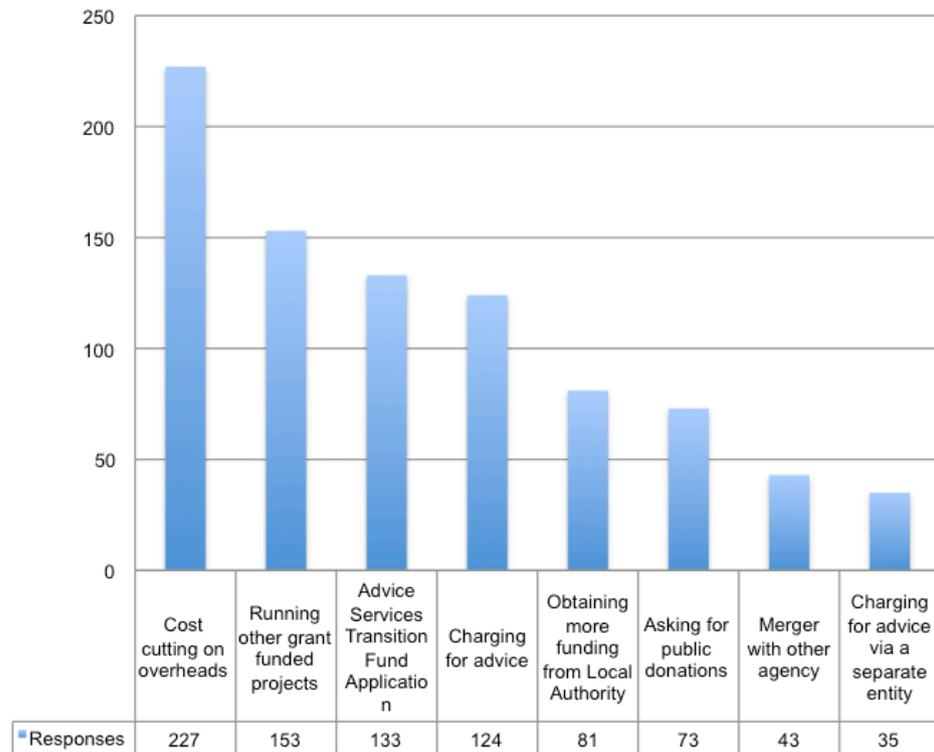
4.2 Responding to the cuts: What funding strategies are organisations adopting?

Figure 17 below displays the funding strategies respondents reported that their agencies were adopting in order of popularity. The options were not mutually exclusive, as it was expected that most agencies would adopt multiple strategies in order to maximise their available income. Of the options given, cost cutting on overheads proved to be most popular, many respondents specified that the overheads being cut included staff redundancies amongst support staff.

One respondent who worked as administrative support and was subject to redundancy as result of the cuts stated that: *“Our role can often be totally underestimated and we do provide support to the whole casework team and the general bureau”*. Other respondents working in the private sector reported that they were concerned about the rising costs of providing administrative staff to help deal with enquiries from clients who would no longer be eligible for legal aid under the new scheme: *“We are concerned about how we shall handle new client enquiries from clients no longer able to get legal aid but unable to pay anything for legal advice. This in itself will require a significant administrative overhead”*

Second most popular was running other grant funded projects to supplement income. It will be interesting to observe the impact of this model of sourcing funding on the services provided by those currently working in the sector, as they are likely to be required to alter their service delivery patterns in order to meet the requirements of funders.

Figure 17: Funding strategies adopted by organisations in response to the cuts



4.3 The Advice Services Transition Fund

Applying to the Advice Services Transition Fund as a means of sustaining income also proved popular amongst respondents. 53.2% of respondents from not-for-profit organisations who provided information on their organisation’s ongoing funding strategies stated that their organisation would be making an application to this fund (either as their sole strategy for securing ongoing funding or in combination with other approaches). The Advice Services Transition fund consists of £65million worth of funding provided by the Cabinet Office and the Big Lottery Fund. Funding grants of between £50,000 and £350,000 are available to partnerships of local not-for-profit advice providers who can work together to deliver advice. Partners must be organisations that provide free advice, help and support to people about their rights and responsibilities. The aim of the fund is to: “...help the not-for-profit sector transform and adapt to a new funding environment by renewing its service models to reduce duplication, measure the difference services can make to people’s lives and bring providers together to be more efficient and effective.” The fund also has the aim of making the independent advice sector: “more enterprising and business minded”. Only 25% of a grant can be used to fund direct service delivery, the rest must be used to “...develop new ‘direct delivery’ channels, improve services and become more enterprising”.

