

# focus legal aid 60

The service provider newsletter of  
the **Legal Services Commission**

## Legal Aid & Focus 60th celebratory issue

Focus magazine's 60th issue appears as we celebrate 60 years of legal aid with a feature on the legal aid is 60 campaign (pages 4-9).



# legalaid

## 1949 - 2009



### focus features

Interview with **Amanda Finlay**,  
Legal Services Strategy Director  
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Bowing out from her strategic role at the MoJ Amanda talks about how legal aid has evolved and identifies some common threads linking us to the 1970s...

Focus on **Howells Solicitors**  
(pages 16-17)

John McSweeney of Howells Solicitors tells us how they are finding new ways of developing business in a challenging environment...

**Legal Aid** through the decades  
(page 8-9)

Our legal aid 60 spread. A timeline of legal aid covering all the major milestones from 1949 to the present day...

Solicitors discuss options on  
**Best Value Tendering**  
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BVT events attracted nearly 1,200 solicitors to discuss future contract arrangements...

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## focuslegal aid60

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Providers dealing with social and family related problems are likely to see demand for their services rise. It's a huge challenge with opportunities...

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# 'legalaid60' at heart of our celebrations



**Mark Workman, Editor**

## Editorial

*Our anniversary website is up and running to commemorate 60 years of legal aid and we feature some of its interactive features on page 6.*

We want to encourage both providers and members of the public to make contributions to help highlight the value of the legal aid system – both in its formative years, now and in the future. So if you feel able to contribute or know someone who would then please take a visit.

**"We want to encourage both providers and members of the public to make contributions to help highlight the value of the legal aid system"**

## Exhibition and The One Show

As well as the website we're actively spreading the message about our anniversary celebrations through a touring exhibition – see page 5. And there's been interest from the media with a big feature on 'The One Show' – see page 7. Singer Lily Allen, who was on the show, was among the four million viewers given a potted history about legal aid.

## Legal aid through the decades

Our exhibition features a timeline looking at legal aid through the decades and this is reproduced on pages 8 and 9.

## A step back in time

A significant figure in the history of legal aid since the 1970s is Amanda Finlay, Legal Services Strategy Director at the Ministry of Justice.

Like legal aid Amanda is celebrating her 60th birthday this year. Amanda, who has just retired, spoke to us about the evolution of legal aid and made some parallels between today and the early years of her career. See pages 10-12.

## BVT events and the modern marketplace

Consultation events about Best Value Tendering are featured on pages 14-15. And the efforts of Howells Solicitors to tackle the modern marketplace are outlined by managing partner John McSweeney on pages 16-17.

## Makeover for Community Legal Advice website

The popular Community Legal Advice has been given a makeover. Find out about the new features on page 24.

## Reading Focus

Remember that Focus is now only available online. So it's worth checking to see if you have the latest version of Adobe Acrobat Reader. This

will allow you to read the magazine how you want, allowing you to zoom into a page, view a single page, or two pages at a time.

You can also search for items and even download a copy of the document to take away with you.

To help you with Acrobat Reader there is guidance available at <http://www.legalservices.gov.uk/help/pdf.asp>

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## Contact info

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## Useful links

### Corporate News -

Corporate announcements, including policy reforms and new consultation announcements

### Civil News -

News and updates for service providers working within the Community Legal Service (CLS)

### Crime News -

News and updates for service providers working within the Criminal Defence Service (CDS)

### LSC Update -

The Legal Services email alert for all service providers

### Focus Magazine -

Homepage for the Focus magazine, containing the latest issue and recent back issues

# legalaid *is sixty*



# 'Fantastic story' of our past, present and future

*Exhibition on history of legal aid takes us right back to the Edwardian era and fast forwards to new developments...*

A touring exhibition to celebrate our 60th anniversary looks at how legal support has changed over the generations and provides a glimpse of the future.

It first went on show at the House of Commons before transferring to the Ministry of Justice (MoJ) offices in Petty France, London.

Opening the display at the MoJ, legal aid minister Lord Bach said that there was a 'fantastic story' to be told about legal aid.



**60th Roadshow**  
Above & below right: Amanda Finlay, Lord Bach (MoJ) and Hugh Barrett (LSC) launch the roadshow at the Ministry of Justice

Below left: the roadshow at the Houses of Parliament

**Legal aid was established with the Legal Aid and Advice Act, 1949**

[legalaid60.org.uk](http://legalaid60.org.uk)

## Exciting future

He added: 'Legal aid has a great history, exemplified in this exhibition, and it has an exciting future too.'

'The common view of legal aid is that it's something England and Wales should be proud of. I hope you will support the campaign to mark its 60th year and join us when we visit a location near you.'

LSC executive director for commissioning Hugh Barrett told visitors that the exhibition was especially valuable in promoting public awareness about legal aid.

## Very important

He said: 'The recession and economic difficulties are making legal aid even more important than in the past. But the truth is that a joint MoJ and LSC Mori survey has shown that 83% of people in England and Wales have very little idea of what legal aid is about. So this exhibition is very important.'

MoJ legal aid strategy director Amanda Finlay said: 'I was secretary to the Legal Aid Advisory Committee in the 1980s and I was especially thrilled to see the opening of the first law centre featured in the display.'

'Legal aid is there for us when we most need



it and you never know when you are going to need it.'

Visitors to the show can take a peek back in time to trace the history of legal aid from the early days. For example, when limited funding was made available for crime cases in 1903.

## Inter-war years

Campaigning suffragists are also featured. They lobbied hard for funded advice provision in the inter-war years.

There is a look at the 1925 network of 'Poor Man's Lawyers', the first Citizens Advice Bureau in 1939 and the groundbreaking work of the Rushcliffe Committee in 1944.

And there is a special timeline starting on 30 July at 11.47am 1949 when the Royal Assent was given to the Legal Aid Advice Bill. The timeline maps out how legal aid provision expanded over the succeeding decades.

Important legal aid cases are featured. The



Thalidomide drug children, the Marchioness disaster of 1995, the Clapham rail crash of 1988, and the posthumous pardon for First World War soldier Harry Farr – shot for cowardice in 1916 – are a few examples.

## Different venues

Our 60th anniversary exhibition will be moving to a number of different venues in the coming months, with visits scheduled for Birmingham, Norwich, York, Bala, Blackburn, Leeds, Bristol and Liverpool. You can find out more by visiting our campaign website – see below.

## Contact & Information

- » [www.legalaid60.org.uk/sixty/celebrating.jsp](http://www.legalaid60.org.uk/sixty/celebrating.jsp)
- » [holly.smith@legalservices.gov.uk](mailto:holly.smith@legalservices.gov.uk)

## Anniversary website just a click away

We've set up a 'legalaid60' website packed full of interactive features to tell the story of legal aid and explain its importance to our society...

The 'legalaid60' website has a host of features to engage the public and promote the value of the work carried out by our providers.

The site is available in both English and Welsh and visitors will find lots of resources, including:

- information about the 60th campaign
- explanation of what legal aid is
- why legal aid is important
- facts and resources about the history of legal aid

Users can also:

- Find out facts about legal aid
- Leave a comment
- Read loads of case studies about how legal aid helps every day



**In 1955, 78% of all legal aid certificates concerned divorce**

[legalaid60.org.uk](http://legalaid60.org.uk)

Special features include an interactive timeline allowing visitors to travel between decades – taking them from the Edwardian era to the future. There is also the opportunity to follow the story of legal aid right back to Magna Carta in 1215.

## Spread the word about 'legalaid60'

If you know someone with an interesting story about being helped by the legal aid system then please tell them about our anniversary website...

We're looking for case studies to highlight the value of legal aid and the hard work put in by so many people to help clients across England and Wales.

It's a great opportunity to show the public the huge breadth of the legal aid system in both civil and crime.

It might be someone who has been helped by ringing the Community Advice Helpline. Or perhaps they've needed a Duty Solicitor at a police station - or the 'court housing desk' in a magistrates' court.

Whatever their story we'd really like to hear from them. Just ask them to visit our 'legalaid60' website – full address right.

We'd also like to hear about the experiences of people representing clients as legal aid providers. So if you'd like to share something from your career or highlight a particular case then please visit the website.

There is also the opportunity to comment on what our society would be like without legal aid. – see web address bottom right.

**In 1957, Mr Justice Vaisey was outraged to find a couple who owned a TV set qualified for legal aid**

[legalaid60.org.uk](http://legalaid60.org.uk)

### Contact & Information

» [www.legalaid60.org.uk/sixty/yourstory.jsp](http://www.legalaid60.org.uk/sixty/yourstory.jsp)

» [www.legalaid60.org.uk/why/where.jsp](http://www.legalaid60.org.uk/why/where.jsp)

# Lily Allen joins 4m viewers learning about legal aid

*Singer Lily Allen was challenged to write a song about legal aid when BBC TV aired an informative piece about our anniversary celebrations on 'The One Show'...*

Lily was a celebrity guest on the show, which was watched by four million viewers and fronted by presenters Adrian Chiles and Christine Bleakley.

Adrian said to Lily: 'You should write a song about it. Lily Allen on legal aid.' Lily confirmed that she knew legal aid was now 60 years old!

And Christine said: 'Legal Aid is a system which is supposed to make sure everyone who needs it has access to legal advice.'

