



Llywodraeth Cymru
Welsh Government

Advice Services Review: Final research report

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Title of Document: Advice Services Review: Final Research Report

Audience: Advice Service Providers; Local Authorities; Local Health Boards; National and local bodies in Wales concerned with advice provision, tackling poverty and financial inclusion

Overview: The purposes of the research were to:

- Review social welfare law information and advice services by the third and public sectors, taking into account private sector provision and organisations
- Consider the impact of welfare reform and legal aid reform on advice provision in Wales
- Undertake a literature review on advice services
- Map to provision of advice services in Wales
- Consult with stakeholders regarding advice services in Wales
- Produce a final report forecasting the demand for advice services in Wales over the coming 3-5 years and making recommendations to support the sector meet the demand

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Abbreviations

BME	Black Minority Ethnic
CACy	Citizens Advice Cymru
CABx	Citizens Advice Bureaux - referring to individual local bureaux
CitA	Citizens Advice England and Wales
CLAC	Community Legal Advice Centre
CTB	Council Tax Benefit
DHP	Discretionary Housing Payment
DLA	Disability Living Allowance
DM	Decision Maker for Department of Work and Pensions regarding eligibility for entitlement to welfare benefits
DWP	Department for Work and Pensions
EHRC	Equalities and Human Rights Commission
ESA	Employment and Support Allowance
FSA	Financial Services Authority
FTE	Full Time Equivalent (with reference to employed staff)
HB	Housing Benefit
IB	Incapacity Benefit
JSA	Job Seekers Allowance
LHB	Local Health Board
LSC	Legal Services Commission
LSRC	Legal Services Research Centre
MoJ	Ministry of Justice
NEET	Not in Education, Employment or Training
NfP	Not for Profit
OFT	Office of Fair Trading
PIP	Personal Independence Payments
RSLs	Registered Social Landlords
SEP	Strategic Equality Plan
SME	Small to Medium sized Enterprises
WCA	Work Capability Assessment

Glossary

This review uses agreed terminology for the advice sector as outlined within the ‘Definitions to help you understand the advice sector’¹ produced as part of the Advice Services Alliance’s *Working Together for Advice* Big Lottery funded project. The agreed definitions relevant to the review are as follows:

Social Welfare Law

Social Welfare Law refers to those categories of law which govern entitlement to state benefits and housing; the management of personal and business debt; an employee’s rights at work and access to redress for unfair treatment; and access to appropriate care and support for people with particular health problems. Within the not-for-profit advice sector, advice is often given to members of the public on the following types or ‘categories’ of social welfare law:

- Welfare benefit
- Debt
- Housing
- Employment
- Community care

Some advice services also give advice in issues such as education, family, consumer and general contract. Immigration and asylum law may also be considered as social welfare law.

Independent advice

An advice provider delivers independent advice where it is able to act fully independently in the client’s sole interest.

Legal advice

Within the NFP sector, advice on matters of social welfare law is often given by advisers, paid or voluntary. These are not legally qualified people and may not consider that they are giving “legal” advice simply because they do not have detailed knowledge of, or training in, social welfare law or case law. However, any advice which involves interpreting how the law applies to a client’s particular problem or set of circumstances *is* legal advice.

Information Services describe services that give clients the information they need, for them to know and do more about their situation. It can include information about rights, policies and practices; and about national and local services and agencies. Responsibility for taking any further action rests with the client.

Advice Services describe services that diagnose the client’s legal problem and any related legal matters; identify relevant legislation and decide how it applies to a client’s particular circumstances, including identifying the implications and consequences of such action and grounds for taking action; providing information on matters relevant to the problem, such as advising on next steps; and identify dates by which action must be taken in order to secure a client’s rights.

¹ Advice Services Alliance, Definitions to help you understand the advice sector, March 2011, available to download from http://www.asauk.org.uk/fileLibrary/pdf/Common_Definitions_Guidance_Mar2011.pdf.

Advice with Casework describe services that include all the elements of an advice service previously listed, and also involves taking action on behalf of the client to move the case on. It could include negotiating on behalf of the client with third parties on the telephone, by letter or face to face. It will involve the advice provider taking responsibility for follow-up work.

Specialist Advice describe services where the adviser or services as a whole undertakes advice and casework at a level where very detailed knowledge of the law and case law is required. Usually, this means it is delivered by advisers who have the necessary levels of knowledge and expertise to undertake representation for clients through the court or tribunal.² It may include:

- *Representation and litigation*: acting for and representing a client at court and tribunal hearings: e.g. preparing and presenting written and oral submissions at hearings at Employment Tribunals, Social Security Appeal Tribunals, County Court, High Court
- *An application to a higher court or tribunal* (for example, for judicial review), and instructing experts – such as barristers – for representation at hearings at the High Court, Court of Appeal, Employment Appeal Tribunal
- *Negotiation* with the other side to a dispute or with relevant third parties: e.g. negotiation with the employer and Acas in an employment matter; with a creditor in a complex debt matter.

Advocacy is used within the advice sector to describe a level of service which the advice agency provides for its clients: i.e. negotiation with third parties and representation at tribunal and court proceedings. Agencies providing advice may often describe their activities as “*advocacy*” where they are supporting a client to access justice through taking action on their behalf in line with the definitions of ‘advice’, ‘specialist advice’ or ‘specialist casework’, e.g. representing a client at court or tribunal hearings.

Justiciable problems refers to problems or issues that people experience that may have a legal remedy.

² This is the meaning of ‘specialist’ which is used for the Community Legal Service’s Specialist Quality Mark (SQM).

Introduction: The Review of Advice Services

Background

This review of advice services in Wales was instigated by the Minister for Local Government and Communities and the Finance Minister. It was done in the light of the unprecedented challenges being faced by Not for Profit (NfP) advice providers as a direct result of UK Government proposals for Welfare Reform and Legal Aid, and the impact arising from reductions and changes in funding for advice through the Financial Inclusion Fund and the Equality and Human Rights Helpline.

The work considers the forthcoming impact of reductions to Legal Aid funding to be enforced from April 2013, alongside ongoing changes to welfare benefit entitlement as a part of Welfare Reform, the current economic downturn, and the impact of funding decreases to advice providers across Wales. The review concentrates on NfP providers, but considers the wider range of information, advice and guidance services provided by the public and private sector in order to build a holistic picture of advice services which the Citizens of Wales can access.

Scope of the Review

The scope of the review was limited to primary advice provision by the third and public sectors, taking into account private sector provision and organisations which offer advice as a secondary part of their aims. The following considers the review's terms of reference (see appendix 1) and existing guidance relating to advice sector terminology, as outlined in the glossary, in order to provide clarity on the scope of the review, defining the following as *in scope for the review*:

- Social welfare law information services
- Social welfare law advice services
- Specialist debt advice
- Specialist welfare benefits advice
- Specialist housing advice
- Specialist employment advice
- Specialist consumer advice
- Specialist discrimination advice.

All other information, advice or advocacy services are deemed 'out of scope'.

In addition, the review considers generalist advice on a range of subjects provided by advice suppliers as well as the different level of advice given, categorised as:

- Low level provision = Information services, e.g. signposting, and providing information for the client to pursue such as leaflets or verbal information.
- Medium level provision = Advice services, e.g. benefit eligibility check, help with form filling, contacting someone behalf of the client, repayment arrangements, advice on rights
- High level provision = Specialist advice, e.g. due to a client's multiple and complex needs or in-depth pieces of work specialist legal knowledge is required to resolve the issue

Terms of Reference for the Advice Services Review

The review was undertaken to advise Ministers on how to improve advice services in Wales, with the aim of developing a stronger network of services. It examined the effectiveness of information and advice services in meeting the needs of people in Wales in order to make recommendations for improvement.

The terms of reference for the review included:

- Mapping current advice services in Wales in order to identify gaps and duplication, and consider how service delivery could be better connected and coordinated
- Exploring how a generic social welfare advice service could be developed across Wales
- Exploring the impact of UK Government, Local Government and other funding cuts to advice services in Wales and how funds could be more effectively used to support advice services
- Forecasting demand for advice services
- Identifying barriers that stand in the way of better partnership and collaborative working
- Considering the role of Welsh Government, Local Authorities and public service partners in providing a strategic and co-ordinating lead to ensure sufficient, quality advice services
- Providing recommendations on how available funds can be most effectively invested.

In line with the terms of reference, the review considered: the need for comprehensive independent advice inclusive of casework, negotiation and representation that is free to the client; quality assurance; and the use and range of delivery methods including face to face, telephone and web-based advice and information, and the need to provide advice bilingually and in community languages.

Methodology

The review was comprised of four stages as outlined below and in accordance with the terms of reference for the review. The review was supported by expert knowledge from those with interest and experience in advice services via an internal and external stakeholder reference group (see appendices 2 and 3 for membership details). The report begins with background information regarding advice services in order to contextualise the review.

Stage 1: Literature review

The desktop literature review considered the following:

- The policy context for advice provision within the UK and Wales, with particular focus on Legal Aid and Welfare Reform
- Advice seekers and the outcomes generated from accessing advice services
- The in scope specialist advice services
- Advice service delivery methods, commissioning approaches and quality standards

Stage 2: Mapping Exercise

Local Authorities and advice providers were asked to submit service related evidence in order to map the current range, location, hours and method of advice services being delivered by both generalist and specialist advice services. Private sector legal providers with LSC contracts for either social welfare law or family law were also asked to contribute comments through a postal survey.

At the point of requesting the information no decision had been made what was in or out of scope, therefore all responses are included in the mapping chapter. Response information is mapped as given by the providers without interpretation, therefore while this review is written reflecting the agreed terminology outlined in the glossary, respondents use different language and interpretations³. This issue is explored further in the mapping chapter.

The response information was analysed to: physically map the types of generalist or specialist advice services being carried out across Wales; identify any funding issues; and inform the review's recommendations of how to improve advice services as a whole.

Stage 3: Stakeholder Consultation – *What you told us*

Advice providers and interested parties were contacted and asked to contribute comment on the advice review's terms of reference. Contributions were made via:

- Face to face and telephone interviews with a total of 47 people including advice providers, commissioners, and public sector employees
- 3 workshops held across Wales to enable discussion, debate and commentary from interested parties which 63 people attended
- 3 workshops were facilitated by advice providers to enable their members to feed directly into the review clients. 54 people participated in the discussions from Citizens Advice Cymru, AdviceUK and Welfare Rights Advisors Cymru
- 4 written submissions were sent to the review manager.

Stage 4: Final report

This final report presents and considers the information gathered in order to:

- Forecast the likely future demand for advice services in Wales, taking into account known funding reductions, changes to the welfare system, and trends in demand identified through the literature review and mapping exercise
- Explore how to develop a generic social welfare advice service could enable better partnership and collaborative working across Wales
- Consider the role of Welsh Government, Local Authorities and public service partners in providing a strategic and co-ordinating lead to ensure sufficient, quality advice services
- Make recommendations on how available funds can be most effectively invested.

³ For example, age and disability related advice providers responded stating they were 'specialist' advice providers, with reference to working with specific client groups and knowledge of specific age or disability related issues. They do not however provide 'specialist' advice in line with the definition within the glossary.

Stage 1: Literature Review

Introduction

Advice services in Wales are experiencing a period of rapid change due to UK Government reforms to the Welfare State, Legal Aid and the consumer advice services, as part of their programme of reorganisation and funding cuts to decrease the fiscal budget deficit, with funding being decreased at the same time as an increase in service demand. This chapter examines the key drivers of change and considers approaches to support advice networks identified within UK literature.

This chapter examines the role of advice within UK and Welsh Government policy and service delivery, the impact of Legal Aid reform, the different delivery models and methods advice providers use before considering the different types of specialist advice covered by the scope of this review. Money and financial capability support are considered alongside debt advice given the overlap of information and advice within this area of advice.

Methodology

A desk based review of published literature on advice services was carried out, focusing on literature and data from the last five years, but including some older research or literature, identified as being relevant. The range of material includes academic, government, charitable, commercial and advice agencies research and public documents.

This literature review is not a systematic review of all available literature, but is intended to provide an overview of the range of evidence available.

Setting the Scene: The Role of Advice across the UK

The value of information and advice as preventative measures can be seen in their growing strategic role in relation to health and social care, housing and homelessness, as well as financial management as a means of debt prevention. As part of a holistic approach, timely and good quality independent advice can help people deal with their problems, take greater control of their lives, and potentially lead to less reliance on the state through preventing escalation of issues. Both UK and Welsh Government policies, guidance, legislation and strategies promote information and advice as a means of empowering individuals and their families to make informed decisions. This can be seen from promoting public health messages such as smoking cessation information advice to reduce the number of smokers, and therefore cancer patients, through to promotion of financial management to avoid debt through the FSA sponsored Money Advice Services '*Money Advice*' which is delivered by Citizens Advice here in Wales.

Governmental spend on information and advice provision is justified on the basis of equity objectives and social cost benefit analysis⁴. By enabling citizens to know and enforce their rights through access to justice, UK, Welsh and Local Governmental spend on information and advice services ensures people have equity in enforcing their rights

⁴ With reference to Treasury guidance on justifying public spend proposals as within: HM Treasury (2011) The Green Book: Appraisal and Evaluation in Central Government, London: TSO

across the societal spectrum, with emphasis on the rights based model of social inclusion as a means of addressing inequality:

“Legal advocacy and advice for the poor and excluded is an effective engine of social inclusion and fighting poverty through insuring and expanding rights to critical benefits and services, and giving a voice to grievances and empowering people and communities.”⁵

In a similar manner, UK and Local Government policies and spend on information and advice services as a means of promoting improved outcomes in health and wellbeing are justified through social cost benefit analysis. These policy assumptions are based on research which link social and health problems to social and civil justice⁶, where people who experience social justice problems have an increased likelihood of reported illness and/or being disabled and non-resolution of their problem contributes to poorer health:

“Without advice, people are often in a poor position to make informed decisions about how to best address such problems. Homelessness, poor quality housing, discrimination, debt, domestic abuse, problems accompanying relationship breakdown, problems with employment and problems with welfare benefits all provide examples”⁷

Social welfare law information and advice services enable people to enforce or defend their rights and access to services as well as understand their societal obligations, with the aim of resolving people’s problems and prevent these from escalating into something more serious⁸. UK, Welsh and Local Government spend is seen as a way to prevent the escalation of social costs, for example the protection and promotion of housing rights the loss of a person’s home may be prevented and therefore the need to rehouse at the public purses’ expense. Established links between legal problems and negative health impacts such as depression and stress-related illness, show investment in social welfare law information and advice can reduce these ill effects therefore diverting costs away from the NHS. This can be seen clearly in the Community Legal Service 2002 corporate plan for England and Wales prior to Legal Aid reform:

“Education, timely information and advice can help individuals deal with problems and also reduce expensive claims on other public bodies. Helping people to resolve disputes involving debt, housing and domestic violence can reduce the social exclusion experienced by our most disadvantaged citizens.”⁹

Further consideration of the impact of social welfare information and advice services is considered later with regards to the ‘*Outcomes of Advice*’.

While this review concentrates on social welfare information and advice services, it is noted that there is a much wider field of information and advice which is publicly and privately funded. Information and advice services are available on all topics of life, from health and social care, which sits within its own legislative framework, through to financial services which, dependent on the information or advice sought, may sit within a regulated industry field, could be free or paid for. Information and advice services can be targeted at meeting the needs of particular client groups through tailoring the delivery method

5 Stein, J (2001) *The Future of Social Justice in Britain: A New Mission for the Community Legal Service*, London: LSE

6 P Pleasence et al (2007) *Health Professionals as Rights Advisers: Rights Advice and Primary Healthcare Services*

7 Ibid

8 H Genn et al (2004) *Understanding Advice Seeking Behaviour: Further Findings from the LSRC Survey of Justiciable Problems*

9 Legal Services Commission (2002) *Corporate Plan, 2002/03 – 2003/04*

and language used to reflect its target audience's needs, preference and comprehension levels, such as information services designed to meet the needs of children and younger people.

Information in particular, is seen as a means of supporting public policy, where it is used to enable behavioural change to achieve the desired outcomes¹⁰. Information provision is predominantly based on the assumption of rational choice where if an individual is informed of the positive and negative consequences of an action they will make the 'right' choice through altering their behaviour and therefore reap the benefits of following the information. It is a model which assumes information generates knowledge and shapes attitudes which leads in turn to changes in behaviour. For example, nutritional information is provided as part of public policy to change our behaviour to improve our diet and manage obesity through raising awareness and understanding of the benefits of healthy eating. The assumption is that we alter our eating habits, therefore improving our overall health and wellbeing while minimising the cost to the state of managing ill health as a result of obesity or poor diet.

Public policy approaches now take into account the combination of other influences on achieving behavioural change beyond the rational concept that through having accurate information and advice we will act in the 'right' way, building on research and developments in behavioural science. The success of information or advice is seen within the context of who is delivering the message, societal norms, the use of sub-conscious cues and incentives as well as an individual's motivation to change¹¹. Returning to the example, nutritional information alone is unlikely to influence changes to a person's eating habit, however by changing a number of associated influencing factors the likelihood of behavioural change is increased, e.g.: delivering the information through the right messenger (e.g. peers who we respect and seek approval from); creating an environment where obesity or poor diet are socially unacceptable; or regularly altering the information's presentation to make it 'new', as well as targeting the information to specific audiences to increase its relevance for them.

Within this wider social policy context we can therefore see how information and advice services form a part of a model constructed to influence behaviour. For example, through providing information, advice and guidance about managing money as part of a range of financial inclusion activities, it is thought individuals will avoid debt and its associated costs (e.g. stress resulting in ill health or potential homelessness if related to rent arrears), and the interventions will also benefit the state, e.g. through reduced burden on NHS resources or cost avoidance of homelessness.

Advice Seekers

Research regarding advice seeking behaviour, legal need and developing understanding of people's experience of problems is regularly undertaken through the Legal Services Research Centre (LSRC). The LSRC established a national random household survey of those in permanent and temporary accommodation to consider the frequency of problems people experience that may have a legal remedy (known as 'justiciable problems'), as well as their response to resolving these problems. Questions are also asked regarding awareness of advice services, the type of service they sought (if any) to resolve their problem and the outcomes achieved.

10 A Darnton (2008) *Reference Report: An overview of behaviour change models and their uses*

11 P Dolan et al (2010) *MINDSPACE: Influencing behaviour through public policy*

The most recent of these surveys¹² builds on the established evidence base of people's experiences of civil justice problems and the strategies they use to resolve them. The LSRC reports since 2001 consistently found around a third of the population have experienced a civil justice problem within the previous 3 year period, with significant links between people most vulnerable to social exclusion and increased number of civil justice issues, particularly problems associated with poverty. The surveys found that experiencing one justiciable problem greatly increases the likelihood of experiencing further problems, and that socially excluded groups were the most likely to experience multiple problems¹³.

Predictors influencing the likelihood that a person has experienced a justiciable problem include: health status or being disabled; family type; housing type; means tested benefits status; age; availability of private transport and qualifications¹⁴. Among the general population the most common problems experienced were: consumer; problems with neighbours; money/debt; employment; personal injury, and problems related to rented accommodation. Those living in temporary accommodation were more likely to experience significant problems than the general population, less likely to report problems with neighbours, consumer issues or personal injury and more likely to experience problems with: rented accommodation; money/debt; employment; domestic violence; and discrimination. Similarly, disabled people or those with long standing ill health were more likely to experience problems with discrimination, money/debt and twice as likely to experience welfare benefit problems.

Analysis of the surveys has built understanding of the problem cluster types which can be broadly broken down into:

- **Family problems** relating to domestic violence, divorce, relationship breakdown and children. Experiencing one of these problems significantly increases the likelihood of another within the group being experienced.
- **Housing and homelessness problems** including welfare benefits and unfair treatment by the police (where prevalence of unfair treatment by the police and actions taken against the advice seeker are linked to homelessness issues). Corresponding issues preceding or following on from one within this cluster include employment, money/debt, and welfare benefit problems.
- **Economic problems** including consumer transactions, money/debt, welfare benefits, personal injury, neighbour and employment problems.
- **Medical negligence and mental health** is a rare cluster, and is more likely to affect economically inactive people, and people with long-term ill health or disabilities.

Further research¹⁵ explores in more detail types of problem clusters and the demographic or social indicators that can predict increased likelihood of particular justiciable problem clusters occurring. Findings consider a range of problem clusters, such as family breakdown and domestic violence link to economic and housing problems, or the strong link between people experiencing mental ill health and homelessness problems. Findings also indicate that people with mental ill health, or people who have clinical negligence,

12 P Pleasence et al (2010) *Civil Justice in England and Wales 2009*, and Pascoe Pleasence et al (2011) *English and Welsh Civil and Social Justice Panel Survey: Wave 1*

13 P Pleasence et al (2004) *Multiple justiciable problems: common clusters and their social and demographic indicators*

14 P Pleasence et al (2006) *Causes of Action: Civil law and social justice*

15 P Pleasence et al (2004) *Multiple Justiciable Problems: Common Clusters and Their Social and Demographic Indicators*

personal injury or domestic violence problems are less likely to actively seek resolution to their problems. The impact of experiencing justiciable problems also shows a causal link to negative changes in economic circumstance, which greatly increased the likelihood of people experiencing problems with homelessness or discrimination.

The surveys have also contributed to the evidence base linking stress and physical ill health as a result of people undergoing civil justice problems, with over a third of participants reporting stress related ill health as a consequence of their problem(s). Of those reporting ill health, over two thirds go on to seek medical assistance or support from health professionals. A range of social and economic impacts also result from experiencing a justiciable problem, including loss of confidence, loss of income or employment, loss of a home and relationship breakdown. Associated to these impacts are further problems of money/debt, housing and homelessness, and domestic violence.

The LSRC based research also contributes to wider understanding of advice seeking behaviour, showing that many people do not seek advice or support to resolve their problems. Around 10% of people do nothing about the problems they experience, 45% look to resolve the problem themselves, 15% seek informal help from friends and family, leaving only 30% of people seeking formal help from family and friends, as well as from information and advice services. Of those seeking formal advice, solicitors are the most commonly user source of advice, followed by Local Councils, health professionals and Citizens Advice Bureaux.

Surprisingly advice is sought from health professional for 2% of all problems with no obvious medical connection¹⁶. Providing advice in health settings has found positive health benefits and have shown that as people are already seeking (medical) advice, they are more confident at approaching advice service in these settings through extending outreach advice in accessible locations. Further research is required to build the evidence base of the health impacts of accessing advice services.

Over the past decade there has been a growing trend of people accessing information and advice online, rising from just 4% in 2001 to 19% in 2009. There has been a particularly marked increase in debt and benefit advice, linked to the current economic situation with increased unemployment and part-time working causing financial strain on individuals and families, as well as a greater reliance on out of work benefits, alongside Welfare Reform¹⁷.

The Range of Provision

A recent Cabinet Office report¹⁸ examining the independent NfP advice sector highlighted that while the income sources vary considerably between providers, local and UK Government are the main funders of free advice services in England, particularly face to face services. The overall income for the sector in the UK was estimated at £400 million for 2010 - 2011, with Local Authority funding levels staying static over the past three years at approximately £200 - 220 million per annum. The work noted that there has been an increase in demand for advice services at the same time as a decrease in availability due to funding reductions from UK and Local Government. This reflects localised research¹⁹

16 P Pleasence et al (2007) *Health Professionals as Rights Advisers: Rights Advice and Primary Healthcare Services*

17 M Gillespie and L Dobbie (2009) *Funding Money Advice Services: Exploring sustainable models for the UK* and Citizens Advice Bureaux (2012) *Advice trends: 2011/12 Quarter 4*

18 The Cabinet Office (2012) *Not for Profit Advice Services in England*

19 Eve Davidson and Dr Carol Packham (2012) *Surviving, Thriving or Dying* and John Bortland et al (2009) *Responding to Discrimination: The Geography and Geometry of Advice Provision in England, Scotland and Wales*

which highlights funding reductions in large contracts, decreasing staffing levels and decreasing individual NfP organisations' viability and longevity.

As noted by the UK's single largest advice provider, the Citizens Advice Bureaux network, there has been an upward trend in the number of advice problems dealt with over the past five years, increasing 28% from 5,540,246 to 7,090,712²⁰. Last year 2.1 million people with 7.1 million problems accessed Citizens Advice across the England and Wales, reflecting the theme from the literature that people have complex lives with multiple problems as opposed to discrete single issue concerns²¹. The connections between problems can be seen where welfare benefit reductions or redundancy lead to debt, causing issues with rent or mortgage arrears, or where domestic violence requires a woman to flee her home causing housing, debt and financial issues.

The expansion of the third sector over the past two decades is noted to be in part connected to the increase of state funding for delivering previously public services²² (e.g. social care services, housing advice, etc.). Research²³ considering the funding and concentration of the third sector found that the charitable sector in England and Wales had grown considerably over the past decade in number, size and increased income. The concept of domination of the sector by 'big players' was explored, finding that between 1995 and 2007 the concentration of funding to the largest 10 organisations dropped in relation to civic / advocacy and social services organisations²⁴, the main charitable deliverers of advice considered within this review. Income and organisational growth for the two areas showed:

- Civic / advocacy organisations income grew from £291 million to £879 million (up 202.1%) and the number of registered charities increased from 1,858 to 2,635 (41.8%), with the 10 largest organisations receiving 24.2% share of funding, down from 33.3%
- Social services organisations income grew from £3,007,000 to £7,099,000 (up 136.1%) and the number of registered charities increased from 13,531 to 18,298 (up 35.2%) with the 10 largest organisations receiving 23.7% share of funding, down from 30.3%.

The range of advice providers can therefore be concluded as being diverse. A number of large established players have significant brand recognition for advice-giving by the public, including Citizens Advice Bureaux (89% brand recognition²⁵), Local Councils (97% brand recognition), Shelter (58% brand recognition), and the National Debtline (42% brand recognition)²⁶. Recognition of smaller charities providing advice to meet the needs of specialist groups is unknown.

20 Figures from http://www.citizensadvice.org.uk/index/pressoffice/press_statistics.htm

21 For example, AdviceUK (2011) *A whole person approach to people's advice needs* and Dr Aisha Gill et al (2011) *Legal Aid is a Lifeline: Women Speak out on the Legal Aid Reform*

22 Dr Clifford et al (2010) *How dependent is the third sector on public funding? Evidence from the National Survey of Third Sector Organisations*

23 Peter Backus and Dr David Clifford (2010) *Trends in the concentration of income among charities*

24 The research uses the International Classification of Non-profit Organisations (INCPO). On this scale the UK top 3 Civic / advocacy organisations are CAB, Victim Support and British Diabetic Association. For social services organisations they are the British Red Cross Society, Action or Children and Barnados.

25 British Market Research Bureau 2009 research

26 Pascoe Pleasence et al (2011) *English and Welsh Civil and Social Justice Panel Survey: Wave 1*

Outcomes of Advice

Work undertaken by both the LSRC²⁷ and Citizens Advice Bureaux England and Wales²⁸ into the outcomes of advice shows positive social, economic and health outcomes for people whose problems are resolved or through preventing problem escalation. The Citizens Advice work goes further by taking a cost benefit analysis approach to reviewing the outcomes of Legal Aid expenditure on social welfare law suggesting a return on investment through preventing downstream costs associated such as homelessness, ill health, and poverty. It quantifies the potential state savings as following:

- For every £1 spent on housing advice, the state potentially saves £2.34
- For every £1 spent on debt advice, the state potentially saves £2.98
- For every £1 spent on welfare benefits advice, the state potentially saves £8.80
- For every £1 spent on employment advice, the state potentially saves £7.13.

The work draws on previous research regarding the cost of unresolved problems, the outcomes of advice (as defined and reported within LSC funded contracts) and 'social return' from investment in publicly funded advice and legal services. The cost benefit analysis assumes a causal relationship between justiciable problems, advice issues and adverse social indicators, and that having an unresolved problem has a real or potential cost to the individual and state. These relationships can be seen in diagram 1 produced using civil and social justice survey results:

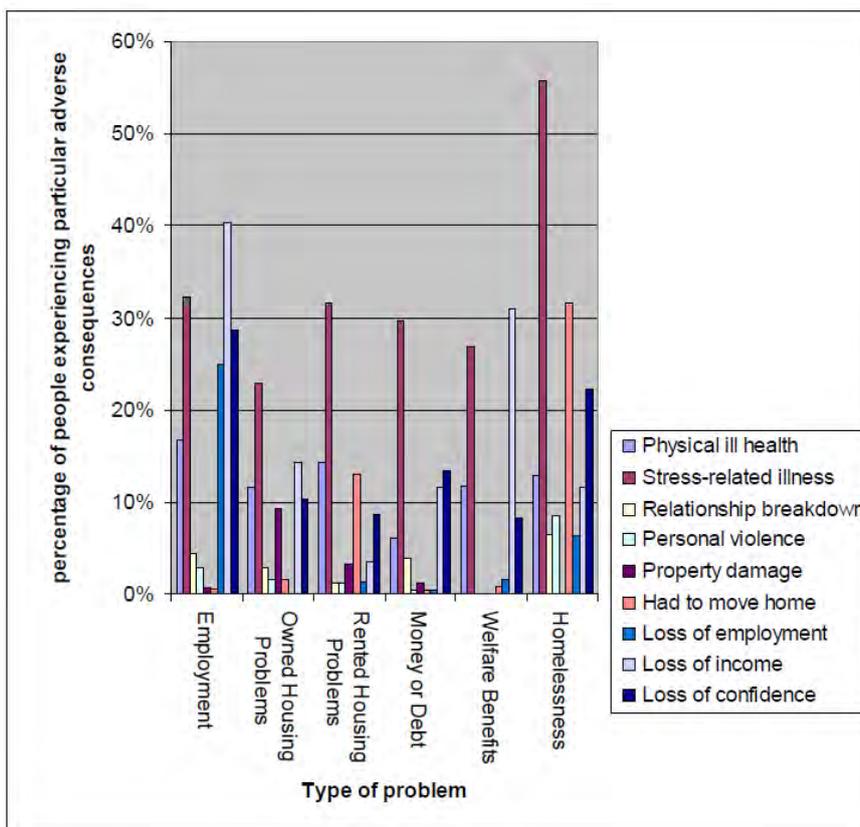


Diagram 1: The proportion of people who experience a civil and social justice problem and one or more adverse consequences as a result of the problem²⁹

27 Ibid, and previous English and Welsh Civil and Social Justice Surveys

28 Citizens Advice England and Wales (2010) *Towards a business case for Legal Aid : Paper to the Legal Services Research Centre 8th international research conference*

29 Citizens Advice England and Wales (2010) *Towards a business case for Legal Aid : Paper to the Legal Services Research Centre 8th international research conference*

The MoJ however have questioned the findings of the Citizens Advice work, highlighting concerns with the methodology employed and significance attached to the source figures that underpin the assumptions on which the findings are based upon. MoJ do recognise that early advice can be helpful in a range of contexts, however stress the practical help as opposed to legal advice.

Other cost benefit analysis research on the outcomes of advice in relation to diverting individuals from accessing more costly state support, indicate that there is a more significant social return on investment. Estimates of the multiplier effect of every pound spent on advice range from savings of £2 to £15 to the state for casework based advice, escalating to £25 from public legal education programmes, such as money advice.³⁰

Research³¹ shows that debt advice leads to improved financial circumstances, health and wellbeing, increases people's understanding and management of their personal finances, and that it is cost effective to the public purse, where the cost of debt is estimated at an average of £1,000 compared to the estimated cost of advice ranging from £25 for advice from the telephone National Debtline to £180 contracted Legal Aid face to face debt advice. Similarly, accessing welfare benefit advice leads to improved take-up of entitlement, delivering significant financial gain for individuals and their families which is predominantly spent on fuel and food, with improved living standards and reduced social exclusion³², alongside alleviating the noted negative relationship between low income, debt and poor health and wellbeing³³.

Other outcomes can be seen through the advice sector's role in social policy work informing, lobbying for change to state systems to promote social inclusion and access to justice. This can be seen through the regular evidence submissions from advice agencies and charities at UK and Welsh Government committee hearings, their active participation in responding to government consultations and through individual representation in the high courts in order to bring land mark cases to promote wider social changes. Examples of this work can be seen in:

- **AdviceUK's** systems thinking approach to understanding what drives demand for advice at a local level in order to consider preventative work to eliminate the root cause, or to help resolve issues more swiftly. Their evidence base is still being developed however the work to date based in urban settings found cost, time and resource effective solutions to preventable demand for advice generated by council services, while also providing quicker resolution for the advice seekers problems³⁴. For further information see the practice example within the *Advice Service Models and Commissioning Approaches*.
- **Citizens Advice Bureaux** quarterly 'Evidence' reports consider clients' evidence at a national level, as well as case studies and actions taken by individual or national bureaux to influence policy to prevent problems. Through having a central data management system they are uniquely placed to consider aggregated data from across the country on specific issues in order to identify problems enabling them to influence change to eliminate the problems being experienced. The use of their client based information and case examples can be seen in the practice example within *Specialist Advice: Welfare Rights*.

30 New Economics Foundation (2010) *Outcomes in Advice*, Nef consulting (2010) *The Socio-Economic Value of Law Centres*, and Citizens Advice Bureaux (2010) *Towards a business case for Legal Aid*

31 Pascoe Pleasence et al (2007) *A Helping Hand: The Impact of Debt Advice on People's Lives*

32 Dr Jay Wiggan and Colin Talbot (2006) *The benefits of welfare rights advice: a review of the literature*

33 Pascoe Pleasence et al (2007) *A Helping Hand: The Impact of Debt Advice on People's Lives*

34 See <http://www.adviceuk.org.uk/projects-and-resources/projects/bold> for details of the projects, articles and overview in: S Johnson and S Steed (2011) *Advice Services: What Next? Reflections from the BOLD project*

The Role of Advice in Wales: Welsh Government

Access to information, advice and guidance is recognised by the Welsh Government as an enabling and preventative service, aimed at helping citizens' to make informed decisions relating to their lives. The Welsh Government remit in this field is referenced within the Government of Wales Act 2006 in relation to Education and Training and Social Welfare. The Welsh Government's Strategic Equality Plan Objective 1 is to strengthen advice, information and advocacy services to help people understand and exercise their rights, make informed choices and challenge discrimination. This clear commitment to strengthening advice, information and advocacy is seen in relation to people with protected characteristics as well as all citizens of Wales through a wide range of projects, initiatives, strategies and frameworks. Advice, information and advocacy services are seen as contributing to better outcomes by forming the first line of a preventative approach which helps people help themselves, and reduces the likelihood of more serious problems requiring expensive later interventions.

The Welsh Government acknowledges the link between financial exclusion and indebtedness to poor health, wellbeing, housing and social exclusion as seen through their strategic work on Financial Inclusion and Tackling Poverty, as well as investment in the 'Better Advice, Better Lives' programme. In December 2011 the Minister for Local Government and Communities announced a significant funding package of £2,221,000 per year from 2012 – 2015 to Citizens Advice Cymru for 'Better Advice, Better Lives' – this consolidated existing Welsh Government benefit take-up schemes - Better Advice, Better Health (BABH), Benefit take-up for Children with Disabilities, Council Tax and Housing Benefit take-up. Citizens Advice Cymru deliver this scheme and initial telephone advice through Adviceline Cymru which also has a full range of advice covering debt management, financial capability, housing, employment and consumer rights, relationship, education and immigration issues. Through this funding, Welsh Government is promoting financial inclusion and tackling poverty with the projects showing a return on investment through confirmed gains from benefit take-up of approximately £7 million per year.

In April 2012, Communities First was re-launched as a Tackling Poverty programme with the three strategic outcomes of Healthy Communities, Learning Communities and Prosperous Communities. In December 2011, the Welsh Government launched the new bidding round for funding for Communities First Clusters. Successful applications must be able to demonstrate a contribution towards tackling poverty in a sustainable way and should focus on the needs of that specific community. The proposed projects should demonstrate how they will contribute towards tackling economic inactivity, alleviating family and child poverty and improve the lives of individuals and communities by addressing the short term impacts and long term causes of poverty. A number of applications supported to date contain projects relating to money advice and other advice services through close working with the Communities First Cluster.

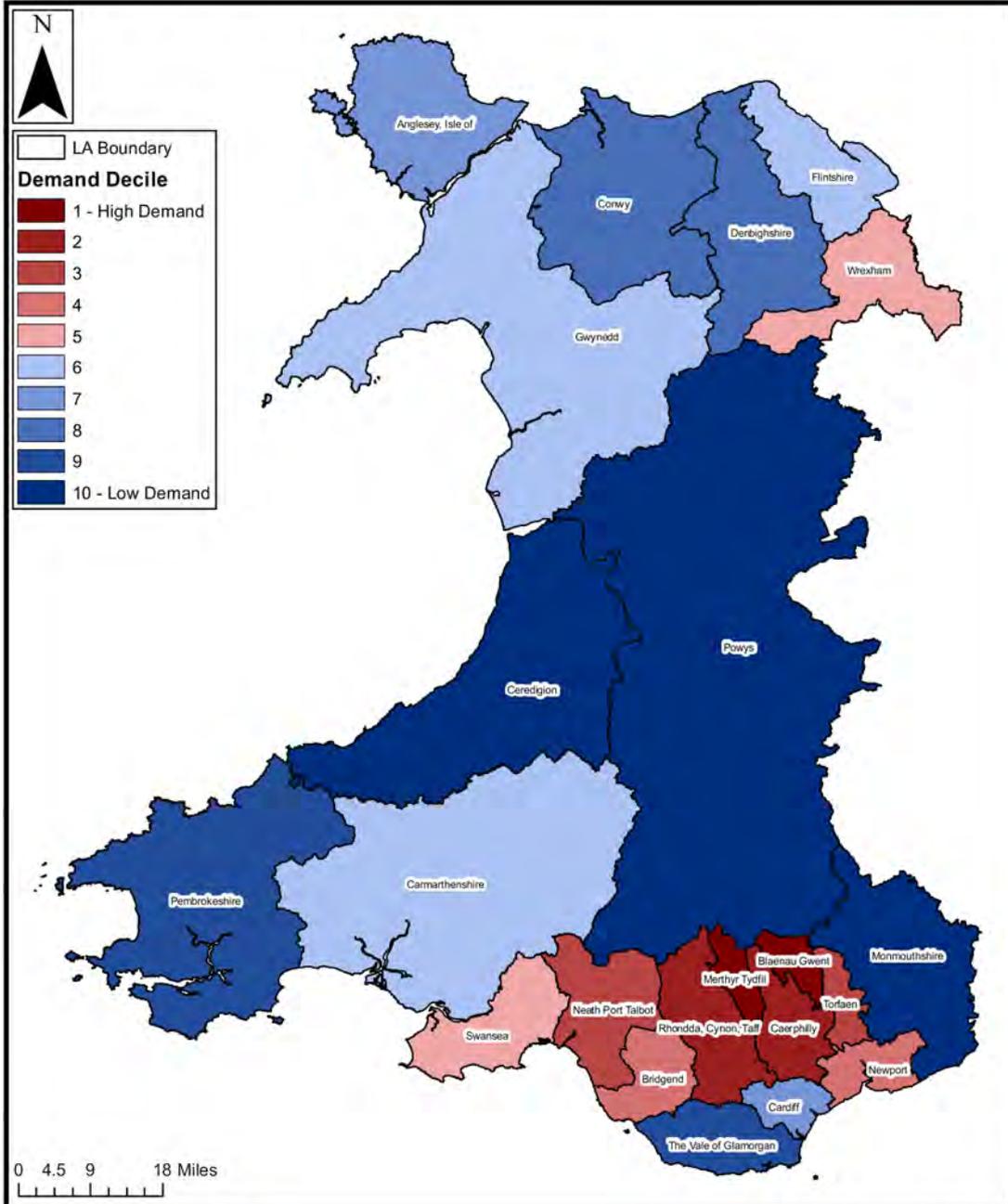
In a similar manner, the Supporting People Programme provides housing-related support to enable people to live their lives independently and to exercise choice and control. A £135m Grant funded programme, it is allocated to all 22 Local Authorities throughout Wales. The Programme supports over 56,000 people across Wales and plays a crucial role in tackling some of the causes and effects of domestic abuse, substance misuse and offending, as well as tackling social exclusion. The Programme aims to support people to address problems which may result in their losing their tenancies, such as issues with debt, mental illness, domestic abuse, substance misuse, family problems or a combination of these.

In addition the Welsh Government provides over £900,000 annually to Shelter Cymru to support its network of front line housing advice services which operate throughout Wales. These independent specialist services also offer housing debt advice and work closely with CABx to help people access welfare and other related advice on issues which affect their housing security. The Welsh Government is also currently funding a programme of work in every Local Authority in Wales to help mitigate the impact of cuts in housing benefit which threatens to cause significant increases in homelessness in Wales (see '*Specialist Housing*' for further details).

The Welsh Government commissioned two pieces of work into the advice sector in 2009/10 which mapped the range of financial and debt advice services, and considered alternative commissioning models for the wider sector. The financial and debt mapping exercise considered the range of providers across Wales against the levels of anticipated need in order to better understand the supply and demand position to identify areas of imbalance. On completion of the work, the information was passed to Local Authorities and other providers to help inform money advice service planning.

The below diagrams gives the position of need for financial and debt advice per Local Authority in Wales, and the mismatch of need against known supply in 2009:

Financial Advice Demand Deciles by Local Authority



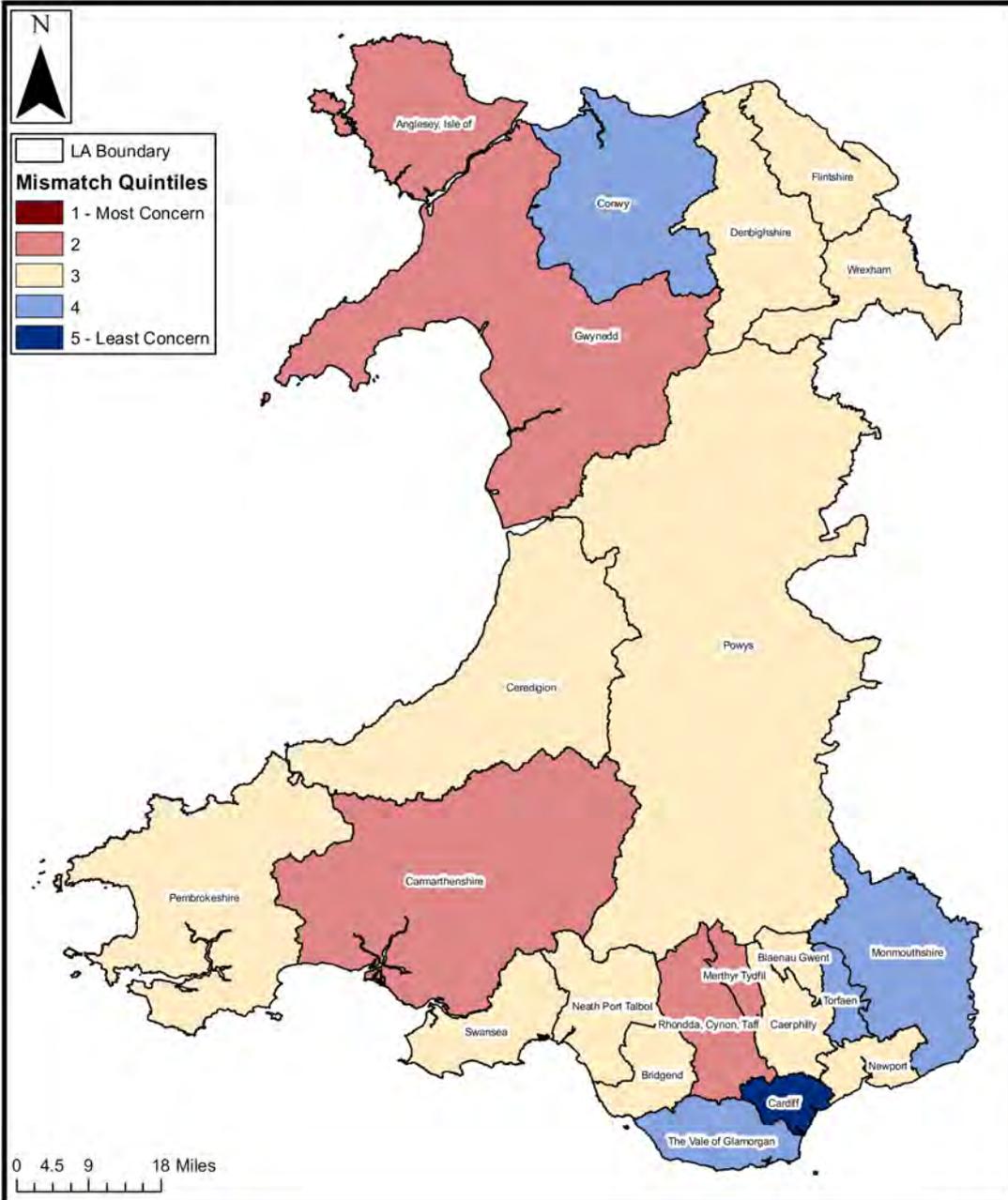
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Ujwadaeth Cynulliad Cymru
Welsh Assembly Government

Image 1: Financial Advice Demand Deciles by Local Authority, Experian Ltd, 2009.

Financial Advice Supply/Demand Mismatch Quintiles by Local Authority



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Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Image 2: Financial Advice Demand Mismatch Quintiles by Local Authority, Experian Ltd, 2009

The work considering commissioning models for social welfare advice services in light of known changes to UK Government funding arrangements, resulted in a report considering how Local Authority and Welsh Government could commission services to ensure the future of NfP advice sector. The final report was released in late 2010, following changes to the Legal Services Commission approach to commissioning and tendering, therefore the recommendations were not pursued. The different commissioning models considered in the final report inclusive of advice provider feedback on the proposals will be considered later in the chapter when examining commissioning approaches.

The Role of Advice in Welsh Equalities, Diversity and Inclusion Policy

Through their grant funding programme the Equalities, Diversity and Inclusion Division support a number of NfP organisations to provide information, advice and guidance to people from protected characteristics. Additionally some of the grant funding is not directly for the provision of information and advice services, increased availability of both is a bi-product of their grant funding. The future grant funding programme is currently being consulted on to consider best use of future funding and to combine the previously two separate funding streams (Advancing Equality and Inclusion) into one. The following outlines the range of NfP organisations currently supported by the division (ends September 2013) and their activities:

- **Platform 51** work with and support Gypsy and Traveller women in Wales providing advice on a range of areas varying from education to health and accessing services. Grant funding has been received since 2010/11 with £36,061 allocated for 2012/13.
- **Save the Children (Travelling Ahead Project)** supports children and young people aged 10 - 18 years old to participate in issues that affect them within society. As part of the project Gypsy and Traveller children are provided with advice. Grant funding has been received since 2010/11 with £63,250 allocated for 2012/13.
- **Somali Integration Society** supports members of the Somali community to integrate into Welsh life providing a range of services including providing advice about further education, training and employment opportunities, accessing health and social care services (including carer services), and welfare benefits. There are also established community information projects targeting health promotion activities for the Somali community. Grant funding has been received since 2010/11 with £54,636 allocated for 2012/13.
- **Welsh Refugee Council** provides information, advice and support to asylum seekers in Wales offering specialist advice on areas including housing and homelessness, health, education and employment. They provide an average of 400 advice sessions per week across Wales to newly arrived asylum seekers, their families and unaccompanied children, those awaiting the Home Office decision, and failed asylum seekers. Grant funding has been received since 2010/11 with £298,643 allocated for 2012/13.
- **Wales Migration Partnership** works with statutory, voluntary and community sectors on the strategic development of policies and initiatives on issues affecting asylum seekers and migrant workers in Wales. Part of the funding received also pays for an Asylum Seeker Children's Policy and Information worker to meet the specialist needs of this vulnerable group of younger people. Grant funding has been received since 2010/11 with £77,995 allocated for 2012/13.
- **Supporting others through volunteer action** helps children and younger people who are refugees or asylum seekers in the Cardiff area to integrate with the local community. Information forms part of the project, but with a minimal advice giving role. Grant funding has been received since 2010/11 with £60,446 allocated for 2012/13.
- **Barnados Cymru** deliver a comprehensive information, support, advice and signposting service for BME and migrant families via a drop-in, appointments and open days. Grant funding has been received since 2010/11 with £17,756 allocated for 2012/13.

- **Red Cross ‘Pick and Mix’ project** works to promote the inclusion of young migrants, refugees and asylum seekers in the Wrexham area. With some information and minimal advice giving aspects, the project is delivered through peer support projects operating in 5 schools across the County. Grant funding has been received since 2010/11 with £24,516 allocated for 2012/13.
- **Displaced People in Action** works to improve the employability of refugees and asylum seekers through providing ongoing support, information and advice to individuals as well as working with employers and Jobcentre Plus staff to increase awareness and understanding of the issues affecting refugees and asylum seekers. Grant funding has been received since 2010/11 with £91,169 allocated for 2012/13.

In total the division contributed £724,472 to services providing targeted information and advice to people from protected characteristic groups during the current financial year. The future of funding for the NfP sector in supporting Welsh Government to achieve its objectives within the Strategic Equality Plan (SEP) will be dependent on the consultation outcomes, with grant funding set to restart in September 2013 within an outcomes focused framework for the allocated £1,645,000 for 2013/14 and 2014/15. As stated previously, objective 1 of the SEP is to strengthen advice, information and advocacy services, thereby guaranteeing the ongoing support by the division to the advice sector.

The Welsh Government also supported the delivery of discrimination casework advice for 2012/13 to sustain services following the removal of casework funding by EHRC. These services were delivered in North Wales by Flintshire CAB and in South Wales by Newport CAB and Race Equality First and are paid for by the one off additional funding devolved to Wales by the UK Government (see ‘*Legal Aid*’ for further details on this fund).

The Role of Advice in Welsh Health and Social Care Policy

Welsh health and social care regulation, guidance and developments are clear examples of the early intervention approach, as seen by both the Carers Strategies Measure, Mental Health Measure and in the recent Framework for Action on Independent Living Framework consultation document which place emphasis on the important role of accessing timely and relevant information, advice and guidance as a key means of assisting health and social care service users and carers to manage their lives, prevent mental and physical health deterioration, and therefore, a reliance on public services³⁵. These Measures place joint responsibility on health and social care, with health acting as the lead across Local Health Board boundaries, resulting in services designed on wide regional footprints.

Access to information and advice as a preventative approach is also seen in the Welsh Government’s Families First and Integrated Family Support Service approaches, which focus Local Authorities on strategically commissioning time limited, family-focused services. Their stated aims of providing support focused on the family as a unit reflect the trend in strategic thinking that targeted early intervention which empowers individuals who are deemed at risk, or vulnerable, can lead to behavioural change to prevent escalation of their problems and reliance on state provided services in the longer term. In April 2012, the Families First programme rolled out across Wales with £41 million being awarded to Local Authorities in 2012/13. In taking forward this programme, authorities now need to

³⁵ See Welsh Government (2012) issued guidance in relation to *Carers Strategies (Wales) Measure* and *Mental Health (Wales) Measure* and *Consultation Document: Framework for Action on Independent Living* (2012)

place a greater focus on commissioning of services and projects that respond to locally identified needs.

