



Legal Support Advisory Group – 07 October 2019: Meeting Summary

The third meeting of the Legal Support Advisory Group took place on the 07 October 2019, chaired by Fiona Rutherford (MoJ Director for Access to Justice Policy) with an introduction from Parliamentary Under Secretary of State Wendy Morton MP.

Members Present:

Fiona Rutherford (MoJ Director, Access to Justice – Chair); Carol Storer OBE (The Law Society - Access to Justice Committee – *attended on behalf of Christina Blacklaws*); Richard Miller (The Law Society – *attended on behalf of Simon Davis*); Malcolm Cree CBE (The Bar Council); Rebecca Wilkie (Litigants in Person Support Strategy); Prof. Dame Hazel Genn (University College London); Dr Natalie Byrom (The Legal Education Foundation); Chris Minnoch (Legal Aid Practitioner’s Group); Lindsey Poole (Advice Services Alliance) Alexy Buck (MoJ Chief Social Researcher); Louise Eyeington (MOJ Deputy Director, Government Legal Department – *attended on behalf of Naomi Mallick*).

Apologies:

Christina Blacklaws (The Law Society); Simon Davis (The Law Society); Andrea Coomber (JUSTICE); Adrian Richards (MoJ Director, Data and Analytical Services); Sidonie Kingsmill (HMCTS Customer Director); Naomi Mallick (MoJ Director, Government Legal Department); Tom Read (MOJ Chief Digital and Information Officer).

Additional Attendees:

Claire Blades (Citizens Advice); Diane Astin (Civil Justice Council); Nimrod Ben Cnaan (The Law Centres Network); Stephanie Hack (MOJ Deputy Director, Legal Support); Christopher Owens (Legal Support Policy); Lauren Metalle (Legal Support Policy); James Wrigley (Legal Aid Policy); Amanda Smith (Head of User Centred Policy Design); Remmy Ahebwa (Legal Support Policy); Abigail Marx (Legal Aid Policy); Jessie Stanbrook (Legal Support Policy), Carolina Pizzato (User Centred Policy Design).

Key Points:

- Key areas of discussion for this meeting were the Legal Aid Social Welfare pilot, the Legal Support Signposting pilot and an update on evaluation methods for the programmes and pilots in the Legal Support Action Plan.
- The Policy Team will provide members with written updates on the Legal Support pilots by the next meeting, and are working on a wider engagement plan to update the sector, an update on which will be given at the next meeting.
- The Minister introduced herself to the group, highlighting the importance of the work in this policy area and thanking members for sharing their expertise.

Summary

Fiona Rutherford opened the meeting by leading introductions around the table, and welcomed new members Lindsey Poole from the Advice Services Alliance and Chris Minnoch from the Legal Aid Practitioners Group to the Advisory Group. Fiona also welcomed guests Claire Blades, Nimrod Ben-Cnaan and Diane Astin to the group, and thanked them for attending and sharing their expertise with the group.

The Group then reviewed actions from previous meetings and updated members on their progress. Fiona stated that, as discussed with members at the last meeting, the Policy Team will send the meeting summaries for future Advisory Group meetings to members for input before formally circulating the finalised summaries. Dr Natalie Byrom updated the group on the possibility of the Legal Education Foundation

funding a rapid review of innovation projects currently in the sector, currently in the sector. A paper co-authored by Dr Natalie Byrom and civic tech expert Tom Steinberg has been produced and shared with the Legal Support Team.

Members raised the need for papers for each meeting to be circulated further in advance wherever possible to enable these papers to be shared with wider networks so feedback can be collected and brought to each meeting from these member networks. The policy team has been working on an engagement plan over the summer, and are working on the creation of an online space where updates on the pilots outlined in the Legal Support Action Plan can be posted. It was agreed that the policy team will provide a detailed update to the group regarding wider engagement plans at the next meeting in November.

