

## Free Legal Advice in Crisis

**A national conference held in Manchester on 9th February 2013**

**Organised by Access To Advice**

**Sponsored by:** Cheetham Hill Advice Centre • Derbyshire Green Party • Greater Manchester Immigration Aid Unit • Greater Manchester Welfare Rights Advisers Group • Green Left • Haldane Society of Socialist Lawyers • Law Centres Network • Kenworthy's Chambers • Manchester Green Party • North West Housing Law Practitioners Association • Salford Citizens Advice Bureaux • Unison • Unite the Union

## Conference Agenda

To bring together everyone concerned with the crisis facing free legal advice locally, regionally, nationally.

To share ideas and experience for campaigning for future publicly funded legal advice services.

### Morning Session

- Introduction
- The Big Picture - a national overview of changes to social welfare law advice services  
Steve Hynes, Director of the Legal Action Group  
Questions and discussion
- Morning workshops – our communities  
Housing, Employment and Unemployment  
Family and Debt  
Migrants and BME Communities  
Disability and Sickness

### Afternoon Session

- Campaigning and Tactics  
Julie Bishop, Director of the Law Centres Network
- Afternoon workshops – responding to the crisis  
Campaigning and Awareness  
Monitoring Advice Needs  
Alternative Models and Technology  
Collaborations, networking and competition
- Principles and Arguments - social welfare law, free accessible legal advice in a civil society  
Lord Bach, leads the opposition to legal aid cuts in the House of Lords
- Look to the Future - Question and discussion with panel of the main  
Speakers plus Yvonne Fovargue MP, Chair of the All Party Group on Legal Aid
- What next

## Introduction

### **Jean Betteridge, Access To Advice**

It is heartening to be here with you. I welcome you on behalf of the sponsoring organisations, and Access To Advice, which is a Greater Manchester-based, unfunded group campaigning for publicly funded free legal advice on all areas of social welfare law.

We will be looking at how we can work together on the crisis facing free legal advice, drawing on the ideas and experience of all of us here.

The aims for the day are:

- Pooling our information on the free legal advice situation
- How do we meet the need for social welfare advice before and after April?
- How do we deal with reduced advice services?
- How do we campaign for government funding for free legal advice?
- Looking at future developments and alternatives for meeting advice needs.

## The Big Picture

### **Keynote address: Steve Hynes, Director, Legal Action Group**

We are at a low ebb, but this conference is a reason for optimism. Main themes:

#### **Legal aid**

The government appears to have 'put the ambulance at the bottom of the cliff', rather than focusing on early intervention. The government wanted to cut back to a rump service but we achieved some concessions by working with cross bench peers, winning the argument against the government that 'what you are doing makes no sense'. The weakness of the campaign was that it focused purely on legislation and parliament. We need now to reach out and do more.

#### **Local government**

There is no policy coordination in local government about advice services, which have developed as a patchwork due to local demand.

Manchester's Labour-controlled City Council created Manchester Advice, for example, which was a great advice service. Its closure in 2011 was a local political decision to reduce advice services, in a city with high demand due to poverty, flowing from a political idea that Manchester should not be viewed as a 'welfare city'. It is nonsense not to reflect what people want and need. How do we get back from that?

#### **The Low Commission**

The Low Commission has been established under Colin Low to look into social welfare law, and will report in December 2013. We must get political parties to understand the case and to fight and win the political argument for advice services.

The development of parallel legal aid and local authority funded advice services has been a great strength ('a fruitful hotch potch') and it is now essential that information and evidence – including anecdotal reports – is provided to the Low Commission to describe how cuts are affecting these services in different localities.

There will be significant future growth in social welfare cases. In the social entitlement

chamber the predicted growth in cases in the tribunal system is from 483,000 in 2012-13 to 644,000 in 2014-15, but at initial decision stage there will be enormously greater numbers of cases. Cutting away the right to redress will coincide with the localisation of benefits and wider welfare reform.

### **Service delivery**

There is a debate about applying information technology to provide solutions in the social welfare law field, but generating new applications and making a profit in this field will be a problem.