Family Information Service (FIS) can play an integral part of this Families First model, where its role was highlighted within the guidance for Families First, and the importance of information as a key component of multi-agency teams. The FIS play an essential part in ensuring families and professionals are aware and signposted to the correct services. FIS is supported by a central support contract funded by Welsh Government at £24,000 for 2012-13, and are funded by Local Authorities. In 2008 £1,466,415 transferred into Revenue Support Grant across Welsh Local Authorities. The guidance also stipulates that Information services for 11 - 25 years are important, and Local Authorities were asked to show a clear involvement with the FIS and other information services in their Families First plans. Local Authorities have a statutory duty under Section 27 of the Childcare Act to provide an information service for parents and prospective parents. This information provides a wide reaching valued service to parents / carers, ranging from information and help about childcare to information on local services and facilities.

A review of information services for children, young people and families was commissioned to establish a clear picture of the services available in Wales, and how Welsh Government can improve and support this information service network. This is being taken forward by Welsh Government officials with representatives from FIS and Youth Information Service.

The Mental Health (Wales) Measure 2010 was designed to ensure appropriate care is in place across Wales which focuses on people's mental health needs with an overall investment in the new financial year of £3.5 million for the establishment of expanded services. Part 1 of the measure looks specifically to widen access to mental health services within primary care through providing: assessment; short-term interventions; information, advice and, where appropriate onward referral to other services. One of the functions of 'local primary mental health support services' is *'the provision for patients and their carers of information and advice about the services available to them, to meet their reasonable requirements for such information and advice'*³⁶. The aim being for local primary mental health support services to support individual choice for service users and carers, through the provision of information and advice, about interventions and care. This will include information on the options available to them, as well as 'signposting' to other sources of support, such as support provided by third sector organisations, emotional health and wellbeing, physical health self help, parenting and carer support, debt and welfare benefits, housing and education services and, where relevant, occupational health or other services designed to support sustained employment. While no specific money has been earmarked for advice services, people receiving the new Local Primary Mental Health service are likely to be receiving more information about what resources are available locally to meet their needs which may increase demand on advice services, some of which may be funded through Part 1 services dependent on the services created under Part 1 by each Local Health Board.

The Carers Strategies (Wales) Measure was designed to ensure that carers have access to timely information that will support them in their caring role and the person they care for. Placing a new duty on health services to identify, support and signpost carers to appropriate information or services, the measure requires health and social care to work across departments and with the third sector to implement local action plans created through carer involvement. £5.8 million has been made available until 2014/15 to develop information resources, train staff and implement the local action plans to raise the profile of carers and the support available to them.

36 Welsh Government (2010) *Mental Health (Wales) Measure 2010*

The growing emphasis from Welsh Government on information and advice as an early intervention is also seen in the draft Social Services (Wales) Bill through providing *“Stronger voice and control for people (including people who will pay for their own social care services) in making informed decisions about their entitlements; and Promotion of local preventative strategies and earlier access to support...It will also reduce the need for more costly intervention at a later stage.”*³⁷

The Deputy Minister introduced the Social Services and Wellbeing (Wales) Bill on 28th January 2013 with a view to the Bill receiving Royal Assent in January 2014. The proposed duty on Local Authorities and their partners would require them to publish information, provide advice and give assistance about the range and level of care services and wellbeing services in their area to people who may benefit from such services. It is further proposed that Local Authorities, in cooperation with others, will have duties to secure the provision of information, advice and assistance about services, how assessments for social care services may be accessed, eligibility criteria for social care services, and how to make representations and complaints. Local Authorities will be encouraged to come together with other Local Authorities where that assists in the efficient delivery of this service; and to work with advice agencies in the delivery of this service.

Under the proposals other statutory bodies, such as the NHS, will have a duty to cooperate in the delivery of services. The sustainability of social services is dependent upon the development of early intervention and preventative strategies and earlier access to support is dependent upon improved and wider provision of information and advice services. Such services can reduce the need for more costly intervention at a later stage and result in better outcomes for people.

The provision of communication hubs by local or regional social services structures could enhance and complement services provided through the to-be-established 111 network³⁸. It is recognised that the development of communication hubs for social care and wellbeing information, advice and service coordination is patchy. A few such hubs may be sufficiently advanced technically and in terms of service design to make a contribution to a national 111 service but the majority are not sufficiently advanced to contribute effectively. There is a need to understand how statutory and 3rd sector social care and wellbeing delivery organisations can benefit from, and most critically offer to, the 111 service. It is recognised there is value in reviewing the technical and service infrastructure of current Local Authority social care communication hubs and what activities would be required to bring them to a level where they can be full partners in the delivery of a 111 service underpinned by a national directory of services.

The Expert Patient Programmes and Education Programmes for Patients Cymru since 2002 also show commitment by Welsh Government to information and advice as a preventative service. These deliver a range of self-management health and wellbeing courses and workshops for people living with health conditions or for their carers. The courses are designed to enable people with chronic health conditions to become an *“expert in living your life to the full with your condition, not about making you an expert in the specific condition you have”*³⁹ emphasising knowledge and understanding as the key to empowering people to maintain their health and wellbeing.

37 Welsh Government (2012) *Consultation Document: Social Services (Wales) Bill*

38 The 111 network refers to a non-emergency service telephone number being developed across health and social care services to support people requiring non-emergency interventions.

39 From the Education Programmes for People Cymru overview and introduction available on their website <http://www.wales.nhs.uk/sites3/home.cfm?orgid=537>

The Role of Advice in Wales: Not for Profit Advice Sector

As already explored, a range of advice services is provided by UK, Welsh and Local Government. In addition, there is a range of independent NfP advice providers throughout Wales, delivering advice in their local communities, often through the use of volunteers alongside paid staff, some delivering specialist advice, others focusing on specific issues such as disability, or providing more generalist advice. Citizens Advice Cymru and Shelter Cymru are the largest advice providers in Wales, however a number of other large national charities also provide advice complimented by a myriad of smaller NfP and charities with information and advice as part of their remit.

The largest single advice provider in Wales, Citizens Advice Cymru (CACy), outlined in their annual report⁴⁰ for 2010/11 that 114,000 individual clients were advised on 402,000 separate issues. This rose in 2011/12⁴¹ to 140,000 individual clients advised with 440,000 issues showing an increase of 22% of advice seekers who are seeking help for 3 problems on average. 23 bureaux operate in over 50 branch locations in all Local Authority areas to deliver advice in 257 locations throughout Wales, often co-located with Shelter Cymru housing advice, local Citizens Advice Bureaux (CABx) provide a range of generalist and specialist services for the people of Wales. They employ 426 staff members, inclusive of a core staff supporting web developments, specialist advice and support to individual bureaux. CACy also have over a 1,000 volunteers involved in delivering advice, with a noted 30% of volunteers leaving the service in 2011/12 to go on to paid employment or education. A breakdown of their social welfare law advice provision can be seen in table 1 below, additionally the first year of the Citizens Advice Consumer (2011/12) helpline saw a further 11,612 people provided with consumer advice:

Enquiry Area	Year					Percentage increase 2007 - 2012
	2007/08	2008/09	2009/10	2010/11	2011/12	
Debt	105,544	111,339	132,015	145,265	142,641	35%
Benefits and Tax Credits	96,385	97,803	114,202	138,657	172,532	79%
Employment	21,003	22,262	23,240	28,319	28,440	35%
Housing	13,765	13,442	14,816	20,276	21,470	56%
Consumer Goods and Services	5,912	5,277	6,189	6,082	6,988	18%
Utilities & Communications	3,754	4,068	4,430	4,143	3,627	-3%
Discrimination	1,203	1,269	1,340	1,805	1,858	54%
Total enquiries	292,176	298,119	345,486	401,921	440,248	51%

Table 1: Citizens Advice Cymru annual statistics

Shelter Cymru operate across all 22 Local Authorities in Wales, offering a specialist, confidential advice and advocacy service in 56 community based venues. This is funded by the Welsh Government and the Legal Services Commission. They currently have 29 FTE Housing Law Caseworkers (HLC's) in the team and provided housing advice to over 16,000 individuals on 24,000 housing related problems in 2010/11, preventing homelessness in 86% of relevant cases. In addition to their housing advice surgeries, Shelter Cymru also run 8 housing possession court duty schemes (HPCDS) across Wales funded through Legal Aid to provide an advisor at county court whenever there is a possessions listing to enable people to have access to advice and representation at court as required. Shelter Cymru also have a number of contracts with Councils, Registered

40 Citizens Advice Cymru (2011) *Annual Report 2010/11: Consumer empowerment consumer choice* - NB: England and Wales information was previously considered within the same annual reports.

41 Citizens Advice Cymru (2012) *Annual Report 2011/12: Are we all in this together?*

Social Landlords (RSLs) and the Money Advice Service to provide a range of additional services including debt advice, tackling anti-social behaviour, over 50's housing advice and benefit take-up work to maximise people's incomes.

RSLs also provide a growing range of information and advice to their tenants (and to a lesser extent their wider community) in addition to their statutory or contractual obligations. As part of their growing role in supporting community development, RSL projects range from those aimed at tackling poverty and financial inclusion, to improving health and well being, or creating jobs and training opportunities. Funded by a variety of sources including public sector organisations (e.g. health authorities), charitable organisations (e.g. Big Lottery), private sector (e.g. supermarkets) and the RSLs themselves, delivering both large scale (e.g. Moneyline Cymru) and small scale projects (e.g. information days). A Welsh Government study⁴² regarding the range of support offered found that the greatest number of people that benefited from activities relevant to the review accessed services to tackle poverty. These are delivered through a variety of financial inclusion projects offering financial capability training and support, money and debt advice, welfare benefit advice and support to tenants to return to employment. While benefiting the individuals these projects are also noted as bringing positive outcomes to the RSLs regarding reduced antisocial behaviour and better money management for tenants reducing rent arrears.

Many of the smaller advice providers in Wales are linked into supportive UK national and Welsh networks such as AdviceUK, the Independent Advice Providers Forum, Advice Services Alliance, Welfare Rights Advisors Cymru (WRAC), or supported by their national bodies such as AgeUK, MacMillan Cancer Support and Scope. In addition there are a number of local geographic networks and partnerships, working to support advice providers, and/or address Welfare Reform, such as Denbighshire's Advice Network or the Gwent Welfare Reform Partnership. The role of the established networks is to support members to maintain (where funding is an issue) or improve access to advice within the locality, as well as provide support to members to improve the quality and effectiveness of their services, provide a national voice where appropriate and provide peer to peer learning and support. Many advice providers also work with local tackling poverty or financial inclusion groups, given the clear link between access to money and welfare benefit advice and alleviating poverty. All members were invited to participate in the mapping exercise and contribute comments to the review in order to reflect upon the varied advice providers in Wales.

AdviceUK is a membership organisation of 860 voluntary sector organisations that provide local advice services throughout the UK, with 27 members in Wales. Members must have appropriate insurance and governance structures, act independently of government and offer free advice. Welsh AdviceUK members provide advice across the range of areas of social welfare law, with debt, welfare benefits and housing representing the core provision of most. 16 of the 27 Welsh AdviceUK members responded to the mapping survey, and 13 members participated in a listening exercise to inform the review during the consultation phase.

WRAC membership is made up of individuals who are professionally involved in welfare rights in Wales and who are not representatives of their employers. Membership is made up of Local Authority, third sector and commercial welfare benefit advisors, trainers and consultants. The largest group of members are employed by Local Authorities and many operate over large county council areas offering a mixture of outreach, office based and home visiting services. Specialising only in welfare benefit advice, advisors have in-depth knowledge of the benefits system and are able to offer support to the highest

42 Welsh Government (2012) *Housing Associations in Wales – Improving the lives of tenants and communities*

level of tribunal, including representation in person. WRAC members collegiately support each other through regular meetings with speakers, training and information exchange and respond to consultations on benefits issues as well as offering their knowledge to institutions and organisations.

The Older People's Commissioner for Wales scoping review⁴³ examining advice for older people in Wales included scoping work of non-age related services, and therefore can be taken to give an indicative overview of advice services in Wales. The review found: no strategic direction for the advice sector in Wales; no long-term funding security, creating a fragmented network of suppliers; providers working to different quality standards, and collecting different data; and a lack of developed resources and services for specific client groups, such as BME or LGBT communities. The report highlighted the need to ensure that the growing moves to telephone and online advice were not at the expense of face to face advice which remained the preferred delivery option for vulnerable people, and the increased need for networking and collaborative working.

43 P Bryant (2011) *A Scoping Study of Information and Advice Services for Older People in Wales: for the Older People's Commissioner in Wales*

Legal Aid Reform

The Legal Aid scheme was established in 1949 to enable equality of access to justice for all members of society, inclusive of people on low incomes, across a range of civil law areas through the provision of free or affordable legal advice and assistance. Since it began, Legal Aid has expanded in both its scope of work (what is covered) and eligibility (who is covered). Funded by the Ministry of Justice (MoJ) and administered by the Legal Services Commission, 2009/10 Legal Aid expenditure was £2.1 billion, representing nearly a quarter of the MoJ's total budget⁴⁴.

In November 2010, the UK Government published proposals to reform Legal Aid, looking to reduce the budget by £350m per annum⁴⁵, resulting in the *'Legal Aid, Sentencing and Punishment of Offenders Bill'* (known as the Legal Aid Bill). The proposals set out radical, wide ranging reforms to the scope, eligibility and fee structure of Legal Aid, with the key driver of reducing funding on the economic argument that Legal Aid is too expensive in the UK in comparison to other states with similar common law systems⁴⁶ and that *"Many cases currently supported by Legal Aid need practical, rather than expensive legal, help"*⁴⁷, therefore promoting a litigious society. The Coalition stated the reforms are designed to discourage unnecessary court action, to target Legal Aid at those who need it most, and reduce public spending in light of the budget deficit.

While the Justice Select Committee⁴⁸ stated *"Reducing spending on Legal Aid may have financial implications – and indeed may inflate costs – in other parts of the legal system"*, and themes from the literature review also highlight that reducing Legal Aid is likely to increase state expenditure in other areas⁴⁹; the UK Government's Legal Aid Bill received Royal assent in May 2012 with few changes. The MoJ's Cumulative Impact Assessment⁵⁰ stated there was a lack of systematic evidence comparing the outcomes for people who do, or do not access advice early on, acknowledging that while the funding changes may have wider economic and social implications and costs it concluded these could not be estimated.

The MoJ's Equality Impact Assessment⁵¹ highlighted the cumulative impact as *"particular or substantial disadvantageous impact on clients who are female, BME, and ill or disabled"* and noted that the impact on debt and welfare benefit advice will disproportionately affect working age people who are ill or disabled. This affect will be considered in more detail in later sections.

Legal Aid funding will be reduced by £280 million across the UK from April 2013 with radical changes seen to the scope and eligibility criteria, alongside fee structure reductions that will remove free to use or low cost legal advice and assistance in civil justice matters for:

- Asylum support (except where accommodation is claimed)
- Consumer and general contract

44 Justice Select Committee *Government's Proposed reform to Legal Aid : Third report of Session 2010-11*

45 Ministry of Justice (2011) *Proposals for the Reform of Legal Aid in England and Wales*

46 Ibid.

47 Ministry of Justice (2011) *Reform of Legal Aid in England and Wales: Equality Impact Assessment (EIA)*

48 Justice Select Committee *Government's Proposed reform to Legal Aid : Third report of Session 2010-11*

49 For example, Young Legal Aid Lawyers (2012) *Nowhere else to turn: The impact of Legal Aid cuts on MPs' ability to help their constituents*; Citizens Advice Bureaux (2010) *Towards a business case for Legal Aid*; and Dr Graham Cookson (2011) *Unintended Consequences: the cost of the Government's Legal Aid Reforms*

50 Ministry of Justice (2012) *Legal Aid Reform in England and Wales: Cumulative Legal Aid Reforms; Annex A: Scope*

51 Ibid.

- Criminal Injuries Compensation Authority cases
- Debt, except where there is an immediate risk to the home
- Employment cases
- Education cases, except for cases of Special Educational Needs
- Immigration cases (non-detention)
- Housing matters, except those where the home is at immediate risk (excluding those who are 'squatting'), homelessness assistance, housing disrepair cases that pose a serious risk to life or health and anti-social behaviour cases in the county court
- Miscellaneous (specified matters);
 - Appeals to the Upper Tribunal from the First- tier Tribunal
 - Cash forfeiture actions under the Proceeds of Crime Act 2002
 - Legal advice in relation to a change of name
 - Actions relating to contentious probate or land law
 - Court actions concerning personal data, action under section 14 of the Trusts of Land and Appointment of Trustees Act 1996
- Legal advice on will-making for;
 - those over 70
 - disabled people
 - the parent of a disabled person and
 - the parent of a minor who is living with the client, but not with the other parent, and the client wishes to appoint a guardian for the minor in a will
- Private family law (other than cases where criteria are met regarding domestic violence or child abuse)
- Tort and other general claims
- Welfare benefits; except for advice and assistance for welfare benefits appeals in the Upper Tribunal; and advice, assistance and representation for welfare benefits appeals in the higher courts.⁵²

From April 2013, those seeking assistance with debt (in so far as it remains in scope), special educational needs or discrimination matters, must apply via the Community Legal Advice helpline which will act as a single point of access gateway for Legal Aid funded advice. All callers will have their needs assessed on a case by case basis. Although it is expected that most callers will receive any subsequent legal advice over the telephone, where appropriate, clients will be referred on for face to face advice services. Exemptions to the mandatory single gateway are where the client is a child, or in detention, or where the caller has previously been assessed by the gateway as requiring face to face advice and they are seeking advice on a linked matter within 12 months from the same provider. The impact of having a telephone gateway will be considered in the later section '*Advice Services: Delivery Methods*'.

Legal Aid funding, as considered in relation to this review and specialist advice services will only be retained for:

- Debt - limited to mortgage arrears, orders for sale and involuntary bankruptcy, when the home is at immediate risk of possession.
- Housing - when the home is at immediate risk of possession; when disrepair to rented accommodation pose a serious risk of harm to health or safety;

52 As outlined on the [Legal Services Commission website](#)

homelessness assistance (for people threatened with, or who are homeless); and injunctions under the Protection from Harassment Act 1997 in the context of housing and ASBO matters

- Civil legal services provided in relation to a contravention of the Equality Act 2010, which could be in relation to both discrimination and employment.⁵³

Responses to the MoJ consultation and research undertaken in relation to Legal Aid reforms argue that work which remains in scope in relation to debt and housing advice only being available when the home is at risk of repossession will mean that preventative advice will not be funded. It is argued that what remains in scope does not reflect the previously noted, complexity of people's lives and the advice sought and required where there are multiple interrelated problems. The removal of family law, unless in connection to domestic violence, is also argued to have negative effects on the advice sector and people's access to justice, as general advice providers do not have this knowledge or expertise, having previously referred on to specialists within the legal profession, a route that will no longer be open to them or their clients seeking support.

The MoJ have clarified that of the cases remaining in scope for funding, 'mixed cases' will not be funded their full costs. This means that where someone is at risk of homelessness due to debt which is linked to other causes outside of the scope, such as welfare benefit, employment or private family law related issues, the funding would only cover work related to the debt. Advice and support for the connected issues would not be funded, which could potentially increase costs to advice providers should they seek to resolve the clients issues in a holistic manner but without the required funding to do so.

It has been estimated that between 600,000 to 650,000 people across the UK will no longer be able to access Legal Aid as a result of the reduction in civil Legal Aid advice, particularly impacting on those in lower income groups, who represent 95% of the current client base⁵⁴. Of note is the removal of the social welfare law advice areas covered by the scope of this review, with special reference to the removal of welfare benefit, debt, employment and discrimination advice funding, which is predominantly administered by charities and NfP in Wales.

The NfP sector providing social welfare legal help (advice only) will have a funding reduction of £50 million per annum across the UK, equivalent of 74% of the current budget. The MoJ highlight that Legal Aid funding is not the only income stream NfP organisations receive and the reductions will impact differently on each advice provider dependent on their individual reliance of Legal Aid income, therefore the overall sustainability of the sector cannot be assessed⁵⁵. With the removal of much social welfare law work, with the exception of housing cases where repossession is threatened, much of the work that NfP advice providers carry out will be cut. The national charity Legal Action Group which undertakes policy research in relation to access to justice, estimates that over 80% of NfP providers will be forced to leave the Legal Aid system due to funding reductions⁵⁶.

Private sector provision of Legal Aid funded advice will also be affected in Wales with further impact on the people of Wales ability to access justice. Work commissioned by

53 Ibid

54 Legal Action Group (2012) *Social welfare law: what the public wants from civil Legal Aid*, The Baring Foundation, Ministry of Justice (2011) *Reform of Legal Aid in England and Wales: Equality Impact Assessment* and J Freitas and S Hynes (2011) *The Real Impact of Legal Aid Advice Cuts*, Legal Action Group

55 Ministry of Justice (2011) *Reform of Legal Aid in England and Wales: Equality Impact Assessment*

56 Legal Action Group (2012) *Social welfare law: what the public wants from civil Legal Aid*, London: The Baring Foundation

the Law Society⁵⁷ found that following on from previous fee reductions, the April 2013 changes are likely to result in a number of suppliers closing with “a catastrophic impact on the supplier base.” Their research into the financial stability of the private legal advice sector after the Legal Aid Bill is fully implemented found that one third of responding private practice firms used Legal Aid fees to account for 75% of their income. This was identified as putting particular firms at risk who currently undertake large volumes of Crown Court work, or who specialise in family law, welfare benefit, housing, immigration or clinical negligence. It is anticipated that the number of private practices will contract in Wales as the sector does not have the financial resources to withstand the reductions resulting from Legal Aid reform. MoJ have questioned the findings of the report as being a snapshot of a limited number of respondents who can take action to mitigate against the impact of the reforms by taking advantage of wider structural reforms within the legal sector. However, the Law Centres Federation anticipates that up to a third of the UK’s Law Centres could close across the UK where Legal Aid makes up over 60% of their funding, echoing the Law Society’s research findings. Contact with the Cardiff Law Centre shows that while facing reductions and restructures as a result in Legal Aid funding, they are not considering closing at this time.

As part of the ongoing work the MoJ is undertaking, they are “working closely with other Departments responsible for funding advice providers (or dealing with the impact if people do not receive the advice which they need) to examine the issue of supporting not-for-profit advice.” £20 million UK Government funding was made available in November 2011 ahead of legal aid reform to assist NfP providers. £16.8 million of this funding was used in England for a one year programme known as ‘the Advice Services Fund’ which supported NfP advice services who were able to evidence a 10% income reduction in 2011-12.

In addition, the Cabinet Office conducted a review of NfP social welfare advice services in light of their perceived vulnerability due to Legal Aid funding reductions. The review was launched in November 2011 in order to consider the impact of UK and Local Government cuts to advice funding, and how to streamline and consolidate funding for advice in a coordinated manner to ensure demand could be met. The initial review findings⁵⁸ highlighted that on current trends, the total funding available to the NfP sector across the UK is likely to be about 25-30% lower in 2015/16 than in 2010/11, while demand for information and advice is likely to increase over the same period due to the economic environment and changes to the welfare benefits system. The review also highlighted that the advice sector could be reformed to improve its effectiveness and efficiency by working collaboratively with government and public bodies to reduce the need for advice stemming from unclear or mistaken information from Government agencies; and focusing on more preventative and empowering strategies with clients. Their findings are considered in more detail in the following ‘Advice Services Model’ section.

The final report issued in November 2012 announced a joint initiative with Big Lottery England to manage a £65 million 2 year fund for advice services to support the sector to meet the challenges ahead of increased demand and decreased funding. The report highlighted the following as means of developing and delivering good practice identified through the review:

- **Collaboration** between organisations to promote sharing systems and specialist advice capacity, making cross-referrals and promoting joint working with governmental bodies to eliminate inefficiencies and preventable problems arising from their systems.

57 A Otterburrrn and V Ling (2011) *The Law Society: Impact of the MOJ Green Paper proposals on Legal Aid firms*

58 The Cabinet Office (2012) *Review of Not for Profit Advice Services: Initial Findings*

- **Early intervention, prevention and education** as a means of empowering people to prevent or resolve their problems, with particular targeting of more groups more vulnerable to experiencing justiciable problems.
- **Outcomes based delivery** considering how best to deliver services to meet customer needs and focus on the impact advice delivers through improving how the sector measure and maximise these outcomes.
- **Exploiting remote channels** to take advantage of new and emerging technologies which provide cost effective interventions compared to the sector wide favoured delivery channel of face to face advice.
- **Resilience and innovation** within the sector to diversify funding streams, such as advice providers delivering training or paid for advice.

The Effect of Legal Aid Reform in Wales

The overall affect for Legal Aid funded social welfare law advice provision in Wales will be a forecasted reduction of face to face sessions from **19,841 to 3,144** per annum (see appendix 4), the equivalent of a sixth of the current advice provision⁵⁹. Despite the decrease in the level of face to face advice provision in Wales, there will be an increase in the number of offices delivering these services in Wales through contractual changes to come into effect in April 2013.

Citizen Advice Bureaux, the largest single Legal Aid advice provider in Wales, have estimated that as a result of the funding reductions they will lose 42 FTE specialist caseworker staff (23 debt specialists, 17 welfare benefit specialists and 2 employment specialists). Only 3 CABx have identified alternative funding for welfare benefit, debt and employment specialist advice, with all other CABx with Legal Aid contracts looking to redeploy their staff or make them redundant, resulting in loss of many years of experience and also impacting on the level of knowledge and advice within bureaux for generic advisors to draw upon. As Legal Aid contracts also provide funding towards administration and management, most CABx will also have to readjust these functions to account for diminished funding. Shelter Cymru the largest provider of face to face specialist housing advice in Wales estimates a loss of £270,000 in funding resulting in staff reductions of 5.5 FTE specialist housing advice posts as well as associated administrative and management support posts.

The impact of the loss of this staff will not only be the removal of specialist advice and casework for debt, welfare benefits, housing and employment, but also knowledge from the teams, therefore impacting on advice services ability as a whole to deliver effective advice to meet their clients needs and resolve their situations. As noted within responses from charity and NfP advice providers to the Coalition's green paper, there is overall concern that the funding reductions will undermine the ability for individual providers to remain open through loss of core funding⁶⁰.

In 2012-13, recognising the changes the advice sector was facing as a result of Legal Aid reform, the Welsh Government released £967,000 additional money for the advice sector which was administered throughout Wales by Citizens Advice Cymru. This additional one-off funding for the advice sector was used to support a variety of advice services, inclusive of specialist casework in the following areas: employment, debt, housing, benefits, discrimination (including representation), and advice services to refugees. As part of this review, providers commented on how best any future funding for advice services could be used, and is discussed in '*What you told us*'

59 Legal Action Group (October 2011) *Local impact of the social welfare law cuts*

60 Justice for All (2011) *Saving Justice: Where next for Legal Aid ?*; Ministry of Justice (2011) *Reform of Legal Aid in England and Wales: Equality Impact Assessment (EIA)*; Citizens Advice Bureaux (2011) *Out of scope out of mind*

Specialist Advice: Welfare Rights

The current UK Government's Welfare Reform Act (2012) received Royal Assent in March 2012, following on from the Coalition's 'Welfare Reform White Paper' in 2010 and building on the previous government's reform to the welfare state. It is widely acknowledged that the combined reforms have radically altered the welfare state, with the biggest change in its 60 year history yet to come through the development of Universal Credit⁶¹. During this rapid period of change to the welfare state aimed at reducing welfare spending by £21.7 billion by the end of this current parliament⁶², advice services have reported an increase in demand⁶³ from the public seeking guidance and support to access entitlement and manage their claims.

The number and pace of changes to welfare benefits (see appendix 5) cover a wide range of reforms from: the introduction of Universal Credit, a monthly payment per household replacing six of the existing means-tested working age benefits and Tax Credits; to the increased use of sanctions for non-compliance with individual benefit entitlement regimes; and changes and reduction to housing benefit. Welfare benefits are recognised as being a complex area of social policy, in terms of the numerous benefits with different eligibility criteria and delivery⁶⁴. The process of Welfare Reform is made more complex as it involves a mixture of changes started under the previous UK government as well as those requiring new primary and secondary legislation by the current UK government.

One of the aims of Welfare Reform is to make the benefits system easier to understand and navigate for people to access their state entitled support, which should lead to a reduction in advice required to circumnavigate its current processes. Recent research by Turn2Us and University of Kent⁶⁵ into stigma surrounding claiming benefits, where stigma is described as *"the idea that a characteristic – in this case claiming benefits – is seen to be embarrassing or shameful and to lead to a lower social status"* suggests that more people see claimants as 'undeserving' than they did 20 years ago and there is greater stigma attached to claiming benefits, impacting on non-up-take of entitlements. Linking media coverage to changing perceptions, the report considers media coverage finding: more negative than positive stories – citing fraud between 21-39% of all benefit related stories despite fraud accounting for less than 1% of all benefit expenditure; and a recent (post 2008) change in the language describing claimants with more focus on whether claims are 'legitimate' for reasons other than fraud – for example the recent media debate regarding the benefit cap (at £500 a week for couples and lone parent households and £350 a week for single-person households where no children are present). The report also finds a suggestive trend linking the non-take-up of benefits to rising stigma, therefore should the current trend of increased stigma and negative press coverage of claimants continue Welfare Reform may not see the drastic spike in demand being forecast. However, it is unlikely even with people not taking up their benefit entitlement due to stigma that people will not seek advice, given the ongoing period of change and the introduction of new systems of benefits running concurrently with older systems of benefits likely to cause confusion regarding entitlement.

61 A number of reports highlight the pace and breadth of change to the welfare state, as can be seen in the summaries within 'Cutswatch Cymru (2012) *Wales on the edge: An overview of the current and predicted impact of Welfare Reforms on people and communities across Wales*, and 'Jenny Morris (2011) *Rethinking disability policy*

62 HM Treasury, *Spending Review*

63 AdviceUK December 2011 member survey and Citizens' Advice Service (England and Wales): *Advice Trends* quarterly reporting (2011/12)

64 Cutswatch Cymru (2012) *Wales on the edge: An overview of the current and predicted impact of Welfare Reforms on people and communities across Wales*

65 B Baumberg et al (2012) *Benefits Stigma in Britain*

In 2011 there was little evidence on the cumulative impact of the benefit changes on individuals or families in Wales, leading the Welsh Government to establish a Ministerial Task and Finish Group for Welfare Reform. This Group has commissioned a three-stage programme of research to assess the impact of the UK Government's Welfare Reforms in Wales. Some of the key findings from the recently published Stage 2 research⁶⁶ are summarised below:

- Externally commissioned research undertaken by the Institute for Fiscal Studies, estimates that the changes to the UK welfare system announced prior to December's Autumn Statement will reduce total benefit and tax credit entitlements in Wales by around £590 million in 2014/15. Additional cuts announced in December's Autumn Statement mean losses will be even higher than this. Furthermore, those hit by the cuts in welfare payments are likely to reduce their spending on goods and services, leading to an additional negative impact on the economy in Wales.
- The Welsh Government has undertaken its own research into the individual welfare reform measures. This estimates that the greatest average weekly losses at an individual/household level as a result of Welfare Reform are likely to be due to the below. Combined with the impact of changes to other benefits, losses could be even higher:
 - Loss of entitlement to DLA (£55-83)
 - The Household Benefit Cap (£70)
 - The time-limiting policy for contributory ESA (£46)
 - In addition, the increase in the working hours requirement for Working Tax Credit for couples with children could result in a weekly loss of up to £74.
- The welfare cuts that are expected to affect a significant number of benefit claimants and tax credit recipients in Wales are:
 - freezing Child Benefit rates (370,000 families);
 - the switch to up-rating most benefits by CPI rather than RPI (350,000 benefit claimants, 330,000 tax credit recipient families); and,
 - the 1 per cent cap on most working-age benefits, certain elements of tax credits, and Child Benefit (290,000 benefit claimants, 325,000 tax credit recipient families, 350,000 child benefit recipient families).

In May 2012 (the latest available data at the time of writing), 18.0% of the working-age population in Wales were in receipt of some type of welfare benefit compared to 14.4% for GB as a whole. This is equivalent to 348,530 claimants in Wales, of which around 286,500 are claiming out of work benefits⁶⁷. The largest out of work benefit claimant group are those in receipt of Employment and Support Allowance (ESA) or Incapacity Benefit (IB) (often in combination with other benefits) with 171,790 people in Wales claiming this as their main benefit, equivalent to 8.8% of the 16–64 population, compared to the GB proportion of 6.3%. There were 139,200 working-age individuals claiming Disability Living Allowance (DLA) in Wales in May 2012. This is equivalent to 10.8% of the population aged 16-64, which is the highest rate amongst the English regions and GB countries⁶⁸.

66 Welsh Government (2013) *Analysing the impact of the UK Government's welfare reforms in Wales – Stage 2 analysis*; Adam, S and Phillips, D (2013) *An ex-ante analysis of the effects of the UK Government's welfare reforms on labour supply in Wales*

67 May 2012 DWP out of work benefits claimant count as detailed on <https://www.nomisweb.co.uk/>

68 Ibid

As part of Welfare Reform, IB claimants are being transferred to ESA via the 'Work Capability Assessment' process which began in October 2008 and has found to date 54% of former IB claimants as being 'fit for work'⁶⁹.

There are also a number of changes to housing benefit explored in the Specialist Advice: Housing chapter.

As the above highlights, the high dependency on welfare benefits in Wales, particularly sickness and disability related benefits will mean that the benefit cuts will hit Wales harder than the UK as a whole. This is evidenced in research undertaken by the Institute for Fiscal Studies, which was commissioned by the Welsh Local Government Association⁷⁰. The negative impact on household income is likely to be multiplied with many claimants receiving more than one benefit, therefore experiencing changes or reductions to multiple individual benefits⁷¹.

Those affected by the changes are likely to seek information, advice and guidance, creating an increase in demand. This increase in demand will come at the time welfare benefit advice is removed from Legal Aid funding, resulting in a growing gap between supply and demand. Additional funding for the advice sector may help maintain some of the current levels of advice, but will not support the extra demands on the sector⁷².

The upward trend of people seeking support to make their claims, or challenge Department of Work and Pensions (DWP) benefit decisions has been reported consistently by advice providers and welfare rights advisors. This can be seen clearly in the Citizens Advice Cymru annual reports⁷³ which give an overall 44% increase in welfare benefit advice from 2007/08 to 2010/11, although it is noted that this increase also includes people seeking advice as a result of redundancy. In Wales, the benefits and tax credit advice service increase was 24% over the last two years alone.⁷⁴

The need for advice during Welfare Reform is further increased, as case law builds how the regulations are interpreted and decisions made on entitlement. The need for advice to enable challenge and develop case law as can be seen through analysis of the Work Capability Assessment (WCA) appeals hearing from October 2008 to February 2010 (summarised in Table 2). The WCA is a medical assessment used to determine whether claimants are entitled to ESA. This assessment process is points based, with those scoring 15 points or more being found not capable of work. Those scoring less than 15 points do not qualify and can either claim Job Seekers Allowance (JSA), appeal or look to other out of work benefits.

Points scored at initial WCA	Appeals finding in favour of claimant	Appeals upholding DWP decision	All appeals heard
0 points	29,000	56,100	85,000
0 – 6 points	11,100	12,500	23,600
Over 6 points	7,600	4,300	11,900
Unknown	400	1,600	2,000
Total	48,000	74,400	122,500

Table 2: Source DWP (2011) Employment and Support Allowance: Work Capability Assessment by Health Condition and Functional Impairment (*Note: This is for UK level data*)

69 Figures calculated from DWP Work Capability Assessments for IB Claimants, October 2008 to May 2012

70 R Crawford et al (2012) *Local government expenditure in Wales: recent trends and future pressures*

71 Cutswatch Cymru (2012) *Wales on the edge: An overview of the current and predicted impact of Welfare Reforms on people and communities across Wales*

72 The Cabinet Office (2012) *Review of Not for Profit Advice Services: Initial Findings*

73 Citizens Advice Cymru Annual Reports 2007/08, 2008/09, 2009/10 and 2010/11

74 Citizens Advice Cymru Annual Reports 2010/11 and 2011/12 available on their website

Table 2 shows clearly that 39% of appeals hearings were found in favour of the client, with 60% of those being overturned having previously been found fit for work with zero points scored at the WCA. Independent research⁷⁵ commissioned by DWP into the WCA process and the contracted provider carrying out the medical assessments, Atos Healthcare, raised concerns with the process, reports and recommendations. Follow up research by DWP⁷⁶ showed ongoing concern by DWP Decision Makers (DMs) regarding Atos reports and DM reluctance to go against Atos reports in borderline cases. The high level of overturned cases at appeal of people who had previously been found fit for work indicates an issue with the process and accuracy of the reports used to make eligibility decisions. This in turn generates the need for independent advice and assistance to challenge the decisions made, as well as creating additional work for DWP DMs, and the tribunal courts at appeal levels, in reviewing cases and considering additional medical evidence. In Wales, 43% of those found fit for work have appealed against this decision, with 36% of these appeals found in favour of the client⁷⁷. The level of support required for such appeals mirrors Citizens Advice UK figures of people seeking advice, with over 350,000 enquiries being generated about ESA since its introduction in 2008/09 and a marked increase in demand of 37% from 2009/10 to 2010/11. Between April to September 2011 they reported more than 19% of ESA enquiries related to appeals across the UK⁷⁸.

The issue of WCA reports and the process behind ESA decision making highlights both issues with the assessment process and implementation of the new benefit, as well as issues for advice providers who are giving specialist welfare benefit support, as working to appeal at tribunal takes between 8-12 hours of casework by a specialist. The onward impact of inaccurate WCA reports is now being seen on claimants DLA entitlement, where the reports are used to inform DLA reviews, therefore the impact of a poor initial medical assessment could result in advice and assistance being sought for both DLA and ESA benefits. Suggestions within the literature to improve the system and therefore reduce the demand for and for tribunals centre around improving the assessment process such as through submission of written evidence at the earliest point⁷⁹, through to closer monitoring, enforcement and changes to the DWP Atos contract to ensure financial penalties are applied for inaccurate reports⁸⁰.

With the implementation of PIP due in 2013 the case law development required to enable good decision making will take time, and is likely to follow the route of ESA, therefore increasing demand by claimants for initial advice and guidance on the change and what it means for them, as well as demand for support to challenge decisions at tribunal level.

As acknowledged by the MoJ's Equality Impact Assessment, disabled people will be unduly affected by the removal of welfare benefit advice from Legal Aid due to the Welfare Reforms targeting out of work benefits. Concern was also voiced by the disability and carer's rights movement⁸¹ as disabled people make up 58% of those receiving Legal Aid for welfare benefit cases⁸², showing they are likely to be adversely affected by the

75 M Harrington (2010) *An Independent Review of the Work Capability Assessment*

76 L Adams et al (2011) *Decision making on Employment and Support Allowance claims*

77 DWP (2012) *Employment and Support Allowance: Appeals Outcomes*

78 Citizens Advice Bureaux (2012) *Right first time? An indicative study of the accuracy of ESA work capability assessment reports*

79 Royal College of Psychiatrists (2012) *The Work Capability Assessment and people with mental health problems: the case for better use of medical evidence*

80 Citizens Advice Bureaux (2012) *Right first time? An indicative study of the accuracy of ESA work capability assessment reports*

81 Ministry of Justice (2011) *Reform of Legal Aid in England and Wales: Equality Impact Assessment*

82 Legal Services Commission (2011) *Memorandum submitted by Legal Services Commission (LA 46)*

changes. The likely gap between demand for welfare benefits advice and its availability will be considered when forecasting demand for advice in Wales, taking into consideration the planned DWP reduction of DLA claimants in Wales by approximately 42,500 by May 2018 and the impact this will have.

The technical rules surrounding benefits and the case law approach to developing regulation and decision making has led to a highly specialised field of welfare rights and benefit advisors working across the UK with in-depth knowledge of the benefits systems delivering improved take-up and significant financial gains for clients.⁸³ In addition to specialists within CABx, Cardiff Law Centre and AdviceUK members, within Wales the Welfare Rights Advisor Cymru (WRAC) network has been in existence for over 30 years supporting advisors to develop their knowledge and skills, share experiences and provide peer support. As noted previously, membership of WRAC is predominantly Local Authority employees, many of which have long-term core funding from their authority. However one Local Authority's welfare rights team has Legal Aid funding, and is anticipating a £50,000 funding reduction affect due to the Legal Aid reductions. Welfare benefit advice is not a statutory provision, therefore while current advisor posts exist within Local Authorities, these cannot be guaranteed in the future in light of Local Authority funding reductions and pressure to reduce non-statutory services.

The wider effect of changes to housing benefit, council tax benefit and the introduction of Universal Credit will be considered within the following '*Specialist Advice: Housing*' and '*Specialist Advice: Debt and Money Advice*' sections.

Practice example: Swansea Council's Social Inclusion Unit

Launched in 2007 following the merger of Swansea's Anti-Poverty Team and the Welfare Rights Unit, the Social Inclusion Unit works closely with other parts of the Council and external partners to promote improving quality of life for everyone in our community. The unit's remit includes:

Income Maximisation & Welfare Rights

Experienced Welfare Rights Advisers help to ensure that people get all their entitled benefits by offering training, advice and support to other workers in the Council and in partner organisations so they are better able to support and advise their clients. Any support worker can ring the Welfare Rights Advice Line for specialist help with a benefits issue. Work by the unit to produce accessible training and documents in relation to Welfare Reform are also shared more widely through established networks such as WRAC (Welfare Rights Advisors Cymru) and NAWRA (National Association of Welfare Rights Advisors). An example of this can be seen in appendix 8 their user-friendly guide for advisors on completing ESA in line with the awarding points system.

Anti Poverty Policy Work

The Anti-Poverty Policy Officer role aims to ensure Swansea Council's policies genuinely help reduce social exclusion with a particular focus on child poverty, affordable warmth and financial inclusion.

Campaigns and Development Activity

The Unit works with other departments in the Local Authority and other organisations in Swansea to, raise awareness and organise activities that could help reduce poverty. The Unit also works with other agencies to share information via the [Swansea Poverty Action Network - \(SPAN\)](#).

Practice Example: Citizens Advice Social Policy work on Welfare Reform

The Welfare Reform Bill contained a complete transformation of the whole means-tested benefits and tax credits system for people of working age, including changes to entitlement and how benefits are claimed and paid. Some major benefit changes have also taken place outside and ahead of the Welfare Reform Bill – notably cuts to housing benefit introduced in April 2011 and January 2012.

What was done?

This issue has dominated Citizens Advice social policy work over the last two years. They responded to consultations on different aspects of the welfare reform proposals, gave written and oral evidence to Select Committee inquiries and took part in workshops, seminars, meetings of MPs, peers, officials and Ministers. They re-established a consortium of organisations to coordinate lobbying during the passage of the Bill through both Houses of Parliament.

Citizens Advice prioritised lobbying on the Bill on the following issues, in order to make the most impact:

- The six month qualifying period for the PIP which replaces DLA (where the qualifying period is currently only three months)
- The introduction of a 12 month time limit for claimants of contribution based ESA who are placed in the work-related activity group (WRAG)
- The impact of universal credit on key groups of disabled people
- Council tax benefit should be included in universal credit rather than support localised and cash-limited
- Localisation of the discretionary social fund
- Support for housing costs within universal credit
- The introduction of an overall benefit cap
- The impact of a harsher sanctions regime
- The impact of payment frequency and methods
- Passported benefits under universal credit.

Citizens Advice worked with MPs and peers to draft and put down amendments and provided extensive briefing for debates, issued press releases and done significant media work to highlight the welfare reform issues of greatest concern and had meetings with Welfare Reform Minister, Lord Freud. CAB studies highlighting client experience were researched and published and the extensive collection of client evidence was used to highlight the negative impact on vulnerable people and the need for safeguards. In July 2012, Citizens Advice worked with the Children's Society and Disability Rights UK to publish an analysis of the impact of universal credit on disabled people in particular situations and to support Baroness Grey-Thompson to chair an inquiry in the House of Lords.

Meetings were held with officials working on payment issues to highlight the problems clients experience with budgeting (particularly moving from several payments at different intervals to one monthly payment) and accessing and using transactional banking services, giving them an analysis of client evidence of banks' use of the right of set off to recover other debts. In meetings with banks, the need for better banking

products for universal credit claimants was discussed. The challenges some people will face with claiming universal credit online have also been highlighted to officials.

In Wales consultation responses were submitted and there were discussions with officials on both the proposals for Council Tax support and the replacement for the Social Fund in Wales.

What were the outcomes?

Citizens Advice were not successful on every issue, but did secure a number of changes in legislation and policy:

Time-limiting contribution based ESA: Whilst the Government was not prepared to rethink its proposal to introduce time-limiting of contribution based ESA, the Government accepted the Citizens Advice amendment to ensure that those with deteriorating conditions did not lose out. The amendment ensures that on entering the support group from the WRAG, a claimant who had used up contribution record in the WRAG but had continuous sickness would be entitled to contribution based ESA again.

Benefit cap: The Government agreed to a grace period before the benefit cap is applied to a family. This means that when someone loses their job or becomes too ill to work, they will have nine months before the cap will be applied to their benefit. The Government has also offered extra financial help to help with 'hard cases'.

Qualifying period for the personal independence payment: The Government amended legislation to allow a three month period to qualify for PIP. However, it requires the claimant to be likely to be disabled for nine months instead of the current six.

Discretionary housing payments: The Government agreed to boost the budget for discretionary housing payments to help compensate those people who will be particularly adversely affected by housing benefit changes and the imposition of the benefit cap.

Sanctions: The Government committed itself to continue to work with client representative groups like ourselves to ensure that vulnerable claimants are not disadvantaged. The Government has agreed to cease recovery of hardship loan payments once the claimant has been working for three months.

Council tax: The Government conceded on the record that the definition of housing costs in the Bill was wide enough to incorporate council tax into universal credit, should a future Government wish to do so. This could be important if implementation of the localised cash-limited scheme is as fraught as many expect. In Wales, the introduction of a single scheme is welcomed.

What still needs to be done?

Citizens Advice will continue to work with officials on operational design and roll-out. We will need to work with a number of Government departments on setting eligibility criteria for key passported benefits such as free school meals, free prescriptions and remission of court fees.

Citizens Advice are continuing to monitor the impact of reforms that have already been implemented, such as housing benefit cuts and time-limiting of contribution based ESA. They are aware that the benefit budget is at risk of further cuts and they are committed to continue to lobby to protect the incomes of the most vulnerable people.

Specialist Advice: Debt and Money

It is widely acknowledged that following a period of growth in borrowing and credit, the credit crunch and recession have contributed to growing levels of indebtedness in the UK. Debt and financial difficulties are said to result from common reasons broken down into:

- Financial shocks, e.g. redundancy, change in family circumstances such as death of an earner or having a baby
- Continuous low income, e.g. as a result of being dependent on out of work benefits, or in underemployed households (where householders would like to work for more hours than they are currently employed)
- Poor money management, including over-spending and over-commitment of income
- And, creditor behaviour which can lead to increasing debt or adding to the indebted persons' distress⁸⁴.

Debt and financial difficulties affect people's health, wellbeing, relationships, self-confidence, financial, employment, legal and housing status as well as being linked to stress and physical ill health. While there is a substantial body of research related to the impact of debt on individuals, there is little research to quantify the cost to the state with regards to the negative health implications of indebtedness⁸⁵. Research notes that the consequences of debt can be cyclical, leading to further indebtedness and ill health, as well as cumulative, as individual debts impact on family members, local communities and society as a whole⁸⁶. The nature of debt is changing, linked to increasing numbers of people on fixed incomes (such as pensioners, benefit claimants and low wage earners) having difficulty to meet the rising costs of goods, in particular, the steep increase in utility costs. There has also been a marked increase in the number of older people seeking debt and money advice resulting from having fixed incomes, as well as bringing increasing debt levels accrued during their working lives into retirement⁸⁷.

Research regarding the outcomes of debt advice consistently report the benefits of providing debt advice to alleviating people's immediate debt problems and improving their financial management in the longer term⁸⁸. As previously noted, it is commonly accepted that the average cost per debt problem to the public purse (including lost economic output) is estimated at over £1000, with more serious problems having much higher costs. These costs to the state, when considered against the cost of advice, estimated at around £25 in the case of National Debtline, or £180 for a legal advice debt case, show high returns on investment for interventions. Studies on the outcomes of debt advice show improved financial circumstances when debt advice seekers are followed-up at 6 and 12 month intervals, as well as positive health and wellbeing outcomes.⁸⁹ A recent and ongoing longitudinal study by Warwick Institute of Employment⁹⁰ also draws positive early conclusions for debt advice seekers after 3 years showing declining

84 Pleasence et al (2007) *A Helping Hand: The Impact of Debt Advice on People's Lives*

85 T Williams (2004) *Review of Research into the Impact of Debt Advice*

86 Ibid and Caroline Turley and Clarissa White (2007) *Assessing the Impact of Advice for People with Debt Problems*

87 Consumer Focus Wales (2010) *Financing the Future: A study of older people's finances and Consumer Finances in Wales: Debt and credit use*

88 T Williams (2004) *Review of Research into the Impact of Debt Advice*

89 Pleasence et al (2007) *A Helping Hand: The Impact of Debt Advice on People's Lives* and, C Turley and C White (2007) *Assessing the Impact of Advice for People with Debt Problems*

90 M Orton (2010) *The Long-term Impact of Debt Advice on Low Income Households*

indebtedness, improved financial circumstances, and improved ability of individuals to act for themselves.

Research⁹¹ into the different models of advice delivery shows that delivering debt advice in outreach locations has a high success rate of reaching socially and financially excluded people who may not have previously sought advice. It also suggests that how outreach should be developed is through an ‘*on the ground*’ approach to ensure services respond to the local needs of the target audience and fit with partners involved in supporting the debt advice delivery. Low awareness of where to go for debt advice is highlighted within the literature⁹² as an issue for promoting financial inclusion and reducing indebtedness, with a need for greater promotion about where to get advice on debt and money management.

A recent exercise commissioned by the Financial Services Consumer Panel⁹³ identified: a general reduction in the number of financial advisors; that non-regulated general advice was only being provided by the NfP sector; and that non-regulated simple and basic advice was not being provided at all. Simple and basic advice are defined by the Financial Services Association (FSA) as aimed to establish a persons’ needs to help them make informed decisions about financial products to meet their needs, and this area is seen as a potential growth area for either financial or advice services to enter in the future in order to improve the population’s awareness and understanding of finances and money management.