The show on Tuesday 12 May highlighted legal aid's part in the story of post war Britain in a special feature by The One Show's consumer champion Dom Littlewood.



**Legal aid processes  
233,000 legal aid  
applications every year**

[legalaid60.org.uk](http://legalaid60.org.uk)

## Drive for a fair society

Dom discussed the drive to create a fair society with a National Health Service, state benefits, housing and education for all.

And he looked at the success of the legal aid system in living up to the vision of helping people in poverty gain access to legal support.

Dom showed how legal aid provision has changed over the last 60 years and flagged up a number of features of modern legal aid:

- two million people a year benefit in England and Wales
- provides publicly funded information, advice and legal representation
- free legal advice telephone service for all
- provision over the internet.

## Visit to law firm

Dom visited law firm Morgans Solicitors in Cardiff, which runs a legal advice helpline. He met up with home-owner Leighton Bingham

who faced difficulties after his wife lost her job.

Although Leighton was still working their house was about to be repossessed. Leighton said he was surprised when his solicitor told him his family qualified for legal aid.

He told Dom: 'That was the start of the pressure being lifted – knowing that we did not have to find the money for solicitors.'

The report also looked at the support available for people who do not qualify for legal aid. For example, from organisations like Citizens Advice Bureaux and National Debtline.

## More TV coverage for legal aid services

The One Show feature was followed in the same week by BBC2's 'Working Lunch' programme. This highlighted the Community Legal Advice website as a key source of information during

**LSC funds over  
250,000 people involved  
in family disputes**

[legalaid60.org.uk](http://legalaid60.org.uk)

pieces about house repossessions and welfare benefits on Friday 15 May.

## Contact & Information

» The One Show  
[www.bbc.co.uk/theoneshow/help/more\\_information.shtml](http://www.bbc.co.uk/theoneshow/help/more_information.shtml)

» Working Lunch  
[www.news.bbc.co.uk/1/programmes/working\\_lunch/](http://www.news.bbc.co.uk/1/programmes/working_lunch/)

[legalaid60.org.uk](http://legalaid60.org.uk)



# legal aid *through the decades*

## 1949 – 1958

1953 Testing at Porton Down



**1949** The Legal Aid Advice Bill received Royal Assent on 30 July at 11.47am. Legal aid in England, Wales and Scotland was born. **1950** The Law Society started to run the new legal aid scheme through a network of local committees. **1953** Ronald Maddison died after taking part in tests for the nerve agent sarin at Porton Down. He was told he was testing a cure for the common cold. Legal aid funded an inquest into Ronald Maddison's death. **1956** Legal aid extended to county court cases. **1957** There were critics among the judges – one thought owning a TV set should disqualify anyone from legal aid!

## 1959 – 1968

1968 Ronan Point tower block



**1960** Civil legal aid was extended to House of Lords cases. **1961** Legal aid was extended to magistrates' courts for domestic proceedings. **1965** Legal aid was introduced in Northern Ireland. **1966** The Widgery Committee recommended that anyone of low income should receive legal aid, whatever their plea. **1968** Four people were killed at a gas explosion in Ronan Point tower block. Legal aid funded an inquest which led to major changes in building regulations.

## 1969 – 1978

1973 Thalidomide compensation case



**1970** The first Law Centre was set up in west London in a butcher's shop. Local authorities and charities funded the centres and they carried out legal aid. **1972** The Crown Court system was changed and the new Family Courts emerged. On the crime side, the first duty solicitor scheme was set up in Bristol. **1973** Following legal aid funding an out-of-court settlement was made to families whose children were affected by Thalidomide.



# legalaid60.org.uk

## 1979 – 1988

1988 Clapham Junction rail crash



**1984** The national duty solicitor scheme began for magistrates' courts. Anyone charged with an offence could consult and be represented by a solicitor on their first appearance.

**1986** The duty solicitor scheme began in police stations as a result of the ground-breaking Police and Criminal Evidence Act of 1984. **1988** 35 people died and 500 people were injured at the Clapham Junction rail crash. Legal aid funded families at the inquiry.

## 1989 – 1998

1989 The Marchioness disaster



**1989** The Law Society handed over management of legal aid to the new Legal Aid Board. **1989** 51 people died at a party on the Marchioness pleasure boat on the River Thames. Legal aid funded the inquest which found the victims were unlawfully killed. **1994** The Legal Aid Board offered 'franchises' to providers – private practitioners and advice agencies – who met a quality standard. But it was voluntary.

## 1999 – 2009

2008 The Gurkhas' immigration case



**2000** The Legal Services Commission replaced the Legal Aid Board. **2001** The Public Defender Service, the first salaried criminal provider was launched. **2004** Community Legal Service Direct helpline and website was launched, providing specialist legal advice. It is now called Community Legal Advice. **2007** The first Community Legal Advice centre was opened in Gateshead. **2008** Legal aid funded six members of the Gurkha community at a judicial review over their right to live in the UK. **2009** Virtual courts are piloted where defendants attend court via video link.

# A step back in time to 1971

## Amanda Finlay, Legal Services Strategy Director, Ministry of Justice

### Interview

*Amanda Finlay's career path has been closely tied to legal aid over the past four decades. Bowing out from her strategic role at the MoJ she spoke about how legal aid has evolved and identifies some common threads linking us to the 1970s...*

One late summer's day Amanda Finlay, 21, walked through the doors of the Lord Chancellor's Department close to Westminster Abbey.

It was 1971 and Britain was still getting used to the new decimal coinage. Diana Ross was high in the charts and Amanda was on the first steps of a career destined to be intimately linked to the evolution of the legal aid system right up to 2009 – our 60th anniversary year.

Amanda, who has just retired as legal services strategy director at the MoJ, will be celebrating her own 60th birthday later this year. Shortly before retiring she helped open our anniversary touring exhibition on the history of legal aid when it visited the MoJ – see page 5.

She said: 'Legal aid has been a huge part of

studied English at Cambridge and when I joined the Civil Service I was one of the first two fast stream entrants in the Lord Chancellor's Department (LCD).

'Fast streamers can be posted anywhere and I just happened to find myself in the LCD – in those days based in the House of Lords, with small offices in Dean's Yard and Tufton Street. But it worked out really well for me and I've had a fascinating career.

'I think my family background was helpful because I was comfortable with legal matters. I could also gain useful perspectives by talking to my parents and seeing how the world looked through their eyes.

'My mother's work as a JP was particularly useful because she had such a common-sense

in the LCD to implement the Human Rights Act 1998.

She said: 'I think it is so important to get people involved with an outside view if you really want to make things work. So we brought in human rights groups like 'Liberty' and 'Justice' and we did lots of 'walk-throughs' with judges, magistrates, lawyers, human rights experts and the police.

'The idea of 'walk-throughs' was to see how things would work out when the laws started to be enforced. We did it at every level from the magistrates court right up to the Court of Appeal.

'It worked like a series of dress rehearsals but they were very fluid and interactive. It was a bit like the director Mike Leigh's improvisational approach to scriptwriting. It went very well and everyone was ready for what would happen and had an idea of how things would work out.'

Working with people at the sharp end has been a common theme throughout Amanda's career. She said: 'I've always believed in communicating and bringing people together to talk things through. That's why I think the LSC is absolutely right to be working so hard at talking to providers, law centres, solicitors, the advice sector and barristers.

### Law centres an exciting development

'When I started in 1971 law centres were just coming in and I found them very exciting places to visit. They seemed to follow naturally from the 1960s way of doing things.

'People had become far more aware of their legal rights in the 1960s and were becoming more assertive. That is particularly relevant at the moment because legal services reform will lead to new ways of getting legal advice to people.

## "The challenge for the next five years is how to get justice systems to use legal aid to the best effect"

my career, so it feels quite poignant for me to be sharing my 60th birthday year with legal aid's anniversary celebrations.

'The office I worked in back in 1971 was in Dean's Yard near Westminster Abbey. It was tiny and an enormous contrast with the wide-ranging set-up that exists today.'

Amanda's father was a barrister who went on to become a circuit judge and her mother was a magistrate. So looking back many people might mistakenly think her career path was almost pre-ordained.

### Fast stream entrant

She said: 'The truth is that I hadn't really given any thought to a career associated with law. I

idea of why people end up in the judicial system and the sort of issues they face.'

Amanda took up strategic responsibility for legal aid in June 2004. Key projects include 'A Fairer Deal for Legal Aid', reviews of child care proceedings and civil advice, which reported in January 2006.

### Tighter resources

Amanda said: 'I also worked with the LSC on a reform strategy 'The Way Ahead', which was published in November 2006. Our aim was to help legal aid live within much tighter resources for the future.'

One notable departure from Amanda's work on legal aid came when she took a leading role



### Amanda Finlay, CBE

- Legal Services Strategy Director, MoJ\*, since 2004
- Director, Public and Private Rights, 1999-2004
- Implementation of Human Rights Act, 1997-99
- Secretary to Lord Woolf's inquiry, Access to Justice, 1994-96
- Secretary to Legal Aid Advisory Committee, 1981
- Principal, 1976
- Fast stream entrant, 1971

\*Amanda joined the Lord Chancellor's Department in 1971 (subsequently Department for Constitutional Affairs and then Ministry of Justice)

'Just like now lawyers were worried in the 1970s that new forms of legal provision would cause them to lose clients. But the reverse proved to be true and I think it will be the same in the future. The legal profession will benefit from these new ways of providing help.