Benefit claims must now be made on-line, and the government is promoting telephone helplines. Many of our clients do not use or have access to computers or cash for phone calls. These are poor people, phone and IT-based services are worthless unless backed up by face-to-face services, and our clients will continue to need services paid for by the state. This is what the public wants.

Most people use advice services in times of crisis. They don't want to be dependent. They need a helping hand. We don't want to promote a dependency culture. People must have access to their legal rights and get help where they need it.

The Transition Fund allows only 25% to be spent on direct services to the public. It is not the solution.

Nor are insurance backed services. In Sweden, for example, it is said that 94% of cases are backed by insurance, but this figure includes personal injury claims and is completely misleading. For claims against the state, relating to benefits, housing, etc. insurance cover will not be available. Paid for services at low cost fixed fees will not reach the client group most reliant on free legal advice, notwithstanding a limited market for employment and immigration advice.

### **Dependence on central funding**

The case study of Law for All in Ealing is instructive. They went bankrupt when the LSC made the 10% cut in rates. They were completely dependent on legal aid and, although there were other problems, this was enough to close the service.

No one in government ever learns. This service was desperately needed but constant change meant they could not survive. We cannot have a system where there is complete dependency on centralised state funding. We need partnerships at local and national levels to create resilient services and to know who is providing what and to provide local input into services.

### **Future campaigning**

Politicians run scared of the Women's Institute (WI) because they are effectively organised nationally and locally. During the LASPO (Legal Aid, Sentencing and Punishment of Offenders Act) campaign organisations like the WI, not natural allies in defence of legal advice, saw the impact of the cuts and worked to achieve change in the proposals. We will need to continue to reach out to trade unions, disability charities, etc. and organisations not seen as part of our natural constituency.

There is overwhelming public support for free legal advice and a continuing fairness culture in this country. What the government is doing at a local and national level is against the grain of what people believe. We need to tap into this. Our campaigning can achieve a wide appeal.

## **Points from debate:**

- 1) Lobby central government. Both local and regional action is needed to lobby to change government policy. We should continue to make the case for the financial gains to individuals and communities flowing from effective advice.
- 2) Judicial reviews and wider campaigning. Challenges to funding decisions can one part of our campaign (e.g. successful outcome of judicial review for South Manchester Law Centre). But we are not going to win the campaign with judicial reviews alone, and we need to win the public fight for wider support. Lawyers must acknowledge the need for a broad range of other people to be included in running campaigns.
- 3) Charges and profits (commissioned services). Some organisations will be excluded from securing commissions for advice services if tender specifications impose a requirement for charging clients. Notwithstanding any such charges for services the private sector too recognise that profits are very difficult to secure from advice contracts.
- 4) Markets dominated by small number of providers. Competitive tendering leads over time to a small number of providers dominating. The requirements of tenders can explicitly exclude established local providers in favour of others, which is divisive. We should not ignore, though, the potential for future alternative models for funding smaller organisations.

## Morning Workshops

**Aim** – to collect information on the key issues and difficulties facing our communities.

### **Housing, employment and unemployment**

#### **Housing**

From April legal aid is only available for repossession and risk of homelessness and for serious disrepair where life and health is at risk

- There has been a massive reduction in funding for housing advice.
- All Shelter staff are at risk of redundancy, with Cheshire and Cumbria Shelter set to close.

#### **Employment**

From April legal aid is no longer available for advice and help on employment issues, unless involving discrimination

- The introduction of fees for Employment Tribunals is a further attack on the rights of working people. For example a fee of £160 in advance to obtain £40 in wrongly withheld wages; an unfair dismissal claim costing over £1000.
- Closure of the Greater Manchester Pay and Employment Rights Advice Service was the loss of a unique service which as well as advising 1000's of their employment rights also provided a campaigning voice, for example for the minimum wage and the living wage.

#### **The background**

Rising poverty and low paid insecure work. For example the Greater Manchester Poverty Commission found 600,000 people living in 'extreme poverty', a further 1.6m at risk of sliding into poverty and 137,000 in work earning less than the living wage (£7.20 per hour at date of the Commission's report).

