

**Submission by Bob Chapman in response to the Call for Evidence by the
Commission on Justice in Wales – June 2018**

INTRODUCTION

This response comes in three parts, drawing on a range of experience developed working in and with the legal and advice sector in Wales during the past 44 years. During that period I have worked as a local authority social worker (1973-74), for the Citizens Advice service (1974-88), for local authority welfare rights units (1988-2000), at the Legal Services Commission as Planning & Partnership Manager (2000-2005) and Wales Director (2005 -2007), for private practice solicitors firms (2007-2010), and have been:

- a trustee of several Citizens Advice bureaux, of Shelter Cymru and of the Bevan Foundation;
- a member of the Board of Consumer Focus Wales (2008-2013),
- a member of the Welsh Committee of the Administrative Justice and Tribunals Council (2008-2013) and its successor the Committee for Administrative Justice and Tribunals Wales (CAJTW 2013-2016).

In August 2015 I was appointed by the Minister for Communities and Tackling Poverty as the Chair of the National Advice Network Wales.

The three elements of this submission are:

- A - a response from the National Advice Network Wales – this element is presented on behalf on the core group of the Network.

The following two sections are personal views based on my own experience only, and not in any way endorsed by the National Advice Network Wales.

- B - An assessment of the progress made against the recommendations included in the “legacy report” of the CAJTW published in March 2016 – “Administrative Justice – Cornerstone of Social Justice”.
- C - A review of the operation of the Community Legal Service in Wales between 2000 and 2007 seeking lessons for the future.

Parts A & B are attached together with their appendices. Part C will follow shortly.



Chair – National Advice Network Wales

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A - RESPONSE FROM THE NATIONAL ADVICE NETWORK WALES

The National Advice Network (NAN) provides advice to the Welsh Government on policy requirements to improve access to good quality social welfare law information and advice services.

The Network was set up in March 2015 by the Minister for Communities and Tackling Poverty as part of Welsh Government's response to the 2013 Review of Advice Services in Wales.

The 2013 Review can be found here:

<https://gov.wales/statistics-and-research/advice-services-review/?lang=en>

The NAN Terms of Reference can be found here:

<https://gov.wales/docs/dsjlg/publications/comm/170804-terms-of-reference-en.pdf>

Since the publication of the 2013 Review the Welsh Government has also:

- commissioned and adopted an [Information and Advice Quality Framework](#);
- committed substantial additional funds (approximately £2.2 million annually) to front line advice services;
- commissioned and published an independent review of [the need for social welfare law advice in Wales](#); and
- published its Information and Advice Action Plan which can be found here: <https://gov.wales/topics/people-and-communities/communities/advice-services/information-and-advice-action-plan/?lang=en>

The information and Advice Action Plan is reviewed annually by NAN. The 2017 review can be found here:

<https://gov.wales/topics/people-and-communities/communities/advice-services/information-and-advice-action-plan/?lang=en>

The 2018 Annual Review is due to be published in July.

During 2018 the Network has begun work to describe an overall model for advice services in Wales – our vision for 2026. There are a number of commitments in the Action Plan, outlined below in the description of the advice model, which begin to build this model but we are working on a story which ties it all together. NAN suggests that the Commission might consider incorporating some of these ideas in their approach to the role of advice services in improving the justice system as a whole. This would have the effect of building on and reinforcing what is already being proposed, and beginning to be delivered, to improve the system.

The “model” is at an early stage of development but what follows gives an early indication of our thinking.

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**Vision for the future - “Effective advice provision is available
across Wales for all citizens”**