'The way law centres developed in the 1970s was extremely empowering for people involved. Everyone was paid the same in some centres and the lawyers were very committed. Lawyers started doing a lot of their own paperwork and some typists interviewed clients. I think that has

affected the passionate culture you find in law centres ever since.'

### Establishing the Crown Court

Amanda's career also began in the same year as the Courts Act 1971, which was to establish the Crown Court in 1972. She said: 'I worked on the implementation of the Courts Act, which abolished and replaced the 'Assizes' and 'Quarter Sessions'.

She said: 'I was very lucky. During my second year as a fast streamer I found myself in Leeds at

the Crown Court and in Bradford at the county court. So I could see for myself how the new court system was working. It reinforced my belief in the huge importance of looking at how things work out on the ground.

'The judge in Bradford was an amazing character who had a fantastic knowledge of people in the community, including the poorest and all the local landlords.

'I think policy-making works best if you have a firm grasp of what it is like for people experiencing problems and also for the people



## “Policy-making works best if you have a firm grasp of what it is like for people experiencing problems”

who tackle those problems. I encouraged the Fundamental Legal Aid Review team to do that in 2002. I know many of them have gone on to take similar approaches in things they have done since.’

A big landmark in Amanda’s career came in 1995-1997 when she was secretary to Lord Woolf’s ‘Access to Justice’ inquiry into the civil justice system.

### Working on Access to Justice

Amanda said: ‘I have been very privileged to work on some fantastically important things. It was very satisfying working on ‘Access to Justice’, which made a lot of suggestions for how civil justice could be run. It also made a lot of recommendations on how people should access civil justice. There was a very clear link to my work on legal aid.

‘I knew from my own experience that it would be important to bring in people who were working in the courts and get them to talk as a group about how they could do things differently. Lord Woolf was very successful at doing that.

‘We had working groups that looked at pre-litigation protocols and personal injury and how we could use the fast track in the county court.

‘To make the system work faster and be more responsive you need to get the people working in it to get the answers right for themselves. They need to buy into and create solutions.’

Drive and energy are qualities that Amanda

values in the people she works with. She said: ‘My first boss in 1971 was Derek Oulton (now Sir Derek) who went on to become Permanent Secretary of the LCD. He was fantastic to work with and is now teaching law at Cambridge.

‘He liked to make things happen, which is a quality I admire. He helped to bring in key people like Richard White and Cyril Glasser as advisers on the future of legal aid. They were founder members of the campaign organisation ‘Legal Action Group’.

### Parallels between past and present

Amanda believes that the 1970s provide many parallels with the present. She said: ‘I recently re-read a report by Richard White and the concerns we had then are still relevant now.

‘In the mid-1970s we knew there was not enough funding for legal aid and that times were hard. One solution was public legal education.

‘Richard also looked at how to help people to get access to the legal advice they needed. One of the things we did was examine census information to look at where people needed help. That is something the Legal Services Research Commission is doing in a much more sophisticated way today.

‘We also discussed community legal strategy to try and get provision into the right places. That is something the LSC is doing with more new matter starts where there is under-provision.’

Amanda believes the commitment of lawyers

to the legal aid system is as strong today as it has ever been. She said: I have seen a lot of changes. In the 1970s legal aid was run by the Law Society and administered by area and local committees. The Home Office was responsible for criminal legal aid.

### Dedication and care

‘Since then we’ve seen the creation of the Legal Aid Board and then the Legal Services Commission. But I think staff at the LSC today show just as much dedication and care as people working for the Law Society did in the 1970s.’

Looking to the future Amanda said: ‘I think the challenge for the next five years is how to get justice systems to use legal aid to the best effect. We need people to think about it in a whole system way, which is what we did when working on the asylum appeals system a few years ago.

‘On a personal note I’m a governor of Oxleas Mental Health Trust in south London and I’m very aware that many people who have mental health problems also have civil justice problems and are over represented in the criminal justice system.

‘I’m also very pleased to have been invited by the legal aid minister Lord Bach to be a member of a strategic group looking into public legal education. So I shall have plenty to keep me busy!’



#### Awards Ceremony

Carolyn Regan (LSC) and 90 trainees solicitors at Haberdashers Hall in London

## Capital celebration at first ever trainees awards event

*More than 90 trainee solicitors from across England and Wales gathered at Haberdashers' Hall in London on 20 April for the first ever Training Contract Grants Awards Ceremony...*

Trainees given grants under the 2008 Training Contract Grant Scheme came together to celebrate their commitment to legal aid and network with each other at a special event in London.

Many had competed with hundreds of other applicants to be awarded a training contract and they represent some of the best new talent entering the field.

Trainee solicitor Melissa Rollins from Lewis Nedian and Co, said one of the major benefits of the day was 'networking with other trainees working in legal aid and exchanging experiences with young lawyers'.

#### Chance to meet stakeholders

A highlight of the day was the chance for trainees to meet key stakeholders in legal aid, learn more about its future and find out about the rewards and challenges that lie ahead.

Trainees heard from a range of speakers including:

- Legal Aid Minister Lord Bach
- LSC Chief Executive Carolyn Regan
- Law Society Head of Legal Aid Policy Richard Miller

Lord Bach said that he was 'immensely proud of the contribution legal aid makes to creating a fair society in which everyone can access justice'.

#### Commitment to legal aid

The minister added: 'I am heartened and encouraged to see from today's event that so many young solicitors are committing to a career involving legal aid.'

Young Legal Aid Lawyer of the Year 2008 Jo Hickman and Criminal Defence Lawyer of the Year 2008 Zarina Gani shared their experiences of working in legal aid and the satisfaction they get from helping clients.

#### Workshops to support training

As many of the trainees are at the start of their legal aid careers, workshops on legal aid processes were delivered to support their training. Designed to give practical knowledge for when they are back in their office, they covered topics such as making a legal aid application and preparing a claim.

Trainee solicitor Hannah Munns from Rosie Bracher said; 'I gained a greater appreciation for how fortunate I am to be a part of this scheme and a sense of community as a 2008 candidate'. Trainees leaving the event said they felt a renewed enthusiasm for working in legal aid.

#### Further networking opportunities

Trainees will be able to take advantage of a mentoring scheme, an online networking forum and open day visits to LSC offices. Many have also volunteered to promote legal aid to students and aspiring solicitors.

# Solicitors discuss options on Best Value Tendering

*Best Value Tendering (BVT) events in England and Wales attracted nearly 1,200 solicitors to discuss future contract arrangements for criminal legal aid...*

Solicitors at events from Newcastle to Maidstone and Camarthen to Lincoln came together to learn more about the proposals for a new tendering system for criminal legal aid and to air their views.

The consultation events allowed solicitors to discuss contract arrangements for 2010 and proposals for the introduction of Best Value Tendering (BVT).

At the events we confirmed our intention to extend existing contracts covering work in police stations and magistrates' courts until the end of June 2010.

Under the BVT proposals the LSC would launch pilot schemes to determine market-based prices for police station work in Greater Manchester and Avon & Somerset Criminal Justice System (CJS) areas.

The tender process for the pilots would start in October 2009 with providers entering price bids in January 2010. A phased roll-out for the rest of England and Wales would then run until 2012.



## Strong views expressed

LSC crime policy manager Ellis Pinnell said: 'These events have been really important to help providers find out more about the BVT proposals and tell us what they think. We are really pleased that so many solicitors attended and engaged in open discussion about our proposals.'

'Although many solicitors expressed strong concerns about the proposals and still see BVT as a very big step, there are clearly some firms that are starting to think how they could make BVT work for them.'

'If BVT goes ahead, the number of firms with a contract in any scheme area could go up or down. The proposals are designed to reward firms with efficient business models, however these are constructed. That includes everything from sole practitioners to larger, multi-partner firms.'

'We have proposed a minimum number of eight firms in any scheme area in order to ensure that long-term supply is sustainable. But there are likely to be more in many areas.'

'We genuinely believe BVT is the best way forward to make sure the work we fund in police stations and magistrates courts is sustainable in the long term.'

## DVD presentations

Solicitors attending the events watched a DVD presentation which included a foreword from legal aid minister Lord Bach and an introduction from LSC Chief Executive Carolyn Regan. Both set out why BVT remained the preferred option for delivering quality services at a market price.

The presentation also included a detailed overview of the proposals which explained:

- features of the tendering model
- proposals to set the police station price
- general attributes of the tendering model and contractual requirements.

## Key feedback

Solicitors who attended the events represented a broad spectrum of firms – large and small from

rural and urban areas and had many different points of view. However, some common feedback included:

- concern that firms own-client work would be more restricted under BVT
- opposing views on the benefits of exclusivity or non-exclusivity of magistrates' court work
- a preference for an online auction process rather than a sealed bid
- concern that limiting maximum bids to one eighth of the available duty slots would restrict some firms
- the need for a longer pilot and thorough evaluation before any decision to implement BVT more widely.

## Next steps

The BVT consultation runs until 19 June 2009. The LSC will consider feedback from the events along with written responses and will then publish a detailed response later in the year.



#### Round table discussions

Providers in the Brighton area discuss the BVT plans with LSC staff at Hove Town Hall



**“We are really pleased that so many solicitors attended and engaged in open discussions about our proposals”**

## Lively discussions at BVT events

Nearly 60 events were held at venues across England and Wales. Providers in the Brighton area had two sessions at Hove Town Hall and 'Focus' dropped in on an afternoon session.