#### **Advice needs**

- On-line information is not enough, face to face advice is needed by many
- Early advice in advance of decisions to avoid bad decisions and increased advice needs.

#### **Advice provision**

- Areas are becoming advice deserts, eg Cumbria, Cheshire, Shropshire.
- Legal Aid cuts are compounding local authority cuts. For example in Manchester: the closure of the local authority service, Manchester Advice, in 2011, is now followed by the Community Legal Advice Service facing collapse. The previous model of collaborating and complementing services has been replaced by competition between providers, reduced availability and eligibility.
- Unite the union has started to provide a professional advice service. Is there also a role for union activists to become advice workers with support of advice agencies and unions?
- Are there alternative means of financing advice? For example pension funds.

#### **Action Points**

- Should advice services rebrand as rights services?
- Advice sector needs to link with wider network of support including charities, community groups and trades unions, for example the local Unite Community Branch for unemployed and precariously employed people, want to be part of a 'network of activists'.

## **Family and Debt**

### **Family**

From April legal aid for domestic violence is tied to a definition and evidence requirements that will not include all abused women

- Domestic abuse is not being taken seriously this leads to women having a choice of either more abuse or debt.
- If no one takes responsibility for abused women. Where do they go for help?
- Reduction of funding = NO CHOICE

### **Debt**

From April there is no legal aid for debt advice unless home is at risk

- Increase in use of payday loans for different things, for example could be forced to use for medical reports etc because no longer funded in any other way.

### **Advice Needs**

- What about private tenants who are likely to need advice more often than social housing tenants?
- Universal Credit will cause problems, for example rent money will no longer be paid direct to landlord creating bad problems for both tenants and housing associations, but there will be no advice to help.
- A good financial inclusion plan should include advice on social welfare rights.
- Budgeting skills are important, there needs to be more training for people.

### **Advice Provision**

- Difficult for smaller organisations to keep up with changes in legislation, when specialist support has gone.
- Government online information has been stripped down.
- Social landlords are a growth area in debt and welfare rights advice provision for their tenants. Some social landlords will extend advice to other people in the district. But others will not.
- Funding streams need to allow advisers to do their job, rather than form filling, 'tail wagging the dog'.
- The model of advice giving needs to be changed to become less about the funding and more about the person.

### **Action Points**

- The government must be called to account, the difference between what they say they are doing and the reality on the ground must be exposed.
- Partnership working.
- Use of levies to fund debt advice?
- Should we be working with banks about setting up basic bank accounts?

## **Migrants and BME Communities**

### **Legal aid cuts, immigration law changes**

From April legal aid will still be available for asylum issues but not immigration issues.

- The law is complex, for example the 2012 changes to immigration rules affecting cases on the right to private and family life.
- How much will there be a shift to asylum cases?
- How much can legal aid for exceptional cases be used? Potential scope for Judicial Review, should we overwhelm them with claims?
- There are also confusing immigration status elements in other areas, for example benefit claims.

### **Advice needs**

- BME Communities - established BME communities have high advice needs:
  - Caribbean, Irish communities etc are still disproportionately poor
  - Discrimination
  - Particular community needs
- Faster asylum case progression but problems arise with refugee integration and English language skills
- Destitution due to delays in 'right to reside' cases, also due to interim, transitional income problems after refugee status granted.
- Unaccompanied children reaching adulthood.
- Attraction of existing communities in cities mean issues for new arrivals from Europe and elsewhere, for example acute housing problem in London, need to educate local communities.
- Removal by social services of children from women with no means.
- Workers at the end of contracts.
- The implications of the benefit changes for BME communities.

### **Advice Provision**

- Demand will be redirected to small community-based services
- Prevention work, for example around debt will be undermined.
- Service reliance on volunteers needs resources for training, support etc
- Bad advice from new, local private providers, poor quality service from G4S etc, using complaints from people, but issues of fear and time.
- What do BME communities think of existing advice services?
- Problems of telephone based services for people with limited English

### **Action points**

- Use exceptional cases 'safety net' wherever possible.
- Challenge on equality impacts, restore equality issues to political agenda.
- We need to include BME communities in the debates on campaign, monitoring, alternatives, technology, collaboration / competition.
- Think of allies that we can work with, eg National Pensioners Convention, Unite etc

## **Disability and Sickness**

### **Welfare benefits legal aid cuts**

Specialist welfare benefits advice funded by Legal Aid will end in April 2013, apart from very few specialist cases. There is little other non LSC funded source of specialist welfare rights advice in most communities.