The 2009 review by the Scottish Poverty Information Unit⁹⁴ of funding for debt and money advice across the UK identified no clear strategic direction for money advice funding, and that the sector lacked coordination of both funding and service provision. The narrow range of short-term funding available to the sector was identified as preventing a more holistic approach to financial inclusion services and debt prevention, as well as raising issues in connection to the complex network of advice agencies utilising a myriad of data collection, reporting and advice delivery methods. A further report by Scottish Government Social Research unit⁹⁵ of the same year identified the need for the sector to develop more coordinated networks to enable referral on, holistic support at first point of contact, and to help the sector develop a more systematic data collection approach in order to evaluate: different methods of advice delivery and the affect of targeted delivery at specific client groups; the longer term impact of debt advice; the personal and wider societal consequences of debt; and the cost benefit of money and debt advice to both the government and financial services industry.

Demand for debt and money advice grew throughout the economic upturn and is expected to increase further during the economic downturn. A recent study examining spending⁹⁶ over the past decade found that spending grew fast across all income groups, but disproportionately increased for the low to middle income households. For the bottom 10%, incomes grew by 17% while spending increased by 43% showing how low income households were reliant on borrowing for much of their spending, leading to indebtedness. In a similar manner, middle income households increased their spending

91 A Buck et al (2009) *Outreach Advice for Debt Problems*, M Smith and A Patel (2008) *Money Advice Outreach Evaluation: Cost and Effectiveness of the Outreach Pilots*

92 For example C Turley and C White (2007) *Assessing the Impact of Advice for People with Debt Problems* and A Buck et al (2009) *Outreach Advice for Debt Problems*

93 N Hurman and I Costain (2012) *Researching the “Advice Gap”*

94 M Gillespie and L Dobbie (2009) *Funding Money Advice Services: Exploring sustainable models for the UK*

95 Scottish Government (2009) *Money Advice Giving Methods: A Review of Selected Recent Literature*

96 P Lucchino and S Morelli (2012) *Inequality, debt and growth*

more than their income, leading to greater 'middle class debt' adding to the pressures on advice services.

Money Advice Trust commissioned research⁹⁷ into trends in money advice showed demand reflects the current economic climate. Money advice demand is forecast to continue to increase across the UK in line with the weak UK economy. A strong correlation exists between forecasting for money advice and unemployment rates, average earnings growth and personal loans. In addition, at a regional level the effect of the reduction in public sector jobs and unemployment levels correlate. Using the regional variation model to forecast debt demand, it is estimated that demand for money advice in Wales is set to increase by 23% in 2011 – 2013, continuing the current trend in increase for demand of around 9% per annum.

Changes to the structure of national money and debt advice provision was born out of the Thoresen Review which, commissioned by UK Government, examined the feasibility of delivering a national approach to accessible high quality affordable general financial advice for those vulnerable to the consequences of poor financial decision-making. The Financial Services Authority (FSA) ran Money Guidance, to test the hypotheses put forward in the Thoresen Review which, following a positive evaluation, was extended and rolled out to provide a National Money Guidance Service under the *MoneyMadcLEAR* brand. Today this universal service is delivered and/or funded by the Money Advice Service through face to face, telephone and online advice in order to help everyone manage their money better, providing a free to use, independent service, giving clear unbiased money advice to help people make informed choices. The Money Advice Service is an independent organisation, set up by government and paid for by a levy on the financial services industry. They are currently funding 9 full time equivalent staff to provide the face to face money advice service through Citizens Advice Cymru which will extend this service to cover all of Wales from October 2012 with the target of delivering 5,280 sessions in 2012/13.

Following the 2010 National Audit Office review of the debt advice sector and recommendations from the Financial Inclusion Fund, Government requested that the Money Advice Service take on responsibility for the coordination of debt advice in the United Kingdom. Specifically the aim of this coordination role is to:

- Develop and implement a strategy for the delivery of debt advice that makes most efficient use of debt advice services and meets demand for debt advice
- Put the future of debt advice services on a more sustainable footing funded by the financial services industry.

As part of this remit the Money Advice Service conducted a thorough review of the debt sector publishing its proposed strategy in February 2012, including funding for face to face advice services, developing a framework of advice outcomes that customers should achieve, improving standards of advice delivery and encouraging earlier referral mechanisms to limit the impact of debt problems for customers. The Financial Services Bill, currently progressing through Parliament, sets the Money Advice Service clear aims to assist members of the public manage debt and work with other organisations to improve the availability, quality and consistency of debt advice services. The Money Advice Service is committed to delivering face to face debt advice for those people who 'need' advice delivered in this way, spending £27 million, in 2012/13 in England and Wales to deliver of 150,000 debt advice sessions, primarily face to face, although some users may be directed to telephone or online debt advice services. Specifically in

97 J Gathergood (2012) *Demand, Capacity and Need for Debt Advice in the United Kingdom — 2012*

Wales the Money Advice Service are funding 32 debt advisors distributed across Wales to provide reactive face to face advice to the debt crisis for 10,000 people each year. This contract is managed by Citizens Advice Cymru and delivered by CABx and Shelter Cymru,.

As the Scottish reports noted⁹⁸, the lack of coordinated funding for debt and money management advice has also been noted by Money Advice Services, who have commissioned work to: forecast the demand for debt advice; map debt and financial capability providers across the UK; and develop a networked approach to link preventative money advice services to debt advice. In addition, the Money Advice Service is also looking to develop and release service standards for debt advice to promote consistent quality in provision. In Wales, they are working with the Welsh Local Government Association to promote Local Authority commissioners adopting the service standards as part of their commissioning or grant awarding processes.

An indication of the growing level of debt for people on low incomes, or out of work benefits can also be seen through the increased use of Crisis Loans, an element of the discretionary Social Fund. At the UK level there has been a significant increase in the number of people applying for Crisis Loans – up 38% since 2007⁹⁹. The level of applications to the social fund is expected to grow during Welfare Reform, in particular with the introduction of Universal Credit monthly payments from September 2013. Access to free to use debt and money advice services is hugely important and forms an important part of the Welsh Government's plans for the discretionary Welsh Social Fund. As part of the Welfare Reform Bill, the discretionary Social Fund will be abolished and the resources transferred to the Welsh Government from April 2013. The Welsh Government is currently establishing a replacement scheme which will be administered on a national basis by a consortium comprised of Northgate, the Family Fund and Wrexham County Council from April 2013. The key aim of the Welsh Social Fund will be to assist individuals and families who are facing an emergency situation or a significant life event which could have a detrimental impact on their health and wellbeing. In addition to providing social fund grants, the fund will seek to focus on the wider needs of applicants, in particular those who are from vulnerable groups and those who are financially excluded. The fund will refer applicants to organisations able to advise on matters including financial capability, money advice, income maximisation and affordable credit so that the underlying problems are addressed at the point of application, but will not provide additional funding for these services.

This signposting will be an important aspect of the Welsh Social Fund and will provide a more holistic way of assisting individuals in crisis, helping to avoid repeat claims. The changes introduced through Welfare Reform are likely to lead to an increase in applications to the Welsh Social Fund because of reductions in benefit income and the budgeting challenges of managing monthly payments by those used to budgeting fortnightly. Given this expected increase in demand, referring applicants to other sources of advice and support, such as credit unions and debt advice agencies should help manage any increase in applications to the Welsh social fund. This referring on could further increase the demand for financial capability, debt and welfare benefit advice.

98 M Gillespie and L Dobbie (2009) *Funding Money Advice Services: Exploring sustainable models for the UK* and Scottish Government (2009) *Money Advice Giving Methods: A Review of Selected Recent Literature*

99 Drakeford and Davidson (2011) *Abolishing the Safety Net*

Specialist Advice: Housing

Specialist housing advice has largely been shaped by homelessness legislation, as well as providing advice in relation to housing standards, energy efficiency, adaptations and in relation to tenancy issues. With the third sector housing advice movement's roots set in the housing crisis of the 1960's and 1970's, it remains tied to campaigning and influencing policy development in relation to housing standards and tackling homelessness, as well as more recently developing closer links to tackling social exclusion and achieving wellbeing outcomes¹⁰⁰ as seen through the development of Supporting People services and Extra Care Housing initiatives.

Under current legislation, s.179 of the 1996 Housing Act, local authorities have a duty to ensure that advice and information on **homelessness and the prevention of homelessness** is freely available (and free of charge) to anyone in their area. The legislation provides that such advisory services should be available not just to people owed a main statutory duty under Part 7 of the Act but to everyone in housing need, including single people who are not in priority need, those who are intentionally homeless and persons from abroad who do not otherwise qualify for housing assistance. The 1996 Act does not impose a duty on local authorities to provide general housing advice. However, the Code of Guidance recommends that authorities consider the benefits of ensuring that a wide-ranging service is available as housing advice should form the foundation for strategies to prevent homelessness. Further information on the Welsh Government's policy with regard to housing and homelessness advice can be found in chapter 9 of the [Code of Guidance for Local Authorities Allocation of Accommodation and Homelessness 2012](#).

The value of housing advice research¹⁰¹ indicates substantial return to the state in relation to homelessness and eviction costs to the state, as well as in relation to supporting older and disabled people to remain independent at home¹⁰². This approach can be seen in the proposed Welsh Government policy development in the Housing White Paper of a *'nationally branded, locally delivered, housing advice service.'* The Welsh Government has had initial discussions with stakeholders, and this will be taken forward following and in the light of this review. The Welsh Government commitment to homelessness prevention can also be seen in:

"Homelessness is minimised through prevention and a better, more efficient, housing advice and support system that is accessible to everyone ... Everyone should be entitled to timely, accurate and impartial advice"

Meeting the Housing Challenge – Huw Lewis AM, Minister for Housing Regeneration and Heritage

As previously noted, Legal Aid specialist housing advice is being reduced substantially from April 2013, with Shelter Cymru, the largest Legal Aid housing advice provider in Wales anticipating a reduction of a minimum 5.5 FTE specialist housing advisors plus associated administrative and management support posts, representing a 19% reduction in the number of specialist housing advisors across Wales. The scale of this reduction could be much higher depending on the LSC contracts awarded which will not be confirmed until May 2013. However, substantial Local Authority and UK Government funding remains in place in relation to homelessness, Supporting People, and health and

100 Dr R Joseph (2011) *Housing Scoping Paper – homelessness advice and support*

101 Shelter (2012) *Immediate costs to government of loss of home*, and Hal Pawson et al (2007) *Evaluating Homelessness Prevention*

102 Homes and Communities Agency (2009) *HAPPI: Housing our Ageing Population: Panel for Innovation*

wellbeing agendas, where appropriate housing is seen as a cornerstone to healthier communities.

Welfare Reform changes that are likely to increase the need for housing advice are predominantly linked to changes to housing benefit (HB). These include:

- Increasing the cost for non-dependants living at home
- Shared room allowance extending up to the age of 35 (from 24)
- HB rent calculation reduction to 30th percentile of local market rents rather than the median
- The household benefit cap
- Introduction of under-occupation rules in the social housing sector
- Linking the Local Housing Allowance to the Consumer Price Index
- Reducing the Support for Mortgage Interest
- Introduction of PIP with an anticipated reduction of 27% in the number of working-age people in Great Britain who are eligible compared to the number that would have been eligible for DLA, which will affect housing benefit levels of entitlement.

Each individual change may affect a household's housing benefit, as well as potentially having a cumulative effect making some households vulnerable to multiple decreases and having to make up increasing amounts towards their accommodation costs. Further, with the introduction of Universal Credit from October 2013 onwards, HB payments will be paid monthly to the claimant as part of the overarching benefit, and direct payment to the landlords will be restricted for vulnerable tenants only. The impact of these changes on individual's ability to manage their rent and maintain their tenancies is unknown.

The Welsh Government Stage 2 research¹⁰³ that has analysed the impact of UK Government's welfare reform in Wales estimates:

- Over 48,500 Housing Benefit (HB) recipients are estimated to have lost £9 per week on average from the April 2011 reforms, amounting to an annual loss in Wales of £23 million.
- Over 3,000 HB recipients are likely to have been affected by the change in the age threshold for the shared accommodation rate, losing around £24 per week. The total annual loss in Wales is estimated to be £4 million.
- The April 2013 HB reforms increase Local Housing Allowance (LHA) rates by CPI rather than actual rents and cut the amount of benefit paid to claimants under-occupying socially rented properties. Average weekly losses per person are estimated at £6 and £12 respectively, with annual losses in Wales totalling £40 million. A further change will be made to the up-rating policy for LHA rates from 2014–15 for two years. This will involve the increase in rates being capped at 1 per cent.
- Around 1,500 households in Wales are estimated to have their benefit income reduced by around £70 per week on average as a result of the Household Benefit Cap in 2013/14. The total annual income loss in Wales is anticipated to be around £5 million.

103 Welsh Government (2012) *Analysing the impact of the UK Government's welfare reforms in Wales – Stage 2 analysis*; Adam, S and Phillips, D (2013) *An ex-ante analysis of the effects of the UK Government's welfare reforms on labour supply in Wales*

The losses from HB reforms will, to a small extent, be offset for households through entitlement to short-term payments from the Discretionary Housing Payments (DHP), which, funded by DWP, and administered by Local Authorities, provide financial assistance to help meet housing costs. Local Authorities are given broad discretion with regards to what 'housing costs' can be met by the payments providing equity and fairness in their decision making and that once the authority's overall DWP funding has been allocated or met, no further DHP awards can be given¹⁰⁴. DWP has increased its funding to Local Authorities in Wales from less than £1 million in 2010/11 to just over £2.5 million in 2012/13 to assist with the immediate impact of shortfalls in housing benefit while claimants are encouraged to seek alternative accommodation, negotiate rent reductions from their landlords or increase their household incomes through work. It is likely that the use of DHP is set to increase for housing benefit claimants as a result of Welfare Reform, as well as those seeking advice in relation to maintaining their tenancies and seeking assistance with rent¹⁰⁵.

Information and research within the housing sector about the impact of Welfare Reform consistently highlight concerns that a significant minority of tenants in receipt of HB will struggle to meet and maintain their rental payments as a consequence of the reforms. In particular, regarding the impact on the social housing sector, concern has been raised that RSLs will experience a downward pressure on rents to match the decreased levels of HB, loss of income through rental arrears and increased risk of eviction for tenants leading to potentially vacant properties at a further cost to the RSL. Highlighting the prevalence of low income households living in social housing who may struggle to adapt monthly budgeting under Universal Credit, research shows¹⁰⁶: social housing tenants have very low incomes and often manage their budget by using cash only over very short periods (51% of benefit-dependent tenants and 41% of tenants in work); they are more likely to be financially excluded (14% social housing tenants do not have a bank account); and digital exclusion (25% of working age social tenants have some degree of digital exclusion, lacking either access to broadband or the ICT skills to use computers).

Work within the sector¹⁰⁷ to examine the impact and consider options to mitigate against it, suggest that: support strategies will need to be developed to increase the financial capability of tenants to manage larger sums at less frequent intervals than they currently are used to or budget with; quick responses to rent arrears (as an indication of potential indebtedness within a household) will be required to ensure tenants have the necessary budgetary and debt management support; working with DWP and decision makers to ensure vulnerable tenants can use direct payment to landlords to prevent rent arrears; and widening access to welfare benefits information and advice to support tenants maintain and maximise their entitlement.

Audit Commission research¹⁰⁸ regarding housing advice, delivery models and the impact of housing advice suggest housing advice could be more effective at preventing homelessness by improving and developing: greater emphasis on preventative, including targeting work at low in and out of work income households to prevent housing crisis arising; initial contact with advice organisations to ensure effective triage, signposting and referring on to specialists; providing a more holistic advice service, particularly with

104 DWP (2011) *Discretionary Housing Payments Good Practice Guide*

105 Shelter Cymru (2011) *Policy Briefing: Discretionary Housing Payments in Wales*

106 Policis (2012) *Optimising Welfare Reform outcomes for social tenants: Understanding the financial management issues for different tenant groups*

107 For example see the [Chartered Institute of Housing](#), and [National Housing Association Federation](#) materials on Welfare Reform activities

108 Audit Commission (2012) *Homelessness: Responding to a new agenda*, and Shelter (2010) *Value for money in housing options and homelessness services*, and S Lister and P Muir (2008) *Modernising housing advice*

regards to including, or having close links to debt and welfare benefit advice; better links to training and employment services for advice seekers, in recognition of significant numbers of people seeking homelessness advice being out of work; case management to enable effective data and trend analysis, as well as having the right supportive tools to staff to do their job; quality assured services (information and staff); addressing the causes of repeat homelessness; and working with the housing sector in increase the range of affordable housing options, council supported bond schemes and more appropriate temporary accommodation. The impact of housing advice to the state can be seen clearly when considering just the cost of accepting someone as homeless and providing them with temporary accommodation which can range from £2,000 - £8,000 against the cost of housing advice ranging from £400 - £800 per successful intervention¹⁰⁹.

Shelter Cymru Annual Report 2010-11¹¹⁰ notes that advice was provided to 18,300 people in housing need with over 24,300 housing problems reflecting the trend of individuals' having multiple problems. In 2011/12 over 17,000 people were supported with over 24,000 individual problems with homelessness averted in 86% of relevant cases. The annual reported figures show a slight decrease in the level of people advised, which through discussion with Shelter Cymru was found to be due to contracts and capacity within the system as reductions in funding and projects ending during 2011/12. Waiting lists exist for Shelter Cymru services debt advice projects, Supporting People projects and non-emergency related housing advice showing that supply does not meet demand. Citizens Advice Cymru Annual Report¹¹¹ for the same period, listed 20,000 housing related problems, making up 5% of all advice enquiries. Given the prevalence for advice regarding financial problems, changes to HB and the poor economic outlook are likely to increase the need for specialist housing advice.

In addition to research on housing advice provision to the general public, specific research is currently being undertaken in Wales to consider black and minority ethnic (BME) groups, funded by Welsh Government and undertaken by Shelter Cymru. The work has been triggered in light of a high proportion of people with a BME background being statutory homelessness and looks to identify the reasons behind this as well as barriers to accessing housing advice.

Research considering the links between homelessness, crime and imprisonment show that housing can be a key factor in reducing re-offending rates through enabling ex-offenders to have a more stable home environment and access to other services such as mental health services. The difficulty in ensuring access to housing highlighted within the literature shows those with short-term sentences often experience difficulties in accessing housing advice services due to high and rapid turnover of these people. The Social Exclusion Unit's report in 2002 '*Reducing re-offending by ex-prisoners*' showed that up to a third of prisoners lose their housing on imprisonment, around a third have nowhere to stay on release and short-term, repeat prisoners are more likely to be homeless when they leave custody. In response to this report and other research, the 2004 Home Office's action plan to address re-offending led to a number of housing advice specific projects within prisons, and for those on remand. Since 2005 Welsh Government have funded Prison Link Cymru (PLC), a national service covering all Wales delivered by Shelter Cymru and Gwalia Care and Support which aims to provide preventative housing advice and support to prisoners whilst still in custody, looking at all the accommodation options available to them prior to release in order to prevent homelessness on release, as well

109 Shelter (2010) *Value for money in housing options and homelessness services*, London: Shelter

110 Shelter Cymru (2011) *Shelter Cymru Annual Report 2010-11*

111 Citizens Advice Cymru (2011) *Citizens Advice Cymru Annual Report 2010-11*

as assist with any other housing problems offenders may have. Some local authorities in Wales work with the prison service to provide housing advice services to prisoners in local prisons.

This reflects the Welsh Government legislative model which places a duty on local authorities to secure accommodation for all homeless former prisoners regardless of sentence length or vulnerability, a marked difference to the English legislative model which provides that local authorities shall secure accommodation for homeless former prisoners defined as vulnerable as a result of being in custody. Further research in this area will be undertaken in 2013/14 through Welsh Government in order to consider evidence on the relationship between reoffending and the current legislative models in Wales and England.

Specialist Advice: Employment

Employment advice, as considered within the context of specialist legal advice which will be removed from Legal Aid funding from April 2013, covers individuals' rights at work including leave, flexible working and problems at work, and health and safety issues. While union members are able to access trade union representation, support and legal advice with regards to issues with their employment, non-union members with issues are currently able to seek free to use advice through Legal Aid from generalist or specialist advisors. The need for this specialist advice can be seen in Ynys Mon Citizens Advice Bureaux figures for employment advice for dismissal cases rising from 103 in 2010/11 to 122 in 2011/12 and 89 cases being supported in the first 2 quarters of 2012/13 alone.

Within the wider scope of employment advice there are a number of options for those seeking employment or facing redundancy through local and UK Government initiatives focused on Supporting People back into employment. This support ranges from: tailored work program initiatives funded by DWP to support long-term JSA and ESA claimants back into work; community based work with children and young people who are classified as NEETs (Not in Education, Employment or Training); Careers Advice Wales; to targeted support to specific groups, such as special advisors within Job Centre Plus offices to help vulnerable or disabled clients back to work. Welsh Government ReAct retraining and support program is also available for eligible people facing redundancy or recently made redundant.

The growth and expansion of employee protection for individuals can be seen as a result of both the impact of European Law on employment rights, and the expansion of employee rights under the UK Labour Government from 1997 – 2010. Changes since 1997 to employment law include: the introduction of a minimum wage; flexible working rights for carers, parents and disabled people; the working time directive to limit hours worked per week; as well as wider discrimination legislation offering protection to workers increasing. At the same time of the increase in legislation, labour force changes show the picture of post-industrial UK as becoming more service industry focused, with decreased trade union membership, and increased employment by Small to Medium sized Enterprises (SMEs)¹¹². Awareness and understanding of legal rights by employers and employees varies, particularly amongst SME employers.

For employers, recent research¹¹³ concluded an overall awareness and compliance with relevant legislation, with access to legal advice and support being sought on a reactive basis. Barriers to accessing legal advice for SMEs were linked to cost for either one off advice or annual subscriptions to services, however the research noted that an overall gap in the market for employment legal advice for the SME sector existed. For employees, the level of awareness and knowledge of their rights is linked to their individual labour market advantage or disadvantage, e.g. white males who are better qualified in permanent full-time jobs are more likely to have higher awareness of their rights and entitlements, than their counterparts who experience disadvantage in the labour force such as women, or people who are classed as BME or disabled¹¹⁴. This trend is reflected in research undertaken in Citizens Advice Bureaus¹¹⁵ showing those seeking employment advice were more likely to be in low paid, low-skilled or semi-skilled employment in SMEs, and that migrant and agency workers were also more at risk of unfair treatment.

112 Robert Taylor (2002) *The Future of Employment Relations*

113 Craig Barratt (2011) *Insured Advice Pilots: Evaluation*

114 N Meager et al (2002) *Awareness, knowledge and exercise of individual employment rights*

115 D Mitchell (2008) *Citizens Advice Client Research – Final Report*

Alongside general or specialist employment advice sits advice for specific user groups who may have additional access needs or have increased likelihood of facing discrimination or unfair treatment in the workplace, including migrant workers and disabled people. In their response to the Legal Aid Reform Bill, the Equality and Human Rights Commission (EHRC) expressed ‘*serious misgivings about excluding employment cases from Legal Aid*’ raising concerns regarding the impact of reducing access to justice for workplace-based discrimination and the affect this may have on compliance with legislation¹¹⁶. This link between discrimination and employment advice can be seen through analysis of CAB England and Wales figures¹¹⁷ which show that three-quarters of all discrimination advice was related to employment. Discrimination on the grounds of disability (excluding mental health) was the most common form (23%) of discrimination in the workplace, followed by sex/gender (19%), race discrimination (16%), pregnancy/childcare (13%) and age (10%). CAB research¹¹⁸ also suggests that cost benefit analysis of Legal Aid employment advice saves the state £7.13 for every £1 spent, giving a net saving of £6.13

Previous research in Wales conducted for the EHRC showed that people often experienced persistent discrimination in the workplace over a long period of time, yet failed to see this as discrimination under the law¹¹⁹. This reflects the Civil and Social Justice Survey for England and Wales findings¹²⁰, where around 62% of people facing discrimination did not know their rights.

Migrant workers in Wales are defined as anyone who comes from outside the UK to work in Wales. Their true number is unknown due to issues of identifying all migrant workers (including illegal migrant workers)¹²¹, however known numbers indicate density of migrant worker populations in Wrexham, Newport, Cardiff, Flintshire and Carmarthenshire, predominantly from Eastern Europe¹²². Research suggests that migrant workers are often unaware of their rights in relation to employment, housing and access to public services, consequentially making them vulnerable to exploitation¹²³. The great majority of migrant workers are concentrated in low wage, low skill jobs, working long hours and at times in unpleasant conditions, but they are unlikely to seek advice due to lack of awareness of their employment rights. While advice providers exist to support refugees and asylum seekers, advice work specifically meeting the needs of migrant workers remains patchy across Wales and concentrated where there are higher levels of migrant workers¹²⁴. Evidence to the Welsh Government’s Migrants Forum in 2010¹²⁵ demonstrated the issues brought to CABx in Wales highlighting that non-British nationals in Wales are more likely to ask about Immigration, Employment and Housing issues. Migrant families are also noted as being at increased risk of poverty, due to the link between migrant workers having lower rates of employment and when employed, receiving lower earnings¹²⁶. This

116 Equality and Human Rights commission (2010) *Response of the Equality and Human Rights Commission to the Consultation on the reform of Legal Aid in England and Wales*

117 Citizens Advice (2010) *Towards a business case for Legal Aid : Paper to the Legal Services Research Centre’s 8th international research conference*

118 Ibid

119 V Winckler ed. (2009) *Equality issues in Wales: a research review*

120 P Pleasence at el (2010) *Civil Justice in England and Wales 2009*

121 V Winckler (2007) *One Workforce – Migrant workers in Wales: A trade union report*

122 I Shiley (2009) *Statistics on migrant workers in Wales*

123 Welsh Government (2008) *Issues affecting migrant workers in Wales, their families and the communities in which they live and work*

124 Ibid

125 Citizens Advice Cymru (2011) *Evidence submission to Welsh Ministerial Migrant Forum: CAB Advice Work with Migrant Workers in Wales, April 2010 to March 2011*

126 R Dickens and A McKnight (2008) *The changing pattern of earnings: employees, migrants and low-paid*

has implications on their health and wellbeing, as well as linked to an increased likely need for other advice services clustered to economic or housing problems.

Disabled people in Wales are three times more likely to be economically inactive when compared to non-disabled people, which is higher than the UK average. Additionally, disabled people are more likely to be lacking but wanting work than non-disabled people, and when in work, likely to be paid less than their non-disabled colleagues regardless of qualification or educational attainment levels¹²⁷. Further, disabled people are less likely to find employment in more disadvantaged regions with persistent high unemployment¹²⁸, such as the South Wales Valleys. Low employment levels of disabled people are linked to barriers to entering employment, such as employers' lack of awareness and understanding of disability, associated discrimination legislation, or the support available to them through programs such as Access to Work pathways¹²⁹. The challenges for disabled people to therefore secure and retain employment are significantly higher than for non-disabled people, highlighting the need for tailored and specialist employment advice. Pre-employment information and advice can be sought through Job Centre Plus disability specialist advisors, however accessing advice and support once in work will become increasingly challenging after the Legal Aid cuts.

Research conducted by EHRC found significant gaps in pay between the earnings of migrant workers, BME, women, disabled people, older people and other groups. These same groups were also more likely to experience discrimination in the workplace, with research suggesting that employers in Wales are not fully aware of all of their responsibilities with regards to race, gender (including maternity issues), disability or age discrimination¹³⁰. This, and the previous examples given of particular groups with additional needs in relation to employment legal advice highlight that the need for this type of specialist advice will remain. Further, in light of the Beecroft review of employment law and 'Red Tape Challenge' being undertaken by UK Government, changes to employment rights will continue in order to make savings to the state and encourage SMEs to hire (and fire) staff more readily. These changes include: the push to resolve disputes via mediation or at earlier stages in order to decrease cases going to employment tribunal; increasing the length of time an employee must be in work from 6 months to 2 years before they are eligible to claim unfair dismissal; and an ongoing review and changes to the current sick leave system (e.g. the introduction of 'Fit notes' with guidance to GPs in 2012 replacing sick notes)¹³¹. Further changes are also anticipated with regards to employment tribunals, with the introduction of fees for employees wishing to take cases to tribunal, which the Coalition has stated will prevent speculative claims and promote mediation as a means of redress.

families

- 127 G Palmer (2010) *Disabled People, Poverty and the Labour Market*
128 R Berthoud (2011) *Trends in the Employment of Disabled People in Britain*
129 G Palmer (2010) *Disabled People, Poverty and the Labour Market*, and J Morris (2011) *Rethinking Disability*
130 V Winckler ed. (2009) *Equality issues in Wales: a research review*
131 Department for Business, Innovation and Skills (2012) *Employment Law Review: Annual Update 2012*

Specialist Advice: Consumer

Consumer advice relates the purchase or use of goods and services, and can range from information and advice on financial services and products¹³², to considering the impact of rising fuel costs on people living in poverty, through to miss-selling and aggressive sales tactics. Consumers can seek information, advice and redress to their complaints from regulators of specific sectors, such as the FSA, Ofcom, Ofgem or the Public Ombudsman (in relation to public services), as well as take their consumer issues to the organisation who sold or delivered a services they are unsatisfied with. Free at the point of delivery advice is available on general issues through a number of organisations varying from Citizens Advice, to Which?, to contacting the local Trading Standards department within their local council, as well as on specific consumer issues (e.g. the Money Advice Service).

The consumer advice landscape is in a period of change and reform, following on from the UK Government consultation *Empowering and Protecting Consumers* in 2011. These changes have seen the national coordination and delivery of consumer information and advice, including delivering the Office of Fair Trading's (OFT) Consumer Direct helpline and consumer education programmes, transfer from the OFT to Citizens Advice England and Wales. Further changes are due in April 2013, when Consumer Focus will become the Regulated Industries Unit (RIU) with responsibility for research work and work to identify consumer issues for consideration by the relevant industries for the regulated aspects of postal and energy services (and water in Scotland only) and Citizens Advice will take on the responsibility for general consumer policy work. In April 2014 the RIU will be transferred to the Citizens Advice service. All enforcement and cases of complex consumer advice (those which require direct intervention with a trader, involve contract paperwork or indicate some criminality – sometimes known as '2nd tier consumer advice') remain within the remit of Trading Standards (although there is no statutory duty on a local authority to provide a consumer advice service).

During the period of this review, the UK Government announced plans to clarify and strengthen consumer rights and launched consultations on proposals which will lead to a new Consumer Bill of Rights. The consultation sought views on: digital goods and services; information consumers should be given before purchasing goods; redress for consumers who have experienced misleading or aggressive practise; the right to challenge anti-competitive behaviour; and updating and simplifying the myriad of enforcement legislation to improve Trading Standards ability to tackle rogue traders. These reforms have been identified as required to ensure that consumers are protected in light of the changes in consumption patterns, such as the increase in use of digital technology, good and services¹³³ and supporting Trading Standards functions.

Following Consumer Focus' 2009 report which raised concerns regarding the right for consumer redress over misleading and/or aggressive sales practices¹³⁴, the Law Commission undertook a review¹³⁵ in order to influence the forthcoming Consumer legislation. The review found: redress for misleading practice existed through the enforcement function and in a minimal capacity for individuals seeking redress through

132 Issues of money or debt advice already covered within this report will not be covered within this section, although the reader should note the influence and range of research, publications and campaigns undertaken by Consumer Focus in relation to financial services.

133 Prof. R Bradgate (2010) *Consumer Rights in Digital Products*

134 Consumer Focus (2009) *Waiting to be heard: Giving consumers rights of redress over Unfair Commercial Practices*

135 The Law Commission and Scottish Law Commission (2012) *Consumer redress for misleading and aggressive practices: final report*

private law; and a lack of a coherent framework to tackle aggressive practices leading to failed support for consumers seeking redress as a result of high-pressure sales tactics, such as those employed by doorstop sellers who target vulnerable people or refuse to leave without making a sale.

As previously noted within the Advice Seekers section, consumer issues are often linked to economic issues. In relation to the England and Wales Civil Justice surveys findings on people seeking advice for consumer issues¹³⁶, those on higher incomes are more likely to experience problems in relation to goods and services, with a suggested causal link of greater disposable income and their ability to purchase (high cost) goods and services. However, as Citizens Advice Cymru highlight¹³⁷, consumers in Wales are disproportionately more likely to live in low income households when compared to the UK average, with higher than average poor health and levels of disability, benefits claimants, and households living in fuel and food poverty, putting emphasis on the need to ensure value for money on food and fuel for the citizens of Wales.

Within Wales a study into the options for different collaborative arrangements between Trading Standards Services¹³⁸ was undertaken in response to the Compact for Change agreed between the Welsh Government and the WLGA, which committed the parties to review the scope for collaborative service delivery in Trading Standards. The study was undertaken against the backdrop of the UK Government's review of consumer policy (*Empowering and Protecting Consumers*, 2011) which highlighted variations in the delivery of Trading Standard functions including: enforcement gaps; difficulty for smaller units in fulfilling their statutory obligations due to resource issues within smaller Local Authorities; and suggested integration of services across Local Authority boundaries.

The Welsh study highlighted the range of functions delivered by Trading Standards services in Wales (although there was some variance between local authorities in relation to some of the functions they provided) e.g. Fair Trading, Intellectual Property, E-commerce, Consumer Credit, Metrology, Product Safety, Under Age Sales, Consumer Advice 2nd tier, Agricultural Standards, Animal Health and Welfare, and Poisons and Explosives. The study concluded that further detailed consideration was needed about the options for collaboration and, at the time of writing, these are still being explored.

136 See P Pleasence et al (2006) *Causes of Action: Civil law and social justice*, P Pleasence et al (2010) *Civil Justice in England and Wales 2009*, and P Pleasence et al (2011) *English and Welsh Civil and Social Justice Panel Survey: Wave 1*

137 Citizens Advice Cymru (2012) *Strengthening the voice of the Welsh Consumer*

138 W Martin (2012) *Trading Standards in Wales: Options for Different Collaborative Delivery Arrangements*

Specialist Advice: Discrimination

Discrimination advice relates to equality legislation and ensuring those within protected characteristic groups are not discriminated against within society, as well as ensuring broader coverage regarding the human rights convention. The Equality Act 2010 drew together previous legislation covering the separate protected characteristic groups into a single act in order to simplify and strengthen equalities legislation and create greater duties on public bodies to promote and ensure the rights of all citizens regardless of race, gender, disability, age, sexual orientation or religion.

As part of the 'Red tape review', UK Government is considering changes to equality legislation through repealing specific aspects of the Equality Act 2010 including: employment tribunals' power to make wider recommendations in discrimination cases; the procedure for obtaining information; and removing employers liability for harassment of their employees by third parties. Consultations on the changes have now closed, with further announcements regarding the changes expected in the future.

Further UK Government changes regarding the equality and discrimination agenda have seen changes to the Equality and Human Rights Commission (EHRC), with reduction in their funding, removal of their grant funding programme and changes to services they provide externally to the public and specialist discrimination advisors. These changes follow the 2011 Government Equalities Office report which concluded the EHRC did not need to deliver or commission information, a generalist advice function or a grants program to achieve its regulatory function, but should instead focus on taking forward (or funding) strategic cases and analysing data to identify systematic challenges to equality in the medium to long term.¹³⁹

Consequently, EHRC grant funding to discrimination or equality focused organisations providing advice and guidance ended in March 2012, adversely affecting discrimination advice providers in Wales through removal of vital core funding. This adverse affect has been offset for 2012/13 through the use of the additional one off funding made available for advice services, resulting in three discrimination focused providers accessing the grant.

The Equality Advisory Support Service, run by private contractors Sitel, replaced the former EHRC run helpline which closed in October 2012, with removal of delivery from Wales. This service is still developing its referral links to services and advice networks throughout the UK. The outward facing telephone only service aims to provide individuals with expert advice and support on discrimination, where this is not available from local advice organisations by:

- Giving bespoke advice to individuals across the whole of the UK on discrimination issues
- Explaining legal rights and remedies within discrimination legislation
- Explaining options for informal resolution and help people to pursue them
- Referring people who cannot or do not wish to go down this road to conciliation or mediation services
- Helping people who need or want to seek a legal solution by helping to establish eligibility for Legal Aid and if they are not eligible, to find an accessible legal service or to prepare and lodge a claim themselves¹⁴⁰.

139 Government Equalities Office (2011) *Information, Advice and Support on Equality and Human Rights Issues*

140 Taken from www.equalityhumanrights.com

Although the service goes on to state it does not provide legal advice, it is clear from the above that legal interpretation of rights is given, therefore in line with this review, the service is considered to provide legal advice on discrimination. However, as indicated from the below, this advice is only provided at a low or medium level, as the service does not provide:

- Representation in any legal proceedings
- Advice on court or tribunal procedures once a claim has been issued
- Advice on the strength of a case or the evidence needed to prove a case
- Advice to solicitors and other professional advisors.

A 'Specialist advice line for advisors' is available through the EHRC in Wales for 9 hours a week.

Further telephone based advice is also available to people in Wales through the legal aid funded specialist discrimination advice service contracts where there has been a contravention of the Equality Act 2010. Providers assess the suitability and eligibility of callers to access legal aid and whether they require face to face advice.

While equality is not a devolved issue, the Government of Wales Act 1998 requires Welsh Government to have '*due regard to equality of opportunity for all people*'. The Welsh Government recognises equality and inclusion as a core principle underpinning its Programme for Government and has made significant advances since its creation as can be seen through: the creation of the world's first Older People's Commissioner; establishing the UK's first Children's Commissioner; creating the UK's first regulations under the Equality Act 2010 for public bodies to publish Equality Objectives and Strategic Equality Plans; and through their ongoing commitment and investment in Communities First programme in recognition of the need to tackle social exclusion and poverty¹⁴¹. The Welsh Government Strategic Equality Plan¹⁴² gives further commitment to creating equality in opportunity for all citizens of Wales to contribute to the social and economic life of Wales, strengthening commitments to social justice including objective 1 within the plan of:

*"Strengthen advice, information and advocacy services to help people with protected characteristics understand and exercise their rights and make informed choices."*¹⁴³

This commitment directly links to this advice review, which is seen as a key action to laying the foundations of achieving the overall aim by the Welsh Government by 2016. Further commitment to addressing inequality and tackling discrimination can be seen in objective 5:

*"Tackle barriers and support disabled people so that they can live independently and exercise choice and control in their daily lives."*¹⁴⁴

This commitment led to the consultation on the Framework for Action on Independent Living¹⁴⁵ which outlines a strategic approach to disability in Wales to promote an inclusive and enabling society. The framework, which is currently out for consultation, includes 'Information, advice, advocacy and peer support' as an enabler of independent living promoting the need for these services to be commissioned in a joined up way to provide coordination and funding stability to providers.

141 EHRC Wales (2012) *Securing a strong equality and human rights agenda: Wales review 2011/12*

142 Welsh Government (2012) *Strategic Equality Plan and Objectives 2012-2016: Working for Equality in Wales*

143 Ibid, page 20-23

144 Ibid, page 70-75

145 Welsh Government (2012) *Consultation Document: Framework for Action on Independent Living*

Research in Wales¹⁴⁶ regarding equality and discrimination found fragmentation of evidence and research across the protected characteristic groups, however the conclusions indicate for Wales:

- Poverty and social exclusion are more likely to affect people from ethnic minorities groups, women, disabled people, children and young people and older people
- Economy and labour market discrimination and exclusion are experienced by certain ethnic minority groups, women, disabled people and older people
- As previously noted, research suggests that employers in Wales are not fully aware of their responsibility in respect of equalities duties, particularly SMEs; and migrant workers are more vulnerable to unfair treatment in the workplace
- Health and social care research predominantly considers health inequalities as opposed to equality, but evidence suggests people from ethnic minority groups, disabled people (particularly those with mental ill health), vulnerable young children and older people tend to have poorer access to care and are more likely to experience discrimination
- Education inequality is more likely to affect boys, ethnic minority groups and disabled children leading to lower achievement rates
- Housing discrimination, as previously noted is more likely to affect ethnic minority groups, disabled people and ex-offenders. Older people are noted as more likely to be living in poor housing conditions, though not to report discrimination by housing services.

The above reflects the previously commented upon Civil Justice surveys findings which indicate the likelihood of experiencing justiciable problem increases for people who are socially excluded, in particular for: disabled people or those with ill health; people living in temporary accommodation; people in receipt of benefits; people from an ethnic minority group; and women¹⁴⁷. Also noted previously, research¹⁴⁸ indicates that people often do not recognise they are subject to discrimination and it is through seeking redress for other issues that discrimination is teased out by examination of their problems by advice providers, and that discrimination advice is predominantly given in relation to employment law¹⁴⁹. Access to discrimination advice within Wales has been identified as patchy by previous research conducted for the EHRC¹⁵⁰, reflecting the Civil and Social Justice Survey for England and Wales findings¹⁵¹ that 62% of people facing discrimination did not know their rights, as previously identified.

Work to support advice providers at a generalist and specialist level regarding discrimination was undertaken in England through the Big Lottery funded '*Working Together for Advice*' project. The project aimed to achieve 6 key objectives, including: increased availability of discrimination advice; ensuring clients don't fall through the net or are referred on incorrectly; extending delivery through the use of networks and outreach; and 3 aims related to training to advice providers to improve confidence, knowledge and skills in relation to discrimination advice. The evaluation found¹⁵² that through collaborative working the project met its stated aims through: developing and delivering

146 V Winckler ed. (2009) *Equality issues in Wales: a research review*

147 P Pleasence et al (2011) *English and Welsh Civil and Social Justice Panel Survey: Wave 1*

148 V Winckler ed. (2009) *Equality issues in Wales: a research review*

149 Citizens Advice Bureaux (2010) *Towards a business case for legal*

150 V Winckler ed. (2009) *Equality issues in Wales: a research review*

151 P Pleasence et al (2010) *Civil Justice in England and Wales 2009*

152 GLE (2010) *Evaluation of the Developing Discrimination Advice Workstream*

a range of training courses on non-employment related discrimination, including train the trainer activities; developing accessible discrimination advice resources¹⁵³; developing 6 referral networks through the projects additional resources to increase awareness between agencies of discrimination issues through developing resources to meet local needs, improving referral pathways and empowering advice seekers through Public Legal Education programmes. Improvements to frontline advisers' knowledge and skills in discrimination legislation and identifying discrimination were also identified as an outcome of the project with recommendations for funders to take a strategic approach to funding discrimination advice services to ensure their ongoing development, as well as to consider establishing discrimination networks to ensure: effective referral; and shared training resources to both improve advisers' knowledge and skill levels and raise public awareness of their legal rights.

Research exists across the separate strands of the protected characteristic groups, including: considering the impact of discrimination on the individuals and groups as a whole to achieve social integration and equality; the impact of advice on specific cases; challenging discriminative practices for protected groups; the cost of inequality to specific groups and society as a whole; and evaluation of interventions that promote equality through training or targeted information in different institutions. The research in separate strands is a legacy of the previously separate legislation, with an integrated approach to tackling inequality currently being developed in response to legislative and policy changes¹⁵⁴. Further detailed examination is required across the range of evidence and research available on the separate strands to provide evidence on good practice relevant to the review which cannot be accomplished within the given timescale.

Practice example: Newport CAB Discrimination Casework Service

Newport CAB has run a specialist discrimination advice since 2007, supporting over 440 cases during this period and providing specialist advice and training to generalist staff throughout the South Wales region. The service although based in Newport provided support to 163 people within the wider Gwent area and 177 people across South and Mid Wales through taking escalated cases from generalist advisors and through providing outreach services across South and Mid Wales.

The largest free to use discrimination advice service provided by the NfP sector in South Wales, the service supported 120 cases to reach a settlement or compromise and 26 cases to full hearing, winning 14 since 2007. They have gained settlements in excess of £750,000 as well as non-financial outcomes such as reinstatement, reasonable adjustments or changes to workplace practice.

Not every case proceeds but this is not seen as a negative outcome, nor reflects that there was no discrimination within those cases. Cases may not proceed due to issues of evidence, resilience and the clients appetite for legal dispute as discrimination cases are both legally difficult and emotionally draining to pursue. Even where a case is withdrawn or not pursued the client will have received validation, recognition of the discrimination that occurred and constructive advice and support, contributing to increased resilience for the future.

The EHRC previously funded this service until March 2012 at which point Welsh Government provided one-off additional funding via a grants programme for 2012/13 in addition to ongoing part funding from Legal Aid. This service is set to close in April 2013

153 These resources are available to download from Advice Services Alliance website www.asauk.org.uk

154 A Parker and H Young (2008) *Facilitating cross-strand working*

following Legal Aid reform and the end of the one year grant funding made available by Welsh Government, with the loss of free NfP specialist discrimination advice for clients being removed from South and Mid Wales, as well as the wider support provided by the service to generalist advisors.

Advice Service Models and Commissioning Approaches

From the 1990's onwards there has been increasing pressure on public services commissioning their services on value for money principles and efficiency as defined as the relationship between inputs and output, or unit cost. More recently we have seen the growing emphasis on outcomes based commissioning which focuses on achieving change, rather than a number of specified interactions¹⁵⁵. This move away from defined service interactions to be achieved in return for funding, to service providers offering a flexible range of responses to meet agreed outcomes for individuals can be seen in Welsh Government's approach to outcome focused commissioning.

The Welsh Government review of advice services undertaken in 2009¹⁵⁶ considered joint commissioning models for advice across Wales, and found that due to regional variation in needs and priorities and differences between rural and urban advice needs, a 'one size fits all' approach would not work. It found benefit and support from funders and providers for long term sustainable commissioning approaches which focused on outcomes in order to enable flexibility in service responses to meet localised need and priorities, rather than rigidly working to set outputs. This bottom up approach to designing services echoes the outcome focused commissioning approach promoted by Welsh Government through Results Based Accountability being built into service contracts.

The approach to sustainable commissioning highlighted within the review points to other work¹⁵⁷ undertaken within the advice sector examining the causes of people seeking advice and commissioning to both provide advice when the need arises, as well as tackle these root causes. Evidence suggests¹⁵⁸ that services delivering contracted outputs may create 'revolving door' clients, where funding is for set specific groups or issues and does not fund advice providers to work flexibly or consider the cause of the advice need or means of reducing or eliminating this. By taking a whole systems approach to the advice sector, with public body funders working with advice providers to examine the causes of advice, it is suggested that public services can improve their practices and systems to reduce the need for people to seek advice. 'Failure demand' is a term used to describe where preventable failure has occurred through a public body such as DWP, HMRC, Local Authorities or RSLs or an advice service not getting it right for the customer first time, for example, due to lack of clarity in process or correspondence, or making wrong decisions. It is this preventable failure demand that typically accounts for a third of all advice problems¹⁵⁹. Taking a systems thinking approach requires engagement and a collaborative working approach between funder and provider in order to consider and overcome local or wider issues of which citizens are seeking advice, and offers positive benefits to all parties, with reduced funder and provider staff time dealing with queries, as well as quicker resolution to the issue.

155 J Ryan-Collins et al (2010) *Unintended Consequences: How the efficiency agenda erodes local public services and a new public benefit model to restore them*

156 D Gilmore (2009) *Establishing an Alternative Advice Services Commissioning Model for Wales*

157 S Johnson and S Steed (2011) *Advice Services: What Next? Reflections from the BOLD project and nef (2009) Commissioning for Public Benefit*

158 AdviceUK (2008) *It's the System Stupid: Radically Rethinking Advice*

159 Ibid and Citizens Advice Cymru (2012) *Strengthening the voice of the Welsh Consumer*

Practice Example: Breaking the Mould – using the Vanguard Method to design and commission advice services

AdviceUK has worked with [Vanguard Consulting](#) since 2008 to better understand why people seek advice, and how advice services operate and interact with other organisations. AdviceUK's work demonstrates that designing better advice services depends on a number of factors:

- A thorough understanding of customer demand gained from observation and study
- A relentless focus on meeting demand and delivering what will really make a difference and improve the lives of customers
- Understanding and tackling root causes to help people find sustainable solutions
- Addressing the causes of preventable 'failure demand' and removing them at source
- The use of measures and data to support continuous learning and improvement, and create more value for customers and the wider community.

In the last two years, pilot work by AdviceUK in Nottingham and Portsmouth^{160[1]} has improved local services and shown how this could happen elsewhere. Learning points include:

Deep understanding of the service and of customer demand is gained by going into the work and studying, listening to and talking with clients as they use the service. The process of studying demand is essential to enable the people who work in and manage the system to learn, so improvement is sustainable and continuous. This method can not therefore be translated into a set of 'off-the-shelf' tools for others to apply – there is no short-cut to building understanding of the service and challenging your thinking.

Designing to deliver what customers say matters to them, rather than trying to manage demand, brings transformation in quality and effectiveness.

The way services are commissioned is crucial to facilitating transformation. By studying the service, commissioners need to be clear about its purpose, the principles to which it should operate, and the measures that will facilitate learning and improvement. But services need to be free to learn and innovate without externally imposed constraints such as specified delivery methods, performance targets, or benchmarking of quality standards, all of which distract from learning and improvement.

Leadership is key to successful transformation. Leaders (commissioners as well as advice managers) must be involved in studying the service, learning about demand, and be open to having their thinking challenged. This method requires participants to 'unlearn' much of what we are led to believe will deliver efficiency and effectiveness, which can be hard.

This approach exposes waste within advice organisations and in the wider environment of support and services that impact on people's lives and cause them to seek advice when things go wrong. Advice providers have huge potential to help public services improve, reducing unnecessary demand for advice and saving money but, to realise this potential, commissioning needs to shift from a contractual to a partnership relationship.

Because advice services are linked intrinsically into wider systems of, for example, benefits administration, or lending and debt collection, it is never enough to address

advice service design alone: real value comes from working in partnership across sectors to learn and improve, and to switch off preventable, 'failure demand' for advice by helping other services get it right first time.

In October 2012, two AdviceUK members in Cardiff – Riverside and Speakeasy Advice Centres – secured funding from the Baring Foundation to work with AdviceUK to implement this approach to service design. Whilst the initial focus is about learning what demands are placed on advice services, Cardiff Council have committed to learn alongside the advice providers so they can understand how their activities impact on advice demand. In addition, because 80% of demands at Riverside Advice result from referrals from other agencies, there is the opportunity to follow people's journeys more fully, to understand how advice needs link to wider problems and how best to meet these complex and wide-ranging needs.

The Welsh Government report of advice commissioning models¹⁶¹ also found that beneficial outcomes could be achieved through joint commissioning, offering reduction of administrative burden to all parties, cost effective use of resources and the ability to focus on shared beneficial outcomes to the community. While no recommendation was made as to whether joint commissioning networks would be best placed across Local Authority, Local Health Board or regional boundaries, it highlighted that Local Authority boundaries may be too small to enable an effective network to be developed, supported or commissioned that would enable access to specialist advice.

Research¹⁶² by the Legal Services Research Centre into the Community Legal Advice Centre (CLAC) model found beneficial outcomes for clients when they were able to access a range of expertise 'under one roof'. Acknowledging that people have clusters of problems, the research found that by having a range of advisors in one location operating a triage system to resolve simple issues, provide information and basic advice or escalate vulnerable clients and complex problems, offered a positive experience and outcomes for the clients. The importance of relationships referrals, and information sharing between generalist and specialist advisors, the capability of the client and the input of specialist advisors into generalist advice drop-in sessions was also highlighted.