A number of respondents expressed scepticism regarding the application process for grants from the fund; one respondent commented: “There seems to have been many large scale speculative bids from big organisations with little experience and no presence in many areas.” Another stated: “...the only way to do legal aid work now is in high volume with low paid staff, client care is hard to maintain under such circumstances”.

However, the effect of these criteria on the models of service delivery developed by those who are awarded grants is yet to be seen, and research into the efficacy of these models is needed as they emerge.

4.4 Charging for advice and representation

Charging for advice was also cited as a strategy adopted by a significant number of respondents. For those respondents who provided information on the funding strategies to be adopted by their agency post the introduction of the LASPO cuts and stated that they currently work in the not for profit sector, 17.7% stated that their ongoing funding strategy included a move to charging for advice. It is as yet unclear what this will mean for existing clients of these agencies. One respondent commented: “As the LSC will continue to fund some areas of law the organisation

I currently work for is using contacts made during the CLAC period and will be opening a private solicitors office. The areas of law not funded by the LSC will be totally ignored by them: in this time of austerity there will be a significant reduction of debt advice in the city. My concern is what happens to our very vulnerable clients requiring our assistance.” Depending on how this is implemented, the move to a charging model could have drastic implications for the sector and the individuals it currently serves. For many not for profit providers, this would mark a departure into unknown territory. The ramifications of this for the sector are yet to be observed, but are likely to prove a fruitful area for further research.

4.5 Changing dynamics within the sector

4.5.1 “Market driven” approaches encroaching on relationships within the sector

Many respondents chose to comment on the way in which the cuts introduced by LASPO are affecting the dynamics between actors within the sector. A number of respondents raised concerns about the negative impact of the cuts on competition within the sector, and also, on the ability of organisations to offer pro bono advice: *“... many [not for profit organisations and solicitors] will not be viable on the number of matter starts given. The reduction in fees and work are likely to make practice unsustainable and will (already has) lead to a reduced inclination to do matters pro bono. Solicitors firms that survive will have economy of scale leading to reduced (in some areas no) choice in representation. It is the antithesis of access to justice”*. Many individuals who had previously offered their services for free reported that the cuts introduced by LASPO had required them to re-evaluate whether they will continue to do so: *“I have been an adviser for 18 years. I have started an independent internet based advice based company for which I write guides and provide web based advice for free. I might charge for this service at a later date”*

Many respondents commented on the way in which these cuts are forcing organisations and the individuals who work for them to re-evaluate the way in which they provide advice, with financial concerns driving the way in which services are delivered. One respondent commented: *“Legal aid has been on a slippery slope for the last ten years... It's a service that is increasingly hard to make a profit from and once that becomes too difficult and/or the returns reduce to a point where the effort to profit ratio makes doing the work too demoralising people- good experienced people- will give up... The returns are ever diminishing and there is only so long quality lawyers will put up with doing such work. The level of personal commitment to, say, social welfare law, needs to be massive to have anything to do with it. That has been the case for a while.”* Another respondent commented: *“The [agency] will only take on projects which cover their own costs, regardless of client demand for them to support the core, generalist, volunteer led advice”*

4.5.2 Pressure on volunteers

Many respondents expressed concerns regarding the way in which changes to the sector would impact on volunteers who were tasked with undertaking work that would previously have been completed by staff members. One respondent stated: *“The voluntary sector simply cannot be expected to pick up these cases because volunteer advisors do not have the skills or expertise to deal with these cases, and there is no funding for specialists”*. A further frequently expressed concern was the impact that the decline in full time specialist staff would have on the ability to supervise and support those volunteers delivering frontline advice: *“At the law centre where I do voluntary work, demand for legal services is greater than ever. However, there is insufficient funding to cover the cost of all the paid advisers who would be needed, and the level of support which can be provided by volunteers is limited. There is consequently insufficient manpower to cover all those in need of help.”*

