

**CONSULTATION ON THE DRAFT SERVICE SPECIFICATION FOR  
THE DERBY COMMUNITY LEGAL ADVICE CENTRE**

**DRAFT REPORT OF THE DERBY CLAC PROJECT BOARD**

**1. INTRODUCTION**

Derby City Council and the Legal Services Commission are looking at setting up a Community Legal Advice Centre in Derby to improve access to legal and advice services for residents.

To inform the decision to establish a CLAC, the Council invited current providers and users of legal advice services to give their comments on the proposals.

The consultation was primarily web-based through the Council's website at [www.derby.gov.uk/clac](http://www.derby.gov.uk/clac) which summarised a draft service specification and on-line feedback form together with background information on need and the proposed structure for service delivery. Paper copies of the documentation and survey were also available on request.

Respondents were invited to give us their views to help shape the final service specification for a Community Legal Advice Centre in Derby. The original consultation timetable was scheduled to run from Wednesday 31 January to Wednesday 28 February 2007. The timetable was extended for a further two weeks until Wednesday 14 March at the request of providers to allow more time to consider the proposals and respond appropriately.

## **2. ANALYSIS OF THE FINDINGS**

A total of four responses were received from the on-line consultation. One further response was submitted by email in response to the consultation and these substantive comments have been incorporated into the analysis below.

The small number of responses precludes meaningful statistical analysis of the comments. However, the detailed nature and quality of the responses is particularly helpful in shaping the service specification. Because of the small number of responses overall combined with the volume of constructive comments contained, the findings are summarised in detail below.

Where possible the responses have been detailed under the questions asked. However, in some cases, comments pertinent to one question that are detailed under another response have been drawn in. This is not classed as 'good practice' research wise but does help with the meaningful analysis of the findings received to draw out the common themes contained in the responses.

This report summarises the findings of the consultation together with how the Derby CLAC Project Board proposes to respond to the points raised. This will be reported through to Derby City Council's Cabinet on 5 June 2007 for consideration when a decision is made on whether to take part in the initiative.

### 3. KEY FINDINGS

#### 3.1 PRIORITY GROUPS

The draft Service Specification summarises the client groups that the Derby Community Legal Advice Centre proposes to prioritise. It indicates that, in particular, it will meet the advice and representation needs of:

- the unemployed, economically inactive and people on low incomes;
- people with long-term illness or disability, including mental health problems;
- young people, including those leaving care;
- older people, over 65 years;
- lone parents;
- asylum seekers, refugees and new arrivals to the city;
- Black and Minority Ethnic and faith communities;
- people with problems relating to accommodation, including people at risk of homelessness and those in temporary accommodation;
- victims of violence, including domestic violence;
- people living in the priority areas as set out in the needs analysis.

Respondents were initially asked for their views about the proposed priority groups identified for legal advice services in Derby. The responses received support the priority groups set out in the draft specification.

#### **Q1 - Do you have any comments about the priority groups identified for legal advice services in Derby?**

*‘our experience indicates that the groups identified as priorities for provision of legal advice services are exactly those groups that need that help the most’*  
**respondent outside of Derby City boundary**

*‘priority groups should be those who are most vulnerable including children and young people especially those who have been through the care system. People who suffer from mental health problems and learning disabilities. Those who are homeless or have housing needs. Victims of domestic violence.*

**Specialist legal advice provider in Derby**

#### **Response of the Project Board**

To include the current proposed groups as priorities for service delivery.

One of the responses indicates that there needs to be flexibility in how the needs of priority groups are met indicating that outreach is not the only way to deliver services to priority groups, as it is not cost effective to place advisors in sessions where no-one attends. The response indicates that ‘what works for one, is not a solution for all’.

#### **Response of the Project Board**

To clarify that the Service Specification contains flexibility on how the bidders can deliver the services.

The response suggests that there needs to be further consideration of 'victims of violence including domestic violence' and clients with mental health problems as they require additional time and resources to support.