Recent research regarding partnership and networked approaches to delivering advice can be seen in evaluations of the Big Lottery fund '*Advice Plus*' which funded the '*Working Together for Advice Project*'. The project looked to strengthen discrimination advice, explore the benefits of collaborative working, improving the delivery of advice services to improve their capacity, and develop work regarding measuring the outcomes and quality standards of advice. The project evaluation¹⁶³ found: capacity of the advice sector was improved for half of participants with over a third reporting greater support from partner organisations and over 60% reporting greater cooperation between advice agencies on local service delivery; increased availability of discrimination advice; and the benefits of collaborative working brought a broad range of benefits to frontline advice agencies, particularly through sharing or training and information resources. The evaluation also highlighted within the lessons learnt that working in partnership required having a clear shared commitment from all partners on achieving a set of common objectives and outcomes with clear strategic leadership, reaffirming the importance of having good project management. It also highlighted that investment in the early project planning stages is vital to ensure: data capture methods are clear, trailed and link into

161 D Gilmore (2009) *Establishing an Alternative Advice Services Commissioning Model for Wales*

162 A Buch et al (2010) *Piecing it Together: Exploring One-Stop Shop Legal Service Delivery in Community Legal Advice Centres*

163 The Gilfillian Partnership (2011) *Evaluation of Working Together for Advice: Final Report*

the evaluation model for the project; outcomes need to be precisely defined; and new products or services are delivered early on within a project to enable testing and review before final roll out.

More recent evaluation¹⁶⁴ on the projects funded by Big Lottery commissioned by AdviceUK, Citizens Advice and the Law Centres Federation considered the responses from 32 participating advice agencies who were the lead organisations for local advice networks, as well as 30 partners involved with the networks. The main findings and recommendations identified:

- Networks established through the Advice Plus fund ranged in size from having 2 to 200 members, and required substantial time and effort to establish and maintain. The variety of forms the networks took were in response to local circumstance and required flexible support to their development and effectiveness.
- Membership of the networks was varied, highlighting the need for the networks to have beneficial outcomes to ensure partners engage with them, such as developing shared information material or access to training.
 - Reluctance to engage was noted by some partners not benefiting directly from Advice Plus funding, despite the potential of benefiting from network training or information resources.
- Effective networks with good governance and strategic leadership can: influence policy and funding decisions; take an active role in identifying and meeting sector wide training needs; improve referrals between agencies; take a common approach to data protection; consider commonly collected data to improve knowledge of advice seeking trends and outcomes of advice within the networks area; and address gaps in provision by improving coordination of services.
- Quality assured services are underpinned through developing common understanding and use of definitions within the advice sector. Considerable progress was made in creating sector wide agreed standards for advice services and methods of monitoring quality assurance which could be continued and expanded with further funding.

Paid coordination was seen as central to success of the networks through ensuring dedicated staff time and resources to build the partnerships within the network, coordinate collaborative projects (e.g. developing and delivering new training, or creating referral systems between advice agencies) and ensure effective communication across the network. The ongoing success of the established networks was therefore questioned with the Advice Plus funding ending and a general decrease in available funding for advice services.

Practice Example: Cardiff Advice Services Review

Cardiff Council commissioned a review of their externally commissioned advice services in the summer of 2012 in order to develop a new delivery and commissioning model.

The findings of the review highlighted:

Provision – the diverse nature of Cardiff’s advice providers has many strengths for local knowledge and delivery but there are potentially benefits for both customers and

the council from a more collaborative approach taking in account the quality of services provided.

Demand – how services are delivered by providers will need review in light of increased demand, with consideration of moving away from solely providing via traditional delivery models (e.g. face to face), as well as addressing failure demand, and targeting services at the areas and groups with most need.

Funding – a new model of funding is required that focuses more on meeting customer demand, whilst increasing the sustainability of provision, with consideration of additional funding and investment to meet demand in light of Welfare Reform changes and reduced Legal Aid funding.

The report recommended that the Council work towards a new outcomes focused specification for advice services in Cardiff, funded through a 3 year competitive grant system from April 2014 with a 18 month transition period from November 2012 to enable exploration of collaborative working between Cardiff providers and the Council.

Advice Service Standards and Quality Assurance

There are a number of different advice service standards in operation within the UK, relating to specific advice services, contracts and organisations. In a similar manner, a number of different quality assurance frameworks are also in place. The range of service standards and quality assurance frameworks in place or under development include:

- [Advice Quality Standard \(AQS\)](#) is owned by the Advice Services Alliance and is applicable for any legal service operating at the generalist level. It is primarily an organisational standard designed to ensure legal advice organisations are well run, with quality control mechanisms in place to assure good client care. The standard's seven key quality areas known as the Quality Framework are: access to the service; seamless service delivery; running the organisation; running the service, meeting the client's needs; and commitment to quality. Available at two levels of 'General help' and 'General Help with Casework', the standard is awarded biannually through external assessment by The Assessment Network and it enables organisations to be listed in the AQS directory of advice services.
 - AQS was previously known as the General Quality Mark (GQM) and owned by the Legal Services Commission until April 2012 before ownership was passed to the Advice Services Alliance as part of the ongoing changes to the Commission's role.
- [Specialist Quality Mark \(SQM\)](#) is owned by the Legal Services Commission, it is an organisational standard which any legal service provider operating at specialist service level can apply for. Covering the same seven key quality areas as the AQS it is also externally audited by The Assessment Network on a biannual basis and is a prerequisite of securing a Legal Aid contract.
- [National Occupational Standards for Legal Advice](#) were developed during a three year European Social Fund project involving a variety of advice providers. The standards specify the performance, knowledge and skills staff are expected to have to perform effectively in their role. The standards have been agreed by all interests in the legal advice sector and cover client-facing activities as well as managerial support and specialist functions. Designed to enable legal advice providers to assess individual's knowledge, skills and competence through a range

of assessment methods, the standards are designed to benefit the advice seeker, advisor and provider organisation.

- [Citizens Advice Membership](#) – All CABx must comply with the membership requirements which are assessed through an annual risk review and audited on at least a three yearly basis. The requirements focus on: core services and social policy work; quality of advice; and organisational standards. There are 10 areas within organisational standards ranging from governance to financial management, volunteers and paid staff to training and development. Meeting the required standard at CABx membership Audit enables automatic pass-porting to the AQS (General Help and General Help with Casework as applicable) and the Office of the Immigration Service Commission (General Help).
- [Quality Standards for Young People's Information, Advice and Guidance](#) were developed by UK Government Department for Children, Schools and Families in 2008 to oversee the Connexions partnership commissioning and delivery in England of children and young peoples information and advice services.
- [Debt Advice Standards](#) are being developed by the Money Advice Service as part of their new role set out in the Financial Services Bill to improve the availability, quality and consistency of debt advice. To support this aim they are will shortly be consulting on a new quality framework for debt advice that will allow an organisation and its clients to know objectively that it is operating to a high standard. They are committed to working closely with Welsh Government to take into account the outcome of this review.
- [Quality Mark](#) for advice services is currently under development by the Advice Services Alliance. Started under the Big Lottery funded Working Together for Advice project, the Quality Mark is being developed to provide a measureable quality standard for any NfP advice provider with emphasis on the quality of advice given while also ensuring the advice service is well run. Quality of Advice Standard and Service Standards were developed and agreed by the advice sector under the project, work remains ongoing to establish how the standards can be implemented and monitored.
- [Scottish National Standards for Information and Advice Providers: A Quality Assurance Framework 2009](#) were developed for all organisations who provide information and advice as a core or subsidiary function backed by a system of accreditation. The six areas of the standard are: general management; planning; accessibility and customer care; providing the service; competence; and resourcing. In addition there are outlined competences for advisors at a generic level and for the specialist areas of housing, and money and welfare benefits advice. Good practice guidance also forms part of the national standard.
 - A review of advice standards undertaken by the Scottish Government prior to developing their National Standards found a predominance of existing frameworks to focus on the organisations competence and weaknesses in assuring the quality of advice given by individual advisors and external audit. Their National Standards were therefore developed to address these weaknesses, build on good practice and support the advice sector to improve the quality of their delivery while enabling advice seekers, providers and funders to have a common understanding of the standards of information and advice services in Scotland.

Further to the above, many smaller agencies providing advice do not operate within any externally modified standards framework, nor are required to do so by their funders.

Equally organisations operate to their own internal standards and a number of codes of practice are also in existence for working with specific user groups or being members of a wider organisational body, e.g. Age UK membership requires local Age Cymru partners to achieve national Age UK standards currently being piloted for their Information and Advice Services and are supported with centrally produced information material, peer learning and an Information officers network.

The effect of the range of standards on cooperation between advice providers and delivering quality services to advice seekers is further explored within *Stage 3: What you told us*.

Advice Services: Delivery Methods

There are a number of different delivery approaches used by advice services which will be considered in turn before discussion on the UK and Welsh government policy approach of ‘channel shifting’ away from face to face as a means of accessing services in favour of online or telephone based services as a means of reducing delivery costs. The main approaches to delivering advice are summarised as:

- Face to face advice – delivered by national and local organisations using: outreach locations for targeting specific community localities or client groups; in the organisations’ offices; and through home visiting services, although this option is often only available for client groups with specific needs or classified as vulnerable.
- Telephone advice – delivering advice through national and local help lines on specific topics or providing general advice to specific clients groups, e.g. housing advice via Shelter’s national helpline, the Citizens Advice Consumer Helpline or AgeUK advice line providing a range of age specific information; or, telephone advice as a means of screening contact to enable effective onward signposting to specialist advisors e.g. Adviceline Cymru.
- Online information and advice – combining guided self-help information with an online advisor; through responding to specific issues sent to advice organisations; or signposting on to specialist advisors.
- Self-help methods – such as generic or specific information target at resolving specific social welfare issues.

In addition, services are also provided by the advice sector which are more preventative focused, such as improving financial capability of clients at risk of becoming in debt, also provide face to face advice and learning in group situations in order to develop both peer to peer learning and support, as well as ensure contact with greater numbers.

As noted by the Scottish Government research¹⁶⁵ regarding debt advice *‘there is a lack of systematic research on the different effects of specific forms of intervention’*, therefore it is noted that there is little research available to compare and contrast the different approaches outcomes, cost or benefits. In particular there is little research considering the effectiveness of self-help methods¹⁶⁶ or descriptions of the work in practice, therefore this approach is not covered below despite approximately 6.4% of people queried about their approach to resolving their justiciable problems in the civil justice survey stating they used leaflets, booklets or books to resolve their problems.

Face to Face Advice

Previously referenced research regarding the effectiveness of advice giving is based on the face to face model of delivery, the predominant service delivery model throughout the sector. Research considered in this section therefore looks at evaluated approaches and models of good practice for delivering face to face advice.

165 Scottish Government (2009) *Money Advice Giving Methods: A Review of Selected Recent Literature*

166 Giddings and Robertson (2003) *Large-scale Map or the A-Z? The Place of Self-help Services in Legal Aid*

Research considering the use of outreach locations (both for debt¹⁶⁷ and housing¹⁶⁸ advice) found using accessible community based venues helped widen access to advice and information through removing barriers associated with accessing mainstream services such as travel (cost), fear of being stigmatised, and lack of awareness of services. A general preference for face to face advice has been found for vulnerable people and those on low incomes¹⁶⁹, therefore using targeted outreach to ensure access for these groups enables more socially and financially excluded people to access advice.

Research into debt and money advice outreach services found that clients valued the timeliness, accessibility and relevance that outreach advice services offered, in particular younger people, men and non-white populations valued this approach¹⁷⁰. Delivering culturally sensitive services in outreach locations enables providers to work with the host organisation to tailor the service to meet the local clients' needs and preferences. This is noted as a costly approach due to needing to establish effective partnerships, advisor travel time and potentially low footfall at advice sessions when compared to mainstream services, however it is also noted that outreach achieves beneficial outcomes with reference to widening access to justice and preventing problem escalation¹⁷¹.

An example of this outreach approach to advice given was recently evaluated in Wales¹⁷², where a joint initiative between Job Centre Plus and Communities First saw the delivery of employment support, work focused interviews and better off calculations to support hard to reach parents consider their work options in an informed and supported manner. Receiving a positive evaluation, the project found that the embedded Job Centre Plus advisors had to adapt their delivery techniques, developing networks and engaging with community organisations and training providers to tailor their delivery approach in response to the local community needs. Given the higher incidence of experiencing justiciable problems by those effected by social exclusion such as those living in Communities First areas, it could be presumed that targeting outreach within these areas would ensure those most likely to require advice are able to access it.

Research¹⁷³ regarding 'one stop shop' approach to advice services also shows beneficial outcomes for advice seekers through ensuring swift access to the right type of advice and avoiding referral fatigue associated with approaching a multitude of advice providers / advisors in order to reach the specialist service required. This positive approach of combining access to advice services into one venue can be seen through Newport City Council's award winning 'Information Station' which gained an accolade for best High Street customer service. The Information Station provides access to a range of council services on the premises as well as drop-in and appointment only generalist and specialist advice services including Shelter Cymru, Newport Citizens Advice Bureau, Communities First, Job Centre Plus and Newport City Homes. This need to have access to multiple advice services balanced against targeting advice in areas of deprivation show the range of approaches available and the need to combine both aspects where appropriate.

167 A Buck et al (2009) *Outreach Advice for Debt Problems*, M Smith and A Patel (2008) *Money Advice Outreach Evaluation: Cost and Effectiveness of the Outreach Pilots*

168 Shelter (2010) *The advice gap: A study of barriers to housing advice for people from black and minority ethnic communities*

169 V Wallis (2005) *Advice and the best way of delivering it*

170 A Buck et al (2007) *Putting Money Advice Where the Need is*

171 A Buck et al (2009) *Outreach Advice for Debt Problems*

172 B Foley et al (2012) *Evaluation of Jobcentre Plus Advisory Services in Integrated Children's Centres in Communities First Areas*

173 A Buch et al (2010) *Piecing it Together: Exploring One-Stop Shop Legal Service Delivery in Community Legal Advice*

Research in Wales by the Legal Services Commission¹⁷⁴ into younger people's knowledge and preference for accessing legal advice found that younger people had low awareness of advice services or how to access them. They preferred face to face, rather than online or telephone advice, preferably via drop-in sessions in familiar venues, such as at youth groups. Online advice was raised as an issue for those from disadvantaged backgrounds who did not have access at home, as well as the cost of accessing online advice via mobiles being prohibitive. Using known contact points as a means of raising the profile of advice services and signposting on to specialist advice services was also raised as a positive means of widening access to justice. This reflects a wider survey into telephone and face to face advice preferences for younger people¹⁷⁵ and follows comments submitted to the review on behalf of the Children's Commissioner for Wales. The Children's Commissioner for Wales highlighted to the review the digital exclusion of vulnerable young people due to cost and access, the overall preference for face to face advice in known and familiar settings as a preferred delivery channel, and the need to make use of existing community based staff and resources as a channel of raising awareness and access to advice services to ensure children and young people know their rights.

Practice Example: *The Law Shop* – affordable, profitable legal help

With changes to the legal advice sector noted due to Legal Aid reform the Law Shop approach noted below offers an example of how high street solicitors (and potentially NfP advice agencies) could diversify their business in a profitable manner while widening access to justice for the citizens of Wales.

The 'Law Shop' describes a way of working that enables solicitors to profitably deliver low cost advice and support to clients without dealing with other people as the client's representative. Established in Bristol, the solicitors firm offers clients a choice of two distinct services – one based on the traditional 'representation' model and the other on 'advice-only' self-help, where advice is paid for in 5 minute units, at a lower charge-out rate than for representation, with no work being carried out by the Law Shop outside of the paid for session.

The 'advice' service is provided by qualified lawyers who support clients to understand their legal rights, decide upon the actions required which the client then carry out with support and guidance, such as drafting letters or completing legal documents. The client is responsible for managing and progress-chasing their own case and deciding whether or not they want further Law Shop 'advice' level help or to switch to a 'representation' service from the Law Shop firm or another firm. Clients receive legal education and empowerment from having advice and coaching so that they can operate the legal system for themselves as a live experience, while keeping tight control of the costs of their legal advice.

The 'representation' service is provided by qualified lawyers and paralegals at a higher cost, inclusive of case work, progress-chasing and acting on behalf of the client when interacting with a third party, or within a legal setting such as a tribunal or county court.

Providing a separate, self-funding, 'advice-only', "cut costs: take control" service is seen as a different approach to improving both access to justice and access to law on reflection that access to law for the ordinary citizen has become more difficult due

174 Community Legal Services (2010) *Wales Committee for Community Legal Services: Young People's Forum*

175 N Balmer et al (2012) *Examining the difference between publicly funded telephone advice and face to face advice*

to: the increased volume and complexity of legislation; difficulty advice seekers in understanding their rights and how to access advice services, including confusion and referral fatigue; the growing culture of specialisation within the legal profession leading to ever higher charging rates; and the emergence of 'advice deserts' where specialisation and Legal Aid restrictions have altered local legal services creating disparity in accessing particular legal advice.

The Law Shop 'advice' model enables people to walk in off the street and work towards resolving their problems with help from a qualified lawyer through learning how to act in person to promote: achieving consensual outcomes and avoiding expensive litigation; and citizen education of the law, legal system and their rights, which could be argued in turn to put pressure on legal processes and procedures to become more transparent, accessible and user-friendly.

The Law Shop 'advice' model provides affordable, profitable, local, independent, face to face advice for clients not eligible for Legal Aid, from qualified lawyers, at no cost to public funds. It shows a how gap in access to law has created a new market which can be profitably served by solicitors (a 20% gross income increase was seen) who offer a supported self-help service, rather than basing their whole approach to service delivery on the expensive representation model. It offers people an affordable advice who may not otherwise have the means to consult a solicitor, indicating a new market for legal advice services.

Telephone Advice

There is minimal research comparing telephone to face to face advice services, their costs, outcomes for clients or detail on the types of cases dealt with by the different delivery channels¹⁷⁶. Current research into specific advice lines is predominantly health advice related, with little information or evidence on social welfare legal advice giving via the telephone. While there are suggestions that telephone advice improves access to legal advice, particularly for those living in rural communities or those who are time constrained and cannot access Monday to Friday services due to work commitment, the evidence is inconclusive¹⁷⁷. Similarly, research indicating telephone advice is most suited to information gathering and initial advice as opposed to working with complex issues or cases, or that telephone advice risks excluding people from BME backgrounds and people with disabilities is also weak due to the overall lack of evidence¹⁷⁸.

Research into telephone advice undertaken by the Legal Services Research Commission¹⁷⁹ indicates those accessing the existing Legal Aid telephone advice service have more cases which lead to 'no further action', when compared to those accessing face to face services. It is unclear if this is due to the case's complexity, whether advice seekers with less complex issues access telephone advice, or whether different people access telephone advice compared to those seeking face to face advice. The research indicates that people from BME communities are comparatively more likely to use the telephone service where there are no language or communication barriers, which is believed to be linked to issues of fear of discrimination from accessing mainstream services, although the evidence is inconclusive.

176 A Griffith and M Burton (2011) *From face to face to telephone advice?*

177 N Balmer et al (2011) *Just a phone call away: is telephone advice enough?*

178 Ibid.

179 Ibid and N Balmer et al (2012) *Examining the difference between publicly funded telephone advice and face to face advice*

As noted previously, Legal Aid reform will see a sharp increase in advice delivered over the telephone and a move away from face to face advice. Within the relevant MoJ Impact Assessment¹⁸⁰ (IA) it states there will be a decrease of approximately 75% of face to face advice, with delivery shifting to telephone advice for both generalist and specialist legal advice. This shift is linked to the overall target of reducing the Legal Aid bill to the state, with the IA stating telephone advice is 45% cheaper than face to face advice despite no evidence provided alongside this claim within the IA. Initial research¹⁸¹ comparing the costs on like for like housing cases between face to face and telephone advice, where the telephone advice service supported ongoing casework for complex cases showed that overall the delivery channel was more expensive than face to face advice, despite a significantly lower hourly unit cost, indicating that giving complex advice and support over the telephone takes more time than face to face advice.

The delivery channel shift is noted within the Legal Aid reform Equalities Impact Assessment¹⁸² as likely to result in a negative effect on disabled people due to their experiencing greater difficulties in managing their case paperwork, communication, or comprehension problems, as well as potentially causing problems for a wider proportion of the population due to literacy problems, language barriers and problems with acting on advice. The EIA explains that the telephone advice service will use a number of adaptations and reasonable adjustments to mitigate against possible negative effects, including a free translation service (including British Sign Language), a third party making contact on a person's behalf, and use of webcam. All telephone operators and specialist telephone advisors will receive training on disability and dealing with vulnerable people. Clients assessed as unsuitable for telephone advice will be referred to face-to-face advice. When considering whether people act on advice given over the telephone, there is little evidence to examine the outcomes. Health research¹⁸³ indicates that both face to face and telephone advice can lead to similar outcomes, providing strategies are used to aid the patients recall and there are no cognitive impairments.

A review of the operation of the telephone advice service, including impacts on different client groups, will be undertaken by the MoJ within 2 years and published in 2015.

Online Advice

Internet use and access in the UK has increased rapidly in the last decade, creating a new delivery approach for legal advice and a channel shift across the public, NfP and private sector from face to face and telephone based services to online delivery, including advice provision. There is little research or evidence into the efficacy, efficiency, use or outcomes generated from online legal advice. Research into the use and outcomes of health based advice is prevalent, particularly looking at the use of peer forums as a means of offering ongoing support to patients with specific conditions. A summary of the research and relevant digital inclusion research is below.

Over recent years significant progress has been made in increasing the number of people who are digitally 'included'. However, research by the London School of Economics in

180 Ministry of Justice (2010) *Legal Aid reform: provision of telephone advice: Impact Assessment (IA)*

181 Balmer et al (2011) *Just a phone call away: is telephone advice enough?*

182 Ministry of Justice (2010) *Proposals for the reform of Legal Aid : provision of telephone advice: Equalities Impact Assessment (EIA)*

183 McKinstry et al (2011) *Comparison of the accuracy of patients' recall of the content of telephone and face to face consultations: an exploratory study*

summer 2011¹⁸⁴ points to the emergence of a ‘digital underclass’ in Britain and that the ‘exclusion of the most vulnerable groups has become entrenched’. At present there are around 8.43 million adults in the UK (nearly 17% of the UK adult population) who have never been on the internet or used digital services¹⁸⁵.

Scottish Government research¹⁸⁶ comparing delivery approaches of debt advice found that those accessing online advice and counselling for debt were more likely to be from higher socio-economic groups, including home owners with higher rates of debt (personal loans, store and credit cards). This reflects wider findings regarding digital inclusion as can be seen in the Welsh Government research¹⁸⁷ which found economically included people are more likely to be digitally included, and that older people, those with lower socio-economic status and people with disabilities or ill health are more likely to be digitally excluded. The Welsh Government research went on to examine the consequences of digital exclusion highlighting that those without access to information, education and consumer advice are economically disadvantaged by this lack of access to online resources perpetuating the cycle of deprivation where digital exclusion reinforces other existing forms of social and economic deprivation. The map overleaf shows the levels of digital inclusion of adults in Wales.

184 E J Helsper (2011) *The Emergence of a Digital Underclass: Digital Policies in the UK and Evidence for Inclusion*, Media Policy Brief 3, London School of Economics & Political Science

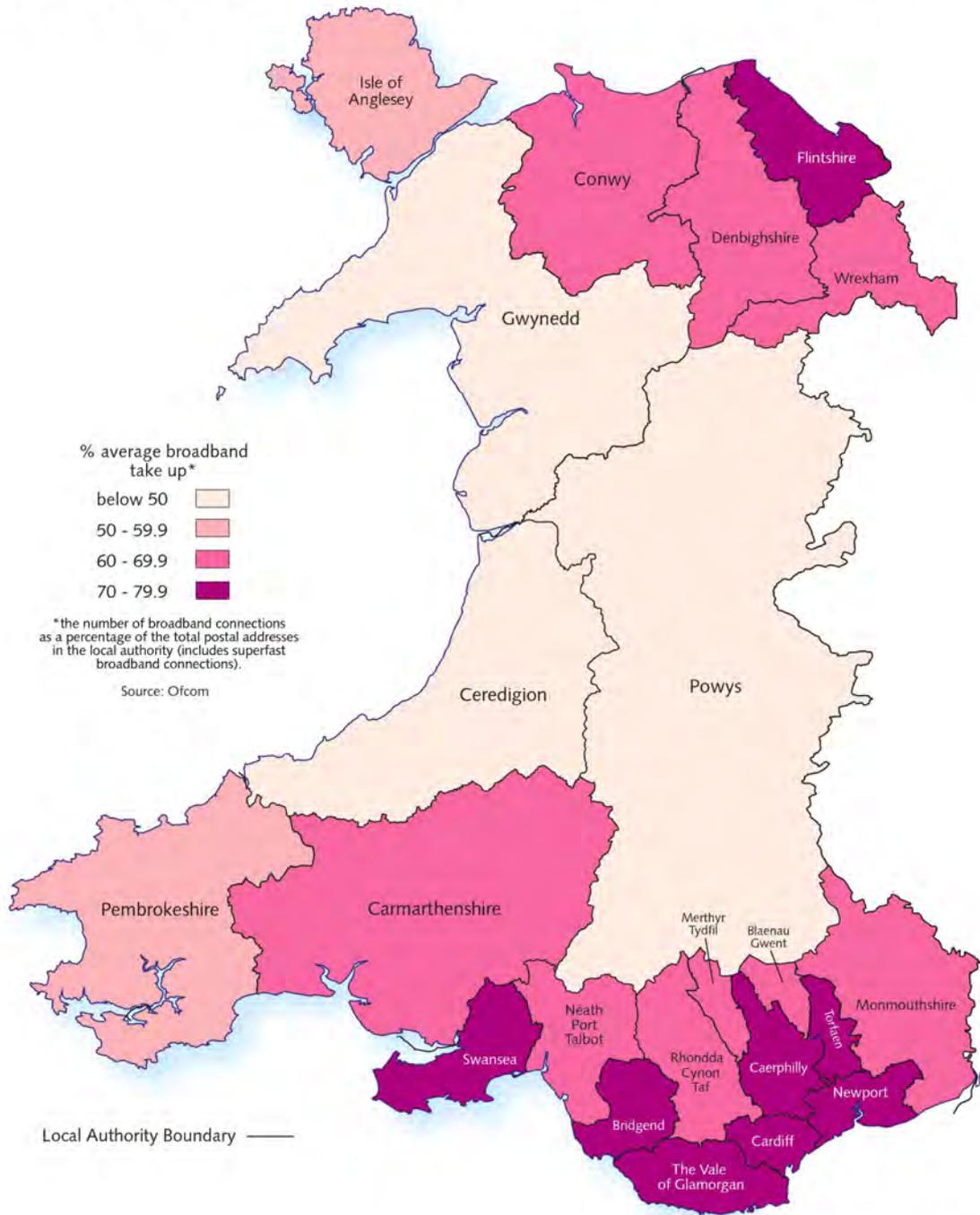
185 Office for National Statistics (2011) *Internet Access Quarterly Update 2011*, Q3 2011

186 Scottish Government (2009) *Money Advice Giving Methods: A Review of Selected Recent Literature*

187 Welsh Government (2011) *Digital Inclusion: Analysis Package*

WALES

Average Broadband Take Up



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Cartographics • Welsh Government
ML/76/12.13
December 2012

Image: 3 Average Broadband take-up in Wales from Ofcom <http://maps.ofcom.org.uk/broadband/>

The Legal Services Research Centre civil justice surveys have been tracking the use of the internet by people seeking advice for justiciable problems, finding an upward trend from 4% in 2001 to 19% in the 2009 survey, linked to the increased use of internet and growth of digital inclusion¹⁸⁸. However, this access is unequal across both the socio-economic scale and further research¹⁸⁹ into the use of the internet by young people (aged 18 and 24 year) found that despite having comparatively high levels of access to the internet they were less likely to seek advice online or to resolve their problem(s) using online information and advice resources.

Research¹⁹⁰ considering internet resources as a means of providing face to face advice via video link services found the service although initially providing generic advice, became more successful with greater use by the public when offering a range of specialist advice through partners delivering different aspects of advice on both a drop-in and appointment only video link basis. The video link service was found to be particularly popular with older people and of particular benefit for people living in rural communities who had good internet access either in their own homes or in accessible local community venues already in use. Lessons learnt coming from the project highlight the need for: careful consideration of confidentiality and data protection issues; careful targeting of the service to ensure there is demand for the service; working with partners to ensure suitable community locations are available which local people already use, and that these locations have appropriate technological resources and support; and tailoring the service to meet the local advice needs.

Given the rapid expansion of the internet and diversification of businesses and transactions undertaken online, it is of no surprise that this area of work is undergoing a period of ongoing change. The creation of free to use and low-cost legal advice services online shows an expanding market offering opportunities to improve access to justice, however it remains without a strong evidence base at this point of the outcomes these interventions generate¹⁹¹. Examples of new legal help initiatives can be seen in the practice examples below.

Practice Example: Using New Technologies - Online Advice ExpertAnswers.co.uk

ExpertAnswers.co.uk is a low cost online legal advice service operating from Wales, but providing legal answers to people's queries throughout the UK. Set-up in recognition of over 5 million queries for 'legal advice' every month in the UK, the service is delivered purely online and ensures no onward referral to other paid-for services for any of their advice seekers. The service offered is to provide advice on the legal position of the advice seeker, not to act on their behalf or to generate further work for the legal experts involved. The legal experts are specifically precluded from taking instructions from the site or offering to act for advice seekers.

The site works by advice seekers registering and posting their question electronically into the Expert Answers system that: outlines their specific legal question; the category of law this fits into; any previous actions taken and background information on the problem they are seeking help with; and finally, stating how much they are willing to

188 P Pleasence et al (2011) *English and Welsh Civil and Social Justice Panel Survey: Wave 1*

189 C Denvir et al (2011) *Surfing the web - Recreation or resource? Exploring how young people in the UK use the Internet as an advice portal for problems with a legal dimension*

190 H Perkins et al (2005) *Innovation in the Community Legal Service: A review of 22 projects supported through the Partnership Initiative Budget*

191 Scottish Government (2009) *Money Advice Giving Methods: A Review of Selected Recent Literature*

pay on the stated scale of £10 - £150 per query. The query is then posted centrally in a Legal Advisers Only section of the [system](#). One of the eighty registered legal advice experts will then take control of the questions where they are within their own sphere of expertise. The expert will enter into a dialogue with the advice seeker (e.g. ask any follow up questions to gain clarity on the situation) and then provide a written answer. Half the answer is provided for free, and the second half is made available to the advice seeker after their payment has been received.

The system behind the site enables secure transfer of the advice seekers' query and correspondence between the legal expert and client. The system was developed with the user in mind, therefore is designed to be simple to use and navigate for those who are not particularly IT competent.

The service currently provides legal answers to around 400 [new users](#) per month across the UK. Some seek initial advice and guidance to enable them to follow-up with a solicitor of their choice, some deal with the matter personally once they have clarified that their issue is worth pursuing, while others resolve their query through the service.

Expert Answers is a member of the Trading Standards Institute and the service is currently being used by Trading Standards in England and Wales. Expert Answers are in on-going talks with the Ministry of Justice regarding their service.

Practice Example: Using New Technologies - Royal Courts of Justice Citizens Advice Bureaux

The Royal Courts of Justice Citizens Advice Bureaux has a legal team, consisting of 4 paid solicitors and 170 pro bono lawyers from over 60 firms, delivering valuable advice to assist unrepresented individuals to navigate the court systems in both civil and family courts. A highly specialist service and CABx, the charity has extensive experience of advising litigants in person on how to navigate the court system and comply with civil procedure rules.

The valuable assistance the legal team provide to individual litigants achieves considerable outcomes for clients, and is recognised by the courts as a valuable asset preparing litigants for court, therefore reducing court time. As a service, their familiarity with the sorts of problems people frequently encounter means they have a good understanding of the help litigants need to be empowered to deal with their own cases. They also ensure access to free bundling, costs advice and pro bono representation, and mediation via their partnership with City Law firms and partner agencies.

Their 2010-11 annual report showed a 40% rise in enquiries compared to the previous year before. In recognition that demand for advice is already outstripping supply, and future changes to Legal Aid funding will increase this mismatch, **CourtNav** is being developed as a joint initiative between the Royal Courts of Justice Advice Bureau and a City law firm, Freshfields. Initially this project will deliver support in completing court forms related to a relationship breakup, i.e. divorce or dissolution of a civil partnership, which is funded by the Ministry of Justice, before considering expansion into different areas of civil law which have seen a rise of self-representation.

Currently in development stage, CourtNav is an online application which will ask users to complete easy questions and then use this information to populate the relevant legal forms for divorce and civil partnerships including matters relating to children. CourtNav also provides help text. At any stage a CourtNav user can submit their work to be checked or can call the RCJ Advice Bureau for help. Advisors will be on-hand

to provide advice and warnings to the 'DIY lawyers' using the tool and will provide feedback on the details provided, including how to improve the content and ensuring all the required steps have been undertaken. Once the initial advisors are happy with the content, this will be checked by lawyers providing pro-bono family law advice who will provide any additional comment to be sent back to the client before final 'sign-off'. When the form has been signed-off by the pro-bono lawyer it will then be released to the client to print off and submit to the relevant court.

The project is based on a self-help model of empowerment, with the aim to support litigants in person to comply with the legal system and prevent loss of court time through ill preparation. Through making use of new and emerging technologies it is hoped that this will enable the CABx to support high numbers of clients who are confident and capable of working through an online tool through a less resource intensive process that will free up face to face resources for more vulnerable clients who require help.

The project will be piloted in the early 2013 to test the processes, technology and client satisfaction, with the aim that it will be launched in April 2013. Further consideration will be given after its launch regarding expansion of the model to other areas of law and whether the product could be licensed to enable other advice providers to use with their clients.

'Channel Shifting'

Channel shifting refers to moving service delivery from face to face, or being building based, towards delivering services online and via the telephone through taking advantage of new technologies. Remote channels are seen as offering important advantages including greater accessibility (where resourced telephone services offer longer opening hours and 24:7 access to information is available online) creating greater convenience for users and offering anonymity which can be important for some advice seekers.

This approach to moving services online can be seen across all sectors with increased resources being made available online and the growth of undertaking interactions with the state through online portals, varying from paying Council Tax online to DWP's 'digital by default' approach which hopes to see 80% of Universal Credit claimants applying for and managing their benefit online.

As noted when considering the scale of digital exclusion on Wales, online delivery of services is not suitable for all people, or all subjects, due to barriers to using the Internet, including: issues with the cost of computers and connectivity; access to broadband networks; low literacy and numeracy levels; low computer skills and confidence issues; and accessibility of sites for people with visual or cognitive impairments. As noted previously younger people, people with disabilities and lower income households are less likely to access advice online and show a preference for face to face advice.

Work by the Money Advice Trust¹⁹² exploring the potential for channel shift found a high degree of cross-over between those willing to use telephone and online channels, providing they offer personalised advice tailored to the advice seekers circumstances, and that checks are in place to ensure the advice seeker understands and is supported to act upon the advice. Potential for expanding online services was identified providing they could be linked to additional telephone or email advice when required. The work

192 A Ellison and C Whyley (2012??) *Money Advice Trust Debt Advice Channel Strategy Research: Vol. 2*

noted while people are open to using a mixture of channels to access the advice the need face to face advice must be available for both vulnerable people, those with no access to remote channels, or those who would be unable to cope effectively using remote channels.

Literature Review Summary

- Research shows that many people do not seek advice or support to resolve their problems. Around 10% of people do nothing about the problems they experience, 45% look to resolve the problem themselves, 15% seek informal help from friends and family, leaving only 30% of people seeking formal in the shape of family and friends as well as information and advice services.
- People experiencing multiple justiciable problems are more likely to be from protected characteristic groups, on low incomes or have long standing ill health or are disabled. There are known predictors to show increased likelihood of experiencing justiciable problem(s).
- Problems appear in clusters, with an increased likelihood of one problem leading to a person experiencing another, e.g. having problem with welfare benefits often causes debt and housing problems.
- There is a link between having a justiciable problem, stress and physical ill health. Over a third of participants report stress related ill health as a consequence of their problem(s).
- The outcomes of advice show positive social, economic and health benefits as well as cost savings to the state through prevention of problems escalating.
- Accessing welfare benefit advice leads to improved take-up of entitlement, delivering significant financial gain for individuals and their families which is predominantly spent on fuel and food, with improved living standards and reduced social exclusion.
- In Wales the effect on Legal Aid funded social welfare law advice provision is estimated to reduce free face to face sessions provided by the NfP advice sector from 19,841 to 3,144 per annum. Other funding reductions already experienced by the sector and forecast for the coming two years will result in a loss of staff and knowledge for welfare benefit, debt, housing and discrimination specialist advice provision. The availability of specialist advice is set to decrease likely to lead to a growing gap between supply and demand.
- Welfare Reform is anticipated to continue the current trend of increased demand for specialist welfare benefit advice until at least 2017, the estimated year of completion for the reforms. There is likely to be a spike in demand resulting from Personal Independence Payment replacing Disability Living Allowance and the introduction of Universal Credit. The general decrease in household incomes for Wales as a whole, particularly for those facing multiple changes leading to large drops in income, is likely to lead to an increase in the need for financial capability support, debt and housing advice.
- Research shows that debt and money advice lead to improved financial circumstances, health and wellbeing, increases people's understanding and management of their personal finances, and that it is cost effective to the public purse, where the cost of debt to the state is estimated at £1,000 compared to the estimated cost of advice ranging from £25 to £180. Money and debt advice, whether preventative or reactive, is linked to savings for the state, through avoidance of more costly interventions (such as homelessness, associated health and social care costs). The demand for money advice in Wales is likely to continue to increase at the current rate of approximately 9% each year.

- Housing advice can be seen as a preventative measure to offset the cost of homelessness to the state as well as promote health and wellbeing outcomes. The demand for housing advice in Wales is likely to increase as a result of Welfare Reform and the poor economic outlook. Funding for housing advice is reducing as a result of Legal Aid reform as well as reported reductions in Local Authority grant or commissioned services. The Housing White Paper's call for an accessible network of housing advice give strength and direction of focus which could be used as an opportunity for Local Authorities, Local Health Boards and UK Government to work together to ensure consistent, quality housing advice across Wales.
- Employment advice is predominantly used by those from protected characteristic groups who are more likely to experience unfair treatment or discrimination in the workplace. Employer knowledge of the range of employment rights is patchy across Wales, with SMEs more likely to be unaware of their duties than larger organisations. Further anticipated changes in employment legislation will increase the need for employers to ensure they are fully aware and understand their obligations. Already patchy provision of specialist legal employment advice in Wales will be eroded further through Legal Aid reform.
- The consumer advice landscape is experiencing a period of reform with ongoing changes anticipated within Trading Standards at a Local Authority level, as well as nationally with changes to the Office of Fair Trading, the re-branding of Consumer Focus Wales as the Regulated Industries Unit (Wales) and the transfer of their general consumer advice and policy responsibilities to Citizens Advice. Specialist consumer advice is likely to continue to evolve over the coming years with currently unknown impact on advice seekers.
- Discrimination advice in Wales is patchy, with limited access for the general public or advisors to seek specialist advice and guidance. Funding for this area of work is insecure. However, the Welsh Government commitment to achieving equality in Wales as seen through the Strategic Equality Plan and the current review of their Equality and Diversity grant funding offers opportunities to ensure that this specialist advice is retained in Wales.
- Outcomes based commissioning provides better results for funders, providers and advice seekers through giving greater flexibility to providers in the delivery of their services, preventing 'revolving door' clients, and enabling services to be tailored to meet local need. Funders and advice providers can work collaboratively to resolve the root cause of people seeking advice, leading to system wide savings for both parties, and reduce demand for advice. Collaborative working between advice providers can also lead to improved services, including better quality of advice through shared training and information resources, as well as greater accessibility for advice seekers. Developing partnership and collaborative approaches requires dedicated resources and longer term funding.
- There are a range of standards in place for the advice sector which organisations can subscribe to should they chose to or be required to do so in order to secure specific contracts.
- Face to face advice delivered through outreach appears to offer the advantage of widening access to advice and justice to hard to reach communities. Through adapting delivery to suit local need and using trusted venues and people to raise the profile of the advice service engagement is increased with hard to reach groups.

- Telephone advice appears most suited to initial advice as opposed to supporting people to address complex problems. Telephone advice appears to be used more by people in higher socio-economic groups compared to people in lower socio-economic groups or disabled people, who appear less likely to use them.
- Online advice services are still relatively new and under development with little research to evidence their impact on resolving people's problems. There are some good online resources available, where they are appropriately funded and invested in.

Stage 2: Mapping Advice Services in Wales

Overview

The mapping exercise sought to capture a wide range of independent information, advice and guidance services provided by the not-for-profit, public and private sectors in order to build a holistic picture of advice services which the Citizens of Wales can access.

Local Authorities and advice provider organisations and networks were asked to complete a form (see appendix 6) alongside supplementary information to provide an overview of their service. The purpose of the mapping exercise was to identify and physically map the current range, location and hours of advice services being delivered by both generalist and specialist providers across Wales.

Both the internal and external stakeholder reference group clearly stated that the findings of the mapping exercise did not reflect their knowledge of advice provision in Wales. They highlighted that the self-reporting of responses created a bloated picture of provision not matched by experience on the ground where advice providers across the board could not meet the demand from advice seekers, particularly for specialist advice. In a similar manner, the self-reported responses mean that advice services shown in the mapping do not differentiate between those which are able to act fully independently in the sole interest of the client, and those which may be providing advice which is not fully independent and therefore may be affected by their services demands, for example Council staff from the housing benefit and revenue teams cannot provide housing benefit guidance that is considered fully independent as they cannot challenge the decision made within and by their team.

The findings are summarised below, and should be considered within the context that the self-reported responses skew the picture of advice provision in Wales:

- **236 advice services** responded to the exercise from **204 service providers**, where registered social landlords and large (national and regional) organisations are providing a range of advisory services over a wide geographical area. The number of organisations who responded included **27 national organisations** and **14 Local Authorities listing a total of 73 different advice services** ranging from Trading Standards to specialist welfare benefit teams to Family Information Services.
- 121 services provided some data regarding their levels of funding, ranging from approximate figures to annual statements with forecast funding reductions. From the data given a **total of over £31 million is being spent on advice services in Wales**. Responses providing details of known and anticipated **funding changes totalled a loss of over £3.4 million to advice services across Wales** with over **50 FTE posts being made redundant by April 2013**. For the service responses provided, changes to Legal Aid funding in April 2013 were identified as the single most contributory factor in reducing income.
- Local Authorities are the main funders for advice services throughout Wales, as well as being one of the largest delivery bodies for advice, focused primarily on providing social care services information and advice, as well as consumer advice through their Trading Standards functions, welfare benefits (often with a housing benefit focus or income maximisation linked to social services clients), and housing advice. Shelter Cymru and Citizens Advice Bureaux are the largest third sector organisations providing advice throughout Wales. A number of the larger registered social landlords are also expanding their tenancy support to include a wide range

of information and advice services targeted at preventing eviction, with a reported focus on debt, housing, employment and welfare benefit advice.

- Shelter Cymru provide a national housing advice service with focus on preventing homelessness through contracts with Welsh Government, Legal Services Commission and Local Authorities for specific projects. They deliver 88 housing advice surgeries a week in 56 locations throughout Wales, predominantly collocating with Citizens Advice Bureaux and Local Authorities, as well as a range of smaller NfP organisations focused on advice delivery. Citizens Advice Cymru supports 23 individual Citizens Advice Bureaux operating in every Local Authority of Wales. This makes them the largest integrated third sector advice provider in Wales, delivering advice, representation, information and financial capability (money management) from 257 community locations.

It was consistently highlighted during consultations, meetings and within the mapping responses that the exercise undertaken will not reflect the full picture of advice services in Wales, due to self-selection and completion by providers, as well as issues in ensuring it has reached all local providers through their networks. Reliance on distribution of the exercise through local voluntary sector council's, local and national networks, and Local Authority contacts with a tight turnaround deadline and limited time and capacity for further follow-up work is acknowledged to have resulted in a poor response rate and incomplete picture of advice services in Wales.

It is also acknowledged that the mapping exercise will only provide a snap-shot in time and that due to the imminent funding changes, the picture will be very different across Wales in April 2013. The services available now and responding to the exercise or engaging in the consultation workshops may alter their delivery from April 2013 due to funding cuts.

Mapping Exercise: Process

The mapping form and letter was created with WLGA and the Money Advice Service with reference to other mapping exercises being undertaken across the advice sector by DWP and the Money Advice Service. It was designed to elicit information to help map the current range of advice services in Wales provided by the not for profit sector, including Local Authorities, registered social landlords, charities, and not for profit businesses. The exercise was distributed through the email networks of: WCVA; Financial Inclusion Champions; Welfare Rights Advisors Cymru; Advice services (AdviceUK, Citizens Advice, Community Housing Cymru, Independent Advice Provider Forum); as well as via Local Authority networks initially through contact with the Chief Executives and Heads of Finance (hard copy also sent). Due to the timescale of the review a 3 week deadline was initially set for responses. Follow-up email requests for responses began after the initial deadline which was extended, and due to issues with response rate, the letter was updated and resent through the different networks with a further extension to promote greater response levels.

The response rate for each Local Authority area was very varied, from very detailed responses collated and submitted by a coordinator outlining 20+ advice services within the locality, through to receiving less than 5 responses. In order to understand whether the variation in response levels reflected the variation in provision across Wales a desktop exercise was conducted to access information online and build a list of the locations, services and providers stating they were operating within each Local Authority. These findings showed many more services appear to be available than responses to the exercise (see Local Authority Supplementary Information).

Concern was raised through the listening exercises regarding the role of private sector advice provision in Wales in supporting the NfP sector and the affect of removing family law from Legal Aid funding from April 2013 onwards. Although outside the scope of the review, in response to concerns separate contact was made with solicitors, legal firms and advice organisations contracted by the Legal Services Commission to provide social welfare or family law advice (see appendix 7). They were invited to provide details of their service delivery and comments regarding the review. Of the 263 individual contractors contacted by letter, 21 responded, inclusive of previously engaged Citizens Advice Bureaux delivering social welfare law contracts.

Mapping Exercise: Issues

In addition to the previously noted issue that the mapping exercise will only provide a snap-shot of providers wanting and able to respond, and that distribution and awareness of the exercise was patchy across the sector, further issues were identified through the process of the review:

- The forms were developed and sent out within 2 weeks of the review starting with background information on the review and its terms of reference, but without guidance on completion. Self-selection and completion of the forms by respondents showed wide interpretation and understanding of the questions asked. Similarly, the level of detail provided within or as addition to the forms was very varied.
- The responses and additional information supplied by respondents' shows only their funded capacity to deal with demand, not the full demand for services. Respondents highlighted waiting lists and difficulty in meeting the extent in demand for their services.
 - Information on waiting lists or forecasting demand was not requested as part of the mapping exercise. It is therefore acknowledged that the mapping exercise will not show if demand is outstripping supply, it will only show supply. This brings into question the apparent assumption that there is duplication of advice services.
- Different organisations work in different manners but use the same terminology, meaning that the self-completed responses will have a varied interpretation of how 'advice' is defined, or the levels at which a provider may give advice.
 - While the term '*specialist*' advice has been defined at the outset of this report, there is inconsistent interpretation of the meaning across the advice sector. A common understanding and application of '*specialist*' exists between LSC contracted advice providers, however those without this contract or its associated quality mark interpret it differently. Therefore, providers specialising in working with specific user groups, such as those with substance misuse, mental health or ethnicity commonly responded they were delivering '*specialist*' services, although the detail supplied showed they were only offering low level generalist advice and sign-posting for their clients.
 - In a similar manner, it is unclear whether those who stated they were '*specialists*' providing '*discrimination advice*' for their specific target user group were providing in-depth legal advice in relation to discrimination and equality related legislation.
- As outlined above, the responses are self-reported and the picture presented shows the number of providers, not capacity, levels, or speciality of advice

provided. This distortion creates a picture not recognised by funders or providers alike, as it appears to show there is a lot of free, independent, accessible advice available across Wales. This is contradicted by the reported waiting lists and concerns raised during the consultation process.

- The separate targeting of LSC funded social welfare or family law providers resulted in exceptionally low rate of response of 6%, making the evidence generated unable to be considered as representative of the sector. This exercise was undertaken in response to concerns regarding the exclusion of the private sector from the terms of reference of the review and the need for them to engage with the process.

In summary, should the exercise be repeated again, it is advised that the mapping form is developed with advice providers inclusive of guidance to ensure terms are understood and interpreted the same by all responding organisations. Given that the evidence gathered is a snap-shot in time, its repetition with support and oversight at a more localised level would be likely to generate greater engagement from providers and more intelligent data.

Findings

The responses were considered against Local Authority footprints or as national organisations, depending on their funding and operating remit. The below findings provide an overview from all responses, before considering the national organisations, and then Local Authority level overview. Full details for each Local Authority are provided in Local authority Supplementary Information, as well as an all Wales overview.

All response answers were taken as written within the submitted returns. Where organisations stated they delivered '*specialist*' advice, but did not outline what type (debt, housing, etc.) their answers were counted as providing high and medium level of advice. Where questions were only partially answered, or no answer was provided, the full response and any additional supplied information were considered to complete the form. Where no additional information and/or limited answers were provided the negative answer is assumed, e.g. unless a response and/or additional information stated explicitly that a home visiting service was available, it is assumed not to be provided. As stated previously, it is acknowledged that the picture presented is distorted as a result of self-reporting and it is likely that there are considerably less specialist advice services available than those listed below.

National Findings

236 advice services responded to the exercise from **204 service providers**. 27 organisations operate on a national basis throughout Wales in addition to nearly all respondents having a web presence as a means of offering accessible information and advice to people seeking advice with online access. From the total responses:

- 155 advice services operate from more than one location, either through outreach or multiple office locations for larger organisations
- 123 provide a home visiting service to vulnerable clients, where 'vulnerable' is defined in a variety of manners, but focused on disability, age, access to transport, poverty and need

- 201 provide generalist advice, with further details reporting:
 - 113 provide advice at a 'high' level – where the example given to providers outlined: multiple and complex needs or in-depth pieces of work (e.g. appeals, tribunals)
 - 188 provide advice at a 'medium' level – where the example given to providers outlined: benefit eligibility check, help with form filling, contact someone on my behalf, repayment arrangements, advice on rights.
 - 189 provide advice at a 'low' level where the example given to providers outlined: signposting, information (e.g. leaflet, phone number, email/web address), financial statements, basic advice on rights
- 300 responses identified delivering 'specialist' advice split into:
 - 61 provide specialist debt advice
 - 90 provide specialist welfare rights advice
 - 41 provide specialist housing advice
 - 24 provide specialist employment advice
 - 30 provide specialist consumer advice
 - 23 provide specialist discrimination advice
 - 30 state they are 'specialists' but do not specify in which area of social welfare law.