The event was organised by LSC relationship manager Rob McCauley from our Brighton office.

Rob said: “We held eight events in our region. It was great to see so many local firms represented. The solicitors I spoke to were very frank and honest, they were keen to explain how things currently work in their area and wanted to understand how the proposals might affect them here.

‘We had a lot of detailed questions about the proposals and we’ve taken away some useful feedback.’

#### Providers concern over reshaping business models

One point raised by providers in Hove was that there was still uncertainty about the

future, which limited their willingness to start reshaping their business.

Ramon Pape of Bishop & Light Solicitors in Brighton said: ‘These proposals change everything. There are 19 providers in Brighton and the market is very competitive.

‘Despite that, we took the decision to expand a couple of years ago because we understood that the LSC wanted bigger firms. Now it appears as though BVT will favour smaller firms.

‘We now have offices in Brighton, Hove and Eastbourne. But if these changes go through I believe we will be too big for the market we are operating in.

‘I started as a trainee with this firm. I cannot see smaller firms taking on trainees in the future. Without trainees in legal aid, there will be no sustainable system.’

Jeff Schoon from Harris Paley Schone in Brighton said: ‘We’ve taken the opposite approach to Ramon and have avoided

expanding in the last couple of years. So in many ways we’re in a better position and we would be happy with 1/8th of the business.

#### Difficult to plan ahead

‘But I share his fears when there is still uncertainty about the dangers of adapting our business models to suit future needs. That makes it difficult to plan ahead.

‘One suggestion is that we look at less competitive areas to bid for work in. But it is much more cost-effective to focus our operation in one area.’

#### Value of robust discussions

LSC Director of Policy Derek Hill said ‘ We are very grateful that firms have taken the time to attend these events. The robust discussions we have had will inform our consultation response that is due to be published later this year’.

# Growth with strong values underpins Howells Solicitors



## John McSweeney, Howells Solicitors

*John McSweeney is managing partner at Howells Solicitors. The firm has offices in Sheffield and Rotherham and franchises from the LSC to operate in a wide range of areas. Here he explains how Howells is finding new ways of developing business in a challenging environment...*

### Howells Solicitors

- established 1979 in Sheffield
- opened office in Rotherham in August 2004
- became Limited Liability Partnership in 2006
- 14 partners and around 160 staff, of whom 93 are fee earners
- three departments: Civil, Crime and Family
- Civil covers actions against the police, clinical negligence, debt, employment, housing, immigration, mental health, personal injury, welfare benefits
- Crime covers magistrates, crown and youth courts, 24-hour police station service, Very High Cost Cases
- Family has two main sections – private and public law
- four trainee solicitors are normally recruited every year – vast majority end up with permanent contracts.

The last decade or so has seen major changes in publicly funded law. Against a backdrop of increasing demand in virtually all areas, fees have failed to keep pace with inflation.

That combined with a significant increase in essential administration, has led to many firms dropping out of Legal Help work altogether.

Howells has a long-standing and central commitment to publicly funded law. Indeed it accounts for around 95% of our income. So the challenge we have faced is how to maintain that commitment while still running a solvent business.

We aim to provide essential services to some of the most vulnerable and disadvantaged members of society. We recognise that our clients are at the centre of our business. We aim to treat them with respect and to assist them in ways that empower them wherever possible. We also maintain a significant number of jobs in South Yorkshire – and now further afield as well.

to provide family legal advice over the telephone – one of just four successful bidders from a field of 34.

### Aspirations for the future

These developments mean that we now have a combined workforce of 306, with a further 16 jobs being created for the family telephone legal advice service.

It also means that we have the potential to grow the Howells LLP offer in other parts of the country, based on the knowledge and experience we are developing through our involvement in the Community Advice Centres.

For example, we have already opened up a dedicated criminal law practice in Leicester, and intend to do the same in Hull, as crime is an area not covered by the Community Advice Centres. However, it is one for which there is obviously significant demand in those areas for our kind of experience and expertise.

**“We aim to provide essential services to some of the most vulnerable and disadvantaged members of society”**

### Developing our business

The main thrust of our response to the challenging environment in which we operate has been to look at how we can further secure and develop our business without losing our central values.

This has meant thinking differently and looking at how we can work effectively with others to compete for the kind of contracts that we would have found it difficult to deliver alone.

We have linked up with A4E, a Sheffield-based but national organisation with a strong reputation for delivering government contracts. This has enabled us to win contracts to deliver Community Legal Advice Centres in Leicester and Hull.

We have also clinched a contract to deliver community legal telephone advice nationally – and we have just won a second contract for CLA2, the only existing provider to be successful.

We have also just won another LSC contract

Our aspirations for the future centre on a determination to continue to provide top quality legal advice to those who need it, regardless of their personal and financial circumstances.

To do that though, we need to keep the business in good financial shape and to continue to provide a working environment, which will enable us to attract and retain the best people.

### Honest and open dialogue

We are also determined to maintain an honest and open dialogue with the LSC. We want to ensure that those “in the field” have the chance to have their say on any planned and future changes.

To that end, we have been co-ordinating regular meetings over the last few years of a major suppliers group, which involves many of the biggest practices in the north.

This has given us all the opportunity for a



**In discussion...**

from left: Gemma Round, Paul Singh, Saleh Alnoud, Liza Round from Howells Solicitors

healthy two-way debate with the LSC, who we see as our primary customer. It allows us to give our feedback on what will – and won't – work in practice.

In a nutshell, our aspirations for the future are as follows:

- To maintain and grow services in as many areas of law as possible, representing individuals, not organisations
- To ensure the highest possible quality of service
- To think creatively about how we can develop and expand our offer, both in terms of areas of law and geographical reach
- To develop a working environment which attracts and retains the best people

- To look positively at working in partnership with others, as long as there is no detriment to quality

**High profile cases**

Many of our partners and fee earners are recognised as leaders in their fields. Some of the best lawyers in the country work at Howells. We regularly feature in Chambers Legal 500, and other directories. Some of our landmark cases are featured separately on this page. These include a recent battle by two men to have their DNA and fingerprint samples removed from the police database.

The firm also deals on a daily basis with a wide range of legal challenges. These are as

significant to people's lives as the high profile cases we deal with.

In particular, we often find that people come in with one problem and we then discover that they have a number of other linked problems that we can help them with.

For example, at the moment, we are seeing a big increase in employment cases – and people with employment problems often end up with family, housing, debt and welfare benefits issues as well.

Central to our approach is to take a holistic view and to try to either help clients ourselves or signpost them to other support services where appropriate.

**Landmark cases**

**S and Marper** – two men who wanted their DNA and fingerprint samples removed from the police database after they were not committed of any offence.

After a long battle through the UK legal system, the case was finally heard at an oral hearing of the Grand Chamber of the European Court of Human Rights where they found in our favour.

The landmark judgment should lead to hundreds of thousands of people in the UK having their samples removed from the national DNA database. The case was taken through the courts by Peter Mahy – a human rights specialist and partner at Howells LLP.

**Samuel Doran** – an eight year-old boy with Downs Syndrome, who was told by management at Hoyland Leisure Centre in Barnsley that he could not join their mainstream swimming lessons.

Their decision was challenged by Howells working with the Disability Rights Commission and was overturned in court. This led to a review of policies in all Barnsley's leisure facilities and had an impact on leisure provision UK-wide.

**Brett Ravenhill** – a Barnsley man who lost part of his leg due to medical errors following a road accident, received a significant payout from Barnsley District General Hospital after

they were forced to admit they had been negligent.

Isabel Lloyd Jones, head of clinical negligence at Howells LLP, said that there had been a long fight to get Barnsley District General to accept their responsibility for the amputation.

She said: 'It has been a challenging case to tackle, with the hospital denying responsibility for the situation, but we are pleased that we have been able to secure a good settlement for Brett.

'With the help of this settlement, Brett has now been able to buy a new home and train for a new career as a forklift truck driver.'

# Recession and demand for civil legal services

*Providers dealing with social and family related problems are likely to see demand for their services rise. It's a huge challenge with opportunities argue Professor Pascoe Pleasence and principal researcher Dr Nigel J. Balmer...*

## **Downturn already hurting**

It is unclear how prolonged or deep the current recession will be. But it has already had profound consequences. The Office for National Statistics has reported that, in the three months to February 2009, 270,000 people indicated they had been recently made redundant. The redundancy rate was 10.6 per 1,000 employees, up 6.4 from a year earlier.

During the same period, the unemployment rate rose to 6.7 per cent, from 5.2 per cent a year earlier. The UK unemployment benefit claimant count rose to 1,464,100 in March – a figure twice as high as a year earlier.

The European Commission forecasts that the UK unemployment rate will exceed 8 per cent in 2009 and 2010, with others forecasting higher rates still. The numbers of people losing their jobs is likely to remain very high for some time to come.

Increasing unemployment presents a double challenge to the provision of public funded legal services. Increased unemployment, the most evident social consequence of recession, extends eligibility for legal aid.

Unemployment is also associated with increased vulnerability to 'justiciable' problems (i.e. problems which could potentially be resolved through legal process), which feeds demand for public funded civil legal services.