**Response of the Project Board**

To clarify that the targets contained in the funding model and service specification will be based on averages and so acknowledge that certain client groups require additional time and resources to support.

Clients living outside the city boundary also need to be adequately addressed in the Derby CLAC service specification.

**Response of the Project Board**

To update the contract documentation so it reflects how providers will respond to clients from outside the City boundary.

### 3.2 RANGE OF SERVICES PROPOSED

Respondents were then asked about the range of services proposed to be delivered by the Derby Community Legal Advice Centre. The draft service specification indicates that the successful tender organisation(s) must provide specialist legal advice services in the essential categories of law set out below:

- community care
- debt
- employment
- family
- welfare benefits
- housing

The responses support the categories of law proposed in the draft service specification.

#### **Q2 - Do you have any comments about the range of services proposed to be delivered by the Derby Community Legal Advice Centre?**

*‘The range of service is obviously significantly informed by the needs analysis and as such is wholly applicable to the client groups. We are in agreement with the authority on the range of services to be provided’*

***respondent outside of Derby City boundary***

Some of the respondents go on to make specific comments regarding particular categories of law. The importance of delivering immigration and asylum advice alongside other categories of law is highlighted by one respondent:

*‘Fundamentally, we accept the initial range of services proposed in the outline. However, we would add that we see immigration and nationality advice as a key factor of offering a holistic service in Derby to clients’*

***Specialist legal advice provider in Derby***

This is considered in greater detail under question 3.

In addition, the complexities of delivering family law are flagged up by a specialist legal advice provider in the City. The respondent indicates that whilst advice in other social welfare categories of law is delivered exceptionally well by a range of providers in Derby, the expertise in relation to family law is at present to be found in high street firms. The respondent cautions about the cost of establishing a new legal team for this category and suggests that it may be better to work in partnership with firms who already have staff and systems in place.

**Response of the Project Board**

To clarify that the proposed process currently recognises the prospect of different structures for applications such as those from consortiums and with sub-contracting arrangements.

A number of the responses relate to working alongside Derby Advice to deliver the Centre's services. The need to ensure the services of both providers are co-ordinated is highlighted as important.

The draft service specification for the Derby CLAC was based on the assumption that all the Council's funds for the tendered part of the service will be directed to providing a generalist legal advice service. Inherent in this proposal is that no funds other than those provided by the Legal Services Commission will be directed to the other provider to deliver specialist legal advice services. The funds made available by the Legal Services Commission are confined by legal aid eligibility rules and this means that, under the initial proposal, no money would be available to deliver non-legally aided specialist level work and that these cases would be passed to Derby Advice staff who are not confined by these rules. One respondent is concerned that this would lead to a disjointed service and unnecessary delays for clients if they had to pass them on from initial assessment to Derby Advice.

*'our clients currently enjoy an "end to end legal advice service"...this benefit will not be possible in the case of employment and welfare benefits if enforced referral is upheld'*

***Specialist legal advice provider in Derby***

Concern was raised that in such circumstances, the independence of advice could be called into question and conflicts of interest may arise in cases that relate to Derby City Council. The respondent recommends directing some of the Council's funds to none-legally aided specialist legal advice. This point is looked at in greater detail under question 5.

**Response of the Project Board**

To clarify the independence of Derby Advice services. Derby Advice is independent by conduct and under the terms of the specialist Quality Mark which is independently audited.

To update the contract documentation so that it includes a protocol between the successful bidder and Derby Advice to clarify the independence of each agency.

To direct a third of Council Community Grants Budget funding to non-legally aided specialist level services in the final service specification for the Derby CLAC.

**Q3 - Do you think we should include immigration advice as a desirable category in the Derby CLAC service specification? Please note, that additional funding will be made available to deliver these services in addition to the published tender amount**

Of the three respondents that answered this question, all indicated that immigration advice should be included in the service specification and therefore delivered by the Derby Community Legal Advice Centre.

**Please say why?**

Respondents felt there was a strong local need for this type of advice. One respondent indicated that in an area as diverse as Derby, it should be included as an essential criterion.