Respondents provided varied information when asked about funding for their service, with 121 organisations providing some details of which 42 stated they would have funding reductions over the coming 2 years, 20 stated they anticipated funding reductions, but only 33 organisations provided full details on their funding reductions. Answers varied from no details being provided to full breakdown and account information with forecast of funding changes and the effect on delivery, as well as a variety between where organisations listed anticipated funding cuts but not by what amount or by whom. Through considering this information the following can be concluded:

- **£3,366,252 in revenue will cease to flow into the advice sector over the coming 18 months** with 42 organisations explicitly stating they are expecting funding reductions as a result of cuts or specifically funded projects coming to an end. A further 20 expecting unknown reductions. Available funds will reduce from December 2012 followed by a dramatic cut in services in April 2013 due to Legal Aid changes:
 - **£2,219,152 Legal Aid** funding will no longer be available, which of the reported data is the only known funding reduction specifically to social welfare legal advice
 - **£97,731 Local Authority** funding will no longer be available, with third sector organisations indicating they were expecting to experience funding freezes or small funding decreases
 - **£364,332 Big Lottery** short-term funding ends which was formally from the Recession fund and People and Places funding as stated by respondents
 - **£672,437 of other short-term project funding streams** are coming to an end from a variety of organisations, varying from small grants from Lloyds TSB to larger the Money Advice Service contracts drawing to a close in March 2013.

- The Money Advice contracts providing a social welfare legal advice service in relation to debt advice, are currently being negotiated and therefore may not result in a change or reduction to funding or services in Wales.
- Funding reductions are affecting individual advice services very differently. This can be seen as some responses gave their funding decreases in % of their current revenue. Across Wales this varied from 2% - 40%.
- Some responses provided information on expected redundancies following funding cuts, totalling over 50 FTE jobs expected to cease prior to April 2013.
- Local Authority provided advice services did not all explicitly state they were anticipating funding cuts, although the majority referenced ongoing RSG decreases and expected cost saving targets of approximately 5% per annum.

Agency	Overall loss of funds £	LSC cuts	LA cuts	Big Lottery Funding ending	Other funding reductions	Detail Notes (other)
Access 2 Advocacy	103,000	0	21,000	82,000	0	All funding ends march 2014
Age Concern Cardiff + Vale	25,000	0	25,000	0	0	Cardiff and Vale Council funding reductions anticipated – likely to result in service closure
Age Concern Torfaen	33,000	0	33,000	0	0	Age Concern Torfaen have been informed Torfaen Social Services will no longer fund Information & Advice due to financial budget reviews. Torfaen County Borough Council, Corporate Services are currently reviewing service delivery and impact of withdrawal of service – awaiting outcome for future service funding
Age Cymru Swansea Bay	80,000	0	0	0	80,000	<i>NB: Funding reduction details not listed</i>
Benefit Advice Shop	55,000	55,000	0	0	0	
Bridgend County Borough CAB	16,774	0	0	9,274	7,500	Lloyds TSB – ends October 2012 – 7500
CAB Cylch Conwy District CAB	87,925	36,000	0	0	51,925	The Money Advice Service face to face debt advice contract is currently subject to negotiation. Potential loss of £51,925
Caerphilly CAB	214,714	120,000	0	8,198	86,516	Welsh Government £44,432; EDF £1,800; Royal British Legion £40,284
Canolfan Cynghori Ynys Môn CAB	155,902	67,000	0	24,580	64,322	Comic relief £7,997; Energy best deal £4,200; Big Lottery £24,580. The Money Advice Service face to face debt advice contract is currently subject to negotiation. Potential loss of £51,925
Cardiff Law Centre	84,000	84,000	0	0	0	
Cardiff CAB	14,576	14,576	0	0	0	
Cardiff CAB	27,000	0	0	0	27,000	BILD grant ends March 2014
Ceredigion CAB	48,770	32,165	0	16,605	0	Children in need,
Cydllynydd Tan Y Maen	2,250	0	0	0	2,250	BCUHB reduction of 5% for 2012
Cyngor ar Bopeth Gwynedd & De Ynys Môn CAB	118,911	104,180	14,731	0	0	

Agency	Overall loss of funds in £	LSC cuts	LA cuts	Big Lottery Funding ending	Other funding reductions	Detail Notes (other)
Cynon Valley CAB	98296	98296	0	0	0	
Denbighshire CAB	95000	95000	0	0	0	
DIVERSE Cymru	35000	0	0	0	35000	Children in Need £20,000 - ends March 2013 Poppy Factory £15,000 - ends Dec 2012
Flintshire CAB	190407	190407	0	0	0	
Gofal (all Wales response)	4000	0	4000	0	0	
Mencap Cymru	12000	0	0	0	12000	
Merthyr Tydfil CAB	31150	31150	0	0	0	
Neath Port Talbot CBC – Welfare Rights Unit	50000	50000	0	0	0	
Newport CAB	196,972	166000	0	6000	24972	
Pembrokeshire CAB	80,000	60000	0	5000	15000	WCVA ends June 2013 - £15,000
Powys CAB	300,177	105840	0	182477	11860	
Rhondda Taff CAB	83,669	83669	0	0	0	
Riverside Advice Service	319,559	233269	0	30198	56092	
Shelter Cymru	270,000	270000	0	0	0	
Speakeasy	88,000	40000	0	0	48000	BGET contract expires July 2013 £33,000; Energy Saving Trust contract expires March 2013 £15,000 The Money Advice Service face to face debt advice contract is currently subject to negotiation. Potential loss of £150,000
Torfaen CAB	331,200	181200	0	0	150000	
Vale of Glamorgan CAB	114,000	11400	0	0	0	
TOTAL	3,366,252	2,219,152	97,731	364,332	672,437	

Table 3: Funding reduction information as supplied to the mapping exercise

National Organisations

28 organisations operate on a national or wide regional within Wales, predominantly delivering their advice services through face to face in outreach locations (7 offer a home visiting service) but with a higher percentage of advice delivered via the telephone than local organisations. Services are predominantly available Monday to Friday during office hours, with some stating evening appointments are available to meet the needs of clients. Shelter Cymru, NYAS, SNAP Cymru and Age Cymru offer some appointments and drop-ins on Saturdays dependent on client needs, local funding arrangements and staff availability. Tenovus, Macmillan, Age UK, Citizens Advice and the NCPSS all operate national telephone advice lines open 7 days a week.

19 provide generalist advice, with 13 stating they provide high level specialist advice for specific topics, client groups, and/or within localities due to funding arrangements with specific funders. The specialist advice breakdown is:

- 5 debt specialist
- 10 welfare benefit specialist
- 7 housing specialist
- 1 employment specialist (Disability Law Society)
- 1 consumer specialist (Consumer Focus Wales)
- 4 discrimination specialist (EHRC, NYAS, Ty Arian Solicitors, Disability Law Society).

Information regarding funding identified by these organisations' showed 6 had previously experienced Local Authority funding freezes and reductions which they expected to continue into the coming financial years. Where organisations stated they had previously experienced or were anticipating funding reductions all stated they reduced service delivery, affecting the level of outreach provision, and reducing staff and volunteer numbers. Of specific note affecting both protected characteristic groups and those who are vulnerable due to their current life circumstances:

- Tenovus' welfare benefit project is expected to end in 2013 as a result of their Big Lottery funding finishing, removing this home visiting service throughout Wales.
- RNIB Cymru Welfare Rights and signposting home visiting service will cease in Cardiff and the Vale from the end of 2012, and throughout the Swansea bay area and Ynys Mon and Gwynedd from summer 2013 due to funding ending.
- Shelter Cymru is anticipating Legal Aid cuts to currently result in approximately £270,000 drop in revenue with 5.5FTE specialist housing advisors and their associated administrative support posts being made redundant. The outcome of the LSC housing advice tender will not be known until January 2013, therefore the full impact of the 40% reduction in housing advice through Legal Aid reform will not be known until after this point. Further Local Authority funding reductions are expected within local and regional projects, with 8 Local Authority housing advice contracts due to end in March 2013 with currently no confirmation of extension or commissioning intent.
- EHRC telephone specialist advice transferred to private sector in October 2012 with some reduction in service. At the same time, the Disability Law Society lost its EHRC funding to provide free specialist advice resulting in reduced services and support available for disabled people seeking discrimination legal advice.

The 28 organisations shared common aims and objectives which can be grouped into the following, where some organisations had overlap between tackling poverty and housing/homelessness advice, or tackling poverty and social inclusion:

- *Tackling poverty* (x8) – through: accessing welfare benefit entitlement and grants; debt and money advice (including improving financial capability); and promoting financial inclusion.
- *Promoting the rights of the citizen and social inclusion* (x17) – targeting both the general public (e.g. Consumer Advice Wales) and specific user groups (e.g. Macmillan Cancer Support, Age Cymru or Learning Disability Wales) to ensure their access to justice and inclusion in society through provision of information and advice on their rights.
- *Housing advice* (x 4) – homelessness prevention, housing and tenancy rights and support, and planning advice.

Annual reports and funding information showed a wider variation in the costs of delivering advice services to number of clients seen, linked to: the use of volunteers; whether services are delivered in community locations; home visiting; the size of the provider; and the level of advice given.

In addition to the national organisations, there were a number of regional organisations, RSLs and their contracted money and debt advice services operating across North and South Wales, as well as regional energy advice agencies. These details are given within the detailed Local Authority Supplementary Information. A summary of the information can be seen in table 4.

Local Authority	Organisation Type	Number of Services	Home Visiting	Outreach	General advice	Level of Advice			Type of specialist advice							
						High	Medium	Low	Debt	Welfare benefits	Housing	Employment	Consumer	Discrimination		
Anglesey	Third Sector	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	RSLs	1	✓		✓											
Blaenau Gwent	Council service	1	✓				✓	✓								
	Third Sector	3		✓	✓		✓	✓	✓	✓	✓					
Bridgend	Council services	3														
	Third Sector	4	✓	✓	✓		✓	✓	✓	✓	✓	✓				
Caerphilly	Council services	2	✓		✓											
	Third Sector	4		✓			✓	✓	✓	✓	✓	✓	✓			✓
Cardiff	Council services	1	✓	✓	✓											
	Third Sector	15	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓
Carmarthenshire	Council services	5	✓	✓	✓											
	Third Sector	12	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓
Ceredigion	Council services	3	✓	✓	✓											✓
	Third Sector	2	✓	✓	✓											✓

Qualitative Responses

All respondents were given opportunity to feed into the wider stakeholder consultation process by providing comment on the following:

- The impact of Welfare Reform on their organisation, client group(s) and local citizens
- Perceived or experienced barriers that stand in the way of better partnership working
- Any other topic they wish to be noted as part of the review.

The comments were analysed and are summarised as follows. All comments were used to inform the stakeholder summary '*What you told us*'.

Impact of Welfare Reform

124 comments regarding Welfare Reform were submitted from across a range of services provided by 15 Local Authorities, 74 third sector, 4 RSLs, 3 private NfP operators and 1 private solicitors firm, 2 statutory bodies and 1 student union service. The overriding theme coming from the responses is that changes introduced through Welfare Reform will lead to a dramatic increase in demand for advice services at the same time that there are ongoing funding cuts and a decrease in supply. This is expected across the board to result in the creation of waiting lists, with the possibility that demand becomes unmanageable. Similarly, concern was raised regarding the impact of funding cuts affecting organisations' ability to ensure staff and volunteers are trained and up to date on changes to the welfare system.

There was consistent concern for benefit claimants facing further financial restrictions, leading to people who may already be living in relative poverty being pushed further into poverty. In particular, the change from DLA to PIP was highlighted as potentially resulting in a loss of income for a large amount of claimants. The general feeling from the responses is that all of these changes on top of the changes being made to Council Tax Benefit and the benefits cap will mean that the advice and support people require is set to increase dramatically.

7 Local Authority respondents expressed concern that Welfare Reform could lead to a greater number of incidents of fraud and exploitation of vulnerable people, e.g. an increase of people turning to loan sharks due to their drop in income. Local Authority respondents also raised concern that the effects of the changes, including increase strain on families and health effects, leading to needing support from Social Services and other public services. This was echoed by 20 respondents from across the range of providers expressing concern about the health of their clients, such as increased stress, owing to the lack of clarity within DWP information about the changes and how they affect individual's entitlements.

50 respondents expressed concern about the current increase in demand for welfare benefit, debt and housing advice as a result of transferring IB claimants to ESA. The majority of third sector respondents mentioned the vast amount of time and resources they are currently spending on appeals which many anticipate will worsen after the introduction of PIP and UC. This is due to the assumption that similar levels of claimants will seek to appeal the outcome of their PIP assessment resulting in a surge in demand, compounded by waiting lists for appeal hearings. The resources to support people through the complicated appeals processes will be far less from April 2013 due to the Legal Aid

cuts, with the likely result that demand will outstrip supply. The cuts in Legal Aid will also lead to loss of specialist advice staff, giving rise to fear amongst third sector organisations that this will create a growing gap in their ability to deal with the serious issues advice seekers present with. Third sector organisations, in particular, feel that the predicted increase in demand for benefits support and advice is going to affect their ability to deal with other matters that they are responsible for dealing with. The vast amount of change being undertaken, the complexity of this and the lack of audience appropriate information being provided by DWP is suggested by respondents will result in huge confusion amongst claimants.

The majority of respondents highlighted concerns regarding UC, particularly with regard to the Housing Benefit element which 18 respondents felt would increase the risk of eviction and homelessness for claimants. Another concern around homelessness is in relation to the new 'bedroom tax' introduced from April 2013 which many feel could lead to eviction or homelessness due to the lack of suitable accommodation and claimants being unable to afford their rent. The DWP 'digital by default' agenda within UC was also raised by many as potentially excluding a large number of claimants, in particular older people and people living in rural areas, where broadband access is not as readily available.

Partnership working

102 services provided comment regarding partnership working. The responses came from 57 third sector organisations, 15 Local Authorities, 4 RSLs, 3 private not for profit operators, 1 private solicitors firm, 2 statutory bodies and 1 student union service.

22 stated the main barrier to partnership working is the lack of funding available, furthermore 16 highlighted that organisations are often competing for the same pots of funding, making them reluctant to form partnerships. Only one organisation suggested that there could be more opportunity for organisations to work together to access joint funding to improve the reach of services, the skills and expertise of advisers. There was consistency across third sector organisations that partnerships costs time, money and resources that third sector organisations cannot afford to spare due to decreases in funding coinciding with the current increase in demand for advice. There was also some concern raised that partnership working can sometimes lead to service duplication; however most felt that this is more perception than fact. One third sector organisation also stated that there is no incentive for partnership working.

Some third sector organisations and Local Authorities expressed concern that there is not enough understanding of roles and aims between different organisations which can be a barrier to working together. It was suggested that developing a core set of standards for advice services would improve the quality and consistency of advice, resulting in organisations being more willing to work in partnership through greater understanding and appreciation of one and others ability. One Council suggested all advice providers should be required to hold a Welsh Advice and Information Quality Mark at a specialist, generalist or information level.

11 respondents highlighted the issue of information sharing as a barrier to partnership working, where data protection concerns make sharing client information more challenging than it needs to be. 10 respondents stated this is particularly problematic when acting on behalf of the advice seeker to deal with large organisations such as DWP, Jobcentre Plus, NHS etc., giving examples of formal partnerships failing due to staff at the larger organisation being unaware of agreed protocols. It was further suggested that a common referral form could be introduced to improve information sharing and joint

working – the example was given of LSB's across two North Wales Local Authorities who worked in partnership to successfully introduce a common referral form.

Many of the respondents, particularly those from Local Authorities, raised longer term contracts (3 years or more) as a means to: support providers to plan more strategically; form effective partnerships; and improve job security for the advice sector. It was suggested that current commissioning focus on targets can decrease partnership working as organisations are less likely to refer to other organisations if this affects their ability to meet contracted targets. Third sector organisations also suggested that the following could be considered by commissioners to increase partnership working between providers:

- Welsh Government and Local Authorities promote partnership working through the commissioning process placing greater emphasis or expectation that certain services are delivered in partnership
- Welsh Government and Local Authorities operate similar monitoring arrangements.

Any other comments

Of the 63 'any other comments', there was consistency in the responses that the review was welcomed and that providers are keen to be involved, and receive feedback on the findings, in particular the mapping exercise. Other main headlines include:

- Providers need the opportunity to engage more with commissioners so that each can understand the others position in coming together to shape services
 - There needs to be mutual respect between public and charity bodies – the public sector need to have a better understanding of what the third sector can offer
- Welsh Government's move towards payment in arrears could cause potential difficulties in managing cash flow – this will become more difficult if it becomes the rule for all funders
- Large organisations, e.g. government agencies need to focus less on providing advice through call centres and the internet, to connect with vulnerable people in society
- Circumstances in rural Wales need to be assessed differently to the rest of the country. Indicators based on urban/semi rural conditions discriminate against the inhabitants of rural Wales and the additional barriers they face, including the cost of travel providers face to engage with partnership working
- Sufficient consideration needs to be given to smaller, less established organisations
- Recognition that accurate reporting, monitoring and evaluation is important, but it is also important that this is meaningful and does not include repetition of figures requested by different funders
- Concerns regarding training were raised in relation to Welfare Reform, with suggestions that this should be provided free of charge given the pace of change
- Concern regarding the danger of too much generalist advice feeding into far fewer specialist advice providers given the changes associated with Legal Aid Reform.

Family Civil Law and Social Welfare Law Providers

LSC Legal Aid contractors who provide advice on Family Civil Law and Social Welfare were contacted to provide comment on the impact of Legal Aid reform on the advice sector and on the reviews' terms of reference. 263 individual providers were contacted of which 208 operate as private, for profit practices, and 55 are NfP. Of the NfP, 22 were Citizens Advice Bureaux and 24 were Shelter Cymru contracts for Legal Aid social welfare law.

A total of twenty-one responses were submitted; fifteen responses from family law providers, all of which were private practices; three responses from providers providing family law and social welfare advice all of which were private practices; and two responses from social welfare NfP providers.

Responses consistently expressed grave concerns over clients' inability to obtain representation, and ultimately denied justice in court, adding that this will slow down the courts significantly. One private sector response stated that with no increase in Legal Aid rate for 13 years, both private and NfP firms will cease any form of provision before long, adding to levels of unemployment. A CAB office and a private family law provider stated that there will be a pool of expertise lost but not a reduction in the demand for this type of support – this will then impact on generalist advice agencies, put pressure on legal firms to undertake more pro-bono work, or for services to just simply be wound up and not available. A private family law provider highlighted that not only do lawyers provide legal advice, they counsel and mediate, especially at court. Another private provider expressed that burden of providing legal advice is going to fall very much on voluntary agencies or agencies funded by the Welsh Government therefore *'proper'* legal advice may not be available.

Responses also indicated concern that removal of their services would result in increased pressure on other government departments, such as social services. Two respondents suggested that the unavailability of legal advice could result in domestic violence, due to the rising tensions and difficulties experienced during the breakdown of marriages and relationships.

It was consistently agreed that Legal Aid is vital for family law, as the principle of the courts is that the welfare of the child is paramount - this cannot be achieved if one or more of the parties is unable to afford representation. Three private advice providers highlighted concerns that the lack of Legal Aid would affect one or both parents' contact with their children. Three private practices also believe that the reform will impact on the human rights act and rules in relation to the right to family life and legal representation.

A number of respondents were concerned about the consequences of Legal Aid and social welfare advice ceasing in rural areas, namely North Wales, particularly from providers who operate a bilingual service. One respondent stated that telephone advice services would not act as a substitute, as they are currently underdeveloped and generally very poor.

Stage 3: Stakeholder Consultation - *What you told us*

Introduction

This chapter summarises discussion and consultation with a range of stakeholders on the Advice Services Review. These include specialist welfare rights advisors, Citizens Advice Cymru and local Bureaux, AdviceUK members, the Independent Advice Provider Forum, Local Authority officers, the Law Society, and the Advice Services Alliance. Initial findings from the literature review are also referenced where appropriate.

Contributors can be broken down into:

- 47 people provided comment via telephone or attendance at meetings
- 54 people participated in group consultations held with members of AdviceUK, Citizens Advice Cymru, and Welfare Rights Advisors Cymru
- 63 people participated in workshops in North, South and West Wales.

For a full list of organisations that engaged and contributed to the review, please see appendix 9.

Overview of Advice Services in Wales

Discussion on who has responsibility for ensuring the citizens of Wales are able to access and exercise their legal rights highlighted the Welsh Government as having the national strategic lead. As explored in more detail below, local delivery, oversight and responsibility was commonly identified as remaining with Local Authorities (and Local Health Boards) as the appropriate lead due to being the main funders and therefore key to improving advice provision in Wales.

There were explicit calls for Welsh Government to provide clear leadership and strategic direction, pulling together the different strategies which promote information and advice (e.g. Carers Measure, Mental Health Measure, Housing White Paper, etc.) into a coherent approach to enable a strategic sector wide response. Highlighted in particular was the need for developing a national strategic response to militate against the impact of Welfare Reform inclusive of a clear role for the advice sector in meeting this challenge.

It was clear from feedback that, whilst there are some very good examples of joint working, further work needs to be undertaken in order to encourage a greater partnership approach to providing advice services. A variety of existing networks and partnership arrangements were highlighted as good practice where advice providers are working effectively together to meet a range of needs across a geographical region, and/or to enable transfer of clients seeking advice on particular topics from generalist to specialist advice providers. These examples show how investment of time and resources in localised working can lead to positive outcomes for advice seekers, and better use of resources for funders and providers.

However, stakeholders also highlighted further work is needed on building partnership work as there is a lack of trust between providers. Comments highlighted concern about one another's capacity, capability and quality of advice provision as well as a lack of understanding of each others practices. Smaller providers identified larger providers as not being able to deliver quality specialist advice to vulnerable clients. Their reasons can be grouped together as: larger providers do not have enough local knowledge or understanding of specific client group needs; their approach does not provide enough client contact time to uncover the root causes of individuals' seeking advice; due to

their size, branding, and often location, vulnerable clients would not feel comfortable approaching them for advice for fear of being judged or treated without appropriate support. Members of larger organisations voiced concerns regarding smaller providers ability to deliver quality advice, predominantly due to the concern regarding a lack of appropriate and ongoing staff training, resources and supervision (with particular reference to welfare benefit advice due to the pace of Welfare Reform) arising from a lack of infrastructure and funding.

Networks

As outlined within the terms of reference for the review, networks were to be considered as a means of developing and improving advice services across Wales. Stakeholders were therefore asked to consider how networks could assist providers. This found wide acknowledgement that there would be benefit for funders, providers and clients for a more joined-up approach to advice services. It was highlighted that having a networked approach should enable more effective cross referral, better use of specialist resources, shared resources (e.g. training and printed materials) and the ability to develop flexible responses to local need and/or service pressures as they arise.

There is agreement between consultation feedback and the literature that a 'one size fits all' approach imposed from top down would not work. Control, design and delivery of advice services need to be determined at a local level to reflect: localised issues and priorities; the needs of the clients; skills and knowledge of the workforce; and established networks or partnership arrangements. Responses varied in how networks should be organised in order to maintain flexibility in service delivery as well as efficacy in commissioning, particularly for specialist services such as legal advice on discrimination or employment issues.

The most commonly identified effective network size was at a Local Authority level, acknowledging the benefit of these working to a larger regional or Local Health Board footprint in order to commission specialist services to meet identified advice needs. Local Authorities were identified by stakeholders as the most appropriate body to take a leading role to establish and support a local network, with some calls for statutory a duty to be placed upon them to achieve this. Wider recognition of the range of information and advice related duties already placed upon Local Authorities, under multiple pieces of legislation, led to other calls querying the role of the County Voluntary Council's in supporting advice sector in Wales as a lead agency. It was raised that the networks would need to consider and address how to continue and develop established links to private sector legal advice providers, such as solicitors as a pro bono or paid resource, in recognition of their vital part of the whole advice sector.

It was suggested that local networks could in turn report into, and work with, a national network which would provide: an all Wales picture of advice demand and supply; support policy development and service responses; provide the opportunity to develop national resources; and collate and share good practice. It was noted with concern however, that if localised networks were developed without clear guidance from Welsh Government, the result could be 22 different approaches and outcomes for citizens across Wales. This highlighted the need for clearly developed purpose, remit and lines of accountability for the network(s), while ensuring additional bureaucratic burden is not created.

Through the mapping and consultation exercises it was evident that there are some strong networks and partnerships working effectively across Wales, therefore the outcomes or recommendations of the review must not undermine this work but, indeed, build upon them. Examples of these networks are shown within this chapter.

Practice Example: Denbighshire Advice Network

Denbighshire Advice Network was established after Local Government reorganisation in 1996, underwent a review and alterations as part of the Legal Services Commission's (LSC) Community Legal Services Partnership (CLSP) initiative between 2000 – 2002 and continues to grow and adapt to this day. The Network members work together to ensure that both specialist and generalist advice is available throughout the county meeting the needs of a diverse range of clients.

The Network enables advice providers and interested practitioners from a range of social care services to meet on a quarterly basis to: access and discuss information on new legislation, policy and good practice; access free training opportunities; undertake joint campaigns; and share information about new projects.

The three main Council funded welfare rights providers in the Network, Denbighshire CAB, Rhyl Benefits Advice Shop and the Council's Welfare Rights Team, each have the LSC's Specialist Quality Mark, work with specific client groups to minimise overlap and consider joint funding initiatives where appropriate in order to work together to reduce poverty, improve financial capability and provide holistic services to their clients. Generalist advice providers within the network are encouraged to attain the Advice Quality Standard, as well as learn the basics of welfare law and reform to ensure that the people they work with can be empowered, supported or signposted as appropriate.

In the sixteen and a half years since its creation, the three main providers of welfare rights advice in the Network have helped local people secure £100 million in extra social security benefits and tax credits. The Network is run and hosted by Denbighshire County Council who have a strong commitment funding and enabling advice providers to work effectively together. Membership of the Network ranges from Age Concern to Youth Inclusion Programme, Shelter Cymru to Denbighshire's Family Information Service, Mental Health Advocacy Service to the Voluntary Services Council, working to ensure that all advice providers across the age and specialism spectrum are engaged and as many local people as possible have access to effective information and advice services. Details of Denbighshire's Advice Network can be found on this link <http://www.denbighshire.gov.uk/en-gb/DNAP-74KDFW>

In 2012 Network members lead a successful project bid to the Welsh Government's European Social Fund, supported by the joint Conwy and Denbighshire Local Service Board, to deliver a financial inclusion and anti-poverty project across Conwy and Denbighshire. Led by the Council's Welfare Rights Team, the two year project will work to: mainstream financial inclusion into the policies and practices of LSB member organisations, such as writing in financial inclusion activities into business plans, operational guidance, and job descriptions. The project will raise financial inclusion awareness with over 1,000 LSB staff members so that they can support or signpost local people to help them manage the future economic challenges they will face. This approach of mainstreaming advice and promoting financial inclusion is designed to ensure the project has a sustainable legacy within the LSB organisations across the two Counties.

The Council's Welfare Rights Team, the coordinator for the network, has also developed clear outcome focused reporting mechanisms for the three welfare rights specialist services, measuring the number of families and individuals raised above the UK poverty lines and taken out of fuel poverty. Providing a holistic service on an empowerment model, the team also work with clients to consider and undertake training, education and work opportunities (e.g. New Work Connections), provide money management support and carry out health promotion work.

Delivering Advice

When discussing why people seek advice, different delivery methods, outreach and home visiting, agreement and common approaches were found across the sector. The following section summarises this, also highlighting where any differences occurred.

Seeking Advice

It was stressed that advice seekers access different advice channels through their journey to resolve their issue. This is dependent on why they are seeking advice, their current situation and their individual capacity. Someone may initially access online information, then move on to seek telephone or face to face advice and support in order to resolve their problem. The consensus was there is a need to keep a balance of delivery methods and recognise that there is no single solution or delivery method – technological responses will only form part of the answer.

In a similar manner, the '*vulnerability*' of advice seekers was stressed as relating to the level of advice and support individuals need, as opposed to because a person is from a protected characteristic group. Acknowledgement is required by funders that vulnerable advice seekers include people who would not normally be considered vulnerable, such as highly educated middle income householders; therefore targeting funding to specific client groups can restrict other vulnerable advice seekers' access to services.

It was raised by some providers that work needs to be undertaken to better understand the advice seekers' journey and what they want from advice services. It was suggested that by examining the journey in a systematic way would help develop understanding of: the outcomes people want; the reason they are seeking advice; whether there is duplication in the system; and how services can be altered to reach better outcomes for the individual.

Generalist and Specialist Advice

The value of specialist advice provision was highlighted as key to ensuring complex problems are dealt with by people with relevant knowledge, training, skills and access to appropriate resources. Discussion highlighted that the sector has no commonly agreed definition of what 'specialist' advice is. Some providers state they are specialists due to meeting specific client groups' needs (e.g. providing a service to BME clients or older people in a manner that meets their communication needs), whereas others operate a tiered approach to advice delivery on specific subjects where specialists are more experienced and skilled with a support and/or audit process in place (e.g. those holding LSC specialist legal advice contracts for specific areas of work such as welfare benefits, debt, housing, or discrimination).

There was sector wide acknowledgement that while specific client groups may have their advice needs met by generalist advice providers delivering their service in a specific manner to match their client groups preferences, '*dabbling*' in areas requiring specialist legal knowledge (e.g. welfare benefits during the current period of rapid reform) can lead to poor advice and increase the problems of the advice seeker.

All providers reported examples of where other agencies had failed clients through providing poor initial advice, even those stating they were '*specialists*'. These examples led not only to the clients' problem escalating, but also in resource intensive work being undertaken to resolve an issue which could have been avoided through appropriate initial advice or signposting. These examples were reported to erode trust between providers of

one and others capability to provide quality advice, reflecting the trust issue highlighted in the opening overview. In a similar manner, failure to refer clients on appropriately or provide all relevant information within a referral appears to erode trust between providers at a local and national level.

The quality of generic advice in Wales was highlighted specifically as requiring improvement to ensure better signposting and empowerment of advice seekers, with frequent calls for developing national advice standards to ensure consistent, accurate, quality initial advice to prevent problems escalating. It was also stressed that there needs to be sector wide improvement on handing over clients from generic to specialist advice providers to prevent duplicating work and clients dropping out of the advice system. Information sharing was identified as a particular barrier to good referrals and partnership working which needs addressing through the development of information sharing protocols between advice providers.

Additionally, providers and funders raised the need for continued investment in preventative services, such as work to improve the financial capability of clients in order to reduce their risk of becoming indebted and seeking crisis intervention at a later date. While the delivery of these interventions was seen as requiring specialist staff training and skills, particularly if being delivered via group sessions, to specific user groups, or through developing peer to peer learning and support options, the advice provided was agreed as being at a generic level.

Delivery Methods

Providers stated their primary method of delivering advice was face to face, also citing this as clients' preferred delivery method. It remains the sector wide preferred option for working with vulnerable clients, and as an effective means of holistic assessment and support. The importance of face to face advice being delivered in community locations was stressed as an enabler of access for all, in particular for vulnerable clients with high or specific needs, e.g. due to language or communication needs, capacity, or the complexity of their situation. Cited examples included providers delivering outreach sessions in Communities First areas, Surgeries and one and other's premises in order to maximise their reach into vulnerable communities and make best use of available resources. Outreach into vulnerable communities, such as those with poor transport links, or in Communities First areas is seen as being an important area to build upon to strengthen advice delivery in Wales, alongside '*one stop shop*' developments by Local Authorities.

Recent developments and responses to reduced funding, alongside technological advances has resulted in an increase in advice being delivered via telephone, particularly in rural areas in recognition of travel and fuel costs for both advice seekers and providers. Telephone usage was reported as the secondary method of delivering advice with increased use at initial contact, as well as for follow-up advice after a face to face advice session. It was stressed by all that telephone based services can exclude those seeking advice due to cost, particularly those on pay as you go mobiles, as well as those with hearing, cognition or comprehension impairments.

Discussion raised the question of whether existing telephone resources could be used more effectively on a national basis, to increase consistency in telephone advice and effective signposting or referring on. Some queried if a shared initial assessment system utilising national telephone or online advice resources could be developed, while acknowledging that there would be resistance to signing up to such a system due to trust issues within the sector and current competition between providers for funding.

Online advice remains relatively new across the sector with some good examples of use of the opportunities offered by new technology. The Money Advice Services makes best use of the opportunities offered online by tailoring content of the website dependent on how the advice seeker has entered the site, e.g. if someone arrives from a parenting website link the content is tailored around parenting. As more people use the website the more effective the system becomes at tailoring content dependent on the common pages people chose to access. The website also offers a range of online tools to support people to manage their money and make informed decisions, ranging from budgeting tools to template letters to help advice seekers to get the best deals from financial services. This service is supported by a dedicated resource, reaffirming that larger organisations with sufficient resources appear able to take full advantage offered by online delivery.

Larger advice providers have better websites on the whole, linked to having dedicated resources for web content development. Smaller advice providers' online content and tools appear on the whole under-developed. It was highlighted that online delivery does not meet all people's needs, due to issues such as access to the internet, computer literacy, user comprehension, confidence and cognition functioning. However, there was wide support for the further development of online services, particularly for people who are able to self help, in order to free up more resources for people who need more support. Online advantages identified included the ability to offer:

- 24 hour service with little overheads
- Low cost multilingual service delivery
- Consistent, quality assured information and advice to provide guidance on single issues
- Access to online advisors

Stakeholders identified developmental opportunities for standardising commonly required materials made freely available online, for both staff and advice seekers, e.g. training and information resources, standard letters and information templates. Advice sector developments in the use of online resources was raised as a key area for future development and investment, with cited opportunities for developing self-help resources and tools for support workers to provide guided specialist advice. It was suggested that this should build upon existing good practice and resources, to prevent duplication of effort to achieve the same end result.

The [CLIC](#) youth information portal was identified as an example of how a national website and resource can take local information on services, issues and news, as well as provide access to high quality and sector agreed generic information on single issues. The website provides connections to local organisations, and it was suggested that this could be replicated for advice services on an all Wales basis promoting partnership working both nationally and locally through developing a database of all services across Wales.

Specialist Advice: Under Threat?

Providers consistently commented that with decreased funding for advice, information and support in the community, the preventative role of advice will be greatly diminished in Wales. Legal Aid funding is reducing dramatically, alongside the withdrawal of funding for many specialist areas of advice, which providers report will severely impact on their ability to deliver their services due to job losses and reduced face to face advice provision.

The current LSC tender process for specialist housing advice has greatly reduced the number of cases they will fund by 54%, which has raised anxiety in advice providers that it may make it uneconomical to bid for housing advice tenders, reducing housing

advice provision. In a similar manner, it was raised that the removal of specialist family law advice from Legal Aid may result in individuals and families seeking advice from generalist advisors who do currently not have the specialist knowledge, skills, expertise or funding to support this type of advice provision. Concerns have been expressed of the overall shrinkage of the legal advice market as a result of Legal Aid reform leading to job losses, disruption to established links between pro bono legal advice and NfP providers leading to an overall reduction in access to legal advice for the citizens of Wales.

Discrimination advice funding has already seen dramatic cuts over the past few years via the UK Border Agency, EHRC and LSC. Further anticipated funding cuts will impact on the already weakened sectors' ability to meet the needs of protected characteristic groups. It was voiced with anxiety that discrimination advice could be lost in sector wide concern and concentration on mitigating against the impact of Welfare Reform. The effect for specific Local Authority areas was highlighted as likely to have a severe impact on achieving the Programme for Welsh Government's commitment to equality and inclusion.

Changes to the consumer landscape including CitA delivering initial advice via telephone and online support, raised some concerns regarding the quality of advice being given by this new service. Further concerns were raised regarding their capacity to undertake the wider role they will be taking from 2013 of identifying consumer issues, researching and campaigning on behalf of consumers, due to their experience and focus of work with their current client group and social policy work. It was also raised that there is a separate and ongoing work on the role and delivery of Trading Standards at a local, regional and national level in Wales, leading to comments regarding the need for this review to be mindful of wider developments led by UK, Welsh and Local Government and to take a holistic forward thinking approach when making recommendations.

Comments also brought to the fore the Social Services and Wellbeing Bill and the general direction of health and social care sectors' role in providing increased access to signposting, information and advice services as a preventative measure. This was highlighted as needing to link to recommendations coming from the review and offering the opportunity to link to the ongoing development of the communication hub model. The Independent Living Framework currently being consulted upon by Welsh Government and being developed as part of the Strategic Equality Plan will also need to be considered by the review.

The specific needs and barriers faced by offenders and their families in accessing advice was also highlighted, raising concern about previously successful projects providing debt and financial capability training which have ceased in recent years due to funding constraints. The particular problems faced by the prisons in South Wales were raised regarding the churn of inmates of approximately 500 per month with offenders on short-term sentences having limited access to advice, in particular noting the effect of limited access to debt, housing and financial capability. This was stated as leading to issues when prisoners are released due to non-resolution of ongoing problems of debt, poor money management, and loss of tenancies resulting in homelessness, as well non-resolution of problems for the partners and families of inmates through lack of access to advice and disjointed services. Research shows positive evaluations for advice delivery in prison settings for housing¹⁹³, debt and financial capability training¹⁹⁴ expanding the reach of advice services and access to justice for these excluded citizens as well reducing problems experienced by people on release, linking to reduced re-offending rates.

193 D Gojkovic et al (2012) *Accommodation for ex-offenders: Third sector housing advice and provision*

194 Ipsos MORI (2010) *Improving Financial Capability Among Offenders: An assessment of three programmes delivering financial capability training to offenders*, London: Ipsos MORI

Funding and Commissioning Advice

It was acknowledged that funding for third sector advice services is likely to continue to decrease due to UK Government cuts to Local Government settlements, following on from several years of no annual increases or decreased funds. In addition, many advice providers are also facing large funding cuts as a result of Legal Aid reform. Concern was regularly expressed by providers that were not yet sure what, if any funding would be available after April 2013, and the impact this would have on their ability to continue face to face advice delivery in community settings.

The widely reported recent increase of competitive tendering and service level agreements focused on outputs was identified as being anti-collaborative, forcing providers into competition with each other for both money and clients. Therefore, while there was general consensus that in order to save money better collaboration was needed, there was also the acknowledgement that current commissioning approaches create provider competition.

In contrast to the above, some stakeholders raised relatively recent developments of joint delivery of services between providers, co-location of services and greater referral levels in line with the “*one stop shop*” approaches being promoted across Wales. Cited examples of these approaches were the Welsh Council for Refugees Newport centre which has 19 specialist advice providers working with them; and a number of Local Authority based One Stop Shops, such as the Newport Advice Station. It was suggested that greater collaboration could be encouraged if funders specified partnership work as part of the contract or grant agreement.

Stakeholders who were previously engaged in LSC networks, or the Welsh Government 2009/10 review considering alternative commissioning models for the advice sector, regularly raised a preference for sustainable outcome focused commissioning. Within this sub-set of stakeholders, some AdviceUK members and staff, put forward the ‘*systems thinking approach*’ to designing, funding and joint working between advice providers and statutory bodies as a means of better commissioning advice services. This approach requires engagement and willing partnership working between funder and provider in order to consider and overcome local or wider issues of which citizens are seeking advice, and offers positive benefits to all parties, with reduced funder and provider staff time dealing with queries, as well as quicker resolution to the issue.

In a similar manner, some providers identified that it would be beneficial for funders to recognise the role of proactive work within the allocation of funding that targets those in need prior to problems escalating into crisis or reactive work. Cited examples of work which would be beneficial to undertake included: working with Local Authority and social landlords to resolve the cause of a person seeking advice, such as unclear processes or letters; and/or undertaking targeted project work with specific client groups such as raising awareness of their benefit entitlement rights, changes under Welfare Reform that may affect these.

It was suggested that services could be commissioned on both a regional basis and/or through joint contracts between different funders seeking the same outcomes (e.g. Local Authority and social landlords looking to prevent homelessness through income maximisation work) maximising on administrative efficiency savings. It was however noted with concern by some Local Authorities that should regionally commissioned services fail to deliver, Local Authorities would remain the liable body to resolve the individual’s issue, therefore eliminating any cost savings.

Stakeholders requested funding supports providers to work in partnership with others in

recognition of the benefits this brings, as well as the time and resources it takes to work collaboratively. This approach was highlighted as requiring clear partnership agreements between funders to ensure clarity on service need, outcomes and monitoring processes, as well as the development of partnership or consortia arrangements between providers to ensure larger providers do not dominate the market.

Providers clearly and consistently emphasized the need for funding to be awarded on a longer-term basis of at least 3 years, to address the current affects of short-term funding on the sustainability of organisations and their ability to recruit and retain workers with specialist knowledge. The different needs of rural and urban communities and the implications on service delivery were also commonly raised concerns in connection to funding.

Quality Assurance and Service Standards

Stakeholders identified the variety of quality assurance models in operation contributing to the issue of distrust between providers due to differences how each other operate, check the quality of advice given, and the standards of training, knowledge and supervision of staff. Also consistently identified was the current models placing emphasis on process and governance rather than the quality of advice given, leading to calls for further work to develop means of assuring the quality of advice given.

All stated that it would be beneficial to have greater consistency of advice delivered by providers through the creation of quality assured national standards for advice which would:

- Ensure advice seekers are given consistent advice from quality assured providers and staff
- Be developed for different channels of advice giving and for different levels of advice
- Advice and information based websites, and organisations providing written information would have minimum standards which would include: the 'plain English' campaign for written information; Welsh language provision; and regularity of content review and updates
- Inclusive within this work would be developing and agreeing sector wide definitions of information, advice, advocacy, etc. to ensure that both providers, funders and the general public are '*speaking the same language*'
- Provide guidance on advice delivery channels in order to promote consistency of approach and make best use of resources, inclusive of:
 - When face to face advice is needed
 - When home visiting is required for the most vulnerable clients
 - The role and level best suited for online, telephone or face to face advice
 - Focus on the quality of the advice given, not just governance and process, and would not be administratively cumbersome or detract focus or resources from delivering advice.

It was suggested that through creating national standards, the sector would develop more relationships built on a greater level of trust, understanding and appreciation, contributing to greater partnership working across Wales. The standards could be implemented and monitored via local advice commissioning organisations, with funding and support for their initial development and implementation coming from Welsh Government.

Advice Services Alliance: Working Together for Advice Project

Previous work undertaken through the Big Lottery funded [‘Working together for advice project’](#) in England was regularly identified as a starting point for working with all partners to develop national standards. The now ended project, was supported by a range of advice providers who worked together on specific work streams, including quality assurance.

The project developed sector wide agreed definitions and terminology as a fore runner to developing a new quality standard for the advice sector. Now been superseded by developments under Legal Aid Reform, ASA began overseeing the ‘Advice Quality Standard’ in April 2012, previously administered by the LSC as the ‘General Help Quality Mark’. The ASA are now undertaking further work to develop and embed the quality of advice aspect developed through the project into the Standard.

Impact of Welfare Reform on Advice Provision

The impact of Welfare Reform for particular Local Authority areas and across Wales as a whole has been consistently highlighted as a priority to be addressed at both a local and national level. As previously noted, there is a vocalised need for a clear strategic approach led by Welsh Government to mitigate against the impact of welfare cuts, inclusive of the role of specialist welfare benefit advice which could help mitigate against these losses.

It was voiced that investment in specialist welfare benefit support could help mitigate against the impact of the cuts and support the production of case law for the new benefits. In a similar manner, it was raised that having a national approach would support working with DWP in a coordinated manner enabling issue escalation, information and good practice sharing which, as a preventative measure, could help address the demand for advice. It is hoped that having a national approach would support Local Authorities, third sector and other public bodies manage the impact of Welfare Reform locally and develop nationally consistent information and advice.

Concern was consistently expressed about a gap developing in welfare benefit advice services as a result of severely reduced Legal Aid funding at the same time as expected increase in demand resulting from Welfare Reform. Disquiet was expressed by all regarding the estimated impact of Welfare Reform in Wales being higher than currently anticipated with greatly reduced access to specialist welfare benefit advice, information and support.

Of noted concern, the following were raised repeatedly:

- The introduction of the PIP is anticipated to increase demand for specialist welfare benefit advice as case law develops. Predictions were voiced on the transfer of clients following the patterns seen by those moved from IB to ESA which dramatically increased welfare benefit advice seeking to manage the transfer and provide redress to incorrect work capability assessments.
- The introduction of Universal Credit (UC) and moving towards 80% of claimants applying and managing their benefits online is anticipated to increase advice demand, and expand the current client group to include more people in low wage work accessing entitlements. Support demand to help claimants get online is also anticipated, which Local Authority staff noted with concern is occurring at the same

time as Local Authority DWP funded claimant support will be reducing through the removal of housing benefit from their remit of work. Reduced access to DWP staff as a result of the '*digital by default*' is also cited as likely to increase claimants' reliance on independent information and advice providers.

- Social landlord and advice providers expressed anxiety in relation to the impact of UC increasing rent arrears and indebtedness as a result of the ability of tenants to budget monthly and without direct rent payments to the landlord.
- Changes and reductions to housing benefit and council tax benefit and the affect on household income was raised as likely to result in increased rent arrears, household debt and people seeking advice. Increased problems are anticipated by Local Authorities resulting from demand and use of Discretionary Housing Payments to support people to meet shortfalls in their rent, pay for moving or prevent homelessness.
- Health and social care professionals highlighted that they are increasingly asked to provide information and advice to patients regarding benefit entitlements, as well as provide medical evidence to support ESA appeals. This was stated as impinging on their ability to deliver their wider work with individuals, resulting in detrimental affects on the service users' health and wellbeing.

Practice Example: Flintshire Welfare Reform Programme Board

Flintshire County Council is currently developing and implementing a long-term and proactive Welfare Reform Strategy to help households impacted by the welfare reforms. To oversee the development and successful implementation of the numerous workstreams within the strategy, a dedicated Welfare Reform Programme Board has been established. The Leader of the Council chairs the Programme Board, and its membership comprises of representatives from all key stakeholders, i.e., Flintshire County Council (Councillors and Officers), Third Sector organisations, the DWP, and the Health Authority, etc.

A central element of the Welfare Reform Strategy reflects that income maximisation through benefit entitlement may no longer be feasible; therefore, there is a primary focus upon promoting financial inclusion, building citizens' financial capability and helping people to make lifestyle choices that maximise their incomes. Policy development work is also being undertaken to ensure the affects of housing benefit reforms do not increase the risk of tenancies failing within the County and that all parties involved are aware of each others approaches to ensure consistency. A data profiling and risk assessment system is being developed to enable identification by all parties of those most at risk of financial difficulties because of the welfare reforms to enable interventions to be prioritise to help the most vulnerable households. Training is also being rolled out to all service providers who operate within local communities. The programme will ensure front line staff from a wide range of third and public sector organisations have a good knowledge of the welfare reforms and possess the skills to be able to confidently provide the initial support and reassurance to their service users who will impacted by welfare reforms.

Many of the objectives within the Welfare Reform Strategy are being supported through the work of the Flintshire Advice Management Board. This Board was established to lead the development of a more coordinated approach to planning and delivery of advice services within Flintshire. It works with partners throughout public and third sector

organisations to map the level and type of advice provision within the County to ensure duplication is removed from within the system and ensure maximum delivery of advice at the frontline. The Advice Management Board is currently working to develop a financial inclusion strategy for the County and purchase a case management system to enable all partners to record and share client contact consistently to prevent advice seekers repeating their story to different partners as they seek resolution to their problem(s). Both tasks are critical to the successful implementation of the Flintshire Welfare Reform Strategy and ensure households are, as far as practical, helped to identify and implement solutions, which will help them to manage their loss of household income and mitigate the full negative impacts of the welfare reforms upon the local authority and the local economy.

Stage 4: Key Themes

Introduction

This chapter considers the literature review, findings from the mapping exercise and stakeholder summary, to identify the key themes arising from the review. The chapter highlights 6 key themes before concluding with recommendations to be considered by the Welsh Government, Local Government and the Advice Sector.

1. Promoting Advice Networks and Collaborative Working

As outlined within the terms of reference for the review, networks were to be considered as a means of developing and improving advice services across Wales. Stakeholders were therefore asked to consider how networks could assist providers in the future.

There is agreement between consultation feedback and the literature review that a '*one size fits all*' approach imposed from top down would not work. The feeling was that developing strong networks would support:

- A more strategic approach to advice delivery across Wales
- Better partnership working
- Improve outcomes for advice seekers.

There was agreement from across the spectrum of advice providers and funders that having a more joined up approach would support advice delivery in the community which is required in light of reduced funding and increased pressure on services resulting from the economic downturn and Welfare Reform. It is recognised that developing networks requires additional resources and from funders and advice providers to work collaboratively together.

Across Wales there are established and developing networks at both Local Authority, regional and national levels, with many of the Local Authority level networks currently focusing on addressing the impact of Welfare Reform. These examples of collaborative working show positive outcomes for both the partners involved as well as advice seekers through sharing information and training resources, and establishing clear pathways for advice seekers to move from generalist to specialist provision, ensuing effective use of resources across providers.

While it was noted that localised networks developed without clear guidance from Welsh Government could result in 22 different approaches and outcomes for citizens across Wales, it was equally highlighted that having too much guidance would be detrimental to developing flexible responses to meet localised need. The findings therefore suggest that developing networks at a Local Authority level would ensure the control, design and delivery of advice services, taking into account localised issues and priorities, established networks and partnership arrangements. Wider regional collaboration between the networks would be required to consider funding services across Local Authority borders to meet the need for specialist advice services, either for specific protected characteristic user groups or for high level specialist legal services. National coordination of the Local Authority and regional networks is then suggested as being required to enable national strategic oversight, escalation of concerns and to develop sector wide improvement and support mechanisms.

2. Funding and Commissioning

Providers regularly identified short term and output focused contracting as being detrimental to partnership working due to insecurity of their organisation and staff, and focus on meeting targets. This reflects the literature review findings promoting longer term outcome focused commissioning to ensure providers can plan for the future, invest in partnership working, and manage their service in a flexible way to meet the commissioned outcomes.

Current levels of funding for advice is varied across Wales, predominantly linked to Local Authority and Local Service Board (LSB) priorities, as Local Authorities remain the main funders of the advice sector. The level of funded advice available within a community does not appear to be linked to the level of deprivation nor reflective of population size. The Welsh Government funds advice provision through a range of projects but the advice provided is rarely the sole deliverable outcome for departments when commissioning. Specialist discrimination and employment advice provision is seen as being weak throughout Wales as a result of funding cuts from the Home Office, the EHRC and Legal Aid . It was felt that this needs consideration to ensure that people with protected characteristic still have access to legal advice.

It is recognised that neither Welsh Government nor Local Government can replace the funding streams recently eroded by UK Government. However, timely advice is recognised as a preventative measure, reducing or stopping issues escalating and offering cost avoidance for the state, in particular for housing (homelessness prevention), health, and social care budgets.