## **Unemployment, job loss and 'justiciable' problems**

Unemployment has been shown previously to be associated with increased prevalence of 'justiciable' problems (Causes of Action: Civil Law and Social Justice, 2006, TSO). The percentage of unemployed respondents to the 2004 English and Welsh Civil and Social Justice Survey reporting one or more problems was 55 per cent. In contrast, the figure was under 40 per cent for the remainder of respondents of working age.

In particular, unemployment has been shown

of to be associated with problems concerning employment, welfare benefits, money, housing, neighbours and domestic violence.

However, of more consequence to increasing demand for public funded legal services than simple unemployment is job loss. Being and becoming unemployed are different. Becoming unemployed is a life event that has immediate and often profound consequences.

Job loss is likely to bring about a negative change in income, which may then lead to debt problems, loss of a home and, even, homelessness. Job loss will also frequently bring people into contact with the welfare benefits system.

This trend is highlighted by Citizens Advice Bureaux, which are reporting a substantial recent increase in demand for advice on redundancy, debt problems, rent arrears and welfare benefits (Press Release, 16 February 2009).

## **Demand for mortgage repossession advice**

The Community Legal Advice Helpline has also reported a considerable increase in demand for advice on mortgage repossession (Press Release, 21 November 2008) and the Local Government Association is reporting rising homelessness across England and Wales (Press Release, 24 February 2009).

More broadly, there is evidence that job loss and loss of income can bring about family break-up. In the late 1970s, the Nobel Prize™ winning economist Gary Becker argued influentially that the risk of divorce increases on the realisation of 'unfavourable' changes in individuals' economic circumstances (An Economic Analysis of Marital Instability, 1977, Journal of Political Economy).

He and others have also put forward empirical evidence that supports this argument, although it appears that the reason for a change in an individual's economic circumstances is important.

For example, Kerwin Charles and Melvin Stevens' analysed data from the US Panel

Study of Income Dynamics. This indicated that large-scale lay-offs have less impact on family stability than those on a small-scale, that might give rise to "negative inference about a partner's discipline and temperament" (Job Displacement, Disability and Divorce, 2004, Journal of Labor Economics).

## **Findings from English and Welsh Civil and Social Justice Survey**

Support for Gary Becker's argument comes in the shape of new findings from the English and Welsh Civil and Social Justice Survey (CSJS). This suggests the recession will make a sizeable impact on the demand for public funded legal services in general.

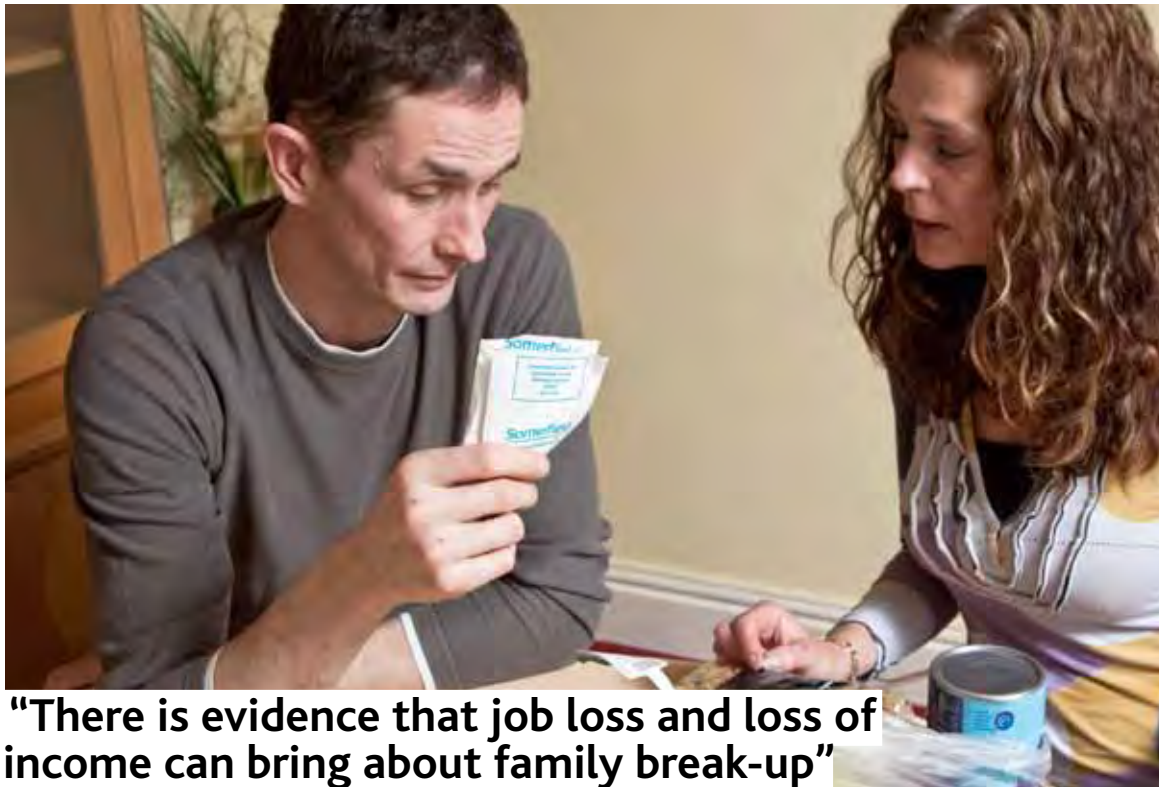
Statistical analysis of data relating to more than 10,000 CSJS respondents (interviewed between 2006 and 2008), reveals that those who had become unemployed during the survey's three-year 'reference period' were much more likely than others, including those who were simply unemployed, to report having experienced justiciable problems.

The same was true of those who had experienced a problematic redundancy/sacking. In fact, those who had become unemployed reported 1.3 problems on average, compared with 0.6 problems for others (and 1.0 problems for those who were simply unemployed).

Those who had experienced a problematic redundancy/sacking reported 2.3 problems on average, though all of them had (by definition) reported a problem around their redundancy/sacking.

## **Looking at different problem types**

In terms of problem types, those who had become unemployed were associated, in particular, with problems concerning employment, discrimination, money, divorce. Also, problems relating to relationship breakdown, housing and homelessness.



## “There is evidence that job loss and loss of income can bring about family break-up”

### Key Points

- UK unemployment rate forecast to exceed 8 per cent in 2009 and 2010
- Current recession could see millions of people made redundant
- Increased unemployment extends legal aid eligibility
- Rising demand for services reported by Citizens Advice and CLA Helpline
- Rising homelessness reported by Local Government Association
- Job losses are strongly associated with social welfare and family problems
- Publicly funded providers likely to face big increases in workload.

In many ways, this is a similar pattern to that seen for those who were simply unemployed. However, the former were far more likely to report family disputes, and far less likely to report problems concerning rented housing, homelessness and unfair treatment by the police.

### Demand for publicly funded legal advice in a recession

On a per 100,000 person basis, the difference in the associated number of justiciable problems between people who become unemployed and people who do not is approaching 70,000. In the case of problematic redundancy, the difference is more than 150,000.

Given that the current recession is likely to involve many hundreds of thousands (perhaps millions) of people being made redundant and becoming unemployed, this suggests that the recession will be accompanied by a marked increase in the volume of justiciable problems experienced across England and Wales.

If pre-recession patterns of advice-seeking behaviour hold in the current economic climate, then around half the additional problems will translate into demand for advice - much of which will be demand for legal advice. The association of job loss with social welfare and family-related problems suggests that increased

demand will be directed primarily towards public funded legal services.

A precise forecast of demand is not achievable on the basis of CSJS data alone. Details of the circumstances of job loss have not been collected through the survey, but appear to be important to the risk of resulting family problems.

More generally, patterns of experience and behaviour in a benign economic climate are likely to differ from those in the midst of recession.

Moreover, intricate questions of causation are not easily explored through the survey in its current form. Not all the additional justiciable problems associated with job loss will be caused by, or even follow, job loss. Even so, it is evident that demand will increase, and that people losing their jobs will frequently face a set of interwoven justiciable and broader social problems.

### Looking ahead

The additional £13 million recently allocated to the Legal Services Commission for the provision of an additional 50,000 cases of debt help and 20,000 cases of housing help is recognition of both the increasing need for such services and their utility.

However, the current recession will present

a particular challenge to the provision of public funded legal services. Increased demand set against a backdrop of pressure on public spending will be tough to manage.

But, one potential silver lining of the recession may be that it presents an opportunity for the real social value of public funded legal services to be demonstrated and appreciated far beyond the ranks of those working in the field.



*Pascoe Pleasence, Academic and Scientific Adviser at the Legal Services Research Centre, Legal Services Commission, and Professor of Empirical Legal Studies, University College London.*

*Dr. Nigel J. Balmer, Principal Researcher, Legal Services Research Centre, Legal Services Commission, and Honorary Senior Research Fellow, University College London.*

*The Legal Services Research Centre (LSRC) is the independent research division of the LSC.*



## ■ ‘Does size matter?’ - minority lawyers event

*There were reassuring words for black, asian and minority ethnic (BAME) providers worried about the changing market at a biennial minority lawyers conference held at the Law Society...*

Is big necessarily beautiful? Hugh Barrett, Executive Director for Commissioning, was challenged to give the LSC’s answer at the 7th Biennial Minority Lawyers Conference on 25 April.