1. The National Advice Network Wales has a vision for 2026 where free and impartial advice services will deliver quality assured information, advice and support to all who need it, in a Wales where everyone understand their rights and responsibilities and knows how to access them. We place particular emphasis on ensuring that those people with the greatest need for such services, and those who otherwise find it most difficult to access support services, are able to benefit from the services provided. Early interventions and wider preventative work are essential to the fulfilment of this vision as they reduce the likelihood of issues arising and minor problems escalating.
2. Our initial vision has been developed in the context of social welfare law (welfare benefits, financial inclusion including debt and money advice, housing and homelessness, employment, immigration and discrimination) but can be equally well applied to other areas of civil law.
3. We do not think we should prescribe by whom these services will be provided – they may be organisations in the public, private or third sector – the important thing is that the services provided are of a high quality, free at the point of delivery, impartial and provided solely in people’s best interests.
4. We all have rights and responsibilities; education, information and advice on these legal rights and responsibilities will allow each person to lead fulfilled lives and maximise their opportunity to contribute to the well-being of future generations.
5. Our vision includes a Wales where early intervention through the provision of independent information and individually tailored advice will enable people to make informed decisions, have greater control and responsibility over their lives, and reduce the need to access crisis advice provision; a Wales where decision-makers learn lessons from mistakes, from complaints and from “what works”, and which delivers a culture of continuous improvement.
6. The evidence collected by advice providers in the course of their day to day work will be used to inform and influence the development and implementation of policy and practice underpinned by robust data and/or research. This feedback will be central to the delivery of citizen-centred services to achieve the well-being of future generations goals.
7. The advice sector, whilst remaining independent and impartial, will be accountable through regular monitoring, evaluation and review. This will ensure that quality assured, accessible and user-friendly services, will remain guided by the needs of service users, non-users, and informed by relevant research.
8. In order to make all this work the advice sector will work together, regionally and nationally, to plan and deliver seamless local services, and nationally provided telephone, email and web-chat information, advice and support. Funders will work together to fund and commission services which seek to implement a national strategic approach which is underpinned by annually updated regional advice plans. Advice providers will use the best of modern technology to allow their staff, both paid and voluntary, to concentrate on what they do best –

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improving people's lives. The technology will enhance the networking of the sector making referral between agencies into a seamless process and enabling easy collection of consistent data from every agency operating in the sector.

9. In short, what we want to see by 2026 is a network of quality assured providers from the public, private and third sectors, working together to deliver a range of information, advice and support, enabled through coordinated and sustainable funding on the basis of a robust assessment of need.

Our Principles: (published in the NAN Key Messages – July 2017)

1. We recognise that investing in advice services provides great value for money; improves health and well-being; employability, prosperity; and financial resilience.
 - ✓ *This means we will help providers to identify, capture and publish all the positive outcomes from successful advice and information interventions with their funders and key stakeholders, demonstrating how services are deliver best value for the public purse.*
2. Advice Services support the delivery of key government initiatives.
 - ✓ *This means we are working with the Welsh Government, Local Authorities, Health Boards, etc., to highlight the important role played by information and advice services in delivering sustainable improvements to the wellbeing and prosperity of the people of Wales.*
3. Collaborating makes more of limited resources. We will encourage the development of advice networks across Wales to plan local services, share good practice, and develop local initiatives.
 - ✓ *This means we will learn best practice from the established Networks, to prepare guidance for service providers, funders, and commissioners, on how they can develop strong, sustainable and effective Networks within their locality.*
4. Funding for Advice Services, wherever it comes from, must be targeted at quality services, which are meeting identifiable need and promote continuous improvement.
 - ✓ *This means we are promoting the Welsh Government's Information and Advice Quality Framework (IAQF) throughout the sector, offering our guidance and support to enable the IAQF to become accessible to all the varied range of services engaged in the provision of social welfare advice and information services throughout Wales.*
5. Preventing problems is better than solving them. We will work to:
 - improve public legal education for children and adults
 - feed-back to policy-makers how policies are working, and

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→ ensure decisions are made “right first time”.

- ✓ *This means we want to develop a more sustainable approach to tackling poverty and social exclusion through building the skills, knowledge and resilience of the people of Wales and by all state decision making bodies having transparent processes through which their progress to making correct decisions can be objectively measured.*

6. We will create a culture of continuous improvement across the advice sector - Improve design and delivery of advice services

- ✓ *This means we will identify, learn from, and share best practice service models throughout the sector, particularly where the people who access services are involved in the design of the type of services that they need and will use.*

7. We will develop a common set of outcome measures for providers and funders in the advice sector to adopt. This will save time and money within the sector and free up resources to improve service delivery.