Regional or larger shared contracts between multiple funders seeking the same outcomes from advice services may offer greater value for money to the commissioner while reducing overheads and administrative burden on all parties. Equally, officials within different departments of the Welsh Government could consider working more closely with commissioned advice providers to achieve outcomes desired by the Programme for Government. This would require sensitive commissioning to ensure smaller providers (meeting specific client groups' needs) are able to participate in delivery through either advice consortia approaches or sub-contracting to specialist advice providers.

Using a '*systems thinking*' approach to commissioning advice, where advice providers and funders work collaboratively to ensure the design of local services meet local needs and address locally created advice demand pressures, is suggested within the literature and consultation as offering a new approach to the design and delivery of local advice services. Considering this approach may identify ways to improve outcomes for advice seekers as well offer savings from within the services through improving efficiency and joint working.

Longer term (minimum of 3 years) outcome focused commissioning of advice services which explicitly recognise and promote the value of partnership working across the sector, and collaborative working between providers and funders would offer greater security to the sector and promote greater partnership working. Consideration is required nationally and regionally regarding funding advice to meet the needs of specific client groups and the delivery of specialist discrimination and employment advice.

3. Quality Assuring Service Standards

It has been highlighted by all that it would be beneficial to have greater consistency of advice standards and quality assurance across all providers to enable the development of greater partnership working based on trust, understanding and respect for the different ways in which providers deliver advice. A prerequisite of consistency across the sector is ensuring common understanding and use of terminology regarding what is 'advice', and what is considered 'generalist' or 'specialist' advice.

The range of existing frameworks while understood by some providers operating to the same standards are not widely understood by the whole of the sector. Similarly, funders and advice seekers are unlikely to understand the different standards and what this means regarding the quality of the advice they are receiving. This has been noted by the Money Advice Service who have published a Quality Framework for debt advice which incorporates the quality of both organisations and advisers. This Quality Framework will enable all quality standards, membership codes debt advice training and qualifications in use in the debt advice sector to be assessed against it and accredited where they evidence they meet its requirements. While currently at the level of discussion and early consideration, this work may have a substantial impact on the sector if pursued with additional costs to providers and funders to ensure minimum standards are met and the advice provider is an officially registered body.

Work undertaken by the sector to develop both a quality mark and a means of ensuring the quality of advice provided to advice seekers has previously been undertaken through the Advice Services Alliance. This work offers an opportunity to advice services in Wales to move the work on and trial quality assuring standards of advice given by advisors through developing peer review mechanisms where systems are not already in place.

4. Delivering Advice

As the key to ensuring that advice seekers are able to access services in a manner that meets their needs, this section separates the levels of advice and the delivery method.

Levels of Advice

The value of specialist advice provision was highlighted as key to ensuring complex problems are dealt with by people with the relevant knowledge, training, skills and access to appropriate resources. Advice seekers problems are often multifaceted and complex requiring specialist advice on specific issues to resolve their problem, creating interplay between generic and specialist advice provision.

It is recognised that for complex cases a high degree of specialist legal knowledge, training and resources are required for the specific areas of social welfare law. Those that provide these services are '*specialists*'. Delivery of services in a particular manner or language to meet the needs of protected characteristic user groups requires different knowledge and skills, but unless delivered at a high level, is not 'specialist' and stating they are specialist causes confusion for both funders, providers and advice seekers.

Specific types of specialist advice provision in Wales were highlighted as being under threat due to funding reductions, with imminent redundancies and loss of specialist knowledge and support to generalist advisors across the sector. Of concern will be the availability and accessibility of specialist housing, employment, and discrimination advice after April 2013. Welfare benefit and debt advice will also be reduced while anticipating

substantial demand. The impact of reduced access to free legal advice for family law raises further questions about emerging gaps in the advice market and overall sector shrinkage which could lead to disruption of established links for pro bono legal advice across Wales. In a similar manner, ongoing changes within the consumer landscape are likely to impact on advice seekers access to services.

'*Generalist*' advice, inclusive of providing guided self-help support, appears to be of varied quality throughout Wales, with calls to improve this function, in particular relating to generalist advice services providing inaccurate specialist advice as opposed to signposting or referring on to specialists. Separate to generalist and specialist advice remains the role and function of information giving and public education to raise understanding and awareness of individual or protected characteristic groups' legal rights, and preventative interventions such as improving the financial capability of clients in order to reduce their risk of becoming indebted and seeking crisis intervention at a later date.

Delivery Channels

There is a need to maintain multiple channels of advice delivery, with recognition that face to face advice is often the preferred channel for clients and providers. Expansion and improvement in delivering advice by telephone appears to offer an area for development for the sector, although questions remain regarding its efficacy, cost and the appropriate levels of advice being delivered by this channel. Online advice delivery also offers an area for development and consolidation for the sector with new and emerging opportunities for free to use and low cost advice.

Advice seekers access different advice channels through their journey to resolve their issue, dependent on why they are seeking advice, their current situation and their individual capacity. Someone may initially access online information, then move on to seek telephone or face to face advice in order to get the outcome they need. Therefore there is a need to keep a balance of delivery methods and recognise that there is no single solution or delivery method.

Ensuring face to face advice is available and accessible throughout Wales will be a challenge in light of decreased funding and limited resources. Successful examples of partnership working to deliver outreach in accessible community venues, such as Communities First venues, prisons or health surgeries, offer the opportunity to meet the advice needs of vulnerable communities. In addition, home visiting remains a requirement for the most vulnerable clients with no family, voluntary or statutory support to assist them in accessing advice in their community.

Issues remain regarding the accessibility of telephone and online advice for people due to cost, impairment, language, cognition, comprehension or capacity to engage and act upon the advice provided. While these channels are still developing further consideration and exploration are required into how the sector can make best use of these channels. Highlighted in particular through discussion and the literature review was the role of online resources for the advice sector as a means of having an up to date directory of providers, generic information and training resources, and the development of online guided self-help resources, tools and support for advice seekers and support workers. Similarly, consideration is required on making better use of telephone advice resources, possibly on a national basis, to increase consistency and effective onward referral.

5. Understanding Demand

It has been consistently highlighted that, in the timescale of the review, the mapping exercise will not reflect the full picture of advice services in Wales, due to self-selection and completion by providers as well as issues in its distribution. As previously discussed, respondents interpreted the questions differently due to use of terminology and provided very varied levels of detail. The mapping exercise only provides a snap-shot in time, which, due to imminent funding cuts will be very different across Wales after April 2013.

There is no agreed method of forecasting demand for advice, although consistent agreement that demand for advice will continue to increase alongside a drop in supply in particular for specialist advice affected by Legal Aid reform. Further, forecasting from previous trends only shows supply made available due to funding, not demand which is consistently estimated by all providers to outstrip demand. Using Citizens Advice statistics as a representation of advice supply and trends in demand for specialist advice services is estimated that demand will increase per annum until 2017 as follows:

- Debt advice demand will increase between 8-10%
 - The Money Advice Services forecast for demand for money advice in Wales estimates an increase of 23% in 2011 – 2013, continuing the current trend in increase for demand of around 9% per annum
- Welfare benefits demand will increase between 8-10%
- Employment advice demand will increase between 7-9%
- Housing advice demand will increase between 12-14%
- Consumer advice demand will increase between 3-5%
- Discrimination advice demand will increase between 12-14%

It should be noted that these estimates are based on existing supply which as previously noted is dictated by funding and supply of advice services, as well as demand. It should also be noted that while Citizens Advice figures are the only available on a national basis reflecting the range of specialist advice demand, not all advice seekers use their services, preferring to access local independent advice providers therefore their figures do not represent a full picture for Wales.

Providers and literature highlighted that work needs to be undertaken to better understand the advice seekers' journey and what they want from advice services. Examining the advice seekers journey in a systematic way could help develop better understanding of: the outcomes people want; the reason they are seeking advice; whether there is duplication of advice provision within the system; whether their need to seek advice could have been prevented in the first place; and how services can be altered to reach better outcomes for the individual.

6. Welfare Reform

The impact of Welfare Reform for particular Local Authority areas and across Wales as a whole has been consistently highlighted as a priority to be addressed at both a local and national level. After April 2013 there will be minimal Legal Aid funding for welfare benefit advice decreasing the sectors' number of specialist advisors and affecting the overall capacity and capability of delivering welfare benefit advice during a period of rapid change. The DWP 'digital by default' agenda poses additional problems requiring

resolution due to issues regarding digital access particularly if DWP consider pushing for all UC correspondence to be online.

The estimated impact of Welfare Reform in Wales may be higher than anticipated with reduced access to specialist welfare benefit advice, information and support from April 2013. However, it was voiced that investment in specialist welfare benefit support could help individuals mitigate the affect of Welfare Reform, support the production of welfare case law and support the wider advice sector in raising awareness and understanding of the impact of specific reforms. Similarly, working with DWP in a coordinated manner could enable national issue escalation and resolution (where possible) and identified pathways for individual case resolution would support the demand management for welfare benefit advice.

There is a clear vocalised need for a strategic approach led by Welsh Government to mitigate against the impact of welfare cuts inclusive of consideration of the role of specialist welfare benefit, debt and housing advice.

Conclusions and Recommendations

The review of advice services in Wales identified the likely increase in advice seekers requiring specialist welfare benefit, debt, and housing advice as well as money advice as a result of Welfare Reform and the ongoing economic downturn. This will occur at the same time that these specialist services are diminishing under Legal Aid Reform as part of a range of unprecedented challenges being faced by Not for Profit (NfP) advice providers. The recent changes and decrease in funding of discrimination advice in Wales is also set to create a growing gap between supply and demand for this specialist advice service. Although there is no agreed method of forecasting demand for advice, the findings indicate that it will continue to increase and the report estimates the demand for specialist advice services is to increase per annum until 2017 as follows:

- Debt advice between 8-10%
- Welfare benefits between 8-10%
- Employment advice between 7-9%
- Housing advice between 12-14%
- Consumer advice between 3-5%
- Discrimination advice between 12-14%

In this context, the Welsh Government acknowledges the concerns of the sector regarding the effect of reduced specialist advice provision across Wales impacting on their ability to support people with complex problems seeking help. The reduced access to specialist advice will affect the public directly as well as indirectly through generalist advisors having diminished ability to manage complex problems due to less specialist resources to draw upon for advice, guidance, and training. Of particular noted concern is the effect on access to specialist welfare benefit advice at a time of rapid change and reform to the benefits system for both public, staff within the advice sector and the wider NfP and public sector, regarding capacity to ensure awareness and understanding of the changes to the system and their effects on the people of Wales.

The following recommendations are made in light of the pressures arising for these particular social welfare specialist advice areas.

Developing Advice Networks

Organisations in the NfP advice sector need to work together effectively and efficiently to compensate for the increase in demand during a decrease in available funding. Making better use of existing and available resources through working better together across all sectors to eliminate waste in the system, take advantage of new technologies and share resources where appropriate offers opportunities to maximise the ability of the advice sector to meet this rise in demand. It is therefore recommended that:

1. Welsh Government should establish a resourced National Advice Network to ensure strategic coordination of advice services, increase shared learning and make best use of available resources. This network would include a cross-section of representatives from the advice sector, key funders and stakeholders, and Welsh Government departments. The National Advice Network would provide strategic oversight to the sector and would be responsible for:
 - Ensuring that developments in information, advice and advocacy services in health, social care, housing and equality are closely linked to social welfare advice providers in order to maximise the range of outcomes achieved for advice seekers.

- Working to mitigate the impact of Welfare Reform on the citizens of Wales through:
 - Identifying and making use of funding opportunities, including the recently announced DWP Local Support Framework funding, to support both generalist and specialist advice services that provide welfare benefit, debt or housing advice
 - Developing consistent information messages for the public and frontline staff
 - Enabling shared learning opportunities across all providers of social welfare advice
 - Working with regional and local advice providers and networks in order to collate, disseminate and promote good practice approaches to the design, commissioning and delivery of advice services
 - Developing a sector wide agreed National Standards Framework for Advice and Information (see 10 for further details)
 - Developing a national register of providers that meet the Standards Framework
 - Encouraging the use of standard information from registered providers for use in public information leaflets, websites and training materials to ensure consistent messaging and best use of limited resources.
2. Welsh Government, through the National Advice Network should support the development of Regional and Local Advice Networks built upon, and linked to, existing structures and partnerships such as those engaged with addressing welfare reform, financial inclusion activities, or achieving improved health and wellbeing outcomes. To enable this, Welsh Government should seek engagement and direction from the Public Services Leadership Group to ensure the appropriate networks and partnerships are identified to achieve the strategic coordination of advice services within both the Regional Collaborative Areas and Local Service Board areas.
3. Regional Advice Networks should be responsible for the strategic direction of advice services at a regional level. These Networks would cross the public and third sectors to ensure that advice services work together to achieve a range of outcomes inclusive of health and wellbeing, tackling poverty and promoting equality. They would work to encourage joint funding and commissioning across public sector bodies, including Local Health Boards and Local Authorities in order to meet their identified regional needs and priorities. Through gathering, analysing and comparing local data, the Regional Advice Networks would be able to consider the supply and demand for advice, ensuring that their services are designed to best meet the needs within their region. They would be supported by the Welsh Government's National Advice Network to consider approaches to improve the sustainability, delivery, consistency and levels of access to advice services. They would be supported to consider:
- Developing joint commissioning approaches for specialist advice services
 - Identifying and applying for funding to meet identified gaps in advice provision
 - Working together as funders and providers to understand and eliminate the root cause of people seeking advice for areas within their control
 - Improving sector wide knowledge and understanding through shared learning
 - Improving delivery, e.g. through making better use of new technology, shared referral processes between providers, and targeting resources to reflect the levels and type of advice identified as needed.

4. Local Service Boards should ensure that Local Advice Networks work with advice services on a Local Authority area basis to address predominantly delivery-focused issues. They would be supported by the National Advice Network to further develop the local mapping information gathered through the advice services review. Through collation of more detailed, verified information, a clear picture of supply, demand, capacity and the range and level of advice available will be developed to feed up for regional consideration. This information should be used to identify service gaps for consideration at a local and regional level, and to identify opportunities for funders to consider joint commissioning to achieve joint outcomes. Local Advice Networks, using available resources, would consider how best to support, develop and target advice services through:
 - Sharing locations and promoting use of accessible locations that the public are already engaged with, e.g. Communities First, Families First, GP surgeries and health centres, and Council 'One stop shops'
 - Identifying and agreeing the different delivery channels required to meet the local need for advice
 - Sharing information between providers, funders and frontline staff to improve awareness and understanding of the range of advice available to local citizens.

Funding, Commissioning and Delivering Advice Services

The review recognises the funding pressures expressed by the advice sector, as well as the opportunities that joint funding and commissioning can offer to provide greater sustainability and coordination for the sector and improved outcomes for advice seekers. As outlined previously, making better use of resources offers opportunities to maximise the sector's ability to deliver targeted advice that meets localised need in the most effective and efficient manner available. It is therefore recommended that:

5. Welsh Government should ensure ongoing internal coordination of its reviews of housing advice, Family Information Services, and the development of the 111 service, as well as work being carried out under the Social Services and Wellbeing Bill which contain elements of information, advice or guidance in order to develop a more joined up approach. As part of this work Welsh Government should consider developing a consistent approach to the outcomes required where advice services are an element of commissioned services to enable cross departmental funding and commissioning opportunities.
6. Welsh Government should prioritise supporting the NfP advice sector to mitigate the impact of Welfare Reform and Legal Aid Reform where resources permit within available funding in light of the strategic priority to address the rise in demand for specialist advice generated by welfare reform and the ongoing economic situation.
7. Welsh Government should use the National Advice Network to enable good practice examples and guidance to be shared on commissioning and developing advice services to meet localised need based on understanding demand. As part of this work Welsh Government should consider support to develop a robust evidence base to ensure that funders and commissioners can achieve value for money for contracted or internally delivered advice services. Welsh Government should therefore undertake research to consider the outcomes of advice and best means of achieving these through the different delivery methods available.

8. Regional and Local Advice Networks should prioritise identifying joint funding opportunities in order to promote the efficient use of their available resources.
9. Welsh Government should work across departments to identify available resources and funding to develop, with the advice sector, an all Wales service to provide specialist discrimination advice in order to address this identified service need and in light of the commitment within the Programme for Government to ensure equality of opportunity for the citizens of Wales. This work should explore the use of new technologies to deliver training, advice, information and case work guidance to generalist advisors throughout Wales, alongside supporting individual casework through an appropriate referral and client support. Learning from this initiative could then be considered and shared by the Networks to inform future specialist advice service developments on an all-Wales or Regional basis to make best use of available resources.

Developing National Standards for Information and Advice

In recognition of the varied approaches across the advice sector in delivery, levels of generalist and specialist advice, recording clients and measuring and reporting on outcomes, the review identified the need to develop greater consistency for the sector. Developing a more consistent understanding and approach within the sector would help ensure better quality advice giving to the people of Wales, with more widely understood and anticipated outcomes by advice seekers and funders alike.

10. Welsh Government should, within available resources, develop a Framework of Standards for Advice and Information through the National Advice Network based on existing quality marks and standards. Through the involvement, consultation and engagement of key stakeholders the Framework would be developed to include:
 - Passporting processes for the current range of existing quality marks, standards and quality assured processes applicable to advice providers, to prevent creating an additional layer of bureaucracy, audit or management and enable the range of advice providers to be Welsh accredited
 - Standards for the different channels of advice giving, as well as for generalist and specialist levels of advice to promote consistency across the sector
 - Good practice guidance that takes into account specialist client groups' needs, to consistently improve resources and practice across the sector
 - Clear information and guidance to for commissioners, providers and the public regarding what the '*National Standards Framework for Advice and Information mean for me*'
 - Development of a national register of advice providers who meet the Framework of Standards to enable providers, commissioners, and the public to have a clear understanding of the level of service that can be expected
 - Standards of recording and monitoring the outcomes of advice to enable a clearer understanding of demand, delivery and outcomes of advice giving in Wales.

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Advice Services Review: Terms of References

Background

The Minister for Local Government and Communities and the Finance Minister have asked officials to instigate a review of advisory services in the light of the unprecedented challenges being faced by not-for-profit providers as a direct result of UK Government proposals for Welfare Reform and Legal Aid and the impact arising from reductions and changes in funding for advice through the Financial Inclusion Fund and the Equality and Human Rights Helpline.

The Review

The review will advise Ministers on how to improve advice services in Wales. It will examine the effectiveness of information and advice services in meeting the needs of people in Wales and make recommendations for improvement.

Terms of Reference

- To explore how a network of generic social welfare advice services can be developed which:
 - improves the quality of service to the citizen, with a focus on getting the right advice at the right time;
 - is accessible to all and responds to local needs and circumstances;
 - provides effective links to public services and third sector expertise and resources;
 - is capable of providing people with advice and support on all aspects of financial, housing and other related needs;
 - has a universal focus but is sensitive to the particular needs of individuals and groups and connected to specialist advice, advocacy and support;
 - helps people with protected characteristics understand and exercise their rights and make informed choices.
- To identify the impact of UK Government, local government and other funding cuts to:
 - assess levels of demand for advice services over the next 5 years
 - identify how funds can be used most effectively to support an advice network in Wales.
- To map what advice services there are in Wales and, from that, identify what gaps or duplication of services exist and how services could be better connected and co-ordinated; and easier for people to find and use;
- To consider the role of local authorities and public service partners in providing a strategic and co-ordinating lead to ensure sufficient, quality advice services, including through their community leadership role, their funding of advice service etc.

- To identify barriers that stand in the way of better partnership and collaboration, better coordination, early action and prevention, and how these could be removed.
- To provide recommendations on how available funds can be most effectively invested.

Scope

The scope of the review is limited to primary advice provision by the third and public sectors (though it would need to account for private sector provision to ensure that duplication is avoided). Organisations which offer advice as a secondary part of their aims are not included in the review.

The review would consider the effectiveness and mechanisms for the provision and funding of :

Generalist advice on a range of subjects provided by advice suppliers

- Specialist advice in the main social welfare law areas:
- Welfare rights
- Debt
- Housing
- Employment
- Consumer (including goods and services; utilities; financial services)
- Discrimination

The review should also differentiate between levels of advice need:

- Low level need – for example: signposting, information (e.g. leaflet, phone number, email/web address), financial statements, basic advice on rights.
- Medium level need –for example: benefit eligibility check, help with form filling, contact someone on my behalf, repayment arrangements, advice on rights.
- High level need – for example: multiple and complex needs or in-depth pieces of work (e.g. appeals, tribunals).

Other issues to consider will be the need for independent advice; for a quality assured advice service and for integration of telephone and web-based advice & information with face to face delivery, including the need to provide advice bilingually and in community languages.

Methodology

It is proposed that the review will comprise:

- a short literature review;
- a call for evidence from citizens; advice providers; interested parties such as LSRC, JRF, Bevan Foundation; academic institutions; public sector agencies;
- a mapping exercise to include geography, type such as general and specialist, methods of delivery; access; and
- a final report with recommendations.

The person / organisation undertaking the review will report, and seek advice from, and Expert Group that will, it is proposed, meet three times during the review.

Initial timescales

- review remit, terms of reference and Expert Group to be agreed by the Minister for Local Government and Communities by May 2012
- review to take place between July/August 2012 and November/December 2012
- review to report and make recommendations January 2013

Advice Services Review: External Stakeholder Group

Terms of Reference: August 2012

Objective

The External Stakeholder Group will act as a Sounding Board providing advice and guidance to the advice services review.

Background

The Minister for Local Government and Communities and the Finance Minister have asked officials to instigate a review of advisory services in the light of the unprecedented challenges being faced by not-for-profit providers as a direct result of UK Government proposals for Welfare Reform and Legal Aid and the impact arising from reductions and changes in funding for advice through the Financial Inclusion Fund and the Equality and Human Rights Helpline.

The review will advise Ministers on how to improve advice services in Wales. It will examine the effectiveness of information and advice services in meeting the needs of people in Wales and make recommendations for improvement.

Purpose of the External Stakeholder Group:

- provide advice and guidance to the review, acting as a critical friend throughout the life of the review;
- support the undertaking of mapping advice services in Wales;
- share knowledge, documents and research that support the terms of reference for the review (see appendix A);
- provide comment and recommendation on use of the consequential funding for the financial year 2013 – 2014;
- work together to achieve the review.

Responsibilities of the External Stakeholder Group:

- meet bi-monthly to provide advice and guidance to the review – up to a maximum of three meetings;
- provide comment via email, face-to-face and telephone calls in-between meetings as requested by the Advice Services Review Manager;
- respond in a time sensitive manner reflecting the restricted timescales the review must be achieved in
- challenge and test the reasonableness and achievability of the review recommendations, and where appropriate make suggestions for improvement;
- treat all information relating to the review as confidential and not for wider circulation prior to the conclusion of the review and submission of the draft report to Carl Sargeant AM, Minister for Local Government and Communities.

In order to maintain a meaningful watching brief, members will seek to share (as early as they can) updates on forthcoming developments relating to the review. The group will look to identify opportunities to add value where appropriate.

Operation of the External Stakeholder Group

The External Stakeholder Group will amend, define and agree the 'Terms of Reference' during the initial meeting. The Advice Services Review Manager will:

- Provide the board with secretariat support
- Draft agendas and agree with the chair prior to circulation
- Provide the chair with a pre-meeting briefing session to run through agenda
- Ensure papers are circulated to members at least 3 working days prior to meetings
- Highlight current issues and key risks for the groups' consideration and action

Membership

The group will be chaired by Eleanor Marks, Deputy Director Communities Division, and will include:

- Fran Targett, Citizens Advice Cymru
- John Puzey, Shelter Cymru -
- Kerry Wakefield, EHRC
- Lee Phillips, Money Advice Service
- Phil Jew, Advice UK
- Rhys Evans, Consumer Focus Wales
- Naomi Alleyne, WLGA
- Paul Davies, Legal Services Commission

The Chair may invite non-members to attend the meeting as required where input would be beneficial to the review.

Timing and Resource

The Group will begin work in September 2012 and meet up to a maximum of three times until the review is complete. This could also involve email correspondence outside of the meeting between members and the Advice Services Review Manager.

Advice Services Review: Internal Stakeholder Group

Terms of Reference August 2012

Objective:

The Internal Stakeholder Group will act as a Sounding Board providing advice and guidance to the Advice Services Review Manager and will work to ensure that Welsh Government departments work collaboratively to input into the review.

Background

The Minister for Local Government and Communities and the Finance Minister have asked officials to instigate a review of advisory services in the light of the unprecedented challenges being faced by not-for-profit providers as a direct result of UK Government proposals for Welfare Reform and Legal Aid and the impact arising from reductions and changes in funding for advice through the Financial Inclusion Fund and the Equality and Human Rights Helpline.

The review will advise Ministers on how to improve advice services in Wales. It will examine the effectiveness of information and advice services in meeting the needs of people in Wales and make recommendations for improvement.

Purpose of the Internal Stakeholder Group:

- provide advice and guidance to the review, acting as a critical friend throughout the life of the review;
- support the undertaking of mapping advice services in Wales funded and/or supported by Welsh Government;
- share knowledge, documents and research that support the terms of reference for the review (see appendix A);
- consider the role of Welsh Government, local authorities and public service partners in providing a strategic and co-ordinating lead for advice services across Wales;
- to identify barriers that stand in the way of better partnership and collaboration;
- to provide recommendations on how available funds can be most effectively invested.

Key Responsibilities of the Internal Stakeholder Group:

- meet bi-monthly to provide advice and guidance to the review – up to a maximum of three meetings;
- provide comment via email, face-to-face and telephone calls in-between meetings as requested by the Advice Services Review Manager;
- respond in a time sensitive manner reflecting the restricted timescales the review must achieve;
- to feedback to the Advice Services Review Manager and constructively challenge areas of concern from the perspective of their department and people who need and use advice services;

- challenge and test the reasonableness and achievability of the review recommendations, and where appropriate make suggestions for improvement.

In order to maintain a meaningful watching brief, members will seek to share (as early as they can) updates on forthcoming developments relating to the review. The group will look to identify opportunities to add value where appropriate.

Operation of the Internal Stakeholder Group

The Internal Stakeholder Group will amend, define and agree the 'Terms of Reference' during the initial meeting. The Advice Services Review Manager will:

- Provide the board with secretariat support
- Draft agendas and agree with the chair prior to circulation
- Provide the chair with a pre-meeting briefing session to run through agenda
- Ensure papers are circulated to members at least 3 working days prior to meetings
- Highlight current issues and key risks for the groups' consideration and action

Membership

The group will be chaired by Kate Cassidy, Director for Communities and Social Justice and will include:

- Kate Cassidy, Director of Communities and Social Justice
- Chris Gittins, Head of Financial Inclusion
- Eleanor Marks, Deputy Director Communities Division
- Ceri Breeze, Head of Housing
- Huw Brodie, Director of Strategic Planning and Equality
- Reg Kilpatrick, Director Local Government and Public Service
- Carys Evans, Independent Living Project
- Kathryn Evans, Fuel Poverty Policy
- Andrea Nicholas-Jones, Dept for Health and Social Services, Head of Integrated Services
- Mike Harmer, Social Justice Research
- Martin Swain, Deputy Director, Children, Young People and Families
- Michael Curties, Communities First Programme Performance and Improvement Manager
- Nicola Evans, Substance Misuse
- Gareth Thomas, Consumer Policy Manager
- Karin Phillips, Deputy Director Community Safety Division
- Amelia John, Head of Equality, Diversity and Inclusion
- Tom Taylor, Head of Domestic Abuse and Violence Against Women
- Geoff Marlow, Senior Supported Housing Policy Officer

The Chair may invite non-members to attend the meeting as required where input would be beneficial to the review.

Timing and Resource

The Group will begin work in September 2012 and meet up to a maximum of three times until the review is complete. This could also involve email correspondence outside of the meeting between members and the Advice Services Review Manager.

Legal Aid Impact on Face to Face Advice provision in Wales

The below table forecasts the impact of the social welfare law funding reductions on the supply of face to face legal aid advice post April 2013. The table shows the number of benefit, debt, employment and housing cases that were paid for under the current LSC arrangements for 2010-11 alongside the forecast amount of legal aid cases which will remain after applying the MOJ funding formula, where reductions are forecast at 100% for benefits, 74% of debt, 40% of housing and 78% of employment advice and assistance. The final column provides the estimated total of face to face legal aid advice post April 2013 with the overall affect as a **reduction of face to face sessions from 19,841 to 3,144** the equivalent of a sixth of the current advice provision in Wales.

LSC procurement area	Legal Help Claims reported in Wales 2010/11*						Projected loss due to scope change % loss taken from MoJ Consultation response IA: Annex A Scope					Total left face-to-face for not-for-profits % loss taken from MoJ Consultation response EIA
	debt	housing	welfare benefit	employment	total	debt - less 74%	housing - less 40%	employment - less 78%	total left	total loss	total left - less 41% (removal of welfare benefit cases)	
Bridgend, Cardiff and the Vale	1,529	962	1,938	39	4,468	398	577	9	983	3,485	580	
Central Wales	472	143	230	19	864	123	86	4	213	651	125	
Neath Port Talbot and Swansea	653	2,555	938	13	4,159	170	1533	3	1706	2,453	1006	
North East Wales	1,043	412	1,226	113	2,794	271	247	25	543	2,251	321	
North West Wales	884	231	271	36	1,422	230	139	8	376	1,046	222	
Rhondda Cynon Taff & Merthyr Tydfil	729	285	529	1	1,544	190	171	0	361	1,183	213	
South East Wales	1,664	638	1,117	150	3,569	433	383	33	848	2,721	501	
South West Wales	445	290	243	43	1,021	116	174	9	299	722	177	
Total	7,419	5,516	6,492	414	19,841	1,929	3,310	91	5,330	14,511	3,144	

Table 1.1 Data source: MOJ FOI request 'New matter starts and legal help claims in Wales 2010-11' and Legal Action Group (October 2011) *Local impact of the social welfare law cuts* in order to calculate the forecast affect in Wales

Overview of welfare reform: Key proposed and implemented changes (October 2010 – April 2016)

Timing	Overview of Change
October 2010	<i>Support for Mortgage Interest</i> – amount available reduced to the Bank of England Base Rate from 6.08%
December 2010	<i>Child Trust Fund</i> – no new funds set-up; payments to existing funds reduced
January 2011	<i>Health in Pregnancy</i> - £190 grant for expectant mothers is abolished
February 2011	<p><i>Incapacity Benefit and Income Support</i> - claimants are reassessed for migration to Employment and Support Allowance (completion due by 2014) via medical ‘Work Capability Assessment’ (WCA). Outcomes of categorise claimants as:</p> <ul style="list-style-type: none"> • ‘fit for work’ – claimant moves to JSA where entitled; • ‘limited capacity for work’ – claimants moves into the <i>support group</i>, where they have severe disabilities • ‘limited capacity for work’ - claimant moves into <i>work-related activity group</i>, with mandated help and support to become ‘work ready’
April 2011	<p>All benefits up-rated in line with Consumer Price Index rather than the Retail Price Index</p> <p><i>Winter Fuel Payments</i> – reduced from £250 to £200 for 60- 80 year olds; and from £400 to £300 for people over 80 years old</p> <p><i>Maternity Grant</i> – only available for the first child, unless it is a multiple birth or the new child is the only one in the family under 16</p> <p><i>JSA claimants</i> - increasing requirements to find work, with expectations that claimants do three or more steps in their job search per week (dependent on individual circumstances)</p> <p><i>Crisis Loans</i> - limited to three payments per year</p> <p><i>Child benefit and Working Tax Credit</i> – rates frozen for three years</p> <p><i>Childcare subsidy</i> – reduced within working tax credit from 80% to 70%</p> <p><i>Pension Credit</i> – Maximum Savings Credit award of is frozen for four years</p> <p><i>Local Housing Allowance (LHA)</i> – rates changed from the median to the 30th percentile of local market rents; the weekly amount is capped at £250 for a 1 bedroom property, £290 for a 2 bedroom property, £340 for a 3 bedroom property and £400 for 4 bedrooms; 5 bedroom rate is removed; claimants can not longer retain the maximum £15 per week difference where their rent is below the LHA payment; non-dependent deductions are increased to reflect increases in rent since 2001-02</p>
October 2011	<i>Lone parents</i> – claimants to move onto JSA when their child turns 5 unless they have a health condition or disability which limits their capability for work may be able to claim Employment Support Allowance instead
January 2012	<i>Local Housing Allowance (LHA)</i> – Shared Accommodation Rate now applies to everyone under 35 years old; previous changes introduced for new claimants from April 2011 now begin to be applied to existing claimants (e.g. the rate reductions dependent on accommodation size).
April 2012	<i>Employment Support Allowance</i> – contributions based <i>work related activity group</i> limited to one year, after which the family income is means tested to see if they

April 2012	<p>continue to qualify for this or a reduced rate; contributory ESA in youth abolished. Existing claimants entitlement limited to one year from the start of their claim, disregarding time spent in the support group, therefore claims may end immediately for some young disabled people</p> <p><i>Crisis Loans</i> - maximum rate for single non-householders is reduced to 30% of their benefit entitlement; maximum rate for householders or people who are homeless will still be set at 60% of their benefit entitlement</p> <p><i>Local Housing Allowance</i> – rates frozen ahead of the April 2013 change when rates will no longer be linked to market rents; £40 million per year added to the Discretionary Housing Payment budget for the UK in addition to £10 million added in April 2011.</p> <p><i>Tax Credits</i> - changes to the way Tax Credits are calculated reducing credit faster as income rises; 50+ element removed from Working Tax Credits; couples need to work 24 rather than 16 hours per week to qualify unless in specified circumstances (e.g. caring responsibilities, hospitalisation or disability); Tax Credit revisions to consider entitlement to the higher rate will cease for people who's income falls by up to £2,500 during the year; backdating of new applications and changes of circumstances reduced to one month from three</p>
Autumn 2012	<p><i>Simple Payment</i> has phased introduction to replace benefits cheques for claimants who do not receive their benefits by direct payment as they are unable to open or manage a bank, or Post Office card accounts. Under the new system, claimants will be issued with a reusable 'Simple Payment' card so that they receive their benefits at 'PayPoint' outlets</p>
January 2013	<p><i>Child Benefit</i> – to be withdrawn at 1% for every £100 earned over £50,000 where one person in the household has an income exceeding this</p>
April 2013	<p><i>Council Tax Benefit</i> – 10% budget reduction and introduction of new localised support for Council Tax where Local Authorities establish schemes to support people in their own areas</p> <p><i>Disability Living Allowance (DLA)</i> - to be replaced by Personal Independence Payment (PIP), with introduction of 'objective assessments' to decide eligibility</p> <p><i>Housing Benefit</i> – to replicate <i>Local Housing Allowance</i> reductions across social housing, with reductions for under-occupation of 14% for one bedroom and 25% for two or more</p> <p><i>Local Housing Allowance</i> – rates to be increased in line with the Consumer Price Index instead of the market rents in each area</p> <p><i>Discretionary Social Fund</i> – will be abolished and resources transferred to the Welsh Government from April 2013. Welsh Government is currently establishing a replacement scheme, to be administered on a national basis by a third party from 1st April 2013.</p> <p><i>Tax Credits</i> - income rises of £5,000 or more during the award year will be taken into account when finalising Tax Credit awards</p> <p><i>Benefit Cap</i> is introduced, capping benefit entitlement to the level of average earnings of a working family</p>
October 2013	<p><i>Universal Credit</i> – introduced to replace all working-age benefits and Tax Credits with emphasis on live, online claiming and reporting of change in circumstances, one payment per household and monthly payments. Moving existing claimants on to Universal Credit is due to start in October 2013 and completed by October 2017</p>
April 2016	<p><i>State Pension Age</i> – the rise in women's pension age to be in line with men's will speed up from April 2016 so that women's pension age reaches 65 in November 2018. Pension age for men and women will then increase to 66 from December 2018 to October 2020.</p>

ADVISORY SERVICES MAPPING QUESTIONNAIRE

Please provide information on your advice service completing the questions in the template.

We would also welcome copies of reports, research or equality impact assessments undertaken by your organisation regarding the anticipated consequences of both Legal Aid and Welfare Reform on your client group and local citizens.

NAME OF ORGANISATION -

1a. Funding received, inclusive of source

1b. Any experienced, known or forecast funding reductions

1c. Anticipated, or known, impact of funding reductions

2. The location(s) of service delivery, inclusive of outreach and home visiting services

3a. The type of advice provided i.e. generalist or specialist

3b. The level of advice provided i.e. low, medium or high

4. The client group(s) the service is delivered to

5. The method of delivery and percentage split i.e. face-to-face, telephone, internet

6. Accessibility of the service – including hours of service

7. Your contracted service delivery outcomes or specifications, or if not applicable, the stated aims and objectives of your organisation

8. Please attach end of year reports for 2011-12. If available, please also attach figures on use of your service over the past three years

9. Comments regarding the impact of Welfare Reform on your organisation, client group(s) and local citizens

10. Your comments regarding perceived or experienced barriers that stand in the way of better partnership working and how these could be removed.

11. Any other comments you wish to be noted as part of this review process.

We would also welcome copies of reports, research or equality impact assessments undertaken by your Local Authority regarding the anticipated consequences of both Legal Aid and Welfare Reform on your citizens.

Please return your completed questionnaires either in hard copy to:

Elle McNeil
Communities Division
Welsh Government
Rhydycar
Merthyr Tydfil
CF48 1UZ

Or via email to Elle.McNeil@wales.gsi.gov.uk

Llywodraeth Leol a Chymunedau
Local Government and Communities



Llywodraeth Cymru
Welsh Government

10th October 2012

Issued to all LSC contractors providing Family Civil Law

Dear Colleague

REVIEW OF ADVICE SERVICES IN WALES

The Welsh Government is currently undertaking a review of the provision of advice services in Wales. The review will examine the effectiveness of information and advice services and will advise and make recommendations to Welsh Ministers on how to improve the availability of services in Wales.

Whilst the scope of the review is limited to the advice provision provided by the third and public sectors, we would welcome feedback from LSC contractors who provide advice on Family Civil Law on the impact of legal aid reform on family law and the impact this may have on the advice sector as a whole. We would also welcome any additional comments you may wish to feed into the review.

Terms of Reference

- To explore how a network of generic social welfare advice services can be developed which:
 - improves the quality of service to the citizen, with a focus on getting the right advice at the right time;
 - is accessible to all and responds to local needs and circumstances;
 - provides effective links to public services and third sector expertise and resources;
 - is capable of providing people with advice and support on all aspects of financial, housing and other related needs;
 - has a universal focus but is sensitive to the particular needs of individuals and groups and connected to specialist advice, advocacy and support;
 - helps people with protected characteristics understand and exercise their rights and make informed choices.
- To identify the impact of UK Government, local government and other funding cuts to:
 - assess levels of demand for advice services over the next 5 years

- identify how funds can be used most effectively to support an advice network in Wales.
- To map what advice services there are in Wales and, from that, identify what gaps or duplication of services exist and how services could be better connected and co-ordinated; and easier for people to find and use;
- To consider the role of local authorities and public service partners in providing a strategic and co-ordinating lead to ensure sufficient, quality advice services, including through their community leadership role, and funding of advice service etc.
- To identify barriers that stand in the way of better partnership and collaboration, better coordination, early action and prevention, and how these could be removed.
- To provide recommendations on how available funds can be most effectively invested.

Scope

The scope of the review is limited to primary advice provision by the third and public sectors (though it would need to account for private sector provision to ensure that duplication is avoided). Organisations which offer advice as a secondary part of their aims are not included in the review.

The review would consider the effectiveness and mechanisms for the provision and funding of :

- Generalist advice on a range of subjects provided by advice suppliers
- Specialist advice in the main social welfare law areas:
 - Welfare rights
 - Debt
 - Housing
 - Employment
 - Consumer (including goods and services; utilities; financial services)
 - Discrimination

Please provide your comments by 2nd of November on the attached response form either in hard copy to:

Cerys Tromans
Communities Division
Welsh Government
Rhydycar
Merthyr Tydfil
CF48 1UZ

Or via email to Cerys.Tromans1@wales.gsi.gov.uk

**Elle McNeil
Advice Services Review Manager**

ADVISORY SERVICES RESPONSE FORM

Please provide your comments in the template.

NAME OF LAW PROVIDER -

1. The location(s) of service delivery

2. Comments on the impact of legal aid on family law.

3. Any other comments you wish to make on the review

Please return your completed forms either in hard copy to:

Cerys Tromans
Communities Division
Welsh Government
Rhydycar
Merthyr Tydfil
CF48 1UZ

Or via email to Cerys.Tromans1@wales.gsi.gov.uk

Please ensure that these are returned by 2nd of November 2012

A GUIDE TO COMPLETING THE ESA 50

Limited capability for work questionnaire



Part of the Department for Work and Pensions

We need you to fill in this questionnaire if you have claimed or are getting benefits or National Insurance credits.

Please send this questionnaire back by the date given on the enclosed letter. If you are sending the questionnaire in late we need to know why. You can use the space on **page 18** to explain.

If we are able to get enough information about you from this questionnaire, your doctor or the person treating you, we may not need to ask you to attend a face-to-face assessment.

If you have any medical reports from your doctor, consultant or health care professional, or any other information you wish us to see, please send them with this questionnaire.

How to fill in this questionnaire

This questionnaire asks questions about your physical and mental health. The answers you give in this questionnaire will tell us how your illness or disability affects your ability to work.

This questionnaire may seem long, but do not be put off. Every question has instructions to take you step-by-step to the end of the questionnaire.

You may wish to fill in this questionnaire a bit at a time as it may take some time to complete.

Please use the boxes after each question to tell us in your own words how your illness or disability affects you in doing day-to-day things.

If you want help filling in this questionnaire or any part of it

Ask a friend, relative or representative to help you, or get in touch with Jobcentre Plus. The person from Jobcentre Plus will have a copy of the questionnaire and they will go through the questions you are having trouble with over the phone.

Sometimes they may be able to fill in a questionnaire for you. If they do this, they will send the questionnaire to you. You can then check, sign and send it back.

They can send you a questionnaire in braille or large print. This questionnaire is also available to download to your computer to fill in. But you must post it back in the envelope we have sent you.

For information about benefits and services visit www.direct.gov.uk/benefits. Or call us. Our phone number is at the top of the letter we sent you with this questionnaire.

About you

Surname

Other names

Title

Address

Postcode

Date of birth

National Insurance (NI) number

Letters	Numbers	Letter
<input type="text"/>	<input type="text"/>	<input type="text"/>

ESA50 03/11

This **ESA50 form** is part of the **Work Capability Assessment**, to decide whether capacity for work is limited enough to qualify for Employment and Support Allowance (ESA). It does not include everything used to score points on the test. See last page for more information. This guide aims to assist you by including the whole test alongside the form's questions. *If you have a support worker/social worker/nurse etc, see if they will help you with the form.*

If you have received this form and you are on Incapacity Benefit; Income Support or Severe Disablement Allowance you need to fill it in as all claimants are being re-assessed for transfer to ESA and put through this test: **nobody** is automatically exempt.

! No-one has to give out their number. It is important *not to* if you have difficulty coping on the phone or will have any difficulty remembering what is said.

About you continued

Face-to-face assessment

You may be asked to attend a face-to-face assessment with a qualified healthcare professional. Atos Healthcare would like to telephone you between 9.00am and 8.30pm on Monday to Friday, or between 9.00am and 5.00pm on Saturday to arrange a suitable date and time. To do this we need you to give us at least one up-to-date telephone number so that we can contact you.

Daytime phone number Code Number

Mobile phone number **It is ok to say 'in writing please'**

Any other number Code Number

If you do not understand English, or cannot talk easily in English, do you need an interpreter?

No

Yes

What language do you want to use?

You can bring your own interpreter to the assessment, but they must be over 16.

Tell us about any help you would need if you have to go for a face-to-face assessment.

Tell us if

- you cannot get up and down stairs
- have difficulty travelling or using public transport
- you need a British Sign Language signer.

Tell us about any other help you might need.

It is ok to say: "X does not/cannot deal with correspondence due to mental health problems/learning difficulties/ etc (give detail). Please contact Z instead." Give contact details.

Make sure a contact is given. Non attendance at medicals 'without good cause' leads to 'fit for work decision' and ESA stops. This decision can be appealed - write to say you are appealing because there was 'good cause' for non-attendance. ESA is NOT paid in these cases. Client will USUALLY need to claim JSA and be actively seeking and available for work but there may be exceptions: get advice.

Tell us about any times or dates in the next 3 months when you cannot go to a face-to-face assessment.

If there are problems attending a medical at Grove House, Alexandra Road, say why. "I need my support worker/someone else with me due to mental health problems /anxiety/learning disability/problems using transport alone/ I cannot attend because I am housebound". Give details, eg - agoraphobia/mobility problems.

Also include unavailable dates for anyone attending WITH the client.

Claimants with problems going out have a right to wait until someone can come with them rather than face the distress of trying to struggle there by themselves.

- 2 If you have problems going out or coping with social situations, and prefer not to go out alone, you can take someone with you; if no one is available to go with you, you should **inform medical services** that you have to cancel the appointment. This is better than making yourself ill by going alone especially as the decision maker may not be aware of the difficulties you had getting there or how it affected your health. **Your benefit will stop if you don't turn up for the medical. You must notify medical services if you need to cancel and re-**

When ESA claimants go for a medical at Grove House, a 'Healthcare Professional assesses' whether they have limited capacity for work.

There is a legal test and guidance which the assessors should follow. We give you the legal tests and guidance as this form does not properly reflect the test and it is therefore easy to leave relevant information out.

About you continued

About your illnesses or disabilities

We will ask you how your illnesses or disabilities affect how you do day-to-day things in the rest of this questionnaire.

Please use the space below to tell us

- what is your disability, illness, or condition, and
- how does it affects you?

Please also tell us about

- any aids you use, such as a wheelchair or hearing aid
- if you have had a heart attack, stroke, accident or something similar. Please tell us when this happened.
- anything else you think we should know about your illness or disabilities.

If at any point you need more space, use the space on **page 18**.

There is room to give more detail further on so you can be brief here. But mention all conditions and the aids used. Give a brief explanation of how the condition affects you. E.g. anxiety - 'this makes me confused and I can't think, I can't breathe properly or deal with anything without help. Anxiety stops me going out'.

It's important to list all conditions and treatments because some conditions automatically lead to you being treated as passing the test. E.g. :

- Receiving, recovering from (or due to have within 6 months) intravenous, intraperitoneal or intrathecal chemotherapy.
- An inpatient, recovering from inpatient care (including residential drug rehab).
- Having or been in contact with an infectious disease so given notice not to work .
- Suffering from a life threatening uncontrolled disease
- Pregnant and 6 weeks before your baby is born, or up to 2 weeks after birth.
- Pregnant and there would be a serious risk to your or the baby's health if you were found capable of work
- Are terminally ill (this means death could be possible within 6 months)

There are other treatments and situations such as certain types of radiotherapy, plasmapheresis or Haemodialysis - put all the details down and get advice if this applies

Explain if there would be a serious risk to your mental or physical health, or that of others, if you were found capable of work; if you had to cope with signing on for JSA or had to do a job . E.g. :

- If you are attending a twelve step treatment programme for substance misuse and could not follow the programme if you were working (which could cause a relapse and damage your health or the well-being of family members).

About you continued

Details of tablets, medication or special treatment

Please also tell us about any tablets, medication or special treatment you are taking or will be taking, including any side effects you have.

Special treatment could include things like radiotherapy or chemotherapy.

If you will be having chemotherapy, tell us the dates if you know them.

Put everything down, whether prescribed or not, even if you regularly buy it yourself - such as painkillers.

If you have side effects from any medication mention it here.

Explain if you are having chemotherapy, or due to within the next 6 months.

About your GP

Name of your GP

Address of your GP

If you see more than one GP, put the one who best understands your problems, who you have found the most sympathetic, or who you feel most comfortable with.

Postcode

GP's phone number

Code

Number

Does anyone else provide you with care, support or treatment?

Please tell us who they are.

For example:

- physiotherapist
- community psychiatric nurse
- social worker
- occupational therapist
- support worker
- hospital consultant.

You could put a friend or relative - ask them first.

Include details of anyone who knows how your health problems affect you, they could be support worker, home care worker, speech therapist etc. Include more than one person if relevant.

Their address

You don't need permission to include their details but it's a good idea to let them know in case they are asked for information.

Postcode

Their phone number

Code

Number

Other number

Code

Number

When was your most recent appointment? Put 'Approx' date if you can't remember exactly

If you need more space, please use the box on page 18.

About you continued

Hospital or clinic treatment

Use this section to tell us about

- any hospital or clinic treatment you are having as an in-patient or out-patient
- any in-patient treatment you have had in the **past 3 months**
- any in-patient treatment you expect to have in the **next 3 months**.

Are you having or awaiting any hospital or clinic treatment? No
Yes

Were you an in-patient or an out-patient? In-patient
Out-patient

Are you awaiting chemotherapy treatment? No
Yes

Were you an in-patient or an out-patient? In-patient
Out-patient

Tell us when you were or will be in hospital, how often and what for. Please tell us about all your hospital visits here.

If you are waiting for treatment say when you expect to have it. Give a rough date if you don't know for sure. If treatment has recently finished, say when it finished and what it was. If you are attending more than one clinic or hospital, put them all down, including attending asthma clinic, CDAT, attending hospital for regular blood tests etc.

IF THERE'S NOT ENOUGH ROOM IN **ANY** BOX , WRITE OUTSIDE IT OR ADD AN EXTRA PAGE : write your name & National Insurance number on extra pages.

Are you pregnant? No
Yes

Say if work would place your baby's health at risk

When is the baby due?

IMPORTANT: Part 1 and Part 2 are coming next. READ THIS FIRST.

Don't just answer the questions — many relevant points are not even asked about on this form which means the decision maker won't have all the information they need to assess you under the legal test. We've included the actual test for this reason. Look at the questions in the box marked '**Test**' Try to give information relevant to the test questions. If there is no room in the box you can write outside it or attach extra pages—put your name and NI number on additional pages. See last page for more information about the '**descriptors**' or test questions

About you continued

Drugs, alcohol or other substances

Do you think any of your health problems are linked to drug or alcohol misuse, or misuse of any other substance? No Now go to Part 1.
Yes

If you have answered **Yes**, use this space to tell us more about these problems and how they affect your health. By *drugs* we mean drugs you get from your doctor and other drugs.

If drug/alcohol use has led to mental or physical problems, give details. E.g. circulation problems/thrombosis. Put down anything connected to substance use.

For a lot of people *not getting support for mental health problems* has been the reasons for drug/alcohol use. Make sure you include details about this.

If you are having treatment/seeing a counsellor/on a waiting list give details.

Are you in a residential rehabilitation scheme? No
Yes

Tell us where you attend and the dates of your course of treatment.

If you are attending a residential programme of rehabilitation for drug or alcohol dependence, you are treated as having limited capability for work so it is important to give details.

Part 1 – Physical functions

1. Moving around and using steps

By *moving* we mean including the use of aids such as a manual wheelchair, crutches or a walking stick, if you usually use one, but without the help of another person.

Please tick this box if you can move around and use steps without difficulty.