*'we are opposed to the relegation of immigration and nationality law into a desirable category. This arbitrary omission would be detrimental to a holistic provision. Derby benefits from a vibrant mix of ethnicity and nationality. The first access to social welfare advice provision is often during asylum or refugee status.'*

**Specialist legal advice provider in Derby**

**Response of the Project Board**

To clarify that there is not scope to include immigration advice as an essential criterion. Immigration advice will be included as a desirable category of law in the service specification for the Derby CLAC and applicants that can demonstrate an ability to deliver this service will be prioritised in the appraisal process.

**Q4 - Do you think we should include mental health advice as a desirable category in the Derby CLAC service specification? Please note, that additional funding will be made available to deliver these services in addition to the published tender amount**

Of the three respondents that answered this question, all indicated that mental health advice should be included in the service specification and therefore delivered by the Derby Community Legal Advice Centre.

**Please say why?**

The responses support the inclusion of mental health advice so the CLAC can deliver a more holistic and seamless service and because there are only a limited number of suppliers in this area. This may suggest a misunderstanding about the proposal as including mental health advice as a desirable category will not increase the number of providers in Derby, it will just mean that the funding for these services will be directed at the Centre so that services can be delivered from one location.

Another respondent seems to interpret this question as relating to the provision of legal advice services to people with mental health problems rather than specifically the category of mental health advice.

**Response of the Project Board**

The Project Board do not recommended the inclusion of the category of mental health advice as a desirable category of law in the service specification for the Derby CLAC. This is because there is a clear distinction between mental health advice and provision of services to people with mental health problems. Specialist legal advice services for the category of mental health law are currently provided in acute settings in hospitals in the City. After careful consideration of this the Project Board recommends that this category of law is best delivered outside the CLAC and remains in its current setting in local hospitals as it is easier for the clients needing this support to access.



### 3.3 PRIORITIES FOR COUNCIL FUNDING

The Council had originally proposed to direct its funding towards providing a comprehensive generalist legal advice service. Respondents were given the opportunity to indicate if they agreed with this proposal and to tell us why they held this view.

**Q5 - We are currently proposing to direct the Council's funds for the tendered part of the service to providing a comprehensive generalist advice service, and the targets are based on this assumption. Do you agree that all of the council funds should be directed in this way?**

Of the four responses, two indicated yes, one indicated no and one did not say but went on to provide commentary that indicated their view was that the funds shouldn't be solely directed at generalist services. The reasons for their responses are detailed below.

#### **Please say why?**

The two respondents that indicated the Council's funds should be solely directed at providing a generalist advice service did not give reasons for their views.

The two respondents who did not think all the Council's funds should be targeted at generalist legal advice services provided additional commentary.

One respondent indicates that there is a need for the local authority to continue funding specialist level casework so that some clients that do not meet the legal aid criteria can continue to be supported. At the current time some of the Council's funds to not for profit advice agencies are directed in this way.

*'There are a significant number of socially excluded service users who fall outside of LSC eligibility and may become socially excluded if they do not receive the legal help they require. The local authority will lose the advice sectors ability to contribute to the prevention of social exclusion'*

***Specialist legal advice provider in Derby***

#### **Response of the Project Board**

To direct an element of the Council's Community Grants Budget funding towards specialist level casework that does not require legal aid eligibility and to update the Service Specification for the Derby CLAC on this basis. We suggest that around £210,000 of the Council's funds is directed at providing a generalist advice service and around £100,000 to the provision of non-legally aided specialist level casework.

One respondent recommends that large blocks of funding are not directed at specific tasks and that applicants should have greater scope to shape the merged service provision and to direct funding to allow them to retain 'some right to manage'.

**Response of the Project Board**

To clarify that the current funding model contains flexibility on how the bidders can deliver the services.

### 3.4 PERFORMANCE STANDARDS

The last set of questions relate to the performance standards proposed for the initiative. The questions were asked to draw out respondents views of the targets and the levels assigned to them. We also gave respondents the chance to let us know if there are any other standards we should adopt for the initiative.