Alexy Buck then introduced her new role as Head of Evidence, Engagement and Experimentation within the MoJ's Data and Analytical Services Directorate, alongside her job-share partner Rachel Dubourg. Alexy explained that this new position will provide an even closer link to the evaluation of Legal Support pilots. Alexy outlined that this new Evidence, Engagement and Experimentation division will bring together the evaluation of large reform projects within the Ministry of Justice (MOJ) and Her Majesty's Courts and Tribunals Service (HMCTS), and this was well received by group members. Alexy stated that there were ongoing discussions regarding the resources and staffing for the evaluation of Legal Support pilots, and that plans for this will be discussed with the evaluation sub-group.

Alexy then gave an update on the first meeting of the Evaluation Sub-Group for which she is Chairperson. The first meeting was held on 24 June 2019 to discuss the evaluation plans for the Co-Located Hubs and Early Legal Aid pilots. Alexy fed back that it was a constructive and collaborative first meeting, which Prof. Dame Hazel Genn and Dr Natalie Byrom also attended. The membership is being reviewed by Alexy who is keen to invite representatives from a Local Authority and a Chief Social Researcher for Early Advice to sit on the evaluation sub-group. There are currently discussions ongoing regarding the methodologies used to evaluate these pilots as these pilots are challenging to evaluate, and so engaging with experts in this sector is crucial to ensure we have robust impact assessments at the end of the pilots.

Natalie and Hazel thanked Alexy for chairing this Sub-Group, and agreed with the assertion that producing robust evidence in this space requires the use of advanced methodological approaches, highlighting the need for quantitative experts to be in the room as well. Alexy spoke about resourcing and funding for the evaluation of the Legal Support Programme, stating that confirmation of a firm decision on this should be being made soon and updates will be discussed with the group at that time. It was asked by group members if the evaluation plans could be shared with the group, and Alexy encouraged group members interested in seeing papers from the Evaluation Sub-Group to contact her and she will ensure they are sent on.

Natalie raised the need to design legal support pilots to ensure that they would reflect the actuality of the intervention if rolled out more widely after the two-year pilot, stating the need for evaluation methods to be designed to cover this possible disparity. Alex Scott stated that this was the intention, and examining potential routes to scaling up any pilot is a key priority of Ministers in taking this work forward. Alex introduced his new role as Strategy and Evaluation Lead, outlining how he and the team plan to move the evidence based in this policy area forwards. Alex highlighted the commitment in the Action Plan to undertake additional research in this area, updating the group that his team are working with Other Governmental Departments (OGD's) to explore potential additional research areas to complement the work we are doing on the Legal Support and Legal Aid pilots, and the existing evidence base. The focus of this additional research will be on the following:

- Gathering more information on people experiencing legal problems, especially from vulnerable groups, to further improve our evidence base on the support needs of users, and how they would interact with it.
- Gathering additional evidence to strengthen any case for further investment in legal support initiatives in the future over and above that will be captured in the existing programme of work.

Alex stated his team would be consulting the evaluation sub-group regarding possible research and development ideas soon. Alex also asked Advisory Group to contact him to discuss if they had views to ensure we maximise this opportunity.

James Wrigley then gave an overview of the status of the Legal Aid Social Welfare pilot, indicating that the paper that was circulated before the meeting was a current proposal but this can be altered in line with the expertise from the group before gaining ministerial signoff. The commitment in the Action Plan for this pilot was to re-introduce early legal advice in an area of social welfare law, and over the summer this was worked on by our Priority Projects team who looked at the wider benefits system, assessing at which stage we should intervene with early legal advice.

The evidence gathered to date suggests there is merit in investigating the clear connection between welfare benefits issues and debt and housing problems. This connection makes it more likely that the early resolution of welfare benefit problems could result in better outcomes for the individual and savings to the public purse by reducing associated debt and housing issues, particularly those relating to eviction and homelessness. It was also discussed that in addition to the overarching area of social welfare law to bring into scope (welfare benefits), the pilot requires a more targeted area within this (the point at which the pilot will “intervene”). Through the evidence gathered, it has been suggested that the mandatory reconsideration stage could be a discrete intervention point in terms of creating a standardised ‘moment’ for intervention that could be more easily evaluated due to its narrower scope for intervention.