Hugh said: ‘We have and will continue to propose low barriers to entry to ensure that the most efficient firms, of any size, that offer quality services and meet client needs can thrive in the legal aid market.’

And Hugh assured the audience that the LSC takes ‘equality and diversity duties very seriously’. He added: ‘We are proud that so many black, asian and ethnic minority (BAME) lawyers take on legal aid work – currently 16 per cent of all legal aid lawyers.’

The LSC’s view is important to BAME lawyers, many of whom work in small firms and fear that reforms will make it harder for them to win contracts. Hugh was part of a panel for a workshop that addressed the impact of LSC reforms and the Legal Services Act on BAME providers.

In his speech, Hugh highlighted that excellence comes in all shapes, sizes and colours. He said: ‘Whatever is most efficient, whatever best meets client needs and whatever delivers quality services at an affordable price both for the taxpayer and for the practitioner – that is beautiful.’

The message for BAME lawyers is that they are well placed to succeed in the reformed legal aid market, but need to ensure they deliver quality, value and access. Other speakers at the workshop included Yvonne Brown, principal of a small firm and a board member of the Solicitors Regulatory Authority, and Angela Jackman, partner at the large firm Fisher Meredith. Both explained the strengths of their different business models, and highlighted their hopes and fears about reforms. You can find out more by visiting the Bar Council’s website – see below.

The LSC also had a display stand with a range of information, including support materials for BAME firms and packs about the training contract grants scheme. Staff attended to promote awareness of our work and tackle concerns raised by providers.

The LSC was one of the sponsors of the conference, a joint venture between the Bar Council, the Law Society and ILEX and held at Chancery Lane.

Attorney General and former legal aid minister Baroness Scotland of Asthal, who has a track record for promoting equality and diversity, gave the keynote address. She promoted the theme of the event - ‘Personal Development’, covering career progression, retention/progression issues and mentoring.

Baroness Scotland asked all delegates to think

of three things that they will do differently to support BME firms.

Our pledges are:

- To publish a provider Expectations Statement agreed with the profession that ties in to our contracting requirements and gives a clear and concise outline of the LSC’s expectations for equality and diversity when delivering publicly funded services.
- To follow guidelines within the new Equalities Bill to promote equality within our procurement strategies including our proposals on best value tendering. Also, to make sure that there are no unjustified barriers to entry that prevent an efficient, high quality provider from bidding.
- To demonstrate our commitment, through our Client and Public Engagement Strategy, to improving our understanding of the needs of diverse clients. The aim is to develop services that better meet their need – putting clients at the heart of quality.

### Contact & Information

» [www.barcouncil.org.uk/news/events/229.html](http://www.barcouncil.org.uk/news/events/229.html)

» [diversity@legalservices.gov.uk](mailto:diversity@legalservices.gov.uk)

## Virtual Court starts to deliver justice

The Virtual Court Duty Solicitor scheme has started work in a groundbreaking special pilot at Charing Cross Police Station.

The scheme allows first hearings, and in some cases sentencing, to be handled without the need to produce a prisoner physically in the court building.

LSC head of external relations Tim Colliou said: 'This is an exciting and historic development that has the potential to increase the efficiency of the criminal justice system.'

'The first case involved an Italian man, who required an interpreter. He appeared before Camberwell magistrates' court using a video link from Charing Cross station.

'The defendant pleaded guilty to a drink driving charge and was sentenced to a fine and a ban. A solicitor from the Virtual Court Duty Solicitor scheme represented him. The total time from charge to disposal was four hours – the time from arrest to disposal was 12 hours.

'The technology is working well and we plan to slowly increase the volume of cases going through Charing Cross. The intention is that the Virtual Court pilot will hit full capacity from 9



**"This is an exciting and historic development that has the potential to increase the efficiency of the criminal justice system."**

June 2009 when the second site in Bexleyheath will also go live.'

#### Contact & Information

» LSC website > cds > consultations > virtual court

» tim.colliou@legalservices.gov.uk

## Response to Crown Court means testing consultation

*Litigators and advocates will soon be able to read a joint response from the MoJ and the LSC on a consultation for proposals on Crown Court means testing...*

The Government's response to the consultation on Crown Court means testing is to be published soon.

This follows on from the joint publication of consultation proposals by MoJ and the LSC in November 2008.

A series of interactive events were held for providers to help communicate the proposals. These were staged in parts of England and Wales where pilot schemes were being considered for the new means testing scheme.

Workstream lead Sarah Schofield, who organised the events, said: 'We had some very thoughtful contributions from practitioners. Their comments have been considered along

with feedback from the consultation period itself, which closed on 29 January 2009.

'Comments and feedback received from the consultation period is now informing a joint response from the MoJ and the LSC. This is now in the process of being finalised. An updated Impact Assessment will also be published setting out the costs and benefits of Crown Court means testing.'

The Government wants to extend means testing to the Crown Court following its successful introduction to magistrates' courts in October 2006.

The idea is that this would make sure free legal representation is available to those who

need it most. This would place criminal legal aid on a sustainable footing for the longer term and enable the:

- Government to focus its resources on delivering a better justice system
- LSC to help as many people as possible within the resources available.

#### Contact & Information

» LSC website > CDS > Criminal legal aid eligibility > Proposed means testing in the Crown Court

» MoJ website > Consultations > Closed Awaiting Response > Crown Court means testing

# All change for immigration web pages

*Immigration guidance on the LSC website is being given a make-over to bring it up to date ...*

Immigration web pages are being given a refresh on the LSC website.

The idea is to update the pages to reflect the current work carried out by the Immigration Policy Team.

There are still six individual pages, with older documents having been archived. These are:

1. **Immigration & Asylum front page** – providing confirmation of contact details for the policy team. Also, for contacting the National Immigration and Asylum Team (NIAT) regarding billing queries.
2. **Immigration Contracts** – providing links to Contract Documentation, Funding Code Guidance and FAQs.
3. **Processing Immigration applications** – NIAT's own dedicated page with operational contacts and guidance.
4. **Immigration Policy Development** – further detail on various policy initiatives, pilots and areas of work undertaken by the team.
5. **Immigration Updates** – important updates on related immigration issues.
6. **Accreditation Scheme** – background to the scheme, key documents and links to Useful Contacts.

## New immigration and funding documents

As well as revamping the web pages we have also published two revised documents:

- Shortened version of the Immigration FAQ document,
- Revised Funding Code Decision making guidance Section 29.

The Funding Code Guidance now includes some of the guidance previously contained in the FAQs.

These changes are being made so that the FAQs truly focus on frequent questions. Also, to ensure that more substantial issues concerning funding are covered in one guidance document.

Both documents can be downloaded from the 'Immigration Contracts' page of the LSC Website.

## RARA Reporting Form

From 1 May 2009, we will be introducing a number of small changes to the Review and

Reconsideration process. There are three areas of change:

1. From 1 May 2009 there is no longer any requirement to provide the RARA Reporting Form when submitting cases for assessment.
2. An internal review has been carried out and the assessment process has been streamlined.
3. There has been a commitment to reduce the administration burden on suppliers and reduce the amount of correspondence.

The removal of the requirement to submit the RARA Reporting Form will reduce the level of administration in the process.

The Review and Reconsideration Team will still let you know in advance of when files are requested with a stated deadline.

## Clarification on client's travel claims

We need to clarify this situation on travel costs for providers who are claiming the costs of a client's travel to their offices in the immigration category.

Our plans now are to re-introduce the provision in the Immigration Specification of the unified contract from April 2010. This means providers can continue to claim for the reasonable travel costs of asylum clients who attend their offices to give instructions.

Until that date, we are issuing guidance on the matter, which will allow providers to continue to claim those costs.

The costs of the client's travel to attend on a provider to give instructions are claimable as a disbursement where:

- The client is in receipt of support from National Asylum Support Service
- The only purpose of the client's journey is to attend on you to give instructions
- You have informed the client before the journey that the disbursement will be paid
- There is no other more local provider who is able to take the case.

The disbursement claimable will be the cost of the return fare on the cheapest available public transport.

Any reasonable costs, which have been claimed before this point as a result of the previous guidance, will not be affected.

## Changes to immigration codes and reporting

To make possible the changes to immigration codes and reporting requirements we plan to update some of the data fields in LSC Online from 1 June 2009. This means that your May 2009 submission, submitted via LSC Online between 1 and 20 June will need to reflect the changes.

In order to carry out the changes to LSC Online we have updated the Bulkload spreadsheet, with a new version v1.8 and supporting guidance.

We have also worked closely with software vendors to ensure that your electronic case management systems remain compatible. If you are unsure whether your system needs upgrading then contact your software vendor directly.

If you have any questions regarding the changes please contact your Account Manager. Alternatively, use the email address below.

### Contact & Information

- » LSC website > CLS > Civil areas of work > (Immigration and asylum to view revamped pages)
- » LSC website > CLS > Civil areas of work > Immigration and asylum > Immigration contracts (to download revised immigration and funding documents)
- » LSC website > LSC Online > Using LSC Online > Using the bulkload spreadsheet (to see updated spreadsheet)
- » NIAT-CCA-billing@legalservices.gov.uk (for enquiries about the reporting changes)
- » immigration-services@legalservices.gov.uk (for general enquiries about funding guidance)

## ■ CLA website aims to build on success

*Two million people a year visit the Community Legal Advice (CLA) website and it's just been redesigned to help it reach even more people...*

The popular Community Legal Advice (CLA) website is looking to the future with a makeover to make it even more relevant and easier to use.