The combined impact of having to deal with increasingly complex issues and highly distressed clients with little support from experienced staff was of concern to many respondents, who were worried that volunteers would simply cease to offer their time: *“Many skilled and experienced people will be lost from the advice sector and because of that the pressure placed on the volunteers will increase to a point where volunteers will no longer offer their services.”* It will be important to explore whether these concerns materialise as the cuts take effect.

4.5.3 Early intervention

Many respondents expressed consternation that the nature of those cases funded by what remains of civil legal aid inhibits the ability of legal service providers to intervene at an early stage to resolve their client's problems, to the detriment of both clients and staff. One respondent stated: *“With an... increase in demand, an inability to tackle cases at an early stage because of scope*

changes and an overall reduction in capacity, our staff will be dealing with more urgent cases and a greater number of even more desperate clients.” Another respondent commented: “We have always focused on the best outcome for the client which means trying to resolve problems/issues as quickly and at as earlier a stage as possible now it’s ‘how do we get this case onto a certificate?’ This means dealing with more emergencies rather than helping people to empower themselves by resolving issues sooner. This will ultimately mean an increase in cost. . . For example rather than being able to deal with housing benefit issues clients will have to wait until rent arrears possession before we can help. More homelessness means more cost to the public purse. It will affect morale within the sector who are being forced to prioritise income over clients, but most importantly clients who will be denied timely access to justice”

4.5.4 Passion and resilience

Comments provided by respondents captured the spirit of a sector that, though beleaguered, is determined to continue to support as many clients as possible. One respondent epitomised the sentiment expressed by many in stating that he/she was: *“Dismayed and despondent but not out”*. Another participant commented: *“LASPO is a disgraceful piece of legislation. I will continue to support my clients through community groups and activism. Leaving them without the advice they desperately require is unconscionable.”*

Appendix A: Methodology

Survey design

The survey was targeted at individuals who are currently working in legal aid funded civil law (or who have recently left the sector as a result of the cuts introduced by LASPO). Questions were divided into four sections; Section 1 was designed to gather information about participant's level of qualification and length of time spent working in the sector, Section 2 required participants to discuss the nature of the legal aid funded work that they currently undertake, Section 3 asked respondents to comment on their future career prospects and prompted discussion of the impact of the cuts to legal aid on both their role as individuals and the future of the organisations they work for. Section 4 was designed to collect demographic data on the respondents.

The design of the survey was an iterative process. A set of structured questions were created by Natalie Byrom before being shared with members of both illegal and the Centre for Human Rights in Practice, who provided comments and feedback. This review ensured the validity of the coverage of questions included in the survey by

- a. Checking that the questions included all of the key issues under research and excluded any issues that were not
- b. Checking that the questions were suitable for testing given hypotheses
- c. Checking that the questions were suitable for making generalisations to the survey population

A number of these comments and suggestions were then incorporated into the questionnaire design, and the survey piloted, before the questions and survey design were finalised.

The survey was hosted independently on the popular survey site Survey Monkey (www.surveymonkey.net). The account through which the survey was created and respondent data collected is password protected and accessible only to members of the Centre for Human Rights in Practice at the University of Warwick.

Survey Monkey technology makes it possible to ensure (as far as is reasonably practicable) that the same individuals are not providing multiple responses, by limiting the number of responses it is possible to submit to one per IP Address. If an individual who has previously completed the survey attempts to do so again from the same computer they will automatically be prevented from doing so and redirected to the site from which they accessed the link to the survey.

Structure of the survey

The survey was composed of 20 questions. Piping logic was used to direct participants through the survey in a manner that took account of the answers they had previously provided (for survey structure including piping logic see Appendix B below). The rationale for this was to reduce the time spent by individuals completing the survey and to ensure that participants were asked only those questions that were relevant to them. As respondents were given the option of skipping questions, the number of respondents varies from question to question (see Appendix B below for details).

