Third Sector Legal Advice ‘running out of road’.

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Third sector legal advice has undergone dramatic change in the last three years in the Liverpool City Region (Liverpool CR) and across the UK. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) abolished almost all civil legal aid funding for advice services in England and Wales from 2013, and austerity measures have cut local authority budgets drastically since 2010. This has meant that third sector advice agencies in the Liverpool CR have lost legal aid contracts worth millions of pounds and have also typically seen cuts of more than 50% in local authority funding. Over the same period, the government has been driving through a fundamental reform of welfare benefits, leading to increased demand for advice from those affected by the benefits changes. A ‘perfect storm’ of greater demand at a time of reduced funding and service provision.

The University of Liverpool’s Charity Law & Policy Unit has recently examined the impact of these changes on third sector advice services in the Liverpool CR, via an online survey and interviews with advice agency heads. This is part of a larger project, funded by the Leverhulme Trust, examining the impact of policy changes and funding cuts on access to social welfare law. The study highlighted the difficult environment for the provision of free legal advice. Services are struggling to meet local need: 94% of respondents believed that advice needs went unmet, and 54% that there are ‘many more’ people with unmet need than there were six months ago. Welfare benefits advice is the primary area for unmet need, but also employment, housing, and in the areas of family, children and domestic abuse, which have seen dramatic increases since a previous study in 2013. Staffing cuts have been severe, with dozens of jobs lost across the region, particularly in the area of welfare benefits. One agency alone has lost 15 welfare benefit specialists. The study also highlighted the resulting pressure put on levels of service provision.

Despite this bleak picture, third sector advice agencies have responded flexibly to serve their clients. There is, for example, an increased focus on client self-help, evening surgeries, telephone advice and online information; although there are concerns about the extent to which these alternative forms of provision can meet client needs. Agencies also reported increased use of volunteers at both a general and specialist level to try to fill gaps left by staff cuts. However, there are resource limits on the numbers of volunteers that can be recruited and supported, particularly if they are to take up specialist advice work.

No amount of flexibility, however, can replace the massive funding reductions for agencies. There has been some limited success in finding alternative funding, but agencies face stiff competition for a dwindling pot of resources much smaller than previous levels. As a result, advice agencies are under threat. The Low Commission Report (2015) concurred: ‘While the sector has responded positively to the changes by adapting service models and developing new partnerships, frontline agencies are increasingly running out of road’.

At the same time, much of the burden for mitigating the impact of the government’s welfare reforms on the most vulnerable in society has fallen to the third sector, without adequate funding. One agency manager described seeking welfare benefits advice funding as ‘the stuff of nightmares.’ The increased demand caused by the welfare reforms and the increasingly precarious situation of advice agencies will inevitably mean that the advice needs of large sections of vulnerable populations will be unmet.

The government promised to ‘target legal aid to those who need it most.’ Instead, there has been an across the board cut to all areas of civil law, all parts of the country, and all agencies, with no targeting of resources to the most vulnerable, which has had a disproportionate impact on areas of greater deprivation, such as the Liverpool CR. The Justice Committee recently criticised the government’s evidence base for the reforms and noted that it had previously warned of the risk of creating ‘advice deserts’. Although the Liverpool CR is not (yet) an advice desert, the changed funding environment has had a severe impact on the third sector advice agencies in the area, as well as to the vulnerable populations that they serve.

For a copy of the report, or to participate in the larger study, please contact Jennifer Sigafoos at sigafoos@liverpool.ac.uk