

Response from Avon and Bristol Law Centre

## **Background**

Avon and Bristol Law Centre has been established for over 30 years. It currently employs 26 staff of whom 7 are legally qualified and 7 are paralegals.

It provides high quality legal advice in Employment, Discrimination, Public Law, Mental Health, Housing, Immigration (including Asylum) and specialist Welfare Benefits. Where this advice can be delivered and to whom is based on a variety of contracts and grants.

It extends its reach across the South West region of England and into Wales. In Wales the Law Centre works with children and young people who are asylum seekers. It also provides mental health tribunal representation to patients detained in hospitals in Wales (though frequently these patients have been transferred from English hospitals).

It manages and/or is involved with a range of projects including the Pro-bono project, Europe Direct - informing people of their rights under EU law) Ask Us ( a collaborative project with Bristol agencies) to deliver advice to young people and a discrimination project involving a range of other agencies located in Bristol. It works with volunteer students to deliver the Legal Advocacy Support Project to support clients undertaking welfare benefits appeals.

## **Pro-Bono advice**

The Law Centre has always been supported by volunteer lawyers who provide face to face advice to clients on a Tuesday evening, currently this advice is provided in Family and Employment law.

The cuts in legal aid under LASPO, has had a significant detrimental impact on people with few resources at their disposal, to secure access to justice. The further an individual is from major conurbations, the less likely they are able to secure free and independent advice. This was found to be particularly the case in areas of family, employment and immigration. Small firms that once undertook legal aid abandoned undertaking much of this work and these areas of law are not ones where legal expertise is readily available at local advice centres who themselves are under continuing pressure due to cuts in local funding. This has effectively created advice deserts in many areas of the South West.

In response to this ABLC considered how it could develop services that responded to these issues. Whilst immigration is a pressing issue, it is across the whole country and in Bristol itself. There is simply a lack of adequately trained and experienced solicitors in this area of law, and whilst the Law Centre has been building a new immigration team, they are only able for immigration (rather than asylum or children's matters) to serve Bristol in a very limited way.

In terms of employment and family, the Law Centre having already developed links through its Tuesday night clinics, sought to build on these to be able to offer these pro-bono services in a more flexible way to provide greater reach into Somerset where there is a serious lack of advice in both family and employment.

To be able to undertake this Law Centre secured funding from the Legal Education Foundation to set up and develop a Virtual Law Clinic, this has initially involved two partner agencies Citizens Advice South Somerset and Citizens Advice North Somerset.

### **Virtual law clinics**

The purpose of the project is to be able to offer advice via Skype from a volunteer lawyer's office in Bristol direct to the CA office where the client comes to for their appointment. This has the advantage for the volunteer in that they do not have to leave their office and appointments can be fitted around their schedules. Whilst the current offer is for evening appointments with our Citizens Advice partners, we have also developed a lunch-time appointment rota with Wiltshire Law Centre.

The process is not without cost:

- Significant effort needs to be deployed to develop relationships with private firms and chambers to encourage and support them in developing their pro-bono offer. It is important to have clear routes of contact between firms and any managing organisation and signed agreements between individual volunteers and the managing organisation. This is important as the volunteers will be operating under the managing organisations policies and procedures
- Waiver requirements must be applied. Currently our pro-bono work is covered under the Law works waiver, and thus we need to comply with their policies
- Clear parameters of the offer needs to be put in place. Currently we are offering one-off advice appointments and not casework or representation
- Technology routes need to be established ensuring that firms and partners have the right technology in place to facilitate virtual face to face advice
- Professional Indemnity insurance needs to be put in place (as does the waiver). Private sector firms are often reluctant to use their own insurances and there is a need for the client to 'belong' to one agency for client care and insurance purposes, in this case all clients are the Law Centres clients, although their face to face interaction is with Citizens Advice.
- Clients coming into the Citizens Advice need to be appropriately triaged. Information sharing agreements must be put in place and there must be a secure platform to enable client information to be transmitted from CA to the Law Centre and from the volunteer's office. The on-line booking system needs to be maintained, as does the volunteer rota. Conflict checks with the volunteer solicitor must always be undertaken prior to appointments being confirmed, and in order to maximise volunteers time they should be notified of the client enquiry in advance
- Services should be advertised to ensure potential clients are aware of the services offered

Currently clients are required to attend the CA office for their appointment. Clients are not currently able to dial in from home. This is because we are offering an appointment system with pro-bono lawyers. However if we were offering a direct service, there is no reason why a client could not use video calling in the same way as they use the telephone, to ring for initial advice or to follow up on appointments.

This may be more appropriate for some services than others. For example we would be reluctant at this stage to offer a home service for clients in respect of advice on family issues. This is mainly

because we make appointments with clients (rather than them generally ringing in when they are free) and thus cannot be assured that at the time of their appointment they would be in a safe environment and able to talk freely on their matter of concern, particularly as concerns often involve children and can involve issues of domestic violence.

Feedback from clients seeking advice through this service has been very positive. However overwhelmingly our clients are in the working age group, and are familiar with using various forms of video calling in their daily life (Facetime, What's App etc). It should be also understood that clients have already been confident enough to approach a local advice agency and seek advice in the first instance and are supported by that agency at the time of the call.

In addition we have not tested this service where there has been a need for interpreting services (and a third person to be involved in the process at the clients end) nor are we completing forms or undertaking detailed casework. Clients are provided with a written advice sheet at the end of their appointment and this is transmitted through our secure platform.

### **Advice and work at Court**

Alongside the work above we are also exploring ways in which we can support people directly at Court. The projects described have been developed in reaction to cuts in legal aid under LASPO, leaving many people either not represented or choosing to represent themselves as litigants in person.

The Legal Advocacy and Support Project.

This project is supported by out in house welfare rights team (2.6 FTE) and receives additional funding from charitable trusts and local authorities. Students are recruited twice yearly from the four universities in Bristol who offer a law qualification. At any one time, we will be supporting between 12 and 20 students. The purpose of the project is to enable for the Law Centre to undertake more casework in respect of appeals for ESA and PIP and for more people seeking our services to be represented at the tribunals – in this instance the 1<sup>st</sup> tier tribunal.

In respect of ESA and PIP the national average for winning appeals (represented and non - represented) is 71%. At the Law Centre for PIP appeals the success rate is 92% and for ESA 97%.

Students undertake both preparation and representation work and also arrange appointments with the client to take them through what they can expect at the tribunal. All work is supervised by the Welfare Rights Team and all the clients are law centre clients and thus come under our insurances and client care arrangements.

### **Civil Litigation Appeals**

We are currently exploring with members of the judiciary and pro-bono lawyers a process whereby those litigants in person who have been given leave to appeal on civil litigation matters are provided with advice on the legal merits of their appeal and the process that they will face. Advice will be provided by pro-bono lawyers, how this will be provided (at court or otherwise) has yet to be confirmed. It is expected this will be launched in early 2019. The Law Centre is currently facilitating

this and will undertake the backroom support requirements. This work is separately funded via donations from private sector firms in Bristol.

#### Employment Litigants in Person Scheme (ELIPS)

This again is in development, but it is expected that we will mirror the scheme which has been successfully introduced in Cardiff, Birmingham and London. It is anticipated that this will also be in place in 2019.