

Report to Commission on Justice in Wales

Norfolk Community Law Service (NCLS)

Background

NCLS has been in existence for over 35 years. Our remit is to identify unmet legal need in Norfolk and to work with partner agencies to develop free services to meet that need. We aim to provide access to justice and equality and particularly target our services at disadvantaged & vulnerable groups e.g. those on low incomes, offenders, migrant workers, other BME groups, people with physical disabilities and mental health issues, people with learning difficulties, etc. we are a specialist adviser and many of our clients are referred or signposted to us by partner agencies.

Our **current services** include –

- twice weekly free legal advice drop in service in Norwich - employment, family & general, and weekly services at Cromer & Great Yarmouth
- debt and money advice for vulnerable clients e.g. offenders
- specialist welfare benefits appeals advice & representation at Tribunal
- advice for victims of domestic abuse
- advice on residency status & entitlement for EEA Nationals
- discrimination advice and representation
- rent arrears mediation for City Council housing tenants
- family court support service for clients who have no representation

NCLS is the lead agency for the **Norfolk Community Advice Network (NCAN)**, a network of voluntary agencies e.g. CABx, Shelter, Age UK & statutory authorities as well as private solicitors which works to promote access to social welfare legal advice in Norfolk.

We currently have 19 paid members of staff (13.66 f.t.e.) and around 130 volunteers, of whom 65 are solicitors and 45 law students, mainly from the University of East Anglia with whom we have a formal funding agreement.

Impact of LASPO

Since April 2013, we have faced a continuing increase in the numbers of people seeking advice as a result of the cuts to legal aid combined with the welfare benefit changes and reductions in public expenditure. We helped a total of 2,672 **new** clients in 2017/18 compared to 2,493 in 2016/17, a 7.2% increase. These figures do not accurately reflect the workload impact of the increasing complexity of issues which clients are presenting with. Many have multiple issues and need support from more than one service. The figures do not include existing clients.

Many of our clients have increasing debt levels as a result of low incomes, zero hours contracts, benefit cap, benefit reductions etc. Approximately 60 of our debt

clients have been elsewhere for advice without having their debt issues resolved and in some cases worsened as a result of poor advice

Over the last few years we have tried to develop our services to respond to the increased demand whilst being very clear that we cannot compensate for the loss of professional legal advice. We have only been able to do this because we have been able to expand our pool of volunteers, particularly those who provide the Welfare Rights and Family Court Support Services

Free Legal Advice Service

- We have now have 2 employment and 2 family solicitors available at each drop in session instead of one as prior to LASPO
- We use law students to triage the employment clients and prepare a synopsis of each case to present to the solicitor so that the time the solicitor is able to spend with each client – about 20 minutes – is used more effectively
- Now that employment tribunal fees have been abolished, we are exploring the possibility of using law students to represent clients at Tribunal

Welfare Benefits Service

- Our Welfare Benefits Service was started in 2013 and provides advice, casework and representation at Tribunal for clients who wish to appeal against a refusal or loss of benefit or to challenge the amount they have been awarded. We also advise on appeals to the Upper Tribunal and assist with mandatory reconsiderations of negative decisions. We use a team of law students and other volunteers managed by experienced advisors who make written submissions on the client's behalf e.g. to the Department of Work and Pensions (DWP) or local authority and represent the client at Tribunal. National Tribunal Service statistics show there is a much greater chance of success where the appellant is represented.
- In 2016/17 we supported 305 benefit clients, up 19% on the previous year, and represented 201 clients at Tribunal. In 2017/18 we represented 327 clients at Tribunal and won approximately 80% of those cases. Since the service was developed in 2013, the Welfare Benefits Team has secured £4,637,537 in benefit payments for clients which not only helps the individuals involved but also contributes to the local economy.
- NCLS winning 83% of appeal cases which go to Tribunal - national average 64%. Clearly something wrong with assessment process and DWP decision making. Tribunal Head recently suggested DWP be fined for every case overturned <https://www.buzzfeed.com/emilydugan/most-dwp-benefits-cases-which-reach-court-are-based-on-bad>
- Universal Credit - due to be rolled out in Norwich in October 2018 (delayed from June) - will worsen situation – delays in payments, evictions as housing benefit element not paid direct to landlord, all processes on line. NCAN – see below – is working with Norwich City Council to prepare a strategy for responding to these issues