James asked for feedback from the group on the following:

- Initial thoughts from the Group on the suggestion that the pilot should focus on legal advice for welfare benefits, specifically at the mandatory reconsideration stage.
- Is there the potential for this recommendation to duplicate advice that may more readily be provided in the legal support sphere, i.e. through support services delivered by the third sector?
- What analysis can we undertake to identify and refine the legal issues associated with mandatory reconsideration?
- Does the Group have views on potential regions for the pilot, and/or how the region should be identified?
- Does the Group have a view on the capability of the advice sector and profession to deliver this advice, via a legal aid contract?

Some members of the group stated that they felt focusing on the mandatory reconsideration stage would mean the scope of this pilot was too narrow. There was a discussion regarding other stages of this journey that this pilot could concentrate on, with suggestions from members being first-tier tribunal appeal stage (as this may provide a less more tangible evaluation of the pilot’s intervention). Equally, it was raised by Nimrod Ben-Cnaan that concentrating on mandatory consideration would mean the intervention would be limited by the short timeline of this stage, highlighting that there is only a 30 day window for people to submit a mandatory reconsideration after a benefit decision has been made, and many clients that the Law Centres see may not keep to this timeline, again meaning there is a limited time for this pilot to intervene and therefore losing the benefit of intervening early enough to achieve the target outcome. Although the group understood the argument for a narrower scope to ensure a more accurate impact measurement, some members stated this may also mean that the pilots intervention wouldn’t entirely fulfil the remit of being early advice which, by its nature, is broad. It was also raised by Chris Minnoch that fewer than 30% of clients attend possession hearings, so only a small percentage of clients would reach the point at which this intervention would concentrate.

Other members discussed that although holistic services are necessary to solve people’s legal problems, if the aim was to create a robust evidence base, the pilot would need to look at a discrete area in scope and design an intervention around this. Dr Natalie Byrom raised the example of the Policy in Practice Legal Aid Benefits Tool that highlights when constituents fall into rent arrears, noting that using data from the Department of Work and Pensions would provide a better indication of where in the journey this pilot should intervene and where geographically this pilot could be implemented.

In response to the question of resource of the advice sector and profession, the group discussed the responsibility of collecting the appropriate data to complete a robust impact assessment of this pilot. It was stated that the advice sector has historically done this when funding to do so is available, but there would need to be clarity about the amount of funding available for organisations and how long this funding would last. Some members raised the issue of retaining specialist staff that would be necessary to provide this early legal advice if funding is stopped, something that needs to be considered if this intervention may only last for the duration of the pilot.

Jessie Stanbrook and Carolina Pizzato then presented an overview of the status of the Signposting pilot, stating that this is the right time to get input from this group as it has not yet been submitted for Ministerial decision. The Action Plan outlined a commitment to explore how to better coordinate and signpost legal support. This was based on research that identified that users regularly get stuck in a referral roundabout when trying to resolve their legal problem. Working with the Legal Support policy team, the User Centred Policy Design (UCPD) team set out to explore how better signposting to tailored, relevant information at the right time could help mitigate this issue. This pilot has been focused on Housing Disrepair, a common issue that is representative across the UK and often fails to qualify for legal aid.

Between July and September 2019, UCPD and the Legal Support Policy Team explored the problem area in detail, including research into the as-is user journey, user needs and the “perfect” legal journey, analysing existing signposting solutions, the consequences of poor signposting, and how the burden on existing services could be reduced. The Team designed, prototyped and tested a user-centred signposting tool to understand how we could alleviate the strain on existing services and improve the experience of people with a housing disrepair issue.

This discussion was based around the following questions:

- Does the Group feel that this type of signposting support is best provided by Government or is this a function for providers? If the latter, how can the Government best support this?
- Does the Group think this prototype on housing disrepair is a) a good area to test as a pilot and b) potentially scalable?
- We are keen to identify benefits from the earlier resolution of housing disrepair issues. What does the Group think the key outcomes are that we should prioritise in the evaluation of this pilot?