New design features include:

- overhaul of the homepage making it easier to search for information by area of law
- improved advice search function, with an option for searching for terms in Welsh
- prominent 'call to action' buttons to encourage people not just to read about their problems but to take action where required e.g. by asking for a 'callback' from the CLA helpline.

### Advice in different languages

The new site continues to offer advice in several languages. The English, Welsh and British Sign Language sections of the website are now live. The eight other languages provided will follow shortly.

Future developments in the pipeline are for updated advice content plus a new directory and eligibility calculator.

About two million people a year use the site, with nearly 1,000 visitors each month using the 'callback' tool.

Feedback from users is already very positive.



### CLA website – facts and figures

- More than 2 million visitors every year
- Nearly 400,000 advice leaflets downloaded – 55% increase
- More than 16 million web pages viewed – 53%

Comments emailed to the website include:

- 'Finding the information I needed was easy'
- 'Clear, easily understandable explanations pitched at an ideal level for all'
- 'Information is easy to understand, written in simple English'
- 'I find this website very helpful for those in need of legal advice'.

Development manager Paul Drinkwater said: 'We're always looking for ways to improve the

website. Our aim is to provide more accessible website content with easy-to-navigate structures and plain, jargon-free language.'

### Contact & Information

» [cls.clsdirectory@legalservices.gov.uk](mailto:cls.clsdirectory@legalservices.gov.uk)

» [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)

## ■ Civil Bid Rounds for 2010 contracts

### Where are we now?

We have spent the last couple of months carefully analysing all the 362 responses to our consultation on Civil Bid Rounds for 2010 contracts.

Our summary of responses was published on 17 April. We are now working on the final proposals – taking into account the views of consultation respondents.

At the same time, our regional staff have been working on the local procurement plans. These will cover in more detail the types of service that will be tendered for in each procurement area and will be published on the website shortly.

### Key dates coming up

Our planned next steps are as follows:

- Publication of final proposals - **Late June**
- Further information on specific aspects of the bid round provided, e.g. e-tendering July - **August 2009**
- Publication of Invitation to Tender and opening of bid round - **September 2009**
- Bid round closes - **October 2009**
- Contracts awarded - **December 2009**
- Contracts start - **April 2010**

We appreciate that the above timings may not be ideal, such as providing practical advice on e-tendering over the summer. But we want to ensure that the timetable allows as much time as possible for you to put in your bids, and for us to assess them. We can then be confident that the contracts will start in April 2010.

### How can I find more information?

The final proposals will be available on our consultation website and on the main LSC website – see below. You can also visit the tenders section of our website for information and watch for the latest news in the fortnightly 'LSC Updates'.

### Contact & Information

» LSC website > CLS > Consultations > Civil Bid Rounds for 2010 Contracts

» LSC website > About Us > Tenders

» LSC website > About Us > Our publications > Subscribe to publications

## ■ CLA helpline extended to include family advice

*The Community Legal Advice helpline will be offering family advice from August 2009. Following a competitive tender process, four providers have been awarded contracts to deliver family advice through the CLA helpline...*

The decision to expand Community Legal Advice to offer family law advice follows a successful year-long pilot. The evaluation of the pilot found:

- 3,000 calls a month were received by the phonenumber from people wanting family law advice – demonstrating strong demand for family help
- 100% of clients surveyed would recommend the service
- 82% said the advice they received enabled them to resolve their problem
- pilot showed a wide geographical reach and the helpline has potential to offer access to people in very rural locations who may not easily be able to access face-to-face legal advice
- pilot successfully reached a diverse client base: 11% of family helpline callers described themselves as having a disability and 20% were from Black or Minority Ethnic backgrounds.

### The providers

A tender to provide the rolled-out service was announced in January 2009. A total of 34 providers sent in bids, of which four were successful in obtaining contracts to deliver the new service.

**Howells Solicitors** are based in Sheffield and Rotherham. They currently offer telephone advice in debt, employment, housing and welfare benefits for Community Legal Advice. In addition, they have been involved in the family telephone project since the pilot began. The firm is also involved in providing advice at the Leicester and Hull Community Legal Advice centres, also funded by legal aid.

**Switalskis Solicitors** has a number of branches in West Yorkshire, including offices in Wakefield and Bradford. This will be the first Community Legal Advice phone service that the firm provides.

**Allan Rutherford Solicitors** is located in the centre of Norwich and they specialise in family work. They also provide a free domestic violence legal advice helpline for out of hours help 24 hours a day, 365 days a year and provide assistance for people with housing problems at a free court scheme in Bury St Edmonds. The firm has also been part of the family telephone advice service from the beginning.

**Morgans Solicitors** are based in Cardiff, Swansea and Milford Haven. The firm currently



provides Community Legal Advice telephone advice in English and Welsh in the categories of debt, employment, housing and welfare benefits. Morgans will be providing family advice in English and Welsh through the CLA helpline.

The new service is anticipated to be up and running by August 2009.

### Contact & Information

- » [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)
- » 0845 345 4 345 for people who want to access Community Legal Advice. Alternatively, people can text their name and 'legalaid' to 80010 and Community Legal Advice will call back.

## New jobs and longer opening hours

The addition of family law advice to the Community Legal Advice phone line service has created around 40 jobs.

There are about 15 new roles at Howells Solicitors of Sheffield and Rotherham, ten at Wakefield based Switalskis Solicitors, seven at Allan Rutherford Solicitors, and another seven at Morgans Solicitors in Wales.

The family service is expected to be up and running by August 2009. It follows the recent extension to Community Legal Advice's opening hours.

Clients are now able to get help for debt, housing, employment, education and welfare benefits problems between 9am and 6.30pm on weekdays and 9am and 12.30pm on Saturdays.

The opening hours of Community Legal Advice will be extended further to cover weekday evenings later in 2009.

LSC Chief Executive Carolyn Regan said: 'The LSC is investing around £7 million over three years in the Community Legal Advice family service.

'From August, people who need help but can't afford it will be able to call 0845 345 4 345 to get free help for family related legal problems.

'During the current recession, debt, eviction or redundancy can put a strain on relationships. Equally, splitting families can cause housing or debt problems.'



## ■ Whole System initiatives hit corporate targets

*Our work with justice system partners to improve the client's experience is chalking up some significant results...*

Efforts to improve efficiency across the civil and criminal justice systems through our 'whole system initiatives' work are bringing practical benefits.

Liz Long has been leading on this work for the LSC. She said: 'This is our third year of corporate targets for whole system efficiency.

'Our regional leads have been able to play a more active role in their local justice systems and now have more influence with local stakeholders.

'Their membership of Local Criminal Justice Boards (LCJB) and Local Family Justice Councils (LFJC) has raised the profile of legal aid and enabled the resolution of issues raised by legal aid providers.'

### Criminal Justice System

This year we encouraged and helped defence practitioners to join their LCJB and any sub-groups.

As a result of issues raised by defence practitioners about the handling of bailbacks, some police stations have fitted dedicated phone lines for solicitors into custody suites.

We have worked to ensure that duty solicitor rotas run smoothly and to ensure defence engagement in the streamlined process.

Our key target for 2009-10 is to improve efficiency of advice and assistance at the police station by reducing unanswered calls from CDS Direct by 10%.

### Family Justice System

We have taken all opportunities to promote mediation, such as through judicial training and we have promoted the eligibility of legal aid in domestic abuse cases.

We have supported the implementation of specialist domestic violence courts and worked with Refuge, Women's Aid and local providers to ensure suitable availability of legal advice.

Regional family leads have played a key role in building relationships to help ensure the success of our Alternative Commissioning of Experts pilot.

This year, we aim to increase the number

of refugees with access to family by 10% and/or social welfare law advice for domestic abuse survivors. This will ensure that the client receives appropriate advice in a timely manner.

We want to increase the number of family disputes resolved through mediation. So we will review the extent of the inappropriate use of mediation exemption reasons.

### Mental Health Justice System progress

Our first year of targets for mental health has seen the development of positive relationships with the Tribunal Service Mental Health Operations Teams (TSMH) at all levels.

Our links with providers have helped TSMH to improve case management. The percentage of responsible clinicians' reports submitted to TSMH within 21 days of request increased from 10% in April 2008 to 78% in February 2009.

We have come up with good solutions for inefficiencies by working with hospitals and the TSMH.

This year's target for mental health is to reduce by 30% the number of adjournments that can be classified as 'potentially unnecessary' at first-tier tribunal for providers.

### How providers can get involved

You can get involved via Provider Reference Groups. Alternatively, the improving efficiency pages on our website contain a feedback mechanism, through which we want to hear about people's actual experiences of the justice system. If you prefer to send a comment directly to us, please use the improving efficiency email address.

#### Contact & Information

- » [improvingefficiency@legalservices.gov.uk](mailto:improvingefficiency@legalservices.gov.uk)
- » [www.legalservices.gov.uk/aboutus/improving\\_efficiency.asp](http://www.legalservices.gov.uk/aboutus/improving_efficiency.asp)



## ■ Pilot for prison to court video links

*Video conferencing facilities are to be tested by solicitors for meetings with clients in prisons across London.*

Video conferencing facilities are to be tested by solicitors for meetings with clients in prisons across London.