Sample

In total, 674 individuals took part in the survey. The sampling strategy used was non probabilistic due to time constraints and as part of a desire to maximise response rate in a difficult climate, snowball sampling was used to trace additional respondents through their social contacts. This method of utilising social networks (both online and offline) to recruit participants has been shown to be effective in reaching unknown or hard to reach research populations.³ As such the sample of individuals surveyed does not purport to be statistically representative of the wider legal aid funded sector. However, the large size of the sample (for a study of this scope) makes it possible for conclusions to be drawn regarding relationships between different variables with a high degree of confidence.

Recruitment

Participants were recruited to take part in the survey between the 29 January 2013 and 3 March 2013.

³ Atkinson, R., and J. Flint. 2001. Accessing hidden and hard-to-reach populations: Snowball research strategies. University of Surrey Social Research Update 33. Accessed on January 2, 2013, at <http://sru.soc.surrey.ac.uk/SRU33.html>. Miller, H.M., N.R. Sexton, L. Koontz, J. Loomis, S.R. Koontz, and C. Hermans. 2011. The users, uses, and value of Landsat and other moderate-resolution satellite imagery in the United States—Executive report: U.S. Geological Survey Open-File Report 2011–1031. 42 p.

Individuals were recruited through a variety of means, and both online and offline platforms were used to promote the survey. In terms of online coverage, the illegal forum and Twitter were particularly instrumental in raising the profile of the survey. Offline, the survey was mentioned in the meeting of the All Party Parliamentary Group for Legal Aid and as a result of this received coverage in the report of this meeting published in the Law Society Gazette. We also received coverage in Legal Voice, Legal Action and the Pink Tape blog. We are very grateful to all those who were involved in promoting the survey.

Appendix B: Piping logic for survey and actual numbers of respondents

Question		Provided a response?	Survey logic directs respondent to:
Q1.	Consent to take part (Multiple choice- select 1)	Yes (673)	Q2
		No (1)	Exit survey
Section 1: About you		Provided a response?	Survey logic directs respondent to:
Q2.	What is your current role? (Multiple choice- select 1)	Yes (599)	Q3
		No (75)	Skip to Q3
Q3.	Who do you work for currently? (Multiple choice- select 1)	Yes (599)	Q4
		No (75)	Skip to Q4
Q4.	How long have you worked in the advice sector (in total)? (Multiple choice- select 1)	Yes (599)	Q4
		No (75)	Skip to Q5
Q5.	What qualifications do you hold? (tick all that apply) (Multiple choice- select multiple)	Yes (599)	Q6
		No (75)	Skip to Q7
Section 2: About your current legal aid work		Provided a response?	Survey logic directs respondent to:
Q6.	In what categories of law do you currently satisfy the LSC supervisor standard? (Multiple choice- select multiple)	Yes (453)	Q7
		No (221)	Skip to Q7
Q7.	In what categories of law do you currently advise regularly? (Multiple choice- select multiple)	Yes (453)	Q8
		No (221)	Skip to Q8
Q8.	Approximately how many of the cases you opened in the last 12 months will be going out of scope in April 2013 (Please give total numbers)? (Text box)	Yes (453)	Q9
		No (221)	Skip to Q9
Section 3: About your future		Provided a response?	Survey logic directs respondent to:
Q9.	How are the cuts to legal aid likely to impact on your role? (Multiple choice- select multiple)	Yes (447)	If selected "Redundancy" or "Reduced paid hours" proceed to Q10 For all other options- skip to Q12
		No (227)	Skip to Q12
Q10.	Will you be seeking new employment within the social welfare law sector? (Multiple choice- select one)	Yes (194)	Q11
		No (480)	Skip to Q11
Q11.	What organisations/types of organisation will you be applying to? (Text box)	Yes (82)	Q12
		No (592)	Skip to Q12
Q12.	Are you likely to keep your skills and knowledge in social welfare law up to date? (Multiple choice- select one)	Yes (207)	Q13
		No (467)	Skip to Q14

