



**Submission to the Ministry of Justice  
Consultation on Legal Aid Reform**

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14 February 2011

## 1. An Introduction to Sitra

Sitra is the umbrella organisation committed to raising standards in the housing, care and support sector. We are a membership organisation and a registered charity with over 25 years experience of offering practitioners a range of affordable policy, training, consultancy, information, conference and capacity building services.

Our membership comprises 650 practitioner organisations in the field of housing with care and support. The membership elects the committee. Members are drawn from both providers and commissioners, and from the statutory, voluntary and private sectors. We operate throughout England, and have offices in London, Bristol and Birmingham. Our work covers all aspects of supported housing, together with associated activities such as human resources and staffing issues, financial management, and community care.

We are recognised, funded and consulted by government departments and other bodies as representatives of providers of supported housing. We work with them on issues of national strategic significance for the sector. For example we have been working with DCLG on developing the transition programme which supports organisations through the changes resulting from the removal of the ring fence, and with the Department of Health on taking forward the personalisation of housing related support services. We are also part of the advisory and project board for the Right to Control, and have provided kickstart support to the Right to Control trailblazers.

The monthly Sitra *Bulletin* is widely recognised as a key source of technical information and policy development news throughout the supported housing sector. With a circulation of around 3,000, it is the most widely distributed specialist publication within the supported housing sector. We supplement the *Bulletin* with regular briefings on matters relating to supported housing and its related fields.

Sitra is also known as a leading training provider. Each year we train over 4,000 individuals across the country, either on our general programme or on tailored made in-house courses for members and clients. We also provide a range of seminars and conferences on supported housing related themes. We estimate that over 2,000 people attend such a Sitra event each year.

We are therefore in a unique position of combining a detailed knowledge of the housing with support or care sector on the ground with an understanding of and engagement with the developing national strategic agenda.

We welcome the opportunity to respond to the Ministry of Justice consultation on Legal Aid reform.

### Consultation Response

Our member organisations work with vulnerable and socially excluded people. This includes supporting people with learning disabilities, mental ill-health and physical disabilities or frailty to maintain their independence and enabling those recovering from substance misuse, homelessness, domestic violence, shorter-term mental health problems and offending to rebuild their lives. We would stress that this encompasses a much wider population than those who have been identified as eligible for a statutory service or a formal definition of lacking capacity.

Working with vulnerable and disadvantaged people will often involve supporting them to get access to the universal services which the majority population may take for granted, for example registering with a GP or dentist, receiving advice on the welfare benefits for which

they are eligible, getting advice on managing debt, finding out how to get extra help for a child with a disability or behaviour problem, etc.

Achieving successful outcomes, that is re-integration into communities and independence, for these clients can depend not only on the skills of their support services but also on the availability of specialist advice services and/or legal representation.

Our over-arching concern is that the proposals in the consultation paper will significantly restrict access to this specialist advice and legal representation to those disadvantaged people who already have substantial difficulties in accessing the help or the services they need.

The expectation expressed in the consultation paper that individuals should be able to work on their own problems without recourse to help from the taxpayer would have severe repercussions for many people who find it difficult to engage with statutory services or officialdom in any form.

Research into the financial benefits of preventative and early intervention services has shown time and again that it saves public spending on acute or crisis intervention services. In the case of the Supporting People programme, through which many of our members' services are funded, the independent evaluation of its financial benefits commissioned by the Department of Communities and Local Government found that the national annual investment of £1.6 billion in housing-related support generated net savings of £3.4 billion to public spending by avoiding more costly acute services. In many cases the withdrawal of early legal intervention and advice will result in subsequent higher costs for public services in terms of the use of acute services, such as subsequent homelessness, receptions into care or treatment together with the impact on health and well-being of poor housing, debt etc.

**Question 1:** Do you agree with the proposals to **retain** the types of case and proceedings listed in paragraphs 4.37 to 4.144 of the consultation document within the scope of the civil and family legal aid scheme?

We agree that it is essential to retain these cases and proceedings as they describe the most acute problems of personal safety and homelessness.

**Question 3:** Do you agree with the proposals to **exclude** the types of case and proceedings listed in paragraphs 4.148 to 4.245 from the scope of the civil and family legal aid scheme?

We do not agree with the proposals to exclude the types of case and proceedings listed here, which include: consumer, criminal injuries, debt, education, employment, housing, immigration, private law children & families, welfare benefits, asylum and immigration. As referred to above, many of the clients with whom our member organisations work have problems in these areas of their lives and need support to deal with them.

The assumption in the consultation paper that “appellants are able to represent themselves” because of the perceived “user-accessible nature” of tribunals does not describe the reality of many people in our society. Disadvantaged and socially excluded people, who may have poor literacy or language skills or past negative experiences of formal institutions, are extremely unlikely to be able to deal with such cases and proceedings without specialist advice and support.

The reference to the availability of advice and support from voluntary and community sector organisations as part of the justification for restricting the scope of legal aid is of serious concern. This consultation must take into account that the presence of the alternatives to

which they refer is under threat. Most of the work of these organisations is funded by grants or contracts from public bodies and current cuts in public spending are going to significantly reduce their availability. At the same time, other reforms such as those to social housing tenure and to housing benefit, seem likely to increase the need for such advice.

**Question 7:** Do you agree that the Community Legal Advice helpline should be established as the single gateway to access civil legal aid advice?

**Question 8:** Do you agree that specialist advice should be offered through the Community Legal Advice helpline in all categories of law and that, in some categories, the majority of civil Legal Help clients and cases can be dealt with through this channel?

We do not believe that a telephone helpline should be a single gateway. Many of the disadvantaged and socially excluded clients with whom our members work would find it very difficult to explain themselves or describe the complex problems they face through this medium. Limited language skills and lack of literacy can be overcome in face to face interviews but are a major barrier to telephone interviews.

**Question 12:** Do you agree with the proposal that applicants for legal aid who are in receipt of passporting benefits should be subject to the same capital eligibility rules as other applicants?

We do not agree with this and consider that it makes systems clearer to applicants and simpler to administer if all means tested benefits use the same capital limits.

**Question 32:** Do you agree with the proposal to reduce all fees paid in civil and family matters by 10%, rather than undertake a more radical restructuring of civil and family legal aid fees?

We do not agree with this proposal to reduce fees by 10%. We believe that the availability of advice services has already been detrimentally affected by fee levels and the increased administration in recovering fees.

We note that no question has been asked in the paper on the stated intention in the longer term to replace the current system of administratively set rates with a model of competitive tendering. We would ask that you learn from the experience to date of the waste of resources generated by such competition and of the inability of market forces to ensure that services are provided to those who need them where they need them.

If you would like any further information on our response or our work, please contact us.