

Access to justice, advice agencies and the impact of funding

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IN the UK, voluntary (or third) sector advice organisations increasingly hold together the fragile web of accessible justice. Unlike other countries, where only those who are legally trained are allowed to give legal advice, the UK takes a broad view of who can give legal advice. Indeed the UK government's system of quality control for legal aid providers introduced in the mid-1990s enabled charities without solicitors to provide legal aid services provided they met the quality mark standards.

The network of local Citizens Advice bureaux are often the only organisations people with debt, benefit, employment and housing problems can turn to. In all advice organisations, front-line advisers, often volunteers, seldom with any formal legal training, are becoming key legal actors attempting to provide 'ordinary people' access to justice.

And yet, despite the central importance of voluntary sector advice organisations in the access to justice landscape, the funding of these organisations is precarious, increasingly reliant on entrepreneurial managers putting together a mosaic of funding sources to keep the organisations afloat and the doors open. This paper, drawing on data collected through a programme of research funded by the European Research Council which examined the role of the voluntary advice sector in the UK, examines the implications of a precarious, mosaic-like funding environment, and asks – *how is funding regulating access to justice? Is this accessible justice? What might the future look like?*

The Citizens Advice service

The principle voluntary sector advice organisation in the UK is Citizens Advice. Citizens Advice bureaux (CAB) were first established in the UK in 1939 to meet the anticipated needs of the civilian population that arose out of the chaos and crisis of war: local bureaux have been responsible for providing generalist advice services since that time. The local CAB has become an integral part of the local support infrastructure. Bills from local councils and utility companies will direct people having difficulty making payments to Citizens Advice for 'free, independent advice'. Some CAB clients think the bureaux is part of government.

The local bureaux form a network of organisations affiliated to the national organisation (Citizens Advice and Citizens Advice Scotland). Each local bureau is a registered charity and is semi-autonomous from the national organisation. The national organisations provide training, information systems and operational support. More recently, the national organisations have taken on contracts to deliver advice, either through national telephone helplines and websites, or using the local bureaux.

Funding advice

Legal aid funding has never been a principle source of funding for advice bureau. CAB at a local level have traditionally been funded through a grant from the local authority in which they are located. In the past, this was their main (sometimes only) source of funding. This is now changed dramatically, most notably in the English bureaux in our study, where LA funding is generally less than half of their annual income. Most bureaux budgets now look more like a mosaic, made up from a range of funding sources, statutory, charitable and business.

Funding acts as a regulatory mechanism through two principle mechanisms: first, funding may come with a form of specific contract. For example, local authority grants involve some kind of commissioning process. Local authority funding is generally tied to meeting broad objectives. However, other forms of funding require bureaux to deliver specific services, or provide services targeted at specific groups of citizens. Whilst managers will seek funding to meet the advice needs of their clients, having a funding contract to provide a specific type of advice – particularly if the funder specifies the forms of advice that are to be delivered – will inevitably change the way the bureau organises itself, and directs its people resources, mostly in the form of volunteers.

Funding, then, shapes advice bureaux, both in terms of what they can do and how they deliver their services.

The volunteer resource

A key resource in Citizens Advice bureaux are the volunteers. Most of the front-line advisers are volunteers who have undergone an extensive training programme and then a period of observation before being allowed to take on casework. Volunteers are supported by salaried, specialist advisers who oversee the volunteer's handling of cases in the 'backroom' of the advice bureau.

Advisers are, for the most part, *not* lawyers, but will access legal expertise in a variety of ways. A few bureaux have (or have had) in-house solicitors funded through legal aid – in England and Wales this funding came to an end in 2010. Bureaux have established a range of pro-bono schemes and have links with Law Centres, where they still exist. However access to legal expertise varies across agencies and according to geography. Research by Citizens Advice indicated that there are a number of barriers to solicitors providing pro-bono services to bureaux, mainly because solicitors are trained in specialisms and are unable to respond to the generalist advice needed for bureaux clients.

The volunteers enable Citizens Advice to do a great deal with not very much – money that is. However, with ever more constraints on funding resources, volunteers are being required to more and more become the experts. They must be *legal experts*. Some in the network question whether it is realistic to rely on the volunteer resource to fill in the funding gap, to do legal work in highly complex legalised fields.

The centre cannot hold...

There is a view that legal aid funding is unnecessary because the third/voluntary sector is doing a very good job in enabling access to justice. This view seems blind to necessity – both the necessity of legal expertise in a legalised environment, and the necessity of funding for advice.

Funding acts both as a constraint and an enabler. Funding sources that are targeted towards specific actions or goals can enable advice to be delivered in new ways, but always assume that an organisation exists that can be the delivery vehicle. Targeted funding does not fund infrastructure – the offices, the managers required to train up and support the volunteers to deliver the targeted service, or even the development managers who make the relationships and bid for the funding. Citizens Advice bureaux are able to deliver advice services to cancer sufferers, ex-service personnel, and other 'target' groups because they receive core funding from local councils that pays the rent, pays the managers and supervisors, and keeps the trustee board functioning. Remove that core funding and the danger is the delivery vehicle loses its engine.

Local authority budgets throughout the UK have been cut and cut over the last five years. Looking to the future, one bureaux director expressed concerned that the local council is now looking at its budget in terms of that which it has a statutory duty to provide – everything else would be under threat, and that meant the Citizens Advice bureaux.

Without that local authority core funding...? – a line from WB Yeats comes to mind

Things fall apart – the centre cannot hold.