Q13.	How are you planning to finish ongoing cases? (Multiple choice-select one)	Yes (423)	Q14
		No (251)	Skip to Q14
Q14.	How are the cuts to civil legal aid likely to impact on your agency's services? (Multiple choice- select multiple)	Yes (423)	Q15
		No (251)	Skip to Q15
Q15.	What funding survival strategies is your agency likely to use? (Multiple choice- select multiple)	Yes (423)	Q16
		No (251)	Skip to Q16
Q16.	Do you have any other comments? (Text box)	Yes (176)	Q17
		No (498)	Skip to Q17
Section 4: Demographic Information		Provided a response?	Survey logic directs respondent to:
Q17.	Please state your approximate location (Multiple choice- select one)	Yes (419)	Q18
		No (255)	Skip to Q18
Q18.	Please select your gender from the following options (Multiple choice- select one)	Yes (419)	Q19
		No (255)	Skip to Q19
Q19.	I would describe my ethnicity as: (Multiple choice- select one)	Yes (419)	Q20
		No (255)	Skip to Q20
Section 5: Thank you		Provided a response?	Survey logic directs respondent to:
Q20.	Option to leave email address for follow up questions.	Yes (153)	Survey ends-redirect to illegal site
		No (521)	Survey ends-redirect to illegal site

Appendix C: Supplementary Tables

Table 1: The impact of the risk of redundancy on expertise in multiple areas of law

Meet Supervisor Standard in one area of law	Total
Community Care	1
Debt and Money	33
Discrimination	1
Employment	6
Family	9
Housing	20
Immigration and Asylum	5
Welfare Benefits	31
Sub total:	106
Meet Supervisor Standard in 2 areas of law	
Community Care, Welfare Benefits	1
Debt and Money, Discrimination	1
Debt and Money, Employment	3
Debt and Money, Housing	5
Debt and Money, Welfare Benefits	15
Discrimination, Employment	4
Discrimination, Welfare Benefits	1
Employment, Family	1
Housing, Community Care	1
Housing, Employment	1
Housing, Family	2
Housing, Public Law	1
Housing, Welfare Benefits	2
Immigration and Asylum, Employment	1
Welfare Benefits, Employment	1
Sub total:	40
Meet Supervisor Standard in 3 areas of law	
Debt and Money, Housing, Welfare Benefits	8
Debt and Money, Welfare Benefits, Employment	1
Public Law, Mental Health, Family	1
Sub total:	10
Meet Supervisor Standard in 4 areas of law	
Debt and Money, Housing, Immigration and Asylum, Welfare Benefits	1
Debt and Money, Housing, Welfare Benefits, Employment	2
Housing, Immigration and Asylum, Welfare Benefits, Employment	1
Sub total	4
Meet Supervisor Standard in 6 areas of law	
Debt and Money, Housing, Immigration and Asylum, Welfare Benefits, Employment, Family	1
Sub total	1
Grand Total	161

Table 2: Impact of the risk of redundancies on gender diversity

Length of time sector	Female at risk of redundancy as % total redundancy	Female as % Total sample	Male at risk of redundancy as % total redundancy	Male as % Total sample	Grand Total
10 years plus in sector	61%	58.3%	39%	41.7%	100%
None	75%	37.5%	25%	62.5%	100%
Highest Qualification at Level 3	55%	64.1%	45%	35.9%	100%
Highest Qualification at Level 6	65%	54.8%	35%	45.2%	100%
Highest Qualification at Level 7	60.9%	59.4%	39.1%	40.6%	100%
Highest Qualification at Level 8	60%	59.1%	40%	40.09%	100%
8-10 years in sector	81.8%	66.7%	18.2%	33.3%	100%
None	0	0	0	100%	100%
Highest Qualification at Level 3	100%	80%	0	20%	100%
Highest Qualification at Level 6	66.7%	62.5%	33.3%	37.5%	100%
Highest Qualification at Level 7	66.7%	60%	33.3%	40%	100%
Highest Qualification at Level 8	87.5%	68.4%	12.5%	31.6%	100%
4-7 years	67.9%	65.8%	32.1%	34.2%	100%
None	60%	60%	40%	40%	100%
Highest Qualification at Level 3	57.1%	52.2%	42.9%	47.8%	100%
Highest Qualification at Level 6	75%	73.7%	25%	26.3%	100%
Highest Qualification at Level 7	73.3%	67.9%	26.7%	32.1%	100%
Highest Qualification at Level 8	72.7%	69%	27.3%	31%	100%
1-3 years	76.2%	73.1%	23.8%	26.9%	100%
None	66.7%	66.7%	33.3%	33.3%	100%
Highest Qualification at Level 3	100%	100%	0	0	100%
Highest Qualification at Level 6	50%	75%	50%	25%	100%
Highest Qualification at Level 7	71.4%	65.6%	28.6%	34.4%	100%
Highest Qualification at Level 8	83.3%	88.9%	16.6%	11.1%	100%
Less than 1 year		50%		50%	100%
Highest Qualification at Level 3				100%	100%
Highest Qualification at Level 7		60%		40%	100%
Total composition of sample	67.4%	63.2%	32.6%	36.8%	100%