Family/ LiPS Strategy

- Family appears to be most impacted by loss of legal aid - latest MoJ figures highlight rising number of litigants in person (LiPS) - in 36% of the **13,029** new private law applications made between April and June this year - involving **28,278** children - neither the applicant nor respondent were represented - this proportion increasing year on year.
- Bach Commission recommends that the Government brings legal aid [back into scope](#) for all matters concerning children and also widens the scope of legal aid for certain family cases – (Lord Bach has accepted the invitation to deliver our annual law lecture in Norwich on 1st November)
- We have developed a Family Court Support Service (FCSS) to help the increasing number of Litigants in Person (LiPs) in the Norwich Family Courts who are unable to obtain representation.
- We assist clients who come to us prior to going to Court and also provide a Court Desk service to help those who arrive at Court without representation. We initially restricted the service to Child Arrangement Orders but have extended it to include Special Guardianship, Prohibited Steps and Specific Issues Orders. We attend Court with clients, frequently for multiple hearings, and help them draft submissions which they can get checked by one of our 28 volunteer family solicitors.
- We employ a part time Co-ordinator to manage the volunteers who provide this service (currently 8 experienced volunteers plus 2 trainees).
- during 2017/18 we supported 141 clients (compared to 125 in 2016/17), with whom we attended a total of 281 hearings (up from 135 in 2016/17).
- We feed into LiPS Strategy via Access to Justice Foundation, PSU etc and get some funding for our Family Court Support Service but no compensation for loss of professional legal advice.
- The situation in Norfolk worsened by lack of solicitors doing legal aid for domestic abuse so even where client eligible there are not enough solicitors available to take on the case
- We have employed our own family solicitor 2 days a week to try to meet this need but have not yet managed to secure any long term funding for this
- What happens to clients we can't help because helping their partner or other conflict?

Domestic Abuse Service

- Because of increased demand we have increased the frequency of this service to weekly from fortnightly offering up to four 45 minute appointments per session
- the service is provided by volunteer solicitors and again we are struggling to find enough solicitors because of the limited number of family solicitors providing domestic abuse advice as referred to above.
- We have developed a service via skype whereby the solicitor in our Norwich office advises clients at Mid-Norfolk CAB in Dereham via skype which is particularly advantageous for domestic abuse victims as they don't have to travel into Norwich
- We have been developing advice provision by Skype for other services, particularly for triaging cases, as it is a more cost effective alternative to providing an outreach service

Norwich City Council

- NCLS is the lead agency for a Financial Inclusion Consortium, including CAB, Shelter, Age UK, funded by the City Council – offers debt, welfare benefits, housing advice etc.
- As part of the monitoring arrangements for this we work closely with the Council officers to try to encourage them to improve their systems to reduce the demand for advice and to also ensure that wherever possible they respond to our representations on behalf of clients e.g. to defer evicting a tenant where we are trying to resolve their debt issues or speeding up benefit decisions where rent arrears are involved..
- Working with the local Court we have developed a Rent Mediation Service for city Council tenants who are in arrears with their rent whereby we mediate with the Council on behalf of the tenants to try to secure an acceptable repayment arrangement – this service has an approximate 75% success rate based measured in terms of the tenant still being in their home a year later.

County Council cuts to 'Floating Support' will worsen situation for vulnerable clients e.g. those with mental health issues, learning difficulties etc

Digitalisation agenda – at least 30% of our clients have no access to the internet

Funding

- Need for sustainable funding for advice delivery instead of short term funding as per recommendations of Low Commission recommendations

- Strong evidence of cost effectiveness of early advice provision in reducing demand on public sector though reducing/preventing stress and mental health, avoiding homelessness etc.

- NCLS very cost effective service as use volunteers – totals 130 of which 65 solicitors and about 45 law students - but still need paid staff to manage, plus accommodation, IT costs etc.

Norfolk Community Advice Network (NCAN)

- NCLS is the lead agency
- Good model of partnership working – includes all advice agencies e.g. CABs, Shelter, Age UK, etc. plus local authorities and private solicitors
- Developed ‘no wrong door’ policy underpinned by on line directory of services plus electronic client referral system
- Also developed health and wellbeing impact measurements for sector to demonstrate benefits of early advice in preventing debt, homelessness, fuel poverty, etc. thereby reducing stress, improving health, avoiding mental health issues
- NCAN working with City Council to develop strategy to deal with impact of Universal Credit
- NCAN working with County Council and CCGs to develop social prescribing for Norfolk – 5 schemes now introduced across the County. The County Council have instructed that all the schemes must use the NCAN referral system and have provided funding, initially for one year, to support this.

The links to the various reports we mentioned are as follows-

<http://www.lawsociety.org.uk/news/press-releases/restoring-state-funding-for-early-legal-advice-could-save-cash/>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/65597/1/LASPO-Act-2012-post-legislative-memorandum.pdf

<https://www.lawworks.org.uk/about-us/news/new-justice-select-committee#accesstojustice>