Some members of the group stated that they felt this signposting tool should be hosted on GOV.UK as this is trusted content, and GOV.UK sites appear higher up on search engines, meaning that those who need this tool would be able to find this tool rather than find others that may charge for this assistance. However, some members brought up the possible issue of clients distrusting GOV.UK as the provider of this tool, so urged the Policy Team to consider this. Rebecca Wilkie asked if instead of the Government developing these additional signposting tools, they had thought about resourcing the advice sector to develop these, particularly where there was already excellent resources and expertise in this area (e.g. Shelter)? The policy team stated they will be working closely with third sector providers to ensure this signposting pilot does not replicate what is already in the sector, but rather compliments the work already being done in this area.

The issue of advice sector resources was raised in reference to a possible increase in demand of advice sector providers that this tool may create. Jessie discussed the design of the signposting tool was intended as a “reliever” on the advice sector, and that the idea is that the tool is used to better inform and provide the tools to someone experiencing housing disrepair issues to deal with these themselves as much as possible. It will then divert those who have exhausted the previous options to the appropriate services. Some members of the group felt uncomfortable with the fact that Babylon Healthcare was used as a best practice example, stating research that found that this tool could have negative impacts on vulnerable user groups who are trying to secure a GP appointment, and that the tool increases the referral rate to primary care at a rate that is 10% higher than that of the 111 telephone service. Other advice sector representatives in the group added that although they do expect an increase in referrals from this tool, they believe those being referred by this tool would be better informed and more prepared due to the provision of information on the tool. Members then asked for further updates on the Awareness Campaign and work on the Co-

Located Hubs pilots, and it was decided an update on these would be included in the agenda for the next meeting.

Minister Morton then introduced herself to the group, and gave an update on her first two months since taking over post from Paul Maynard MP. Minister Morton spoke of the importance of the Legal Support Agenda in achieving our aim to increase societies access to justice, reflecting on her visit to the South London Law Centre in September, stating the necessity of policy initiatives to intervene earlier and to utilise technology to support to those who are faced with legal issues before these get to crisis point. The Minister stated the importance of working with sector experts to gain invaluable insight when designing legal support policy, and thanked all Advisory Group members and guests for sharing their expertise with us as we design and test legal support policy initiatives with their support and guidance.

The meeting was concluded by Fiona Rutherford thanking the group for their attendance and input, stating that an update on engagement plans, Co-Located Hubs and the Awareness Campaign will be on the agenda for the next meeting. Members agreed that they are looking forward to the next meeting, as well as a written update on the Legal Support Pilots by the next meeting, either at the end of November or beginning of December (date TBC).

Actions Log

Action	Action Owner	Deadline
Alex Scott to liaise with Dr Natalie Byrom regarding the Common Data Framework she has created regarding Access to Justice technology projects	Alex Scott and Dr Natalie Byrom	Nov-19
Policy team to provide update on engagement plans for Legal Support Pilots to Advisory Group by November meeting.	Policy team	Nov-19
Members of the Advisory Group that would like papers from the Evaluation Sub-Group to contact Alexy Buck to request these.	Advisory Group members	Ongoing
Alex Scott to send Prof. Dame Hazel Genn link to LASPO equalities statement on National Archives Website.	Alex Scott	Oct-19
Alexy to share high level evaluation plans with Group Members who request them.	Alexy Buck	Ongoing
Dr Natalie Byrom to send James Wrigley contact details for relevant contacts at Policy in Practice regarding their Legal Aid Benefits Tool.	Dr Natalie Byrom	Nov-19
Policy Team to include an update on the Legal Support Awareness Campaign at the next meeting of the Legal Support Advisory Group	Policy Team	Nov-19
Policy Team to provide members with an update on Legal Support Pilots before next meeting.	Policy Team	Nov-19