Table 3: Funding strategies of not-for-profits post LASPO cuts

Funding strategies post LASPO	Total
1	57
Advice Services Transition Fund application	14
Asking for public donations	5
Charging for advice	4
Cost-cutting on overheads	12
Merger or amalgamation with other agency	5
Obtaining more funding from Local Authority	3
Running other grant-funded projects	14
2	59
Advice Services Transition Fund application, Charging for advice	1
Advice Services Transition Fund application, Cost-cutting on overheads	15
Advice Services Transition Fund application, Merger or amalgamation with other agency	3
Advice Services Transition Fund application, Running other grant-funded projects	7
Funding strategies post LASPO	Total
Asking for public donations, Cost-cutting on overheads	1
Charging for advice, Cost-cutting on overheads	1
Merger or amalgamation with other agency, Cost-cutting on overheads	2
Merger or amalgamation with other agency, Running other grant-funded projects	1
Obtaining more funding from Local Authority, Asking for public donations	2
Obtaining more funding from Local Authority, Cost-cutting on overheads	4
Obtaining more funding from Local Authority, Running other grant-funded projects	3
Running other grant-funded projects, Asking for public donations	4
Running other grant-funded projects, Cost-cutting on overheads	15
3	50
Advice Services Transition Fund application, Asking for public donations, Cost-cutting on overheads	4
Advice Services Transition Fund application, Charging for advice via separate entity, Running other grant-funded projects	1
Advice Services Transition Fund application, Charging for advice, Asking for public donations	1
Advice Services Transition Fund application, Charging for advice, Cost-cutting on overheads	1
Advice Services Transition Fund application, Charging for advice, Obtaining more funding from Local Authority	1
Advice Services Transition Fund application, Merger or amalgamation with other agency, Cost-cutting on overheads	3
Advice Services Transition Fund application, Obtaining more funding from Local Authority, Asking for public donations	2
Advice Services Transition Fund application, Obtaining more funding from Local Authority, Running other grant-funded projects	4
Advice Services Transition Fund application, Running other grant-funded projects, Asking for public donations	2
Advice Services Transition Fund application, Running other grant-funded projects, Cost-cutting on overheads	13
Charging for advice via separate entity, Running other grant-funded projects, Cost-cutting on overheads	2
Charging for advice, Charging for advice via separate entity, Running other grant-funded projects	1
Charging for advice, Obtaining more funding from Local Authority, Asking for public donations	1