### **Advice Needs**

- The changes to welfare benefits already in place are causing hardship. The changes to come, for example Personal Independence Payment replacing Disability Living Allowance, using different procedures for assessment is causing great worry to disabled people.
- People without legal advice, and other forms of support, are often not able to deal with appeal procedures.
- Atos medical interviews are not satisfactory – as documented by disability rights groups, welfare rights organisations, and in parliament.
- There is a current increase in mental health relapses, with numbers of people re-admitted to psychiatric care after years in community, as direct consequence of the changing benefit assessments being carried out under welfare reform.

### **Advice Provision**

- The telephone gateway system is discriminatory – the advice line contract is held by Howells. There are concerns that it will not be marketed in future, limiting its effectiveness and accessibility to people needing legal advice.
- Will clinical commissioning groups be used for funding?
- The Salford NHS report on Welfare Reform impact on mental health services concludes that there is a priority need to maintain advice services without cuts.
  
- The localisation of health services:
  - will mean it's much more difficult to develop co-ordinated preventive health services, including advice services.
  - will lead to uncertain futures for front line community based health services, which could have dangerous consequences for individuals needing a range of support services whilst in crisis.

### **Action Points**

- Need to be aware of powers to challenge DWP and other public bodies under breaches of human rights, discrimination and public law protections to individuals in their contacts with organisations, such as DWP, Atos, local authorities.
- Use legal challenges as one of means to keep public the issue of the discrimination against and unfairness to people who are disabled or have health problems.
- Current Judicial Review review will not close off access to challenges.
- Rights groups and others need to support and find ways to give individuals confidence to counter "I am not a scrounger" perceptions.
- People attending Atos medical interviews need to have them recorded: this matter is under Judicial Review because the company failed to carry out recording as agreed with a claimant prior to the assessment.
- Access to Advice to collect examples of individuals who are failed by the system of assessments.
- Send clients to MPs who have voted for cuts.
- Access to Advice website could be used to co-ordinate information gathering.
- As part of wider campaign, use social media to collect information about others' experiences, and to disseminate information.



## **Campaigning and Tactics**

### **Keynote address: Julie Bishop, Director, Law Centres Network**

Cross party support in the LASPO (Legal Aid, Sentencing and Punishment of Offenders Act) campaign did secure some victories, not least in bringing back into scope some areas for legal aid. But we lost on the gateway. We need to reflect on what happened.

### **Evaluating the Legal Aid campaign**

It is fair to say we lost the overall campaign. We did not win the argument about the vital importance of funding the justice system to enable the people we serve to exercise their rights. We failed to shift the ground in the prevailing discourse on legal disputes, which is that we are feathering our own nests and that our clients create these problems for themselves.

What is left is the absolute minimum of what required by European law in spite of some excellent campaigning. We accepted the cuts paradigm and backed away from the real fight, which is the ideologically driven agenda to remove the responsibility of government and return to the Victorian idea of charities as a safety net of welfare for the poor. Steve Hynes and I met the minister, Nick Hurd, who said the reason that immigration had been removed from the Bill was that since the government wants to control immigration it does not want to fund legal aid for people to fight cases. The same reasoning can be applied to welfare benefits and employment.

We need to think about this broader government agenda, and we will also need to intervene and challenge assumptions in the ideologically driven 'shirkers' debate.

### **The Transition Fund**

Putting £67 million back after taking £114 million out of social welfare law – is a more direct and immediate issue. It is a success to have secured half the money from government and half from the Lottery, but the tragedy is that half that money is committed to changing our organisations to make us the safety net and potentially to lead to charging for services for anyone who can borrow from family and friends.

A weakness of our sector is that the government has a firm conviction that it has to force us to work together. Contrary to today's evidence there is a view in the cabinet that we don't work together effectively, and that there is damaging animosity between agencies at national level. We have missed a vital opportunity to show a unified vision of the advice sector and to shape the fund to our own purposes.