The pilot will start in Holloway and Wandsworth prisons and will then be rolled out to another two or three prisons in the capital.

Pressure on providers travelling to see clients has been increasing as the prison population heads towards an all-time high. So it is hoped this pilot will help save money and time.

LSC head of external relations Tim Collieu said: 'There are significant efficiency gains to be made for everyone through the increased use of video based attendances.

'Prisoners receiving visitors is disruptive for the prison service and visiting is time consuming for the solicitor – especially when their client has been moved to a distant prison. We hope that this pilot will mark a trail to be adopted throughout England and Wales.'

The pilot scheme has been developed by the LSC in partnership with the Director of Offender Management in London and Her Majesty's Court Service (HMCS).

#### Contact & Information

- » [tim.collieu@legalservices.gov.uk](mailto:tim.collieu@legalservices.gov.uk)

## ■ Ensuring clients are at the heart of all we do

*New strategy launched to help make us a client-focused commissioning organisation...*

Our 'Client and Public Engagement Strategy' was published in April 2009.

This sets out how we encourage feedback and actively engage clients and potential clients to contribute to the development of legal services. A key objective is to make sure that clients are empowered to access the services they need.

This includes everyone from survivors of domestic abuse to single parents, carers, people with mental health problems and young people.

Acting director of strategy Patrick Reeve said: 'The strategy we've recently published is a major step towards making us a client-focused commissioning organisation.'

'It provides a framework to ensure a greater understanding of the issues that are important to the client groups who access legal aid services.'

### What we've already achieved

We regularly request feedback from a proportion of the users of our Community Legal Advice helpline, website and leaflets, which has resulted in:

- improved helpline service
- significant recent website changes – see page 23
- ensuring leaflets meet consumer needs.

Direct engagement with the public has helped shape the new Community Legal Advice services, including key issues such as the selection process, the opening hours and access points for centres.

The December 2008 meeting of the Wales Committee for the Community Legal Service focused on the needs of young people. This included those working for young people at grassroots and strategic levels and young people representing their peers.

Specific actions from this meeting will be taken forward over the coming months.

In December 2008, the Client Diversity Group met for the first time. They are exploring ways to raise the LSC and legal aid providers' awareness

of the experiences, barriers and needs faced by various groups of people.

### Priorities for 2009-11

The continuing work of the Client Diversity Group will be part of ensuring that the needs of potential clients and the public are considered. One way in which we will do this is by creating an easy read legal aid dictionary, which will use symbols and pictures to help explain words within the legal system.

We plan to pilot a scheme to capture client experiences of receiving legal aid. We are reviewing priorities and options for where best to implement the pilot and which client group is most suitable.

Focus groups on survivors of domestic abuse have obtained qualitative information on BME women's own perceptions and experiences in accessing legal aid. They also identified the themes behind some of the issues highlighted.

Discussions have covered:

- finding a solicitor
- understanding the complexities of the justice system
- obtaining legal information, including format, language and accessibility.

A final report on the barriers for BME women accessing legal services will be published on our website.

All of this is only the first step. In the long term we want to ensure that clients are more aware of the options available to them and are able to make more informed decisions about the services legal aid provides.

### Contact & Information

- » LSC Website > About Us > Transforming legal aid > Our client and public engagement strategy
- » liz.long@legalservices.gov.uk

## ■ Lawyers needed for QAA pilot

*The Quality Assurance for Advocates (QAA) research pilot is being extended nationwide and more volunteers are needed to test assessment options...*

The QAA research pilot has recently widened the pool of advocates able to take part.

The pilot is testing assessment options for quality assuring criminal advocates and we are looking for more solicitors and barristers from across England and Wales.

The LSC has developed the scheme over the past two years in partnership with Ministry of Justice and the professions. The pilot began in February and will end in August 2009.

The Head of QAA Louise Collins said: 'It's critical that solicitors and barristers of all levels of experience come forward to take part. That way we can make sure that any final scheme is fair for all advocates.'

'In particular, we need to test whether credit can be given to qualifications that advocates already hold. So if you are a duty solicitor, a solicitor with higher rights of audience or a CPS external prosecutor we would urge you to come forward for the pilot.'

There is a particular need for volunteers to take part from the following groups:

- Women
- Black and minority ethnic advocates
- Advocates who work part-time or with caring responsibilities
- Advocates with a disability or health problem

Louise said: 'The pilot will help us to properly test and evaluate the impacts on these groups and make the necessary adjustments in any final proposals.'

If you are interested in taking part or would like more information please call Sinead Reynolds or email QAA – see below.

### Contact & Information

- » 020 7783 7421 (to speak to Sinead Reynolds)
- » qaa@legalservices.gov.uk
- » LSC website > CDS > Quality & performance

# Family legal aid funding from 2010 – consultation closes

*The LSC consultation on Family Legal Aid Funding from 2010 closed on Friday 3 April...*

## Who responded?

We received a total of 1,491 responses to the consultation. These responses came from a wide range of organisations and individuals including the national representative bodies, individual family practitioners, the judiciary, the Official Solicitor, the Welsh Assembly Government and local authorities.

- 60% of responses came from individual barristers or barristers on behalf of their chambers.
- 22% of responses came from individual solicitors or solicitors behalf of their firm.
- 5% of responses came from judges.

As part of the consultation process we also ran a series of provider workshops across England and Wales and feedback from these workshops has been included in the consultation response.

## What were we consulting on?

We were consulting on proposals to change the way we pay for family work. The consultation focused on proposals for two new payment schemes:

- **Private Family Law Representation Scheme:** This covers family private Certificated Work (levels 3 & 4), from the issuing of proceedings until the end of the final hearing. This would replace the current hourly rate system.
- **Family Advocacy Fee Scheme:** This covers advocacy for both public and private family cases. We plan to bring solicitors' advocacy (currently paid on hourly rates) and barristers' fees (currently paid through the Family Graduated Fee Scheme) into a single graduated fee scheme. This would pay the same fee for advocacy, regardless of who undertakes it.

## What did the respondents say?

It was clear from the consultation responses and from the workshops that there was a considerable depth of feeling in relation to



the proposals. Also, great concern over their potential impact on family providers undertaking legally aided work and on the Family Justice System.

Key themes from the responses were as follows:

- Fee levels have been set too low. Barrister responses felt that if the proposals were implemented many family barristers would cease to carry out publicly funded work.

## Private Law Representation scheme

- The majority of respondents strongly agreed that the scheme should be a national, not regional scheme.
- Respondents felt that a separate fee should be payable for enforcement proceedings and that there should be no time limit within which to claim.
- TOLATA and Rule 9.5 cases should be excluded from the scheme.
- The threshold for exceptional cases should be three times the standard fee.

## Family Advocacy Fee Scheme

- Many responses stressed that complexity in cases needed to be remunerated appropriately and that the current scheme failed to do this.
- Respondents also argued that the scheme had underestimated the amount of preparation that was required for each individual case.

We received many very detailed responses with a number of useful suggestions for improving the proposed scheme and these are all being considered. The full summary of responses will be published in early June.

## Contact & Information

- » 020 7783 7675 – 'Family Policy Team' (enquiries about this article)
- » family@legalservices.gov.uk

## Minister puts spotlight on home repossessions

Efforts to reduce the growing number of home repossessions took centre stage when Lord Bach visited the 'court housing desk' in Portsmouth.

The legal aid minister met with housing supervisor Valerie Kelly from Portsmouth Community Legal Advice Centre, which operates the desk at the city's magistrates' court.

LSC executive director for commissioning Hugh Barrett joined the minister on his visit.

Lord Bach is keen for families worried about having their homes seized to make full use of court desk schemes being run across England and Wales.

He said: 'The Government is determined to take action now to give people real help to get through these difficult times.

'A do-nothing approach, to let the recession take its course, would be completely the wrong thing to do.



### Court visit

From left to right: Lord Bach (MoJ), Hugh Barrett (LSC) and Valerie Kelly (Portsmouth Community Legal Advice Centre)

### Negotiating a deal

'That is why we are supporting schemes like this free, expert legal help. This can mean the difference between losing your home and negotiating a deal to keep it while you work out a way to pay.'

The Portsmouth court desk provides free legal advice available for people arriving before their hearing with their repossession order.

During his visit Lord Bach sat in on a client advice session and spent some time observing court proceedings. He also met with key figures

from Portsmouth Community Legal Advice Centre.

These included centre manager Gail McMillan and 'YOU' chief executive Nicola Youern – the organisation holding the contract to run the centre.

## Payment dates June and July 2009

In the table below are proposed payment dates up to July 2009.

The payment day is the day it goes into bank accounts (day 3 of BACs).

For regularly updated information about payment dates please see the LSC website.

Contract Payments & 1 <sup>st</sup> settlement of the month	2 <sup>nd</sup> settlement of the month	3 <sup>rd</sup> settlement of the month	4 <sup>th</sup> settlement of the month	5 <sup>th</sup> settlement of the month
4 Jun 09	11 Jun 09	18 Jun 09	25 Jun 09	-
6 Jul 09	9 Jul 09	16 Jul 09	23 Jul 09	30 Jul 09

■ LSC > Criminal Defence Service (CDS) Pay rates and schemes > Payment dates

■ LSC > Community Legal Service (CLS) Pay rates and schemes > Payment dates