- ✓ *This means we will reduce administration burdens upon providers and ensure more of their resources can be focused upon the delivery of front line services, and have outcomes that clearly demonstrate the full value of their successful interventions to their funders and other stakeholders.*

The Well-being of Future Generations

The National Advice Network endorses the following key values in relation to the Future Generations 7 Well-being Goals and 5 Ways of Working:

The Advice Sector and the 5 Ways of Working	
Long Term	We work with funders and other advice providers to plan ahead on a regional and national basis.
Integration	We ensure our services all fit together and contribute to the overall vision for Wales.
Involvement	We involve our users in planning services – through person centred co-production.
Collaboration	We work with others, locally, regionally and nationally to make more of our limited resources. We provide only quality assured services and learn continuously from our experience, sharing our learning across the sector.
Prevention	We tackle Root Causes – building in prevention whilst dealing with crises, and using our experience to improve

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	policy and practice.
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The Advice Sector and the 7 Well-being Goals	
A prosperous Wales	We help to tackle poverty and social exclusion by increasing incomes, reducing debts, and helping people make the most of employment and educational opportunities.
A resilient Wales	We help to build social and economic resilience by empowering people to better deal with their problems; and we promote environmental resilience through the ways that we work, not duplicating effort or wasting resources.
A healthier Wales	We promote both mental and physical health through our work to reduce the stress of unsolved problems, and through practical assistance, for example, to claim welfare benefits, improve housing conditions and promote job security.
A more equal Wales	We tackle inequality, promote social justice and equal access for all and deliver services against a robust assessment of need.
A Wales of cohesive communities	We contribute to building cohesive communities through our support for individuals which enables them to participate fully in their local community.
A Wales of vibrant culture and Welsh language	We provide our services in English and Welsh and other languages where we can.
A globally responsible Wales	We are delivering a world-leading strategic approach to the development and provision of advice services.

The National Legal Advice Service Wales model

The attached visual representation of the model (Appendix A1) outlines the overall structure, the required services and some of the key relationships required to realise the Network's vision of "effective advice provision being available across Wales for all citizens". The model builds on a number of the "actions" in the Welsh Government's Information and Advice Action Plan and so the detail of the relevant "actions" is not duplicated here.

Tackling Root Causes (Actions 10, 13 & 18)¹

The people of Wales, at the centre of the model, are surrounded by continuous work by a range of agencies to tackle the root causes of their problems. This includes encouraging early advice, building in prevention whilst dealing with crises, and using our collective experience to improve policy and practice – all part of the day to day work of the advice sector whilst dealing with individual problems. Better public legal education and citizenship and the continuous promotion of "right first time" decision-making are all part of the "tackling root causes" theme.

The Types of Information and Advice

Individual problems will require a range of different responses defined by the Information and Advice Quality Framework within the 5 Types of Advice: Information, Guidance, Advice, Advice with Casework, and Specialist Casework. These are described in more detail in Appendix A2.

The range of advice providers and methods of delivery

"Advice" provision is via a range of different providers, from the public, private and third sectors delivering, for each person, a unique package through a combination of different sorts of help: information via a website, a web portal directing to other accredited websites, a telephone help-line and email or webchat. And then various levels of guidance and advice through an interactive website, telephone helpline, email and webchat, face to face interviews, video-link interview, outreach services, and emergency help. Providers will work together to ensure a smooth "customer journey" so that people get the advice they need in as seamless a way as possible using the comprehensive Dewis website "map" of available advice services and technology driven referral protocols.

2nd Tier Specialist Support Service (Action 3)

A specialist support service will provide for generalist and specialist advice providers in Wales:

- Casework consultancy support for complex cases (by phone, email, webchat or video-link)
- Specialist casework undertaken only where a precedent may be set
- Training programme

¹ "Actions" refer to the 19 "actions" in the Welsh Government's Information and Advice Action Plan. It can be found here: <https://gov.wales/topics/people-and-communities/communities/advice-services/information-and-advice-action-plan/?lang=en>

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Planning of Advice Services (Actions 6 & 8)

Services will be planned both nationally, and regionally across 6 regions by providers, funders and policy makers working together to co-produce a national and 6 regional advice plans which build on the Wales wide assessment of need and start to coordinate funding for different types of advice. Regional Advice Plans will be produced by regional networks of local authorities, providers and funders in that area, whilst the Wales-wide plan will be coordinated by the National Advice Network.