#### **Q6 - Do you have any comments about the performance standards – not the level of the target – proposed for the Derby Community Legal Advice Centre?**

Of the three respondents that answered this question, all indicated that proposals for performance standards were appropriate and achievable.

*‘The performance standards stipulated are customer focussed and as such as are exactly what is needed to deliver a benchmark service.’*

***respondent outside of Derby City boundary***

One respondent’s comments relate to the Quality Mark which they indicate already sets the standard for provision of services. They indicate that the standards adopted should be comparable nationally.

*‘Rather than develop separate standards one would expect a CLAC to conform to the national standards set by the LSC subject to the current philosophy of working in partnership’*

***Specialist legal advice provider in Derby***

One respondent seeks clarification about ‘generalist legal advice or representation’. The response highlights that some local services definition of generalist legal advice is wide ranging:

*‘it currently assists all sections of the community, including many people who would be ineligible for LSC funding but who might have difficulty in funding private practice solicitors. That is, in particular, divorced, separated or single working parents working part-time but who by reason of their tax credits do not qualify for LSC funding’.*

***Specialist legal advice provider in Derby***

#### **Response of the Project Board**

To clarify that the definition adopted for the Derby CLAC service will be for generalist legal advice and not general help level services. To ensure that it is reflected in the tender documentation.

There are more specific comments relating to particular targets. These are summarised below.

- The timing for delivery and targets for new categories of law, such as family law, will need to reflect the set-up time required.

- We need to clarify how the performance target for priority groups will be measured.
- We need to clarify the LSC's definition for 'satisfactorily resolved'.
- We need to make clear in the service specification that peer review is part of the appraisal process and part of the on-going performance standards for the Centre.
- We need to clarify what the percentage target for client satisfaction relates to and how this will be measured.
- We need to clarify complaint resolution targets.

#### **Response of the Project Board**

To ensure that the above elements are clarified in the tender documentation.

#### **Q7 - Are there any other performance standards – not the level of target – that we should incorporate?**

One respondent suggested that it would be beneficial to incorporate some of the key performance targets contained in their current funding agreement with Derby City Council. The Project Board is already looking at this issue and is proceeding along the lines suggested.

#### **Response of the Project Board**

In the context of the national framework for the initiative, to incorporate outcome targets for the initiative as currently proposed.

#### **Q8 - Do you have any comments about the level of targets proposed for the Derby Community Legal Advice Centre?**

The comments on the levels of targets vary although all imply that they are high. Particular areas of concern highlighted by more than one respondent relate to the proposed family law targets and the general level of targets achievable for the funds available. Another concern raised is that the proposed value of funding going into the Derby CLAC will be less than is current contracts in the City and lack of money to support set-up. These are summarised in more detail below.

- **Family law**

Two respondents indicate that the proposed family law targets will be difficult to deliver. One respondent had already commented that the costs of establishing a new legal team for family work may be prohibitive.

*'As a family lawyer committed to legal aid I do not see how a new family advice service could reach the number of family case starts without employing a large staff. In which case, it could not be done within the budget'*

***Specialist legal advice provider in Derby***

This point is echoed by another respondent who suggests that set up for this category of law will need to have a longer lead in time than other services.

**Response of the Project Board**

We are reviewing the level of targets proposed for family law and all other categories. These will be incorporated into the final Service Specification for the Derby CLAC.

- **Level of targets for the available funding**

Two respondents make comments about the general level of targets for the available funding may be insufficient to deliver the outputs suggested:

*‘A detailed examination of the tender specification and delivery by an independent organisation would suggest that the £700,000 on offer is somewhat short of the funding required to deliver the stated outputs’.*

***Specialist legal advice provider in Derby***

There is concern that:

*‘the change will be insufficiently funded to extract the full benefits of a single point of access and should this become the case we would detract rather than add to the current levels of advice available to our constituents’.*

***Specialist legal advice provider in Derby***

**Response of the Project Board**

We are reviewing the level of targets for the Centre. These will be incorporated in the final Service Specification for the Derby CLAC.