Charging for advice, Running other grant-funded projects, Cost-cutting on overheads	1
Merger or amalgamation with other agency, Charging for advice, Charging for advice via separate entity	1
Merger or amalgamation with other agency, Running other grant-funded projects, Cost-cutting on overheads	1
Obtaining more funding from Local Authority, Asking for public donations, Cost-cutting on overheads	1
Obtaining more funding from Local Authority, Running other grant-funded projects, Asking for public donations	2
Obtaining more funding from Local Authority, Running other grant-funded projects, Cost-cutting on overheads	5
Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	3
4	34
Advice Services Transition Fund application, Charging for advice via separate entity, Running other grant-funded projects, Cost-cutting on overheads	6
Advice Services Transition Fund application, Charging for advice, Obtaining more funding from Local Authority, Cost-cutting on overheads	1
Advice Services Transition Fund application, Charging for advice, Obtaining more funding from Local Authority, Running other grant-funded projects	1
Advice Services Transition Fund application, Charging for advice, Running other grant-funded projects, Cost-cutting on overheads	2
Funding strategies post LASPO	Total
Advice Services Transition Fund application, Merger or amalgamation with other agency, Running other grant-funded projects, Asking for public donations	1
Advice Services Transition Fund application, Merger or amalgamation with other agency, Running other grant-funded projects, Cost-cutting on overheads	3
Advice Services Transition Fund application, Obtaining more funding from Local Authority, Asking for public donations, Cost-cutting on overheads	1
Advice Services Transition Fund application, Obtaining more funding from Local Authority, Running other grant-funded projects, Asking for public donations	2
Advice Services Transition Fund application, Obtaining more funding from Local Authority, Running other grant-funded projects, Cost-cutting on overheads	4
Advice Services Transition Fund application, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	2
Charging for advice, Charging for advice via separate entity, Running other grant-funded projects, Cost-cutting on overheads	1
Merger or amalgamation with other agency, Charging for advice, Running other grant-funded projects, Cost-cutting on overheads	1
Merger or amalgamation with other agency, Obtaining more funding from Local Authority, Running other grant-funded projects, Cost-cutting on overheads	1
Merger or amalgamation with other agency, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	2
Obtaining more funding from Local Authority, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	6
5	25
Advice Services Transition Fund application, Charging for advice via separate entity, Obtaining more funding from Local Authority, Running other grant-funded projects, Cost-cutting on overheads	2
Advice Services Transition Fund application, Charging for advice via separate entity, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	5
Advice Services Transition Fund application, Charging for advice, Charging for advice via separate entity, Obtaining more funding from Local Authority, Running other grant-funded projects	2

Advice Services Transition Fund application, Charging for advice, Obtaining more funding from Local Authority, Running other grant-funded projects, Asking for public donations	1
Advice Services Transition Fund application, Charging for advice, Obtaining more funding from Local Authority, Running other grant-funded projects, Cost-cutting on overheads	1
Advice Services Transition Fund application, Merger or amalgamation with other agency, Obtaining more funding from Local Authority, Asking for public donations, Cost-cutting on overheads	1
Advice Services Transition Fund application, Merger or amalgamation with other agency, Obtaining more funding from Local Authority, Running other grant-funded projects, Asking for public donations	1
Advice Services Transition Fund application, Merger or amalgamation with other agency, Obtaining more funding from Local Authority, Running other grant-funded projects, Cost-cutting on overheads	1
Advice Services Transition Fund application, Merger or amalgamation with other agency, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	1
Advice Services Transition Fund application, Obtaining more funding from Local Authority, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	7
Charging for advice, Charging for advice via separate entity, Obtaining more funding from Local Authority, Running other grant-funded projects, Cost-cutting on overheads	1
Charging for advice, Obtaining more funding from Local Authority, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	2
Funding strategies post LASPO	Total
6	3
Advice Services Transition Fund application, Charging for advice, Obtaining more funding from Local Authority, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	1
Advice Services Transition Fund application, Merger or amalgamation with other agency, Obtaining more funding from Local Authority, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	2
7	2
Advice Services Transition Fund application, Charging for advice, Charging for advice via separate entity, Obtaining more funding from Local Authority, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	1
Advice Services Transition Fund application, Merger or amalgamation with other agency, Charging for advice, Charging for advice via separate entity, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	1
8	1
Advice Services Transition Fund application, Merger or amalgamation with other agency, Charging for advice, Charging for advice via separate entity, Obtaining more funding from Local Authority, Running other grant-funded projects, Asking for public donations, Cost-cutting on overheads	1
Grand Total	231

illegal

Warwick | Law School

THE UNIVERSITY OF
WARWICK