### **Building our future campaign**

We do not duplicate services and have more work to do than we can cover. We speak with one voice when talking about our clients' experiences and needs. We are slightly more expensive than the private sector, but provide higher quality, innovation and efficiency. These need to be the building blocks of our future campaign.

We can learn from the high profile campaigns on issues arising from personal or family heartbreak. We have to activate an emotional response to our campaign, and then apply our evidence because without it you get nowhere. But the target cannot be to influence, because creating a change of attitude alone is a waste of time. We need to decide on actions to shift behaviour.

Who in significant positions of power or influence could we focus on to make that change? It is no answer to rely on influencing the debate solely through the media.

We need to underpin our campaign with a vision of improving our client's lives, not an advice centre on every corner. We also need to decide whether it should be a statutory requirement for local authorities to provide some sort of advice service. We need to challenge the assumptions in the 'shirkers' debate. We need to offer practical ways forward, not just ask for new funding. And the campaign needs to feed into and complement the work of the Low Commission.

Finally, we should ask ourselves a series of questions: 1) What change are we seeking, 2) how do we know what we want, 3) who can make that change, 4) who will be our unexpected allies, 5) what three memorable pieces of evidence can we identify, and 6) which client story will we use to dramatise the case we make?

To hear Julie Bishop's speech in full follow this weblink to the *illegal* website:

<http://illegal.org.uk/thread/7160/page/1/advice-crisis-conference-february-2013#scrollTo=17963>

## Afternoon Workshops

**Aim** – how can we respond to the crisis in legal advice services?

### Campaigning and Awareness

People should contribute to the illegal site as there are already 500 users of the forum. We need a more coordinated approach to what is happening nationally. Social media is useful for publicity.

We need a good individual case study to head any publicity campaign. This can save so much wasted time on other research.

Access To Advice could be the coordinating body after today.

How do we define our short, medium and long-term vision for change?

Need to campaign with councillors and MPs and consider a possible national day of action with massive queues at MPs' surgeries.

Secure a commitment from the Labour Party to repeal LASPO.

Campaign against the bedroom tax, making links with other groups (e.g. trade unions, tenants movements, other anti-cuts campaigners) to spread the word and politicise the action.

Use new types of campaign networks including social media, e.g. 38 degrees, direct action groups like UK Uncut.

How do we generate an attitude change for social justice, compassion and fairness? There are allies out there e.g. NHS campaigners.

Campaign for fairness and rationality in decision-making.

We must set the message that every citizen has the right to representation.

## **Monitoring Advice Needs**

The starting point is that 'we believe there is a need for social welfare law advice'.

Legal aid is part of the welfare state, part of what we need; it is a 'hallmark of a civilised society'.

How do we prove needs? What information do we collect? How do we collect it? And how can it be presented?

The Low Commission is seeking to monitor the impact of cuts on the ground with the help of local advice agencies and academic research, but we need concrete evidence, sooner. We also need individual stories which are often more powerful than statistics.

We need to find 'emotional triggers' (as per Cathy Come Home). We can encourage people to tell their own stories, using social media.

The extent of civil disobedience may reveal the need for legal advice.

Social welfare legal practitioners need to remember that they are part of a much wider network of support including charities, trade unions and community groups.

The 'advice service' needs to re-brand as a 'rights service'. Trade union activists need to become advice workers.

## **Alternative Models and Technology**

Telephone advice services

- don't work for benefits and housing advice.
- conference calls can be useful.

Badly designed websites are a problem.

Some people continue to be best served by paper-based information e.g. leaflets.

Promote online solutions e.g. publicity on entitlements on Twitter.

A mix will be required because not all clients will be able to use technology. Do not make assumptions about client's ability to use technology.

E-learning

- can be used to train volunteers.
- can use benefits packages to simplify new calculations so that more people can get solutions.

Charging

- should there be a debate about charging clients (ethical dilemma)? Is charging for benefits advice a line we should not cross?
- charging could open the door to fraud, with vulnerable clients taken advantage of.
- if we start charging the route to 'free advice' will start to diminish.