Now go to question 2.

Can you move at least 50 metres (about 54 yards) before you need to stop?
To give you an idea about distances: A double-decker bus is about 11 metres long.

No
Yes
It varies

Can you move at least 200 metres (about 220 yards) before you need to stop?
To give you an idea about distances: A double-decker bus is about 11 metres long.

No
Yes
It varies

TEST

Cannot, on level ground, without EITHER stopping to avoid significant discomfort or exhaustion OR unable to repeat distance within a reasonable timescale because of significant discomfort or exhaustion:

- A) Mobilise more than 50 metres
- B) Mobilise more than 100 metres
- C) Mobilise more than 200 metres

Part 1 – Physical functions continued

Use this space to tell us how far you can move and why you might have to stop. For example tiredness or discomfort. If it varies, tell us how. Tell us if you usually use a walking stick, crutches, a wheelchair or anything else to help you, and tell us how it affects the way you move around.

The questions ask if you 'can' or 'cannot' do a task. 'Cannot' doesn't mean it is impossible - it means it is too difficult, or too painful for you to do it reliably and repeatedly. **'It varies'** does not really answer the question

They are interested in how you are "MOST OF THE TIME". The decision maker may only have time to read ticks, so do tick 'No' if that is true most of the time. You can explain in the box that you have better days when you 'Can' but make sure you stress that this is not the norm. Think about the distance before severe discomfort arises, not the distance you may push yourself to go. You might be able to walk 200 hundred metres but if severe discomfort starts at 25 metres, then that's how far you can walk **without** severe discomfort. **Remember** 'mobilise' includes moving yourself in a manual wheelchair if you usually use one—consider how far you can do this without stopping or severe discomfort. Could you repeat that distance and after how long?

Going up or down two steps

Can you go up or down two steps without help from another person, if there is a rail to hold on to?

No

Yes

It varies

Now go to question 2.

TEST: Cannot mount or descend 2 steps unaided by another person even with the support of a handrail = 9 points
Remember: points are only counted for your highest-scoring answer in section 1.

Use this space to tell us more about using steps. If it varies, tell us how.

Can you do this safely, reliably and repeatedly without undue pain? If you have tried and had problems give examples here. Mention any difficulties like pain, dizziness, breathlessness, numbness in feet and legs etc.

At the medical you will be asked how you got to Grove House, so explain your journey and any problems or help you had. Did you get dropped off directly outside while your friend went to park the car? Did you have to stop due to pain walking from the bus stop? If so, how many times?

2. Standing and sitting

Please tick this box if you can stand and sit without difficulty.

Now go to question 3.

Can you move from one seat to another right next to it without help from someone else?

No

Yes

It varies

Can you stay in one place, either standing or sitting, for at least an hour without help from another person?

This does not mean standing completely still. It includes being able to change position.

No

Yes

It varies

TEST

A) Cannot move from one seat to the next seat without physical assistance from someone

Cannot, for the majority of the time, remain at a workstation either sitting (in adjustable chair) or standing (free to move around) before needing to move away to avoid significant discomfort or exhaustion for more than:

B) 30 minutes

C) 1 hour

Part 1 – Physical functions continued

Use this space to tell us more about standing and sitting and why this might be difficult for you. Tell us how long you can sit for and how long you can stand for. Tell us what might make it difficult for you, such as pain, discomfort or tiredness. If it varies, tell us how.

'it varies' is confusing. Is the answer 'yes' or 'no' for *'Most of the time'*? Explain variations in the box, rather than tick 'it varies'

Explain why this is difficult. Have you fallen or got stuck trying to move? Do you seize up after sitting for short periods, so you usually need help to move? Are you in pain? Where? Remember, not having help available doesn't alter the fact that you NEED help.

The second question was about whether you could stay at a 'work station', like a desk or a check-out till, without needing to have a break. This could mean *alternating* between sitting and standing. If it is difficult to get from standing to sitting or sitting to standing say this HERE and explain why.

The question asks about 'an hour'. If the time is shorter for you, SAY SO. Higher points are awarded for 30 minutes, so you need to make your own limits clear, eg 'I could not even do this for 20 minutes'.

3. Reaching

Please tick this box if you can reach up with your arms without difficulty. Now go to question 4.

Can you lift at least one of your arms high enough to put something in the top pocket of a coat or jacket while you are wearing it?

No
Yes
It varies

Can you lift one of your arms above your head to reach for something?

No
Yes
It varies

TEST

Cannot raise EITHER arm as if to:

- A) Put something in top pocket of a coat
- B) Put on a hat
- C) Above head height as if to reach for something

Use this space to tell us more. Tell us why you might not be able to reach up, and whether it affects both arms. If it varies, tell us how.

Avoid 'it varies'! Think about 'most of the time'. If you cannot put on a hat with either hand say this here - it is in the test but not on the form.

Remember 'cannot' does not mean you couldn't do it if your life depended on - it means it would cause you undue pain or discomfort, or maybe you could do it without too much problem once but could not do it again without a long break first, or that you *usually* cannot do it.

Give examples if you can, to explain why you have difficulty raising your arms; again you must be able to do it safely, reliably and repeatedly. Describe problems in both arms. If you only have problems with one arm you will not get points. E.g. 'due to the lymphoedema following treatment for breast cancer I have been told not to reach above my head for anything'. Explain if reaching causes you severe shoulder or elbow pain.

Part 1 – Physical functions continued

4. Picking up and moving things

Please tick this box if you can pick things up and move them without difficulty.

Now go to question 5.

Picking up things using your upper body and either arm

Can you pick up and move a half-litre (one pint) carton full of liquid?

No

Yes

It varies

Can you pick up and move a litre (two pint) carton full of liquid?

No

Yes

It varies

Can you pick up and move a large, light object like an empty cardboard box?

No

Yes

It varies

TEST:

- A) Cannot pick up and move a 0.5 litre/1 pint carton of milk with either hand
- B) Cannot pick up and move a 1 litre/2 pint carton of milk with either hand
- C) Cannot pick up and move a light bulky object requiring use of both hands

Use this space to tell us more about picking things up and moving them. Tell us why you might not be able to pick things up. If it varies, tell us how.

It is very important to explain all your problems with this. For example, if you only have the use of one arm you will have to explain if you cannot use your other arm to do this either. The test expects claimants to use their upper body as well as their arms - for example, holding an empty box against your side with one arm. If there is a reason why this could not be done reliably (you may drop it) and repeatedly (because it is tiring or painful) say so HERE, even though the form doesn't ask you to.

Include details of how lack of co-ordination, limited movement, pain, tremors etc affect your ability to pick up and move these things.

Picking up and moving an empty cardboard box involves the co-ordination of both arms, so explain problems which affect this. It involves the use of both hands, arms and shoulders so people who have problems on just one side, such as weakness on one side following a stroke, will normally have difficulty. Explain this.

Any problems with hands, fingers, shoulders, neck are all relevant here - include them.

Remember: add an extra sheet (include your name and NI number) if needed.

Part 1 – Physical functions continued

5. Manual Dexterity (Using your hands)

Please tick this box if you can use your hands without any difficulty.

Now go to question 6.

Can you use either hand to do things like:

- press a button, such as a telephone keypad
- turn the pages of a book
- pick up a £1 coin
- use a pen or pencil
- use a computer keyboard or computer mouse?

Some of them

None of them

It varies

TEST

- A. Cannot, with either hand, either: Press a button, such as a telephone key pad OR Turn the pages of a book
- B. Cannot pick up £1 coin with either hand
- C. Cannot use pen or pencil to make a meaningful mark
- D) Cannot physically use a suitable keyboard or mouse

Use this space to tell us more. Tell us which of these things you have problems with and why. If it varies, tell us how.

If you answer 'some of them', say which ones.

If you cannot pick up a £1 coin or similar object with either hand, make this clear.

If your ability to do this varies, decide whether you can or cannot **MOST OF THE TIME**. If most of the time you can't, then you should say that you can't. Do not tick 'It varies' if this is the case.

Pain and stiffness is relevant - mention it if it applies to you.

Think about whether you could continue to do any of the actions throughout the day. Being able to do it once or twice or only being able to do it sometimes means you can't do it reliably. If you can do it a couple of times but you are then in pain for a long time afterwards and couldn't attempt to do it again, write this on the form.

6. Communicating with people

This section looks at how you communicate using speech, writing and typing.

Please tick this box if you can communicate with other people without any difficulty.

Now go to question 7.

Can you communicate with someone you don't know by speaking, writing, typing or any other means without the help of another person?

No

Yes

It varies

TEST

- A) Cannot convey a simple message such as the presence of a hazard
- B) Has significant difficulty conveying a simple message to strangers
- C) Has some difficulty conveying a simple message to strangers

Part 1 – Physical functions continued

Use this space to tell us more about how you communicate and why you might not be able to communicate with other people. For example, difficulties with speech, writing or typing. If it varies, tell us how.

Could you let another person know *reliably* if there was a hazard, or not? Think about other examples too, like telling someone that a) somebody rang to speak to them, b) how much something costs, c) where the toilets are. Can you ask someone for something you need from them? Think about *speech, writing, typing*: someone else must be able to understand it. This isn't about language barriers- you won't pass the test just because you can't understand English. Communication is not good if it you can only manage it sometimes! If that's the case, explain HERE.

7. Other people communicating with you

This section looks at how you understand other people by hearing and reading.

Please tick this box if you can understand other people without any difficulty.

Now go to question 8.

Can you understand other people – by hearing, lip reading, reading or using a hearing aid – without the help of another person?

No

Yes

It varies

Use this space to tell us more. Tell us if you can hear, lip read, read or understand people in another way, or why you might not be able to. Tell us about any aids you use, such as a hearing aid. If it varies, tell us how.

TEST

Due to sensory impairment:

- A) Cannot understand simple message, such as location of a fire escape
- B) Has significant difficulty understanding a simple message from strangers
- C) Has some difficulty understanding a simple message from strangers

This is about understanding a simple message through the written or spoken word looking at problems with hearing and seeing. If you have partial sight **or** hearing, explain any problems you may have understanding fully. This is about *your ability*, while using your *usual* aids. If your aids cause a problem e.g. ear infections, pain, headaches or have limited use, then explain. If something doesn't seem like a huge problem and you 'manage', still include it. Give examples of times when you have misunderstood something written down or said, and any problem this has caused for you. If you can see a written message but not hear it/lip read or visa versa this should still count—**you don't have to have problems with both to score points.**

8. Getting around safely

This section looks at visual problems. If you normally use glasses or contact lenses, a guide dog or any other aid, tell us how you manage when you are using them. Please also tell us how you see in daylight or bright electric light.

Please tick this box if you can get around safely on your own.

Now go to question 9.

Can you see to cross the road on your own?

No

Yes

It varies

TEST

Due to sensory impairment cannot without being accompanied by another person:

- A) Navigate around familiar surroundings
- B) Safely complete a potentially hazardous task such as crossing the road 11
- C) Navigate around unfamiliar surroundings

Questions 7 & 8 are about sensory impairment not learning difficulties or mental health— Clearly someone who can't read at all would not be able to read a simple message, and a very anxious person may have trouble getting around safely—if the problems are **not** to do with hearing or seeing see if questions 11 and 15 further on apply to you.

Part 1 – Physical functions continued

Can you get around a place that you haven't been to before without help?

No

Yes

It varies

Use this space to tell us more about any problems with your eyesight and how they stop you finding your way around safely.

Do you need another person with you to be safe outside because of a sight or a hearing problem? (For mental health problems only, there are different questions later.)

Explain problems in *familiar* places if you have them, as well as in *unfamiliar* places where you do not know what to expect or what might be in the way.

Do you have problems crossing roads, e.g. due to a lack of peripheral vision, or problems judging distances? Give examples of difficult or dangerous things that have happened when out and about. If you have difficulty in unfamiliar places this will include roads; not all roads have safe crossings, so explain this. Explain why having another person makes it possible (or less risky) for you to be outside - describe what they do that makes you safer while out and about.

9. Controlling your bowels and bladder and using a collecting device

Please tick this box if you can control your bowels and bladder without any difficulty.

Now go to question 10.

TEST

- A) At least once a month lose control of bladder or bowel or have substantial leakage of collecting device sufficient to require cleaning and change of clothes
- B) At risk of loss of control of bladder or bowel, sufficient to require cleaning and change of clothes, if not able to reach toilet quickly enough

Do you have to wash or change your clothes because of difficulty controlling your bladder, bowels or collecting device?

Weekly

Monthly

Less often

A collecting device is also known as a *stoma*.

Use this space to tell us more about controlling your bowels and bladder and managing your collecting device. Tell us how often you might need to change your clothes or wash because of soiling, wetting or leakages.

This is a very personal question, but it is important to go into detail. If it is 'less often' say how often roughly. If you are at risk of losing control if you are not able to reach the toilet quickly enough, make this clear. Say if there is no way of knowing when this will happen and remember that you are talking about your bowel AND/OR bladder. Explain why you might lose bowel or bladder control. If, for example, you have epileptic fits and are unconscious there may be a risk of losing control. Mobility problems may make you unable to reach the toilet quickly enough.

Many people might want to wash after losing control of their bowel or bladder even if it's only partial. If this applies to you then explain why - for example, if not washing after leakages causes soreness, or if you worry about smell.

! This does not include bedwetting, but bedwetting does indicate that you may also have control problems during the day.

Part 1 - Physical functions continued

10. Staying conscious when awake

Please tick this box if you do not have any problems staying conscious while awake.

Now go to question 11 in Part 2.

While you are awake, how often do you have fits or blackouts?

This includes epileptic fits and absences, and diabetic hypos.

Weekly

Monthly

Less than monthly

Use this space to tell us more.

TEST

Have an involuntary episode of lost or altered consciousness resulting in significantly disrupted awareness or concentration:

- A) At least once a week
- B) At least once a month

Less than once a month is not considered a significant enough problem!

Remember 'Absences' count, too. You may not have a full fit - your eyes may be open and it may only last for a few seconds, but if it affects your concentration enough for it to cause you a problem, explain this. If you have had any accidents or near-misses because of this, you should detail what they are. For example, if you've been outside and had a fit or an absence, have you been unable to concentrate on traffic? Have you been cooking when this has happened? Explain how disorientated you feel and how long it takes to recover afterwards as this will continue to disrupt awareness and concentration even after you have regained consciousness. Remember having enough warning to sit down in your own house does not mean the episode has not caused significantly disrupted awareness or left you unable to function while you recover. Ask your family and friends if they have noticed absences that you are not aware of.

Part 2 - Mental, cognitive and intellectual functions

By *mental, cognitive and intellectual functions* we mean things like mental illness, learning difficulties and the effects of head injuries.

11. Learning how to do tasks

Please tick this box if you can learn to do everyday tasks without difficulty.

Now go to question 12.

Can you learn how to do a simple task such as setting an alarm clock?

No

Yes

It varies

Can you learn how to do a more complicated task such as using a washing machine?

No

Yes

It varies

TEST

- A) Cannot learn how to complete a simple task such as setting an alarm clock
- B) Cannot learn anything beyond a simple task such as setting an alarm clock
- C) Cannot learn anything beyond a moderately complex task such as the steps involved in using a washing machine

! Ticking 'it varies' does not answer the question.

Part 2 – Mental, cognitive and intellectual functions continued

Use this space to tell us about any difficulties you have learning to do tasks, and why you find it difficult.

The *Medical Services Handbook (MSH)* says this is mainly about learning difficulties or brain disorders such as brain injury or stroke, but also consider any condition that affects the ability to learn, concentrate and remember. Depression can cause problems with memory and concentration, so learning how to do a new task, e.g. working a new mobile, becomes difficult.

What is meant by 'BEYOND a moderately complex task'? The *MSH* says a simple task involves 1 or 2 steps and a moderately complex task involves 3 or 4 steps – this is only a guide. Use examples. What have you have struggled to take in and learn to do? If you have learned how to do something one day but are unable to remember how to do it the next day, you have NOT learned how to do the task.

The length of time it takes to learn a NEW task is also important, you should be able to learn how to do something in a *reasonable* length of time, not *eventually*, after intensive input.

12. Awareness of hazard or danger

Please tick this box if you can keep yourself safe when doing everyday tasks such as cooking.

Do you need supervision (someone to stay with you) to keep yourself safe?

Usually

Sometimes

It varies

Now go to question 13.

TEST

Reduced awareness of everyday hazards leads to a significant risk of either injury to self or other or damage to property or possessions such as to require supervision to maintain safety:

- A) The majority of the time
- B) Frequently
- C) Occasionally

Use this space to tell us how you cope with danger. Please give us examples of problems you have with doing things safely.

Give details of anything that causes reduced awareness or puts you at any risk, including leaving the oven on due to lapses in concentration. This could be caused by learning difficulties, conditions affecting concentration (including effects of medication), brain damage, neurological conditions that affect awareness eg dementia. It could also include people with severe depression and psychotic disorders that reduce attention and concentration—or other things.

If it varies explain why e.g. when in manic phase of manic depression you have no concept of risk.

(The Medical Services Handbook states that '**the majority of the time**' means needing daily supervision, and '**frequently**' means several times a week – **this is guidance only**)

Part 2 – Mental, cognitive and intellectual functions continued

13. Initiating actions

This section is about whether you can manage to start and complete daily routines and tasks like getting up, washing and dressing, cooking a meal or going shopping.

Please tick this box if you manage to do daily tasks without difficulty.

Now go to question 14.

Can you manage to plan, start and finish daily tasks?

Never

Sometimes

It varies

Use this space to tell us what difficulties you have doing your daily routines. For example, remembering to do things, planning and organising how to do them, and concentrating to finish them. Tell us what might make it difficult for you and how often you need other people to help you.

TEST
Cannot, due to impaired mental function, reliably initiate or complete at least 2 sequential personal actions:
A) Never
B) Majority of the time
C) Frequently

This is both starting and successfully completing at least 2 tasks in a row, in a logical order, such as getting up, washed and dressed—without be prompted by someone else . If you can only do things with encouragement, then the answer is 'never' - use the box to explain about the encouragement you need.

The *Medical Services Handbook* says this applies to people with conditions such as psychosis, Obsessive Compulsive Disorder (OCD), autism, learning disability, severe depression or abnormal levels of fatigue. Remember this is guidance only and if it affects you in any way, write it down. Even 'mild' depression can result in you being unable to get started on anything without encouragement, so should be included.

If you suffer from OCD and would not be able to finish a task in a reasonable time, you should not be considered to have successfully finished. Explain what rituals you have to do and how long everything takes.

14. Coping with change

Please tick this box if you can cope with change to your daily routine.

Now go to question 15.

Can you cope with small changes to your routine if you know about them before they happen?

No

Yes

For example, things like having a meal earlier or later than usual.

It varies

Can you cope with small changes to your routine if they are unexpected?

No

Yes

This means things like appointments being cancelled, or your bus or train not running on time.

It varies

TEST
A) Cannot cope with any change to the extent that day to day life cannot be managed

B) Cannot cope with minor planned change to the extent that overall day to day life is made significantly more difficult

C) Cannot cope with minor unplanned change to the extent that overall day to day life is made significantly more difficult

Part 2 – Mental, cognitive and intellectual functions continued

Use this space to tell us more about how you cope with change.
Explain your problems, and give examples if you can.

This is not about disliking change, but the inability to cope with it, resulting in, for example, not being able to do anything for the rest of the day, anxiety / panic attack, angry outbursts, collapsing in a heap crying etc.

Explain how you have coped when your support worker has had to change the time of an appointment or the bus didn't come. If you cannot cope with change *most of the time* tick **NO** rather than **It varies** and then explain.

The Medical Services Handbook says this would probably not apply to anyone who has managed to attend their medical alone, so if you do feel the need to take someone with you, make sure the assessor is made aware.

15. Going out

Please tick this box if you can go out Now go to question 16.
on your own.

Can you leave home and go out to places you know if someone goes with you?

No	<input type="checkbox"/>
Yes	<input type="checkbox"/>
It varies	<input type="checkbox"/>

Can you leave home on your own and go to places you don't know?

Usually	<input type="checkbox"/>
Not very often	<input type="checkbox"/>
It varies	<input type="checkbox"/>

Use this space to tell us why you cannot always get to places.
Tell us whether you need someone to go with you.

TEST

- A) Cannot get to any specified place that is familiar to you
- B) Unable to get to a specified place that is familiar to you without being accompanied
- C) Unable to get to a specified place that is unfamiliar to you without being accompanied

The *Medical Services Handbook* lists disorientation, agoraphobia and learning difficulties as relevant here, and says evidence of severe anxiety (not lesser degrees of anxiety) is needed. However, lesser degrees of general anxiety could result in not being able to cope going to an unfamiliar place, so explain how you are affected and what symptoms of anxiety or panic you experience.

Consider safety issues and disorientation. For example if you experience panic attacks, do you run across roads to get away? Do you become disorientated and need help to get where you were going? If memory problems mean you get lost in either familiar or unfamiliar places, explain this. At the medical, make sure the healthcare professional is aware that you did not make it to the appointment on your own, or they will consider that you don't have a problem in this area.

Part 2 – Mental, cognitive and intellectual functions continued

16. Coping with social situations

By *social situations* we mean things like meeting new people and going to meetings or appointments.

Please tick this box if you can cope with social situations.

Can you meet with people you know without feeling too anxious or scared?

No

Yes

It varies

Can you meet with people you don't know without feeling too anxious or scared?

No

Yes

It varies

Now go to question 17.

TEST

- A) Engagement in social contact is always precluded due to difficulty relating to others or would cause you to experience significant distress
- B) Engagement in social contact with someone unfamiliar is always precluded due to difficulty relating to others or would cause you to experience significant distress
- C) Engagement in social contact with someone unfamiliar is not possible for the majority of the time due to difficulty relating to others or would cause you to experience significant distress

Use this space to tell us why you find it distressing to meet other people and what makes it difficult. Tell us how often you feel like this.

The MSH says this may apply to people with severe anxiety, autism, psychosis or learning disabilities, with higher levels of anxiety than 'fleeting moments of anxiety such as any person might experience from time to time'. The guidance wrongly suggests that being able to attend the medical alone and not showing signs of anxiety at the medical means this descriptor should not be met—this is a snapshot view of what could be a good day and distress is not always visible - **remember** you have a right to be accompanied and you should not make yourself ill by trying to attend medicals alone—**cancel and rearrange** if you need someone to go with you. If you have struggled to get there alone the assessor needs to know about the problems you had and how it affected you. **Do not** fail to attend or your benefit will stop—make sure to contact medical services to cancel.

If you are a support worker, describe how your client reacted when they first met you, whether they have not been able to attend or cope at any events you have arranged, how socially isolated they are, how anxiety affects them etc.

17. Behaving appropriately with other people

This section looks at whether your behaviour upsets other people.

Please tick this box if your behaviour does not upset other people.

Please go the **Other Information** section.

How often do you behave in a way which upsets other people?

Every day

Often

Occasionally

For example, this might be because you are aggressive or act in an unusual way.

TEST

Has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace:

- A) On a daily basis
B) Frequently
C) Occasionally

Part 2 – Mental, cognitive and intellectual functions continued

Use this space to tell us why your behaviour upsets other people and how often this happens.

The MSH says this section is for people with psychotic illnesses, brain damage, autistic spectrum disorders. This list is not exhaustive. Disinhibited behaviour can occur in conditions such as manic depression/ bi-polar disorder or schizophrenia. If controlled by medication, how often does forgotten or overlooked medication cause an episode?

No definition is given for how often 'frequently' is compared to 'occasionally' and as yet there is no caselaw to provide any answer to this – use your judgement.

Describe instances of physical or verbal aggression, any behaviour viewed by others as strange, and how your behaviour can affect other people. Behaviour that may be acceptable at home or in a Daycentre may **not** be acceptable in a workplace.

Answer in relation to a work environment

Other information

If you need more space to answer questions, please use the space below.

Support group descriptors:

As well as the test assessing whether you qualify for ESA due to having limited capability for work, there is a test to see whether you have limited capability for *Work Related Activity*. If you pass this test you'll be in the Support Group, not the Work Related Activity Group.

1. Cannot mobilise more than 50 metres, on level ground, without EITHER stopping to avoid significant discomfort or exhaustion OR do repeatedly within a reasonable time-scale because of significant discomfort or exhaustion.
2. Cannot move from one seat to the next seat without physical assistance from someone.
3. Cannot raise EITHER arm as if to put something in top pocket of a coat.
4. Cannot pick up and move a 0.5 litre/1 pint carton of milk with either hand .
5. Cannot, with either hand, either: press a button, such as a telephone key pad OR turn the pages of a book.
6. Cannot convey a simple message such as the presence of a hazard.
7. Cannot understand simple message, such as location of a fire escape.
8. At least once a WEEK lose control of bladder or bowel or have substantial leakage of collecting device sufficient to require cleaning and change of clothes.
9. Cannot learn how to complete a simple task such as setting an alarm clock.
10. Reduced awareness of everyday hazards leads to a significant risk of either injury to self or other or damage to property or possessions such as to require supervision to maintain safety for the majority of the time.
11. Cannot, due to impaired mental function, reliably initiate or complete at least 2 sequential personal actions.
12. Cannot cope with any change to the extent that day to day life cannot be managed.
13. Engagement in social contact is always precluded due to difficulty relating to others or would cause you to experience significant distress.
14. Has on a daily basis uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace. **(Continued on p.19)**

18

If at least one of the 16 Support Group descriptors applies (make sure your answers in the corresponding part of the ESA50 form make this CLEAR), you should be placed in the Support Group. This means you won't need to meet the same conditions as those in the Work Related Activity Group, and you may get slightly more money (more info over on p.19).

Other information continued

If you are returning this questionnaire late, please tell us why below.

Support group descriptors continued:

15. Cannot convey food or drink to your mouth: i) Without physical assistance from someone; ii) Without repeatedly stopping, experiencing breathlessness or severe discomfort; iii) Without receiving regular prompting in your presence; iv) Due to a severe disorder of mood or behaviour fails to do so without physical assistance or regular prompting.
16. Cannot chew or swallow food or drink: i) At all; ii) Without repeatedly stopping, experiencing breathlessness or severe discomfort; iii) Without receiving regular prompting in your presence iv) Due to a severe disorder of mood or behaviour fails to do so without physical assistance or regular prompting.

No questions are asked about eating or drinking, so *use this space to explain* if it applies.

Those in the Support Group receive a higher rate, with an additional premium for people on income related ESA. Those placed in the Work Related Activity Group will have periodic Work Focussed interviews and will have to participate in the Work Programme and/or Work Choice Schemes there are more conditions placed on people in the Work Related Activity group, who face losing the work related component of their benefit if they fail to comply. Be clear if any of the 16 Support Group descriptors above apply to you.

Declaration

- **I declare** that the information I have given on this questionnaire is correct and complete as far as I know and believe.
- **I understand** that if I knowingly give information that is incorrect or incomplete, I may be liable to prosecution or other action.
- **I understand** that I must promptly tell the office that pays my benefit of anything that may affect my entitlement to, or the amount of, that benefit.
- **I agree** that
 - the Department for Work and Pensions
 - any health care professional advising the Department
 - any organisation with which the Department has a contract for the provision of medical servicesmay ask any of the people or organisations mentioned on this questionnaire for any information which is needed to deal with
 - this claim for benefit
 - any request for this claim to be looked at againand that the information may be given to that health care professional or organisation or to the Department or any other government body as permitted by law.
- **I also understand** that the Department may use the information which it has now or may get in the future to decide whether I am entitled to
 - the benefit I am claiming
 - any other benefit I have claimed
 - any other benefit I may claim in the future.
- **I agree** to my doctor or any doctor treating me, being informed about the Secretary of State's determination on
 - limited capability for work
 - limited capability for work-related activity, or
 - both.

You must sign this questionnaire yourself if you can, even if someone else has filled it in for you.

Signature

Date

For people filling in this questionnaire for someone else

If you are filling in this questionnaire on behalf of someone else, please tell us some details about yourself.

Your name

Your address

Postcode

Daytime phone number

Explain why you are filling in the questionnaire for someone else, which organisation, if any, you represent, or your connection to the person the questionnaire is about.

It is important to explain if you are not capable of completing the form yourself and why you needed help. A standard entry on medical report following the medical is 'completed esa50 without difficulty'. This can give the wrong impression of your health problems.

What to do next

Please make sure that

- you have answered all the questions on this questionnaire that apply to you
- you have signed and dated this questionnaire
- you return the questionnaire in the envelope provided with the original paper form we sent you or to the address on the letter that came with the paper form.

Tick this box if you are including any medical reports.

Would you like us to tell anyone else about this assessment?

For example, support worker, social worker, friends or family. Let us know who this is, their phone number and explain why you would prefer we contacted them instead of you.

Explain if someone else should be contacted to arrange a medical for you. Put, "Please ring x instead" then explain why, e.g. "because I don't answer the phone to someone I don't know," or, "as because of memory loss I would not remember the appointment date " etc. Make sure you include their phone number.

How we collect and use information

The information we collect about you and how we use it depends mainly on the reason for your business with us. But we may use it for any of the Department's purposes, which include

- social security benefits and allowances
- child support
- employment and training
- private pensions policy, and
- retirement planning.

We may get information from others to check the information you give to us and to improve our services. We may give information to other organisations as the law allows, for example to protect against crime.

To find out more about how we use information, visit our website www.dwp.gov.uk/privacy-policy or contact any of our offices.

Can't return the form on time?

If the ESA50 form is not returned, and you cannot convince the DWP that you have reasonable good cause for not completing and returning it, you will be declared fit for work.

This decision can be appealed, but **in these circumstances** you can't claim ESA whilst waiting for the appeal to be heard. You'll need to claim Job Seekers Allowance instead, and to be actively seeking work— unless you are able to claim Income Support as a lone parent or carer.

The date the form should be returned by is shown on the letter accompanying the form. If the form is going to be returned late, ring the DWP *before the date* to agree an extension of the time limit.

What happens next?

People are usually asked to attend a medical assessment after the ESA50 has been completed and returned. The approved healthcare professional (doctor/nurse/other health professional) at the medical scores points for each 'descriptor'.

What is a 'descriptor'? A descriptor is the numbered question ie **'moving around'** (page 6). The test questions for each descriptor (which we have given in the boxes marked **'Test'**) start at a high level of problem and get easier. The assessor has to decide which level applies to each 'descriptor' **'most of the time'**. More points are awarded the greater the degree of problem under each heading. Therefore if 'A' applies more points will be scored than for 'C'. The DWP decision maker *usually agrees* with the points awarded by the medical assessor, but it is their decision - you are quite likely to disagree! A high % of decisions are overturned at appeal but unfortunately very few people actually appeal.

If you fail the test and are found fit for work appeal if you disagree. The ESA50 will form part of the appeal submission, so make *sure it* contains the right details to help the Tribunal make their decision. Complete it carefully and thoroughly.

If you are appealing on the grounds that you did not score enough points to pass the Work Capability Assessment, you will get Employment and Support Allowance paid at the *assessment rate as long as you make the appeal and continue to send in sick notes..*

Ask your support worker to contact the Social Inclusion Unit's Welfare Rights Advice Line for help to prepare for an appeal.

Organisations Contributing to the Review

We are grateful for the following organisations contribution to the review through workshops, meetings, telephone and email correspondence.

ABCD Cymru	Merthyr Tydfil County Borough Council
Advice Services Alliance	Money Advice Service
Age Concern Cardiff	Money Saviour
Aneurin Bevan Health Board, mental health services	Neath Port Talbot Council for Voluntary Action
Barnado's Merthyr Tydfil	Neath Port Talbot County Council
BDO Local Government Consultants	Newport Citizens Advice Bureaux
Big Lottery Fund: England	NHS Cardiff & Vale
Big Lottery Fund: Wales	North Monmouthshire Community Mental Health Team
Blaenau Gwent County Borough Council	Older People's Commission Pembrokeshire
Brecon Advice Centre	Pennysmart Citizens Advice Bureaux
Bridgend County Borough Citizens Advice Bureaux	Perennial
Bro Ddyfi Advice Centre	Powys Citizens Advice Bureaux
Bron Afon Housing Association Cabinet Office	Prison Services
Caerphilly County Borough Council	ProMo Cymru
Canolfan Cynghori Ynys Mon	Race Equality First
Cardiff and Vale Credit Union	Reaching Justice Wales
Cardiff County Council	Rhondda Cynon Taff CBC
Cardiff Law Centre	Rhondda Cynon Taff County Borough Council
Cardiff University Students Union	Rhondda Taff Citizens Advice Bureaux
Carers Wales	Riverside Advice Centre
Charter Housing	Royal National Institute of Blind People
Children's Commissioner for Wales	Scope Cymru
Citizens Advice Cymru	Scottish Government, Criminal and Civil Justice Analytical Unit
Citizens Advice England and Wales	Shine Cymru
Community Housing Cymru	South East Wales Energy Agency
Community Money Advice Consumer Focus Wales	Speakeasy Advice
Cynon Valley Citizens Advice Bureaux	Swansea Bay Citizens Advice
Denbighshire County Council Disability Wales	Swansea Carers' Centre
Disability Advice Project	Swansea County Council
Diverse Cymru	Tai Pawb
Expert Answers	Tenovus
Ferret Ltd.	The Law Society
Flintshire Citizens Advice Bureaux	Torfaen Citizens Advice Bureaux
Flintshire County Council	Torfaen County Borough Council
George Thomas Hospice Care	Valleys to Coast
Gofal	Velindre NHS Trust
Gwynedd Citizens Advice Bureaux	Wales Coop Centre
Highfield Associates	Welfare Rights Advisors Cymru
Legal Services Commission	Welsh Council for Refugees
LGBT Excellence Centre	Welsh Local Government Association
Merthyr Tydfil Citizens Advice Bureaux	Wrexham County Borough Council



Response to the Advice Service Review

Age Connects Wales welcomes the opportunity to contribute to the Advice Services Review being undertaken by Welsh Government. In composing our response, we have sought the views of our member organisations as follows:

- Age Concern Morgannwg
- Age Concern Cardiff & The Vale of Glamorgan
- Age Concern Torfaen
- Age Concern Neath Port Talbot
- Age Concern North Wales Central
- Age Concern North East Wales
- Age Concern Pembrokeshire

Age Connects Wales is an alliance of organisations who share a common purpose and value base. We want people to live in a society where older people are respected and enabled to meet their aspirations. We want to make difference to the quality of life for of older people and promote a positive view of ageing.

We have not answered all of the questions individually but have attempted to respond to each of the themes in turn.

Overall comments

In our experience, the provision of timely, good quality information and advice can help support a person's independence, give them choice and control over their situation and empower them to make the decisions with which they are faced.

Respondents felt, by and large, that the questions asked at the Workshop sessions appear to be constructed around the assumption that generic advice is the best model and that *there will be* a 'national advice network'. There was confusion about what the term 'national advice network' meant to different people. Some thought it meant a physical network such as a helpline, others thought it meant a virtual network or a network of advice providers who shared good practice and developed quality standards.

There was unanimous recognition that if advice services are to meet the needs of the most vulnerable in society, adequate resources must be made available to organisations and services who reach out to those people. Any plans to fund a hugely expensive advice network at the expense of local services were not met with much support. Ultimately, in the wake of Welfare Reform, the provision of local, accessible and appropriate advice services must be assured and driven by Welsh Government.

1. **Wales Wide Network**

How do we ensure accessible services that meet and reflect local needs and circumstances? Every Age Concern organisation provides advice to older people although few have designated funding to support this work. Our members tell us that their Community Outreach Services are delivering advice to people in their own homes, every day. This is in addition to drop-in services and community based events. Specific Welfare Rights services are few and far between however, they are entirely designed to support people at their own pace, often in their own home and taking into account that people may have physical or sensory impairments. Any move towards developing generic advice services would dilute the depth of knowledge, expertise and experience that is needed to navigate today's welfare system.

Are there existing networks or mechanisms that cover all Wales? What could be done to strengthen or improve these? Age Connects has an Information and Advice Network and an Advocacy Network but we don't have all Wales coverage. We believe Age Cymru has a similar network of local brand partners that provide I&A services however, they do not have a brand partner in each unitary authority area so this could not be described as a 'national network' either. We are not aware of any other all Wales networks.

2. **How best can we deliver and fund advice services across Wales?**

How would you spend existing funding to maintain or increase frontline advice services? There are examples right across Wales of LA's cutting back on funding the voluntary sector to deliver information and services year on year, often in favour of developing the 'one stop shop' model based at their civic or town centre offices. Whilst there is a place for one stop shops, the workers there would be the first to admit that the majority, if not all, older people who go to them with a query will be signposted to their local Age Concern organisation or Care & Repair Agency if it's a housing issue.

What should be protected? Invested in? The independence of advice services must be protected. We know from what older people tell us and from what our public sector partners tell us that older people would prefer to receive advice and support from a source they believe to be independent and not associated with social services. For many older people, turning to the council is an admittance of losing their independence and 'becoming part of the system'. Independent advice providers allow people to seek information about the options available to them and help them make the choices that best suit their needs. Independent advice provision allows the recipient to remain in control. Our members feel that specialist, independent services for the most vulnerable groups i.e. frail older people, people with mental health issues etc should be protected and that adequate funding should be made available by each local authority/LHB to ensure that independent advice services exist in each UA or across a health trust region.

Disinvested from? This is difficult to respond to because we recognise that the picture will differ in each part of the country. However, there are examples of expensive council based

Welfare Rights Service that exist only to support people already in the social care system, their service is not available to the public. This seems ludicrous considering the percentage of older people using social care services. We believe local authorities should review their provision in its entirety and where appropriate disinvest in 'internalised' services that are not accessible to all and could be delivered more efficiently by an independent provider.

Commissioning outcomes focus? How does competitive tendering affect working together? There are examples across Wales of where competitive tendering works and does not work. In RCT, the LA/LHB plan to seek competitive tenders for an Information and Advice contract worth £50,000. The current provider has been commended by the local authority for its superb quality service, reinforced by the organisations retention of the Advice Services Quality standard for a 10th year. The driver for seeking competitive tenders for the contract is to ensure 'that everyone gets a fair chance of getting the work if they want it'. It is highly likely that the cost of processing the tender will cost almost half the value of the contract. This does not seem sensible.

Age Concern organisations demonstrate every day how they work with other voluntary sector, public and private providers to deliver the best possible outcomes for older people. Some of those relationships are based on formal partnership contracts, but the vast majority are based on trust and a willingness to want to work together. We very much support the concept of collaboration and co-operation however, it must occur naturally where common values and principles make it the most sensible thing to do.

If there is competitive tendering will this make advice providers less inclined to refer people on to other agencies.

2: Quality Assurance

How would the quality of advice be assured? Do the existing QA models cover it?

The Advice Quality Standard which replaced the Community Legal Services Quality Mark is a recognised quality assurance mark, originally endorsed by the Welsh Government. We recognise that for some organisations the requirements of the standard lean a little too far to the legal services, however, there must be room to adapt this if necessary. It should be noted that the AQS is about processes and the way in which cases are handled. It does not focus on outcomes, this is best assessed by the recipients of the service.

Are there agreed standards that all organisations could sign up to? Is there a cost associated with this – if so, who should meet it?

As above – the AQS. There are costs associated with this (ranging from £500 to approx £2k depending on the number of advisors employed) and these are currently borne by the accredited organisation and it is not inexpensive. Maybe a subsidy from Welsh Government would encourage more advice providers to use the standard if it were not so expensive.

Do we know what 'quality' advice looks like?

The best judgement of quality is from people who use the services. There will be occasions where a person has not achieved the outcome they had hoped but they will have felt supported throughout the process. Quality advice should be impartial, factual and relevant.

Are there minimum levels of training and resources advisors need? If so, what and how do we ensure ongoing training and support? How does it differ between those providing generic or specialist advice?

It is crucial that advisors are, knowledgeable, well trained and have adequate resources to ensure they can provide the best possible service. Depending on the type of advice being given there should be periodic testing of knowledge on subjects like welfare benefits, debt management, care issues. Service Level Agreements between funders and specialist providers should clearly state the need for relevant and appropriate expertise and ongoing competency testing and this should also be reflected in the level of funding for advice services.

Would national standards for advice providers be beneficial?

Yes, providing the cost of achieving the standards was subsidised by WG or recognised as a legitimate cost by funders.

If so, what should these be based on? Would there be different standards for face to face, telephone and online advice? Would specialist areas or client groups need separate standards? E.g. housing or debt advice, or delivery to clients with a specialist language need?

There needs to be a wider debate about the categories of specialist advice and what standards may be applied. We do not believe there should be different standards for types of delivery ie face to face, telephone etc. In our opinion, the process of delivering advice and the outcome achieved are the only two barometers of quality. It is crucial that all advice providers are inclusive and do not favour keeping enquiries 'in house' to boost output figures, to the detriment of the service user. This is where true partnership working is tested.

3: The role of specialist and generic advice

Consider what specialist, generic and casework mean to you

What level of generic and specialist advice would be needed across Wales? A balance of both but taking into account the needs of particular groups i.e not everyone is mobile, not everyone has access to internet etc. As stated earlier in this response, funding for advice services is practically non-existent in anywhere other than Citizens Advice Bureaux. In our experience, funding for home visiting advice services is particularly difficult to attract with funders favouring web-based and help-line solutions.

Are there specialism's that are top priority to maintain or enhance in light of legal aid and welfare reform? The impact of welfare reform on older people could be devastating without adequate, good quality advice to ensure vulnerable older people are not made poorer, more isolated and less engaged with their communities. We are not suggesting that older people have priority over any other vulnerable groups however older people are less likely to have access to and knowledge of information technology. Plans to digitalise all benefit applications from 2013 place older people at a significant disadvantage over younger claimants. The capacity of advice providers to support the people who may be affected by these plans will be considerably stretched.

How would small specialist providers fit into the network? E.g. local disability or BME charities. This is clearly making the assumption that there WILL be a national network – the merits of a national network are yet to be confirmed and we would want to see more detail about what is meant by a national network before making further comment.

How do we best prevent referral fatigue and ensure that clients being referred on to specialists access that advice and support? What could be done to improve referral mechanisms between organisations? There are examples of where imposed referral mechanisms have failed in the past, the CLAISP (Cardiff legal Advice and Information services partnership) being one of them. The AQS quality mark rigorously tests the referral mechanisms that exist within an organisation. It is important to be clear about the difference between sign-posting and referring on. In the majority of cases, people will only require sign-posting however this can only be established once the depth and nature of the advice being sought has been established. This requires active listening and diagnostic skills by the advisor. Often and in our opinion, 'generic' solutions (particularly national advice lines) do not have the time to spend with a caller and will signpost or refer on to an inappropriate service.

How does the local, regional and national delivery approach fit with generic and specialist advice? Could generic advice be delivered on an all Wales basis? A regional basis? How about specialist advice? Again, the needs of the individual and vulnerable groups need to be a primary consideration. Younger people with internet access may be more than happy to get online advice but this does not apply to all groups.

4: How do we make best use of advances in technology to deliver advice?

Online Advice:

There is clearly a role for online advice that will allow quick and up to date access to information on a range of issues. However, the increasing move towards online advice being 'the norm' and in some cases, the only way of accessing information and applying for support is of concern to our members and to older people generally. With only a tiny percentage of older people in Wales having access to and knowledge of the internet and digital application processes, we are particularly concerned that this will further inhibit older people from applying for welfare support, particularly those with a dementia, disability or sensory impairment that would make this even more of a challenge. The opportunity to use Skype for 'face to face' support would be an option for some people but not all, particularly those living in areas where broadband access is poor and again, for people who are not IT literate. Greater investment needs to be made to promoting digital inclusion for marginalised groups if on-line offers are to be truly accessible.

Telephone advice:

We do not believe a triage system is necessary or practical given the diversity of need across the country. We have already experienced the shortcomings of national telephone help-lines who are often working to time limitations per caller and lack local knowledge to allow appropriate sign-posting and referring on. We do not believe a 'triage' system would work unless there was good quality, sustainable and well supported local services available to back it up. The option of a triage system should only be considered if serious investment is made in the provision of local information and advice services.

Face to Face Advice and Home-visiting

Age Concern organisations have decades of experience in delivering face to face advice and support to older people at some of the most difficult times of their life. We are consistently told that face to face advice is the most valued. The issues faced by older people are often multiple and complex. Often, older people are attempting to deal with life changing decisions amidst challenging family dynamics. Being able to talk to an advisor confidentially, sometimes away from their home where pressures exist, is a huge relief for someone in this situation. In terms of advice and support with welfare benefits and in particular disability benefits, face to face meetings are essential to ensure the claimant has the opportunity to discuss, in their own, time how their illness or disability affects their day to day life.

Home-visiting is often considered a 'luxury' by public bodies and funders however, for some client groups home-visiting advice services can make the difference between them living in poverty or not. Transport and mobility issues make it very difficult for some older people to reach drop-in or community based services. We recognise that the criteria for prioritising home-visits should ensure that the most vulnerable are the main beneficiaries. Age Concern organisations have developed effective mechanisms for ensuring that finite resources are targeted at those in most need. Local authorities and local health boards should invest adequately in the provision of advice services with home-visiting support being an integral part of that provision.

Where could advice services 'save' time and resources if a shared approach was developed? In creating public information? Online or phone resources?

Our members were not clear about what is meant by 'a shared approach'. Further clarification would be appreciated on the definition of this. In the majority of cases advice providers will provide hyperlinks to other organisations' material and websites if appropriate. It is important that any publicly funded organisation is inclusive in promoting local services that ensure the best possible support for older people. There is evidence locally of where organisations share resources and co-create public information but this tends to be project specific.

Conclusion

Age Connects Wales welcomes the review and is pleased to be able to contribute to the debate. As an alliance of local providers of advice services to older people we strongly believe that without sustainable investment in local specialist provision, older people will be further marginalised by the Welfare Reforms. We would urge Welsh Government to recognise and build on the excellent practice that already exists at a local level and we would urge caution against developing an expensive advice network that could suck resources away from local provision which is where the need exists.

We would encourage Welsh Government to develop (or build on existing) quality standards that recognise good practice both in process and outcomes. We recognise the role and place for on-line information and advice however, we urge caution against on-line solutions being seen as a panacea.

Welfare Rights Advisers Cymru (WRAC) is a membership body open to all those working in Wales involved in the provision of advice about welfare benefits and associated issues. Views of WRAC and its members are not representative of their employers or the organisations they work with.

We welcome the recognition given by the Welsh Government to the importance of advice and the recognition that they give to ensuring adequate provision of advice to help meet the needs of Wales.

We are concerned however by the apparent presumption within the review that there is only one model of advice giving which is appropriate to meet the needs of the future.

The view of 'advice' as a product which is delivered as a separate item, divorced from other services or contact, is both outdated and does not recognise the reality of the way in which people receive help and advice today.

We recognise the value of advice services focussed on generalist advice as their core function, and often offering more specialist advice as well, but are very disappointed that the extremely substantial role of other advice provision seems to be excluded from a place in the future of advice in Wales, from the perspective of the Welsh Government.

Announcing the review, the Minister for Local Government and Communities (Carl Sargeant) said

Instead of advice being delivered in a piecemeal fashion, I am keen to see an advice network that can respond to people's individual needs and guide them towards longer-term solutions offered by organisations, such as credit unions.....

We are extremely concerned that the minister's belief may be that a single advice network can meet the needs of the people of Wales. We have always held the belief that advice needs differ from individual to individual and that current circumstances often dictate the best provider of advice at that particular time.

Indeed a plurality of providers in any one area does not necessarily indicate duplication. Smaller bodies can offer specialist support to particular groups and/or community focussed services that keep the spirit of advice services alive. While some may see the huge variability and occasionally ad-hoc nature of advice provision as something to tidy up we would point out that community developed resources often reflect the real needs far better than an imposed solution may do. Taking away services to establish equality of delivery may be to punish one area without enhancing the service in another.

Is the minister, when he speaks of a network, referring to a single organisation or to a cooperating set of advice providers with strong communications and referral protocols? The terms of reference include as the aim of the review:

To explore how a network of generic social welfare advice services can be developed...

This seems to imply the former and also to prejudge the best model of advice giving, as generic, which we are sure is not the aim of the review.

We are very concerned that a centrally controlled model of advice provision will run the risk of losing an awareness of the different pattern of needs across Wales. While local authorities may have difficulties in ensuring equality of access currently, their knowledge of local conditions and needs would place them at a better position when considering the best use of resources if they were to have a duty of ensuring advice provision.

The current provision of advice in Wales is a complex pattern which has been developed, largely, in direct response to needs, tempered by the shortage of resources common to such provision. The identification of needs, often acute, of particular groups has been, at least partially, met by provision from non-core advice givers particularly in areas such as health and housing.

Health

The level of advice, in areas such as welfare benefits, given by workers in the health field has expanded enormously in recent years. As well as the provision directly provided by health trusts and other services, organisations such as MacMillan, Mind, RNIB and Tenovus have dedicated full-time staff offering advice and support to patients and others with particular conditions. These clients will often be people who would not be able to access traditional advice agencies and who need immediate help with often complex needs, requiring specialist knowledge of often abstruse areas of law. This work would seem to fall outside the terms of reference of the review. It must also be recognised that there is a huge amount of advice given out by support workers, nurses and other health workers.

Housing

Social landlords in particular, whether housing associations, ALMOs or local authorities are substantial providers of advice to tenants and prospective tenants. The link of advice and provision of housing is beneficial and landlords understand the cost effectiveness of advice when compared with the costs of evictions and void properties.

Local Government

The review terms seem to see the role of local authorities in Wales as commissioners rather than providers of advice but the reality is very different.

Local authorities provide advice through many outlets at many different levels.

Core units in many local authorities provide welfare rights support to the clients of other departments as well as providing information training and policy support within their own organisation and often to outside bodies as well. This role helps cascade knowledge to other workers who provide advice as a part of their function. These contacts with citizens are often a channel which 'pushes' advice to those in need who might not otherwise seek help, or be able to access it from a traditional advice agency.

Increasingly local authorities see themselves as providers, and facilitators, of first tier advice, with their specialist staff providing second tier support internally and externally.

Homelessness prevention, disabled facilities grants, Fairer Charging, Supporting People and residential care are all local authority functions which have advice at their heart but which are not defined as advice services. Few of these services could have the advice function satisfactorily delivered if advice was to be taken out of the context of the service delivery itself. Some local authorities in Wales have what are variously called "One stop shops" or Contact Centres. And a number may be considering co-hosting arrangements with other (3rd sector etc.) organisations. Thinking about these more innovative structures for cooperative working has many advantages but again does not seem to have been considered in the review.

Procurement of advice

We do not believe that centrally funding one, or a small number, of nationally focussed agencies would lead to a better service across Wales. It would, we are afraid, lead to the loss of many valuable smaller services that directly meet the locally variable needs in many areas. We do not believe though that a bureaucratic and monopolistic commissioning model for advice services on a local level would encourage a healthy and diverse advice sector. We recognise that the advice sector does need to take advantage of / face challenges for better joined up working, cross referral and clearer distinct roles, while crucially offering real client choice and we believe that a less formal local procurement service offers the best locally responsive model.

