

The Low Commission Consultation Report Association of Directors of Social Services and LGA response September 2103

1. The LGA welcomes Consultation Report of the Low Commission as a thoughtful and positive contribution to the national discussion on the future of access to legal advice and support. It will, no doubt, influence this debate over the next two years and beyond. Overall, the Consultation Report provides a strong and clear analysis of the problems and sets out proposals on some components of the broad range of support that should be available.
2. There is no doubt that accessible, timely and high quality legal advice and support is an important component of the range services and support necessary achieve positive outcomes for people when they experience employment, housing, financial and other difficulties and to prevent their situation becoming worse.
3. We have invited Lord Low to discuss the recommendations of the final report with the LGA Community Wellbeing Board at its meeting in November. We would also welcome an opportunity for our LGA's Welfare Rights Advisers to discuss with him the recommendations that relate to welfare rights advice and the broader spectrum of advice and information provided by local authorities and their partners across the public, community, voluntary and commercial sector.
4. This joint response from LGA and ADASS does not comment on any specific proposals in the report. We have a number of general comments and messages on the role of local government in the full spectrum of information, advice, signposting and advocacy, including legal advice and support. We hope that our comments are useful in shaping the final recommendations. Our comments concern:
 - the wider role of local government in advice and information
 - new duties with regard to information and advice
 - promoting existing good practice
 - financial context for local government.

Wider role of local government in advice and information

5. The Consultation Report refers to the categories of advice: asylum; community care; housing or debt problems involving serious disrepair that endangers life or where the individual is at risk of eviction or repossession; discrimination cases; special educational needs; and appeals to the Upper Tribunal in welfare benefits case. We agree that access to legal advice on these issues is crucial but we are disappointed that the report understates

the role of local authority (and NHS) staff, other than in homelessness and welfare rights services in providing information and advice.

6. Local authorities have a long track-record of providing and commissioning advice, information and signposting services that can resolve issues at an early stage and prevent the need for recourse to legal processes to resolve problems and disputes. Indeed, the report states that: "the more we can do at the beginning of the spectrum, the less we may need to do at the end". Our concern is that the Commission has started the spectrum at a point where many people have already had initial advice and assistance on housing, benefits and other matters from staff who are not officially recognised as a key part of the 'advice' world and who also need training, support and resources to work effectively. These people are also likely to be providing information and signposting functions.
7. A stronger focus at an earlier stage would recognise the contribution made by frontline services. For example, social care staff are a major source of initial advice for the most vulnerable members of society and for those who are possibly least adept at accessing more formal sources such as websites, specialist national agencies, law centres etc. That is also the case of many housing officials, sheltered housing staff, day centre staff, hostel workers and housing benefit staff. In addition, many housing associations are now offering innovative schemes combining benefits, training and employment advice. We contend that the overall contribution of these unofficial 'advisers' far outstrips the amount of advice provided by the more formal 'advice' routes and the Commission should not underestimate their contribution. The drive for greater integration of information and support will almost certainly mean that 'front line' workers will need to play a greater role in advice and information.
8. We support the report's focus on Alternative Dispute Resolution in reducing demand for legal advice. However, we would have liked to see a greater recognition of the role of mediation services as an effective way of resolving disputes at an early stage. For many years, local authorities have commissioned mediation services from voluntary and community sector organisations to resolve disputes over housing, neighbourhood and anti-social behaviour and employment. These services use trained (though not necessarily legally qualified) staff and volunteers to work with parties to find an acceptable resolution. They are often provided by individuals based within the community and are more accessible than legal advice agencies.
9. Lastly, we would have liked to see greater recognition of the enhanced role of local government in helping local people manage the various strands of welfare reform as a whole. The experience from many local authorities is that their 'front line' staff have been drawn into various

“financial management” issues in households: they have to manage the new system for crisis grants and loans, ensure that people get timely access to advice, and, increasingly, have to assist directly or through other parties people in looking at their options to make ends meet.

New and proposed duties with regard to information and advice

10. Recent and proposed legal duties on local government with regard to advice, information and advocacy are not fully considered in the report, despite their contribution to the first-tier support for individuals.
11. The Health and Social Care Act 2012 placed a number of duties on local authorities with regard to provision of advice, information and advocacy. From April 2013, local Healthwatch organisations ‘went live’. Their role is to give citizens and consumers a stronger voice to influence and challenge how health and care services are provided. Local Healthwatch organisations are commissioned by upper-tier local authorities. As commissioners, they are responsible for ensuring that local Healthwatch provides effective and accessible information, advice and signposting services on all aspects of health and social care, including informing people on how they can make a complaint if things go wrong. It is also worth noting that for local Healthwatch to effectively deliver these services, they will need to build strong working relationships with existing providers within the statutory and voluntary and community sectors.
12. In addition, from April 2013 upper-tier and unitary local authorities have been responsible for commissioning an NHS complaints and advocacy service to support people who wish to make a complaint about the NHS. Local authorities have flexibility to choose one of three options: as a stand-alone service, as part of the commissioning contract with local Healthwatch, or by commissioning from an existing organisation providing other advocacy and advice services. The support available to local people ranges from provision of self-help information through to dedicated advocates, who must be qualified to national standards, to assist individuals at all stages of the complaints process.
13. The Care and Support Bill proposes a new duty on local authorities to provide individuals with comprehensive advice and information to help them maintain their independence, including access to finance information and advice. This should provide people with clear information about their entitlements and routes of recourse. The LGA agree that this is an important local function and one which councils are well placed to deliver and maintain. We feel strongly that this should not be a “standalone” function, and rather must fit appropriately with both national advice and information services, including legal advice. This will be a significant new statutory duty and, as such, should not be an un-resourced new burden on

local government. It would have been helpful if the Low Commission could have considered how proposed new duties of local government align with and contribute to the overall provision on advice available locally.

Promoting existing good practice

14. The report includes many examples of good practice by local authorities working with their partners to find cost effective, integrated and accessible ways of providing legal advice. These case studies provide a helpful illustration of the innovation and good practice that already exists. It is also evidence that this is a service to which local authorities are committed despite the financial challenges.
15. One of the LGA's key roles is to work with local government to improve its services. We are keen to promote and disseminate good practice and innovative solutions through our communications channels with local government and their partners. We would welcome working with the Low Commission to find other ways of promoting existing good practice. That said, we also recognise that though good practice case studies may be helpful, no two areas will be the same and local authorities and their partners must develop services that address the specific needs and characteristics of their communities.

Financial context

16. It is not surprising that financial austerity is a constant theme running through the report. You will be aware that local authorities have been hardest hit by reductions to the public sector, losing an average of 42 of their grants from Central Government. We agree that the focus of any new strategy must be to reduce the need for advice and legal support in the first place. We believe that the LGA's place-based community budgeting approach will drive public service effectiveness across the board by bringing together local services in one place for issues ranging from economic development to health and law and order. We therefore, strongly support the focus of the proposals in finding more joined up ways of commissioning and providing services.
17. However, we are not convinced that the proposals outlined in the Consultation report can all be implemented in the current climate. Furthermore, we would welcome a broader focus on the full spectrum of information, advice and support services, in particular front-line services provided by a wide range of organisations and local authority staff. It would be helpful, therefore, if the final report of the Low Commission state clearly which of the recommendations should be prioritised.