- **Value of funds proposed by the LSC is less than currently committed to contracts**

Another issue raised is that the funding for the initiative is not the amount currently directed by the Legal Services Commission to legal advice services in Derby under its current contracts.

**Response of the Project Board**

To confirm that each funder has not reduced the value of funding for legal advice services from current levels.

- **Lack of funding to support set up**

Lack of funding for set up costs is also highlighted *‘what is going to pay for start up costs which were trumpeted as being part of the deal?’*

***Specialist legal advice provider in Derby***

### **Response of the Project Board**

To confirm the value of funding for the initiative includes a suggested allocation for set-up costs.

To explore alternative sources of funding to support set-up of the service.

### **3.5 ANY OTHER COMMENTS**

Finally, respondents were given the opportunity to give us any other comments about the proposals that they wish to make. All four respondents took the opportunity to leave additional comments. Many of the comments made in this section are relevant to the other consultation questions and where appropriate, these have been analysed with similar points. However, the remaining points are summarised below.

#### **Q9 - Do you have any other comments about the proposals you wish to make?**

- **Providers best placed to deliver the contract**

All four respondents focussed to some extent on how they could contribute to the contract.

*'we believe that every locality is unique and that translates into a delivery methodology that majors on bringing the benefits of a large national organisation to bear in a local context'.*

***respondent outside of Derby City boundary***

One local respondent indicated that concept of a Community Legal Advice Centre mirrors their own thoughts and actions as they had taken the decision to merge the two largest deliverers of social welfare advice in the city.

A respondent from the private sector indicated that there is already strong partnership between providers in the city and that it would seem a waste of money to change this when these links could simply be strengthened.

*'the not for profit advice services in Derby have always worked in partnership with like minded people in local law firms...there are already legal advice centres on the high street providing quality family law advice and representation. These are private firms where overheads and staffing are paid for to a large extent by private work...one way forward may be to develop the partnership and for one or two solicitors firms to hold outreach clinics within an advice centre.'*

***Specialist legal advice provider in Derby***

*'There are some distinct advantages of using the voluntary sector. The first is that, particularly at general help level, the sector can use unpaid volunteers to maximise outputs...The other advantage is additionality. The voluntary sector is more likely to have access to funding from other sources'.*

***Specialist legal advice provider in Derby***

- **General concerns about the proposals**

Respondents also took the opportunity to detail some general concerns with the proposals. The report has already covered the points raised regarding a possible reduction in the value of contract funding which are summarised in another section of the report. However, two respondents also went on to acknowledge the opportunity that this initiative offers. The responses tend to suggest that their concerns lie more with the process for setting up a CLAC rather than the outcome of the initiative, a Community Legal Advice Centre for Derby:

*'I must state that I am a supporter of the principle of CLAC and want to contribute towards a meaningful debate which will result in a workable framework for the CLAC.'*

***Specialist legal advice provider in Derby***

*'Providing we are given the opportunity to address these major shortcomings in the planning stages, we visualise few major barriers to Derby becoming a beacon for the successful introduction of the first and most successful Community Legal Advice Centre'.*

***Specialist legal advice provider in Derby***

Throughout the consultation process, a number of providers have expressed concerns about a nationally imposed agenda expressing the feeling that a decision has already been made before the consultation is complete.

<b>Response of the Project Board</b>
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To highlight that the final decision about the Council's involvement in the process will not be taken until it is considered by Cabinet on 5 June 2007.
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#### **4. PROFILE OF RESPONDENTS**

A total of four responses were received to the on-line consultation. In addition, one local voluntary sector agency submitted general comments about the initiative by email.

Of the responses received:

- three were received from legal advice providers. The other respondent did not specify.
- two were received from Derby based providers and one from outside the city. The other respondent did not specify.
- three respondents indicate they hold the specialist level Quality Mark. The other respondent did not say.