Summary

WRAC welcomes the ambition to improve advice services in Wales.

We would express doubts about the ability of a single network to provide the totality of advice needed, particularly in specialist areas and for those with complex needs.

A network linking different advice services would be a welcome initiative but there is a danger of the creation of another layer of bureaucracy and management, with the associated costs, unless this is genuinely created from within its members.

We believe that the loss of community based, and specialist focussed services with advice as only a part of their service, would be a serious diminution of resource and lead to a worsening of support for many.

We would propose that local authorities are given a duty to ensure the provision of adequate advice within their areas and that funding is devolved to them for this purpose.

5/9/2012



Submission to Welsh Government's Review of Advice Services

Introduction

The Older People's Commission's Work Programme for 2012-13 identifies Information and Advice as a key area of work for the Commission. Like the Welsh Government, we recognise that it is timely and appropriate to evaluate the provision of these services, in light of current and future changes to public services.

In formulating our own work on information and advice we commissioned 'A scoping study on information and advice services for older people' published in 2011 (see Appendix). The study found that:

"The absence of strategic direction and designated funding for the development of information and advice services for adults has resulted in a patchwork of services supported by fragmented and often discretionary short-term funding."

We therefore welcome the Welsh Government's decision to undertake this comprehensive review of advice services, and develop a strategic approach to future funding.

Our scoping study also concluded that there was a particular need for:

- Intensive outreach to older people who are particularly isolated and in vulnerable situations
- Retirement planning and preventative work with older people who are not known to services
- Better information and advice services for older disabled people, older carers, black and minority ethnic older people, and older LGBT people.

The Welsh Government has committed to explore how to develop a strong network of advice services which 'can help people with protected characteristics understand and exercise their rights and make informed choices'.

The protected characteristic of age must therefore be addressed in devising this network. Whilst older people are not a homogenous group, there are some specific needs which consistently arise when discussing how they access information and advice, as well as certain topics which they are more likely to need advice about than other groups.

The Commission is fully committed to working in partnership with Welsh Government, to provide practical advice, and support to all aspects of service improvement. We have already undertaken extensive engagement with older people's groups around their experiences and aspirations for advice services (some of the findings are summarised below). We therefore have a substantial knowledge base of older people's views, which we would be valuable in

implementing the Review's findings, and in developing any guidance or standards which may arise.

We have also consulted with providers of advice services in local authorities to get their perspective on barriers they face to doing better, and have taken advice from umbrella organisations about the environmental, financial, and policy issues surrounding delivery of advice.

Accessibility

In assessing level of demand, we urge the Welsh Government to recognise that different client groups will have different needs when it comes to advice services.

Older people, for example, are the group least likely to be able to access information online – though of course many use computers and the internet regularly and confidently. Many older people need face to face or telephone advice, and older people with sensory impairments or dementia will need additional support.

The only way to adequately assess demand is to establish what sort of advice service people will actually use in practice. Otherwise there is a risk of indirectly discriminating against older people if advice services are not accessible to them.

High Impact Areas

The Commission believes there are three areas of high impact where information and advice services could be improved to most benefit older people. We will be working with public bodies to address how this will be achieved.

These key areas include:

1. Tackling poverty and financial issues
2. Exploring care options
3. Dementia-friendly advice

Tackling poverty and financial Issues

As the Welsh Government's advice services review is focussed strongly on financial issues, there is clearly an opportunity to ensure those money matters specific to older people are taken into account.

Even at a very late stage in their working life, some older people find they do not know what their income will be post-retirement. Both the benefits and pensions systems are notoriously complex, so support is needed to help people plan financially.

Consideration of Welfare Reform has focussed largely on people of working age, where the most direct impact will be felt. There will, however, be indirect impacts on older people within families of the reforms. This impact is less well understood, but should be factored into planning around advice services. The Commission is well placed to help Welsh Government ensure the voices of older people are heard during the reform of advice services, and that their experiences inform and drive improvements.

Exploring care options

We welcome the fact that the advice services Review is looking beyond financial matters, albeit that we would agree this is the most pressing concerns in the current economic climate. We note that the Welsh Government has focussed on those areas of advice which have been

removed from the scope of legal aid, and support this move. When considering broader reform of advice, it is crucial that other topics which older people need advice about are not overlooked.

A key area of concern raised by older people we have met with is around information on making a choice about receiving formal care. This is a decision which is, all too often, made at a point of crisis. This should be avoided as much as possible by being proactive with information about care options, and encouraging people to think about it earlier in life. This will ensure older people have already had time to think about the implications of needing care before they find themselves with an urgent need for it.

This advice should also have a clear focus on funding arrangements for care, taking account of the significant changes likely to arise following the Dilnot Commission in England, and subsequent decisions in Wales.

In order to successfully meet the needs of older people, the Welsh Government must specifically consider how to deliver advice on receiving, and paying for, care through its funding of advice services. The Commission will again work in partnership to ensure older people's experiences inform this.

Dementia-friendly advice

All older people can benefit from information and advice, and for many older people simply being given information to digest for themselves will be sufficient. However around 37,000 older people in Wales are living with dementia, these individuals, and their families, will need more tailored support which takes account of their dementia needs.

Through the national Ageing Well in Wales Programme, hosted by the Commission, we are supporting agencies to create sustainable age friendly environments, so older people, including those with dementia can continue to contribute and engage in their community, and remain in their own homes wherever possible. This would include dementia friendly information and advice services which support people's right to choice and control. Services should also identify carers of people with dementia, so that they receive advice about the choices available to the person they care for.

It is critical that the Welsh Government and public bodies recognise the right of people with dementia to exercise choice and control over their lives. The Commission will work in partnership with Welsh Government and others to explore what the specific barriers faced by people with dementia and their carers are, and how to overcome them.

Funding

One message which emerged strongly from third sector delegates at our 2012 conference on Information and Advice Services for Older People was around the consistency of funding.

The amount of money available is, in some ways, less of an issue than the dependability of that funding. Year to year short term grants prevent third sector providers from planning sustainable services and taking a long term view. Whilst we appreciate the challenges the whole public sector faces in respect of funding, the impact on quality of service cannot be overlooked.

Further information about this conference can be found in the conference report (see Appendix).

Scope of the review

Whilst it is understandable that the scope of the review is limited to primary advice provision by the third and public sectors, there is a risk that this may lead to missed opportunities to explore the bigger picture. One theme which emerged from the engagement work undertaken by the Commission on information and advice, is that the most effective way to deliver it is to make it a small but fundamental part of more staff members' roles.

By focussing on advice services per se, the review risks overlooking some opportunities to use advice in a preventative fashion. Often poor information about public services – for example about benefit entitlements - causes the problems which older people need to contact an advice service about. By this point the damage may already have been done, and the cost to the individual older person, their family, and to public services is greater.

Assessing levels of Need

The approach of the review in distinguishing different levels of need has the potential to be successful, provided the definitions of the levels of need are robust and produced in consultation with service users, and advice providers themselves.

However as already noted, by focussing solely on advice services per se, the review risks overlooking opportunities to meet what might be classed as 'low level need' for advice in a proactive and preventative way in other contexts. Front line staff in other roles can be given training in basic referrals and 'frequently asked questions', thereby easing the pressure on advice services. This should also lead to more streamlined, customer focussed services, where the 'no wrong door' principle applies.

Appendix

In undertaking the literature review, we recommend the Welsh Government consider the following publications from the Older People's Commission.

A Scoping Study on Information and Advice Services for Older People in Wales

http://www.olderpeoplewales.com/en/Publications/pub-story/11-12-01/A_Scoping_Study_on_Information_and_Advice_Services_for_Older_People_in_Wales.aspx

Information and Advice Services for Older People: Conference Report

http://www.olderpeoplewales.com/en/Publications/pub-story/12-04-05/Information_and_Advice_Services_for_Older_People_Conference_Report.aspx

Citizens Advice evidence on clients aged 60 or over

http://www.olderpeoplewales.com/en/news/news/10-09-15/Citizens_Advice_evidence_on_clients_aged_60_or_over.aspx

Advice Services Review
Consultation response by the
LGBT Excellence Centre

Advice Services Review

Consultation Response by the LGBT Excellence Centre

The LGBT Excellence Centre (LGTEC) is a registered charity and social enterprise founded in 2007 to provide support services to lesbian, gay, bisexual and transgender people living in Wales. We run an advice and casework service with a core aim to prevent or resolve housing and homelessness issues faced by the LGBT community. The LGTEC is one of the leading organisations in Wales delivering support to individuals and organisations around sexual orientation and gender identity matters.

We welcome the Minister for Local Government and communities and the Finance Minister's instigation of this full-scale review of advisory services.

Gender identity issues are a strong focus of our work, as we are the only organisation that provides consistent and quality advice, advocacy, and support to transgender people across the whole of Wales. We recently supported the Welsh Health Specialist Service Committee's review of the pathway for gender reassignment and we deliver ongoing support to transgender service users. We also merged with Transgender Wales earlier this year to strengthen the delivery of support to one of the most discriminated against groups of people in Wales.

The LGTEC's housing service is a large part of our workload. Recent casework has identified concerns relating to the appropriateness of asylum accommodation for LGBT asylum seekers. Asylum seeking service users who identify as LGBT have reported being placed in shared rooms with peoples from culturally homophobic backgrounds. We have assisted service users in such situations by challenging the safety issue and other concerns that need to be addressed by housing providers. Housing issues are also problematic for the transgender community and we have undertaken multi-agency liaison with Victim Support and South Wales Police to ensure that the individual is advised around all aspects of safety. This work requires liaising with and training housing providers, homelessness centres, UKBA, private landlords and other accommodation providers.

The LGTEC does a large amount of unfunded casework and advice, which deals with issues not specific to housing and homelessness. We provide specialised advice in relation to all enquiries, community advocacy, assisting with complaints and allegations of discrimination and many other concerns that LGBT people have.

Whilst we have observed a high level of demand for our specialist advice services, the Centre is finding it increasingly difficult to maintain the service due to the current economic climate. This can impact on our service users who often view our assistance as their only channel of support.

Summary of most important concerns

Our main recommendations are:

- Currently, advice services are unable to address the more specific needs of LGBT people on a wide range of issues; such as discrimination, harassment, bullying, health, housing, hate crime, counselling, and finances. Resources should be prioritised and focus on awareness raising activities such as accurate and quality assured training and consultancy.
- Assessment of funding should have a clearly defined process with published guidance, which is available to all organisations that wish to make an application for the same.
- In assessing funding priorities, too much emphasis is placed upon statistical analysis, competitiveness and capacity, which raises concerns about meeting the needs of an invisible community for whom there are few statistics. This impacts on the expertise and quality of advice especially where advice is highly specialised.
- The LGBTEC has concerns about the growing number of unregulated 'consultants' offering advice and training on LGBT issues in Wales. Welsh Government should ensure that a system to regulate and assess quality assurance of advice services is implemented.
- Welsh Government should recognise the importance of funding initiatives to offer a service that is dynamic in making advice accessible to service users; offering web, face-to-face, telephone advice services.
- Welsh Government should encourage local authorities to review their services, engage with advice service providers that can support and complement their work, and address funding gaps that are identified. The LGBTEC has considerable evidence that in relation to advice and other frontline services for LGBT people, the public sector equality duties are largely not met within every local authority in Wales.
- The current climate of cuts is already having a serious impact on services to vulnerable communities such as LGBT Youth services. The LGBTEC fears that young people and other LGBT people who are unable to access advice may turn to inappropriate avenues of enquiry that may result in physical or mental harm or possible exploitation.

Accessibility and responsiveness to local needs and circumstances.

LGBT specific services are highly underrepresented in the UK and particularly in Wales where there are 9 LGBT specific organisations, compared to 450 in England. Of these, only the LGBTEC, Stonewall Cymru, and the Terrence Higgins Trust provide quality assured advice to the community.

In order to ensure that the advice service can meet the needs of the service user, the LGBTEC undertakes a needs assessment to establish the level of support and advice necessary to each individual case. Low-level needs are met by signposting to our counselling service and/or other appropriate support services, providing information, literature and reports (our website offers information and links as well as other features such as social networking). Medium-level needs are met with casework and clerical assistance, such as help with drafting complaints or completing forms as well as advocacy to make enquiries on behalf of the service user. Accurate, quality and effective advice at this stage can also prevent needs becoming high level. High level needs cases usually require a caseworker to conduct intensive advocacy on behalf of the client.

The LGBTEC casework service predominantly undertakes enquiries into complaints around mainstream service provision to the LGBT Community from the public, private and third sector; a large number of these include health services from General Practitioners.

The LGBTEC regularly investigates complaints and allegations of discriminatory practices by mainstream service providers on a daily basis. This unfunded work chimes with Welsh Government's proposal for advice services with a universal focus, but sensitive to the particular needs of individuals and groups and connected to specialist advice, advocacy and support.

We urge the Welsh Government to fund such specialised services, which enable marginalised and stigmatised communities to better engage with mainstream provision. We also urge them to make funding or training opportunities available to organisations in order to train staff to be able to provide advice on the needs of LGBT service users at all levels.

The LGBTEC's Counselling Service is a voluntary service made up of three qualified counsellors and three placement students under the supervision of qualified counselling supervisors. The casework manager will often refer helpline callers into the service as the emotional support and coping strategies developed within those sessions often help the individual to focus more clearly on the advice and guidance offered to resolve their casework enquiry. At present only service users who are able to travel to the centre of Cardiff are able to access the counselling service. We have received requests for referral into the service from people living all over Wales and for those who live in more rural areas sourcing any form of LGBT specific counselling is an impossible task.

We recommend that the Welsh Government prioritise funding to ensure that services can offer a variety of different communication methods to make advisory and support services more accessible to the public. Methods such as telephone, web, video and face-to-face can provide more tailored access options.

The LGBTEC is committed to improving the safety of LGBT people in Wales and has contributed to the Welsh Government framework for hate crime. The charity also offers practical support services to victims of homophobic, biphobic and transphobic hate crime.

Advice around safety and confidence building through community advocacy and liaison with Welsh Police Forces is an integral part of the advice and casework service. The Centre has been approached by South Wales Police to provide them with specialist consultancy and advice on their support services and hate crime plans for LGBT victims. This work creates effective links to public services, third sector expertise and resources, which should be going forward for the future of partnership working and strengthening advisory services.

The LGBTEC provides current and up-to-date awareness-raising literature for the LGBT community and those affected by LGBT issues. This includes parents, partners, friends and family as well as people who do not identify as LGBT who are victims of harassment and discrimination on the basis of their perceived sexual orientation or gender identity or through association. This is a very important aspect of our advice service.

The training and consultancy services that our organisation provides improve the quality of service to the consumer. This service promotes understanding and equips LGBT people with the knowledge to exercise their rights and make informed choices. We are encouraged by the uptake of training delivered to service providers who want to inform their service provision on LGBT issues. Feedback has evidenced that the benefits of our training have resulted in improved services with inclusive attitudes adopted in their workplace; ultimately ensuring that service providers are identifying, addressing and respecting the needs of LGBT service users.

Improving the quality of service to the citizen, with a focus on getting the right advice at the right time.

Often when service users make contact with the LGBTEC they report that they have tried to access assistance through various mainstream advice services and that such organisations have not been able to provide any or appropriate advice. Service users expect that advice and casework will be expeditious in order to resolve their enquiry as soon as possible; this is only achieved with professional experienced staff that can identify issues and implement actions to bring about resolution. The most important principle is to maintain the management of the service users' needs and expectations to shape the service to the individual. Quality of advice will be affected if procurement remains assessed on a competitive basis.

The LGBTEC has invested lots of resources in researching and producing quality advice and the administrative processes for documenting the casework that is delivered to its service users. All trustees, staff, and volunteers contribute to the on-going accuracy and quality control of the information available and provided to our service users and partner organisations.

This is often counteracted by the need to challenge and rectify the poor advice provided by agencies that are misinformed and/or unqualified to provide accurate advice, resulting in inefficiencies and waste of valuable resources. Tightening up on the evaluation of advice available to LGBT people would result in improved quality of information and consistency in the advice provision.

Investment in organisations and activities that are driven by quality assurance and accuracy would not only realise better value for money, but also save unnecessary waste of resources.

Identify the impact of UK Government and local government funding cuts

At the recent meetings of the Swansea LGBT Forum it was highlighted that LGBT youth services in Wales have been hit by the cuts to funding. This is also evidenced by the closing of LGBT youth services and young people's support groups closing in Cardiff and the surrounding areas.

The LGBTEC has seen a large increase in the number of young people contacting the helpline and also being referred by third party agencies. If services are to close it results in children and young people not being able to access advice and support services in Wales to discuss issues affecting them. The increase in helpline calls because of the cuts to youth provisions has in turn impacted upon the LGBTEC's capacity to deal with such issues. Funding needs to be provided to ensure that advice, which is often lifesaving at such an influential age, continues to be accessible to young LGBT people in Wales.

This review seeks to assess levels of demand for advice services over the next five years

Given current trends, we can foresee that in future there will be a significant increase of instances where LGBT people face difficulties in getting mainstream services to understand their needs. It can be assumed that as society develops a greater understanding of sexual orientation and gender identity matters, and subsequently there is greater acceptance of and equality for LGBT people, there will be more LGBT people comfortable to disclose information about their needs and enforcing their rights and protection. This will inevitably cause an impact on organisations and service providers across all sectors that are unequipped to identify and address these needs.

We have already seen an increase in the level of advice enquiries about benefits, employment, discrimination, bullying, hate crime, asylum, etc. We believe that this trend will increase significantly and rapidly and that action to increase awareness around sexual orientation and gender identity awareness is prioritised and that commitment is demonstrated through a clear action plan of development.

In regards to addressing the needs of LGBT people for advice across Wales, there are also further challenges to consider in being sensitive to the issues faced by “hidden” LGBT populations (such as those who do not identify as LGBT but have same-sex relationship) and the need to collect better knowledge of such populations.

Currently, no official and reliable statistical information exists in regards to sexual orientation and gender identity, often amplified by a lack of confidence to disclosure of such information. This is very often mistakenly interpreted as evidence of absence and opposed to absence of evidence, which results in greater inequality and a failure to address the needs of LGBT people.

How funds can be used most effectively to support an advice network in Wales.

As an organisation, we serve some of the most vulnerable and excluded people in Wales who may not have a CAB or other generic advice providers near them or be willing to use such a ‘mainstream’ advice service. We often hear issues around the lack of awareness and sensitivity on sexual orientation and gender identity matters in mainstream service provision.

This review should take into consideration that whilst there are large advice organisations in Wales, there is also a more specialist knowledge base in organisations that support a particular protected characteristic.

We urge the Welsh Government to map what advice services there are in Wales, both geographically and by specialist knowledge of target audiences and with this information identify gaps and duplication of services and potential for service improvement.

A recent exercise undertaken by the LGBTEC investigated what support and advice services were available in each local authority in Wales. It highlighted a huge gap in knowledge and in service provision. Most of the public sector organisations we have engaged with do not have accurate knowledge and understanding of the needs of LGBT people and fail to identify or address them. This is worsened by the number of voluntary sector organisations and community groups available to LGBT people being scarce and largely under resourced.

In conducting a mapping exercise of advice services in Wales specifically tailored to meet the needs of LGBT people, the Welsh Government should take into consideration not only the existence of, or the number of advice providers, but also assess the competence and expertise offered by providers. This will also assist in identifying gaps in LGBT-specific advice provision and unmet needs of LGBT people in Wales. Most of the LGBT provision in Wales (whether focussing on sexual orientation, gender identity, both, or on sexual health) is small and often unprofessional.

Consider the role of local authorities in advice provision in providing a strategic and co-ordinating lead to ensure sufficient, quality advice services including their community leadership role, their funding of advice services etc.

There should be more effort and investment on behalf of local authorities to ensure that quality assured advice on sexual orientation and gender identity is readily available to their service users. This would ensure that the LGBT community have access to advice on issues affecting them in their community and that their issues are of importance. Local services, specifically answering the needs of LGBT people, need to be identified, invested in, or developed in partnership with the voluntary sector and those organisations that can provide the necessary expertise.

Greater importance should be placed on raising awareness with senior executives, councillors and frontline staff, who are often the major barriers to meeting the needs of LGBT people. Equality is still widely left to an Equality Officer or team and not embedded into the daily work of every department, activity, or service provision.

Over the last 2 years, the LGBTEC has initiated numerous activities to engage with local authorities and with the public sector in general, but there is a feeling that sexual orientation and gender identity are not considered as important as other equality strands and therefore resources are not allocated appropriately for the development of LGBT-specific services.

The LGBTEC believes that by investing in greater awareness and engaging with LGBT organisations better relationships between LGBT people and their local authority will be forged, which in turn will improve future service provision.

Scope of review is limited to primary advice provision by the third sector and public sectors

It is disappointing that the scope of the review is limited to primary advice providers as the LGBTEC believes that further valuable information could be provided by secondary advice organisations such as housing associations who provide social housing, schools who provide other support services to their pupils, and GPs and health professionals who often receive requests for information and advice from their patients.

The LGBTEC works with a number of housing associations and other organisations who have some expertise or a lead officer on sexual orientation and gender identity matters and who also provide advice to LGBT people. It is felt that their voice would be of great value for the purpose of this review as often these agents are the people who identify needs and refer service users to specific advice services if they are unable to assist or for support with more specific issues.

General advice on a range of subjects provided by advice suppliers

Service users have often cited that they have approached generic advice centres in relation to their enquiry before coming to us. The LGBTEC feels very strongly about the invaluable support that is provided to their service users and the impact that their advice has on people in need of support. Sadly, generic advice services don't often manage to respond appropriately to marginalised groups due to lack of specific cultural knowledge and thus there needs to be a mix of services available that includes specific expertise – especially around sexual orientation and gender identity.

Many organisations have shifted their direction and expanded their service provision to encompass all protected characteristics. Unfortunately, this often makes the advice provision weak on those areas of need that are not understood as well as their initial area of focus. Similarly, these organisations are often well resourced and might have also gained years of experience in delivering their services – therefore attracting support and investment through their credentials. However, this creates further competition against LGBT-specific organisations and a sector that is still growing and needs strengthening.

Lack of support combined with increased competition for funding makes it impossible for specific advice services to be nurtured and strengthened to pick up the issues that LGBT people face.

It is also very worthwhile to consider that while many organisations, services and activities undertaken by organisations, may be full of good intent, they often only focus on gay and lesbian people. Bisexual people's needs are often confused and lumped in with gay and lesbian issues, making it difficult for bisexual people to find advice and support that is not biased and is thoroughly understanding of their circumstances.

Similarly, transgender people are often forgotten even by those organisations that deal with sexual orientation or that include the LGBT acronym in their name and literature. Gender identity is a relatively new area of need within the equality arena and one that is majorly ignored by service providers. The main reasons being are perceived low numbers of people needing support, lack of awareness of the gender identity spectrum and specific issues, difficulties in engaging with individuals to consult with, and the lack of quality assured transgender, gender reassignment, and gender identity expertise and organisations.

The LGBTEC is the only organisation that provides gender identity advice, advocacy and support throughout the whole of Wales. Yet, we have evidence that the needs of our service users are largely unmet, that the levels of discrimination and negative attitudes against transgender people are disproportionately and worryingly high, and that no significant effort has been made by generic advice providers to address these issues.

Specialist advice in the main social welfare law areas welfare rights, debt, housing, employment, consumer and discrimination.

The LGBTEC was the only organisation in the UK to receive funding from the Equality and Human Rights Commission for the provision of specialist advice and casework on sexual orientation and gender identity matters. The amount of quality advice, expertise and good

practice that was developed through their support allowed LGBT service users in Wales to access specific advice and support in the enforcement of their rights. The LGBTEC received and still receives referrals and enquiries from other service providers and organisations that need to develop a greater understanding of sexual orientation and gender identity. Although the funding from the Commission ended, the LGBTEC continues to deliver advice and support with the extremely limited resources raised through the retail of training and consultancy.

There is a great need for prioritising the development of a strategy for the delivery of specialist service that can provide advice on social welfare rights, debt, employment, bullying, health, hate crime, asylum, consumer and discrimination specifically tailored to the LGBT community.

Many of the service users that contact our organisation fear that they cannot access information as they do not want to out themselves by making an enquiry directly with the advice providers or support organisation. By acting as an intermediary, our casework service allows LGBT people to instruct us to make such enquiries with decision makers anonymously and confidentially on their behalf. We feel that this model is extremely successful in achieving positive results for our service users and we welcome the opportunity to work in partnership with other service providers to allow similar practice to be encouraged and developed.

Review should differentiate between different levels of advice needs – low level, medium level and high level needs.

The types of enquiries received on the helpline and via other methods of communication into the Centre are often very varied. These can be categorised as low level, medium level and high level needs. The Centre currently deals with a large proportion of medium to high level need. At present only the housing and homelessness advice and casework is funded. The LGBTEC has seen an increase in advice and support of medium to high level need within the transgender community; which is a severely disadvantaged and vulnerable group.

The need for independent advice, for a quality assured advice service and for integration of telephone advice and web-based advice and information with face-to-face delivery.

The LGBT Excellence Centre has previously raised concerns about the growing number of 'consultants' that are making their services available to vulnerable groups or advising those who provide services to the public. Quality assured advice should be recognised and promoted in order to ensure that appropriate, correct, quality advice and assistance is provided to members of the public. There needs to be tighter controls on the regulation of advice providers which will ensure good practice is adhered to.

Whilst the provision of advice should be key, this should not be at the cost of quality of advice provided. Telephone and web based advice services should be used as a resource. However, there should be greater access to face-to-face delivery of services. As previously explained, currently the LGBTEC has a triple system of advice delivery supported by a resource of web-based advice.

Conclusion

In conclusion the LGBTEC believes that this review will provide an opportunity to inform the Welsh Government on the issues faced by advice services in Wales. It also allows service providers to advise on a way forward to improve and expand the advice services in Wales and the provision of such services to the people of Wales. We would request that Welsh Government consider closely the arguments made within this response in order to ensure that advisory services, whether LGBT-specific or not, are appropriately supported during this time of unprecedented challenges. We would be happy to provide further evidence and/or speak with members of the committee overseeing this work.

Contact details

For further information, please contact Federico Podeschi, Chief Executive Officer, via email Federico@lgbtec.org or by calling 029 20451868.

 	
Briefing for:	Welsh Government Review Regarding Advice Services
Purpose:	Summarising the financial impact of a cancer diagnosis and the financial support Macmillan Cancer Support provides in Wales.
Contact:	Nesta Lloyd – Jones, Campaigns, Policy and Public Affairs Officer, Macmillan Cymru. Nlloyd-jones@macmillan.co.uk Tel: 01656867968 Mob: 07595091331
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Introduction

Macmillan welcomes the opportunity to respond to the Welsh Government's review of Advice Services. This briefing provides a summary of the significant financial impact a cancer diagnosis has on people in Wales and the support Macmillan Cancer Support (Macmillan) provides. We also highlight the importance of people affected by cancer receiving the right advice at the right time.

This patient group's needs are often extremely complex and urgent due to the unpredictability of a cancer diagnosis, the gruelling nature of the treatment regime and the sudden impact this has on people's finances. It is therefore essential that professionals working with this client group can respond to these particular circumstances. They need to be experienced in dealing with cancer patients in order to deal with the emotional impact of cancer and need to be able to provide specialist and timely advice in a sensitive manner.

Summary of key points

- Over half of people with a cancer diagnosis are worried about their finances, with people experiencing loss of income, increased costs and problems paying their bills;
- People affected by cancer need access to high quality specialist welfare rights advice from professionals who have the experience and support to deal with a client experiencing the emotional impact of a cancer diagnosis. These professionals need to have an understanding of the impact of various treatment regimes and an awareness of the unpredictability of a cancer journey, in particular for someone with a terminal diagnosis.
- People affected by cancer need access to welfare rights advice in a timely manner, often needing to be seen as an emergency appointment, as a cancer diagnosis, and in particular, a terminal diagnosis, can lead to dramatic overnight changes in financial circumstances.
- Macmillan is concerned that a move away from specialist support towards more generic provision will not meet the particular needs of people affected by cancer in Wales as set out above;
- In 2011 Macmillan's 12 Welfare Benefit Advisers provided welfare advice to 2,000 people affected by cancer in Wales, helping them access nearly £7million in benefits;

- In 2011 Macmillan provided approximately £600,000 in one-off grants to 1,763 people affected by cancer in Wales, to deal with additional costs associated with a cancer diagnosis such as fuel bills, rent and mortgage bills, clothing and household appliances;
- Macmillan provides a range of welfare rights support to people affected by cancer in Wales, including; Welfare benefits advisers, one-off grants, MSL helpline, face to face support, cancer support groups, financial guidance and Macmillan information and support centres. The information provided by Macmillan is part of a combined programme of support and information which ensures that cancer patients receive a range of services depending on their specific needs. Our specialist service is unique and is patient centred, looking at the individual needs and circumstances of the person;
- In July 2012, the Welsh Government published its five year [Cancer Delivery Plan](#) (CDP) which makes a commitment that people affected by cancer will be routinely offered the opportunity to access financial advice and support as part of the care assessment and planning process;
- At the moment, we know that cancer patients and their families are not routinely offered access to financial advice and support when they are diagnosed. Local Health Boards and Local Authorities will therefore need to work together, and with third sector partners, to plan how the Welsh Government's commitment is to be delivered as it is likely to lead to a significant increase in the number of people affected by cancer who need and request specialist support.

Loss of income

As our recent comprehensive report '[Counting the Cost of Cancer](#)' (see Annex 2) highlights, a cancer diagnosis can have a significant impact on a person's finances due to a drop in income as a result of taking a long time off work, and the increase in costs associated with cancer e.g. fuel costs, clothing and travel.

There are 40,000 people of working age living with cancer in Wales.ⁱ People with cancer find it hard or impossible to work during their treatment and sometimes also beyond treatment because they feel tired, weak, in pain, and ill. As our reportⁱⁱ highlights, loss of income is greatest in the first year after diagnosis, when the average person loses an estimated 20% - £5,500 in Wales – of their employment earnings. Over five years, the average loss of income is an estimated £16,500. The range in this impact is vast. For example, if we remove from the figures the people who do not change their working status, around 50% - £13,500 – of employment earnings are lost in the first year.

The impact is also particularly felt by those who do not work. Although they do not experience loss of earnings, the increased costs associated with a cancer diagnosis are likely to take up a large proportion of their fixed and typically low income. Depending on the extent of carer duties, carers can also find it hard to work. For some, this can result in disputes with employers about access to sickness pay, extended sick leave, or time off for caring responsibilities. Some have lost (or felt compelled to leave) their jobs as a result.ⁱⁱⁱ

The UK Government has recently changed the way the welfare system works. The Welfare Reform Act 2012 could mean that up to 7,000 cancer patients across the UK will lose up to £94 a week^{iv}. The changes to the benefit system could leave people with cancer without vital support when they need it most and push them into poverty.

“As soon as my husband was unable to work, the bank recalled a loan and we were made bankrupt. You should not be penalised for having cancer. Without Macmillan I really do not know how we would have survived as we had no money coming in.

“It’s the little things which you don’t think of. Ian needed new clothes as he had lost so much weight and we needed thicker duvets to keep him warm. We also needed £500 to fill up the oil tank for winter.”

Nikki, Ceredigion

As highlighted cancer can have a significant impact on people’s finances and lead to new or increasing debts.^v These pressures can impact on an individual emotional and mental health, with 41% of patients feeling more stressed as a result. Evidence suggests that financial burdens can increase anxiety and stress, with some people feeling that financial difficulties are ‘more of a worry than the cancer’.^{vi}

Loss of income: key facts

- Over 50% of people with a cancer diagnosis say they are worried about their finances.^{vii}
- 91% of households with people affected by cancer experience loss of income and/or increased costs;^{viii}
- One in four people living with cancer have to cut down on normal household expenditure;^{ix}
- One in five people have problems paying their bills, rent or mortgage, and in extreme cases they’ve become homeless following diagnosis;^x
- Of those employed at the time of diagnosis, around 15% will have to stop work altogether while three out of 10 will have to change their working status in some way;^{xi}
- Loss of income is one of the greatest financial implications for people diagnosed with cancer. 43% of those in employment at the time of diagnosis experience loss of income.^{xii}
- 15% of cancer carers say their income and finances has been affected by their caring role, and 19% cite an impact on their employment;^{xiii}
- Over 5% of people living with or beyond cancer – over 10% if they are self-employed – lose their home after being diagnosed;^{xiv}

Costs associated with a cancer diagnosis

The costs associated with cancer cannot be underestimated and can lead to poverty. As Macmillan’s report^{xv} highlights the increased costs for cancer patients in Wales include;

- **Travel costs:** affecting 95% of patients and on average estimated £275 per patient in the first year. Cancers such as breast cancer and leukaemia typically require the most number of hospital appointments. People living in Powys face the longest distances to their nearest

cancer centre, with round trips averaging four hours. The cost of travel over five years for a patient in Powys is, at an estimated £1,440, significantly higher than the Wales average.

- **Clothing costs;** which is faced by 40% of patients and costs, on average, £400 over five years;
- **Increased bills;** including fuel bills due to the fact that the patient is home more than usual and more likely to feel the cold during treatment. Phone and internet bills can rise as people need increased social interaction to combat isolation. Food bills can also increase, particularly for patients who need to follow a special diet;
- **Cost associated with appearance and body image:** This includes make up, wigs, bandanas, scarves, different hygiene products, hair products and creams;
- **Carers** of people with cancer also cite travel costs as a major expense – 70% of cancer carers don't live with the person they care for, so have to travel to see them, as well as travel costs for hospital visits and taking people to appointments. Carers also report having to reduce their hours or give up work altogether to provide this; and
- **Other costs** – additional costs such as household modification, childcare costs, and overnight costs.

“The change in what I can eat was costly as I had a tumour at the base of my tongue and radiotherapy has damaged my saliva glands. It was trial and error to start with and a lot of food was wasted.

“I also felt the cold a lot more when I came home from hospital. We had the heating on most of the time, which doubled our gas bill and we had to dip into our savings.”

Derek, Caerphilly

Macmillan's comprehensive Welfare Rights Advice service

Whilst the financial impact of cancer cannot be underestimated, specialist and timely help and support is available in Wales through Macmillan. Macmillan helps meet the benefits advice needs of people affected by cancer in a variety of ways, including:

- 1) Macmillan Welfare Benefit Advisers who provide face to face support
- 2) Macmillan one-off grants to help pay for costs associated with a cancer diagnosis
- 3) Macmillan Support Line freephone helpline open from 9am to 8pm Monday to Friday. Experts can find out which benefits people may be entitled to, help them complete forms, apply for grants and put them in touch with one of our [local benefits services](#)
- 4) Information materials on a range of areas on website
- 5) Macmillan online guide to the benefits system
- 6) Information and support literature on financial concerns
- 7) Online community where cancer patients can share their experience with others in a similar situation

Macmillan Welfare Benefit Advisers

Macmillan funds Welfare Benefits Advisers in many parts of Wales, who can advise patients which benefits they are entitled to and help them fill out lengthy and complex forms. Macmillan's 12 Welfare Benefits Advisers in Wales helped over 2,000 people affected by cancer to access nearly £7m in benefits and provided a range of advice on debt, housing, employment and energy efficiency in 2011. The amount of benefits being accessed continues

to increase, and in the last quarter (April – June 2012) the Welfare Benefit Service in South Wales Area alone supported 382 people access over £1.4 million pounds. Our new Welfare Benefit Advisor based in Velindre NHS Trust (who has been in post since January) has supported 66 people to receive £215,731 between April – June 2012. It is estimated that for every £1 spent on Macmillan support benefit advice £14.27 is claimed back in benefits from the UK Treasury.^{xvi}

Our welfare benefits team can also advise patients on Macmillan grants – one-off payments to help with specific costs such as heating bills, clothes or special equipment. In 2011, 1,763 people in Wales were given Macmillan grants totalling over £600,000.

We know that people affected by cancer often struggle to access generic benefits advice provision.^{xvii} Firstly the symptoms of cancer and side effects of treatment mean that it can be very difficult for people to access advice via conventional channels. Secondly, if people affected by cancer are able to access this advice they often find that whilst the advisers have an expertise in benefits advice issue, the lack of understanding of cancer and its treatments means that some of the available financial help is missed.^{xviii}

There is evidence of widespread under-claiming of financial benefits for people affected by cancer eligible for them. As it stands fewer than half of people with a cancer diagnosis in Wales say they receive financial advice or support from any source.^{xix} It is therefore vital that people affected by cancer are routinely signposted to our, or other, suitable high quality advice services.

Macmillan's welfare benefits advisers are in a unique position in Wales;

- **We work within the health and social care setting.** Many clients have reported experiencing frustration at being unaware of the support available until late in their illness.^{xx} Early provision of benefits advice services could help prevent major financial issues such as debt, bankruptcy and house repossession. Access to timely and appropriate welfare benefits advice can also significantly alleviate anxiety and stress, improve quality of life and help people make informed choices throughout their cancer journey. Macmillan receives direct referrals from clinical teams and Local Authorities. This is vital to ensure that patients, especially those who are receiving palliative care treatment, receive benefit advice promptly and without delay. Macmillan Welfare Benefit service navigate between health and social care and work within multi disciplinary teams.

I am self employed but I am just not up to the physical demands of running a guest house now. I lost two and a half stone following my surgery and find it hard to maintain my weight because eating is so uncomfortable. I have had to put the business up for sale but while I find a buyer I still have to cover the bills.

Luckily, I was talking to a nurse one day in hospital who told me that I might be entitled to support and she directed me to a Welfare Benefits adviser. I do get some help now but as I am self employed it doesn't cover all my costs. The reality is that if you are self employed and you can't work you don't earn but still the bills come in – there isn't a safety net for the days when it's a struggle to get out of bed.

Sheila, Llandudno

- **Complexity of cases.** A number of people we are providing advice to are employed therefore the benefits they are entitled to are more complex to claim. These cases require particular knowledge, skills and training in relation to cancer and the financial impact that it can have on people who are diagnosed.

Case study

Ms X diagnosed with Gastrointestinal stromal tumour, this case has been open to Welfare Rights Team for over a year since diagnosis. The Welfare Benefits Adviser assisted Ms X with her claim for Employment Support Allowance and Disability Living Allowance. Ms X was placed in support group but has received Limited capability for work forms in less than 12 months, each time the welfare benefit adviser has visited within 4 weeks to ensure the form is returned on time to avoid benefits being suspended. Ms X was awarded Higher rate DLA mobility when the cancer was first diagnosed, she had been in remission for 8 months when unfortunately the cancer returned. The welfare benefit adviser is now assisting Ms X with a supersession of her current DLA award.

In addition, the welfare benefit adviser has helped Ms X with a Macmillan Grant, Housing Benefit, Council Tax Benefit, Discretionary Housing Benefit (for a period of over 12 months), Water Assist and also a blue badge. The Welfare Benefit Adviser is able to visit within a short time period when Ms X requires any help with her benefits.

- **We are one of the few organisations that carry out appeals and attend tribunals to represent the client.** Very few organisations in Wales have the knowledge and experience to support a client to appeal a DWP decision or to represent them in the tribunal.
- **Time is of the essence.** Macmillan Benefit Advisers need to ensure that the paperwork is completed quickly due to the fact that time is of the essence for many patients, in particular those who have terminal cancer.

Case Study

Mr x diagnosed with Bowel Cancer January 2012. Mr X is married with a young daughter and owns his own property. The Welfare Benefit Adviser assisted Mr X gaining his entitlement to Employment Support Allowance (Support Group), Income Support including Mortgage Interest payments, Disability Living Allowance, Carers Allowance for his wife, refund on travel costs to/from hospital and a Macmillan Grant.

This has been a complex case due to Mr X's property being worth a significant amount, the Mortgage Interest payments did not cover his Mortgage repayments so Mr X was in a position where he was going to have to sell his property. I helped Mr X change over his Mortgage to another provider lowering his repayments to an affordable amount.

I helped Mr X to claim a Community Care Grant which unfortunately was refused, we are currently appealing this decision. This gentleman has had numerous issues with his Income Support being suspended, each time I have contacted/visited him urgently to resolve the matter. Fortunately Mr X's prognosis is good and he is hoping to be able to return to work in the future.

- **Support families to get benefits entitled too.** 50% of people diagnosed with cancer do not survive more than five years following their diagnosis and it is vital that the families are provided with the necessary support to access benefits that they are entitled to during a very difficult and emotional time. Our Welfare Benefit Advisers have worked with the patient so are aware of the needs of their family as well. Macmillan can provide support and assistance to family members affected by cancer whose loved one has died including funeral arrangements, financial issues and emotional and practical support. Our Welfare Benefit Advisers also signpost people to support groups for people who have lost a loved one to cancer.
- **Training and monitoring.** Macmillan provides extensive monitoring of our services and also provide a training budget on a regional and individual basis for all our advisers to ensure that any training or development needs are considered and provided for. In addition, peer support is provided to each Welfare Benefit Adviser.

“As soon as my husband was unable to work, the bank recalled a loan and we were made bankrupt. You should not be penalised for having cancer. Without Macmillan I really do not know how we would have survived as we had no money coming in.

It's the little things which you don't think of. Ian needed new clothes as he had lost so much weight and we needed thicker duvets to keep him warm. We also needed £500 to fill up the oil tank for winter.”

Nikki, Ceredigion

Delivering on Welsh Government policy

The Welsh Government has recently recognised the financial impact that a cancer diagnosis has on people in Wales. In June this year the Health Minister launched the [Cancer Delivery Plan](#),^{xxi} which includes a commitment that **people affected by cancer should be routinely offered the opportunity to access financial advice and support as part of the care assessment and planning process.**

Macmillan welcomes this commitment, however, it raises a number of issues regarding the availability of, and access to the high quality and timely specialist advice that people affected by cancer need.

With more than 17,000 people diagnosed with cancer every year and more than 120,000 living with or after the disease, this new government commitment is likely to result in a significant increase in demand for high level specialist welfare rights advice. It is vital therefore that a Welfare Benefit service is available right across Wales that meets the complex needs of people affected by cancer.

Macmillan's funding model means that we do not receive direct funding from the Welsh Government or from Local Authorities. Our model is a 'pick up funding' model where we provide the initial funding to a partner organisation such as a Local Authority (usually for three years) to recruit a Welfare Rights Adviser post. Our SLA requires a commitment from the partner organisation to pick up the funding and sustain the post once the initial period of funding is over. However, it is proving difficult for Local Authorities to pick up the cost of funding Macmillan's Welfare Rights services in the long term. This is a major concern for Macmillan. Our services provide vital support for people living with cancer in Wales and without them we believe thousands of vulnerable people will not receive the support they need. It is also difficult to see how, without Macmillan's welfare rights advisers, the government's commitment within the CDP will be delivered.

Local Health Boards and Local Authorities need to work together, and with third sector partners such as Macmillan, to plan how the Welsh Government's commitment to cancer patients is to be delivered as it is likely to lead to a significant increase in the number of people affected by cancer who need and request specialist support. Macmillan is concerned that recommendations to move away from specialist Welfare Rights Advice to a more generic provision could potentially impact on the government's ability to deliver on its commitment within the CDP and more importantly not meet the needs of people living with cancer in Wales.

The cost of not providing timely and specialist advice to cancer patients

There are potential savings for health services if effective benefits advice is provided. Emergency or unplanned admission are a significant pressure on health services and research suggests that improvements in health and well being of patients can lead to a reduction in use of NHS resources.^{xxii} In general NHS usage before and after benefits advice contact in patients with chronic morbidity decreased in the case of those whose income was supplemented as a result of benefits claims. This includes reduction in GP consultations, prescriptions and visits to A&E.^{xxiii} The results from an England and Welsh Civil and Social Justice Survey show that the average costs to the National Health Service of 'difficult to sole' debt problems that led to physical or stress-related ill-health was around £50 (£20 per debt problem in general).^{xxiv}

In relation to cancer specific savings, the cost to the NHS of cancer and tumour related costs has been estimated to be as much as £5.13 billion in England alone.^{xxv} Evidence suggests that lack of financial stability and/or social support, can reduce an individual's ability to maintain a stable home care status, leading to admission to hospital as a safety net.^{xxvi} Studies have shown that Macmillan welfare rights service can help to free hospital and social work staff from having to provide this advice and therefore potentially reduce the resource costs of best meeting patient's needs.^{xxvii} In addition, the service helps facilitate partnership working and improve communication between health and social care agencies making the whole process more efficient.^{xxviii}

Conclusion

As highlighted Macmillan provides a specialist support service to people affected by cancer in Wales. The advice and support that we provide is extremely comprehensive and ensures that complex cases are dealt with in a timely manner and to a high quality, which generic providers may not necessarily be able to provide.

With the introduction of the Welsh Government's Cancer Delivery Plan, it is vital that specialist Welfare Benefit Advisers are available to support cancer patients and their families, that support and advice services are sustained and, where there are gaps in provision for people affected by cancer, these are addressed.

Annex 1

About Macmillan Cancer Support in Wales

Macmillan improves the lives of people affected by cancer, which includes carers, relatives and patients. We provide practical, medical, emotional and financial help to people affected by cancer and push for better cancer care across Wales.

In Wales, Macmillan provides significant support and advice to thousands of people. In 2011 this included;

- Providing funding for more than 200 Macmillan professionals who help people affected by cancer in Wales. We fund a variety of health and social care posts including: Welfare Benefits Advisers; Clinical Nurse Specialists; Dieticians; Occupational Therapists; GPs; Specialist Physiotherapists; User Involvement Facilitators, Social Workers, Relate Councillors and Information and Support Workers;
- Providing financial advice and support to 2,000 people affected by cancer through our Welfare Benefits Advisers. Our 12 Welfare Benefit Advisers helped people affected by cancer access nearly £7million in benefits last year;
- Providing approximately £600,000 in one-off grants to 1,763 people affected by cancer in Wales, to deal with additional costs such as fuel bills, clothing and household appliances;
- In 2011, Macmillan spent almost £3.1m on new services and grants for people affected by cancer in Wales;
- We have 5 information and support centres across Wales in Ysbyty Gwynedd, Glan Clwyd, Bracken Trust, University Hospital of Wales and Wrexham Maelor Hospital. We have also developed cancer information and support in local libraries, and we fund Macmillan information and support coordinators to manage our centres and library presence. Here people can pick up high-quality cancer information and talk through any concerns with Macmillan professionals;
- Providing face to face support to 527,068 people across the UK through our health and social care professionals;
- Helping 132,000 people across the UK through our free Macmillan Support Line, including providing information in relation to welfare benefit advice and financial guidance; and
- Macmillan reached over three in four people living with cancer through our services in 2011.

Also Macmillan is a force for change; listening to people affected by cancer and working together to improve cancer care. People who live with cancer are experts by experience. They are a powerful resource; telling us what is needed and what must change. Together we can use this knowledge to make a positive difference to the lives of people affected by cancer. We believe that the voice of people living with cancer needs to be heard at all stages of health and social care services; from the design, implementation to the evaluation of cancer services.

Annex 2

See Macmillan Wales' Counting the Cost of Cancer report attached to email

Annex 3

See North Wales and South Wales Macmillan Welfare Rights service reports on benefits generated attached to email

Annex 3

See Macmillan report on Macmillan Patient Grants awarded to cancer patient in Wales document attached to email

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- ⁱ Macmillan 'The rich picture on people of working age with cancer' 2012
- ⁱⁱ Macmillan Cancer Support, 'Counting the cost of cancer', 2012
- ⁱⁱⁱ Macmillan Cancer Support, Making It Work, 2011
- ^{iv} Macmillan estimates that 7,000 cancer patients could lose up to £94 a week. This figure is based on estimates of the number of cancer patients on contributory benefits who are in the Work-Related Activity Group of ESA or currently claiming Incapacity Benefit but will be placed in the Work-Related Activity Group following the reassessment of all Incapacity Benefit claimants. For more info please see: http://www.macmillan.org.uk/Aboutus/News/Latest_News/Cancerpatientstoloseupto94aweek.aspx
- ^{iv} Macmillan Cancer Support/YouGov online (Aug 2011) survey of 1,697 people living with cancer in the UK. 197 respondents from Wales. Survey results are not weighted.
- ^v Pleasance P, Buck A, Balmer NJ, Williams K (2006) A Helping Hand – the Impact of Debt Advice on People's Lives, London, Legal Services Research Centre
- ^{vi} Wilson K, Amir Z, Hennings J, Young A (2010), A Qualitative Exploration of financial concerns, advice, support and coping in people diagnosed with cancer and their carers, Manchester
- ^{vii} Monitor internal analysis, based on Macmillan Cancer Support/YouGov (Feb 2010) online survey of 1,912 people living with cancer in the UK. 173 respondents from Wales. Survey results are not weighted.
- ^{viii} Macmillan Cancer Support, The Hidden Price Of Treatment, 2006
- ^{ix} Macmillan Cancer Support, The Hidden Price Of Treatment, 2006
- ^x Macmillan Cancer Support, The Hidden Price Of Treatment, 2006
- ^{xi} Macmillan Cancer Support/YouGov (Feb 2010) online survey of 1,912 people living with cancer in the UK. 173 respondents from Wales. Survey results are not weighted.
- ^{xii} Monitor internal analysis, based on Macmillan Cancer Support/YouGov (Feb 2010) online survey of 1,912 people living with cancer in the UK. 173 respondents from Wales. Survey results are not weighted.
- ^{xiii} ipsos mori for Macmillan Cancer Support 2011
- ^{xiv} Macmillan Cancer Support, Hitting Home Research, 2006
- ^{xv} Macmillan Cancer Support, 'Counting the cost of cancer', 2012
- ^{xvi} Macmillan Welfare Advice Project (2009)
- ^{xvii} Macmillan Welfare Advice Project (2009)
- ^{xviii} Macmillan (2010) 'Local benefits advice services; An evidence review'
- ^{xix} Chapple A, Ziebland S, McPherson A, Summerton N (2004) Lung cancer patients perception of access to financial benefits.
- ^{xx} Chalmers. T Jones L (2005) Final report of the evaluation of 3 different benefit advice services for people affected by cancer. Scotland.
- ^{xxi} Welsh Government Together For Health: Cancer Delivery Plan
- ^{xxii} Greasley P & Small N (2002) Welfare Advice in Primary Care, Nuffield Portfolio Programme Report No.17
- ^{xxiii} Abbot S & Hobby L (1999) An Evaluation of the Health and Advice Project: Its Impact on the Health of those using the service.
- ^{xxiv} Pleasance P, Buck A, Balmer NJ, Williams K (2006) A Helping Hand – The Impact of Debt Advice on People's Lives.
- ^{xxv} Featherstone H, Whitham L (2010) The costs of cancer
- ^{xxvi} Combined paper Macmillan, British Heart Foundation and British Lung Foundation (2009): The value of Clinical Nurse Specialists: Costs effective, quality delivery models and share priorities across disease areas.
- ^{xxvii} Macmillan Welfare Advice Project (2009)
- ^{xxviii} Donaghy E Hubbard G (2007) Evaluation of Renfrew Macmillan Cancer Information and Support Services; University of Sterling.