The Funding Hub (Action 15)

As the “funding hub” concept develops the National Advice Network will be able to advise the hub on where and how available funding might be spent to deliver in accordance with the Regional and National Advice Plans. Any new funding for legal and advice services could easily be channelled through such a “funding hub” to ensure it meets the greatest needs.

Geography and Deserts – our expectations . . .

The National Advice Network has not so far attempted to produce a National Advice Plan for Wales but initial discussions have indicated that such approach will need to include expectations for levels of service delivery.

Whilst none of the following are formal recommendations at this stage they indicate the direction of our thinking about how such a plan might develop.

Some examples of our approach:

Face to Face: It is likely that Face to Face Generalist and Generalist with Casework services will need to be provided in a minimum of 40 “main towns”: These could include:

The 20 biggest “built-up” areas (2016 census estimates): Newport, Cardiff, Penarth, Barry, Bridgend, Port Talbot, Neath, Swansea, Llanelli, Cwmbran, Pontypool, Blackwood, Caerphilly, Pontypridd, Merthyr Tydfil, Aberdare, Wrexham, Rhyl, Colwyn Bay & Llandudno;

PLUS: 20 other “urban areas/towns” to give more even geographical spread: Monmouth, Ebbw Vale, Tredegar, Rhondda, Maesteg, Carmarthen, Haverfordwest, Abergavenny, Brecon, Cardigan, Lampeter, Llandrindod Wells, Aberystwyth, Newtown, Dolgellau, Welshpool, Deeside, Mold, Bangor & Holyhead.

Individual services in such areas should be open for a minimum of 20 hours weekly (areas of large populations will clearly require longer hours) whilst the more exact requirement would be built into regional advice plans.

Outreach Services: Outreach services will fill in the geographic gaps between Face to Face services so that everyone in Wales has access to generalist advice. It should be available once a week within, say, 45 minutes travel by public transport.

Emergency Help: it is likely that Emergency Help would need to be available at Specialist Advice level in at least the 14 County Court Towns in Wales to deal with issues like eviction or injunctions:

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Aberystwyth, Blackwood, Caernarfon, Cardiff, Haverfordwest,
Llandudno, Llanelli, Merthyr Tydfil, Mold, Newport, Pontypridd,
Swansea, Welshpool and Wrexham.

This approach provides some examples only and is not complete or exhaustive. Any National Advice Plan would be likely to include both minimum and aspirational levels of access to advice services.

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B - REVIEW OF CAJTW RECOMMENDATIONS

The Committee for Administrative Justice and Tribunals, Wales (CAJTW) was set up in November 2013 as an independent non-statutory advisory committee to advise the Welsh Ministers on tribunals and strengthening the administrative justice system in Wales. CAJTW was put in place following the UK Government's abolition of the statutory Administrative Justice and Tribunals Council, which had a Welsh Committee (AJTC Welsh Committee) and which operated from 2008 until 2013. CAJTW operated until March 2016 and was comprised of five members supported by a part-time secretariat. It presented its legacy report to the First Minister and the then Minister for Public Services, who was responsible for justice policy at the time, in March 2016.

The legacy report: "Administrative Justice – A Cornerstone of Social Justice in Wales" – March 2016 can be found here:

<https://gov.wales/docs/cabinetstatements/2016/160729cornerstoneofsocialjustice.pdf>

The Welsh Government's Response to the report was published in July 2016 and can be found here:

<https://gov.wales/docs/cabinetstatements/2016/160729justicetribunalsreportresponse.pdf>

Appendix B1 to this submission (attached) is a brief review of the progress made (or not made) against the 35 recommendations in the legacy report. The review shows that whilst progress has been made in some areas, Welsh Government have missed opportunities to make a greater impact, and that some straightforward actions, such as adopting a set of universal principles would provide building blocks for much more progress to be made in the future. The Commission might usefully consider whether some of the recommendations in the legacy report now require more urgent action.

Appendix B2 is the text of my contribution to the Bangor University Seminar which highlights some of the issues discussed then.

If further evidence is required on any of these issues both Professor Sir Adrian Webb, the former Chair of CAJTW, and I would make ourselves available to meet with Commission Members.