This is a political attempt to destroy advice services, where e-services will be seen as inaccessible and 'paying' for services will also lead to inaccessibility.

We must make government address the problems they create

## **Collaborations, networking, and competition**

Funders are forcing people to fight against each other. It is tough out there and people will fight for their lives, undermining networks and joint campaigning.

Research shows, to do things fast, do them on your own; to do things right, collaborate.

Need to widen collaborations to have an effect, don't miss opportunities for unusual and broader joint working.

Our most important resource is our clients, we need people we help to help defend us and we need to work with the groups in the community that people will go to and trust.

We need to start with the end users of services. For example; Greater Manchester Centre for Voluntary Organisations is using the experience of people affected by growing poverty in region to bring together credit unions, CABx and social landlords to look at practical solutions.

Working together

Is effective, eg in Town Hamlets cuts defeated by quick campaign response from people gathered outside Town hall, online petitions, blogs.

Takes time and resources eg brilliant partnership of agencies in Somerset due to having funding for a coordinator.

How do we effectively work with small organisations with less capacity to meet and collaborate? Management committee members may have the capacity.

We need to be businesslike, clear and candid about the basis on which we can collaborate. We need to be unemotional about it. We have to be clear about services on which we can collaborate, and those where we will continue to compete.

The Government is looking for a one size fits all solution with their smaller pot of money. We know that doesn't work. They are trying to set up larger providers as the answer, which flies in the face of what say they are doing in other areas in promoting choice and plurality of options.

Watch out for new competitors, eg housing associations setting up their own advice without reference to existing services.

Collaboration can be effective in terms of use of resources, and is popular with funders, but also brings great benefit to our clients and nourishes us as we learn from each other.

There needs to be a statutory duty on local authorities to fund advice.

We need to:

- recognise each other's strengths
- talk to each other
- build relationships
- express concerns about quality when we need to
- learn from each other.

## Principles and Arguments

### **Keynote address: Lord Bach, Labour, led opposition to legal aid cuts in the Lords, former minister and shadow spokesperson for Justice**

We need to look to the future in a spirit of anger and outrage, and consider what is to be done in the coming months and in the longer term. Access to Advice has brought us together to collaborate to face up to this.

### **The battle in Parliament**

We must not forget that the original bill was amended in the House of Lords. Labour peers and cross benchers, supported by a few Conservatives prepared to stand up against what they thought was wrong, defeated the government on a record number of votes, including rejecting the gateway proposals and abolition of legal aid for welfare benefit, and winning a widening of the definition of domestic violence for the purpose of legal aid. On the return of the bill to the Commons the government used its majority to force through the vast majority of its proposals, and bill was enacted in May 2012.

### **The devastating cuts**

As April draws near we are seeing clear evidence of the disastrous impact the Act will have, with loss of specialist staff in CABx including Birmingham and Bolton, Shelter closing 10 offices around the country when 'they should be opening in the face of the housing crisis, also the Advice Services Alliance, the Law Centres Network and the CAB at the Royal Courts of Justice, helping unrepresented litigants losing their grants after many years. These cuts will do disproportionate damage. This government means to destroy social welfare law as we have known it, so it is noteworthy that a former Conservative Lord Chancellor, Lord McKay, has registered his support for not-for-profit advice.

### **The government knows no shame at all**

When the bill went back to the Commons there was a real danger that the government would lose on one of its principal objectives, to end legal aid for benefits in the first tier tribunal. A concession was made that it would be allowed where points of law were involved. Months later, in a breach of promise, the Ministry of Justice produced a regulation to make legal aid available only in cases of declared errors of law. This was defeated in the Lords. The government then decided not to proceed with any regulation, behaving like a third rate dictatorship. This is a deliberate barrier to access to justice for the poor and marginalised.

### **Work together**

We must work to secure the survival of social welfare law and restore a civilised, decent and durable system. The Low Commission is a serious objective look at the future of legal aid and you must contribute your views and evidence. Monitoring will be crucial. There is a clear need for a central body to bring together individual cases and data.

We need to work together. One crucial resource is *illegal*, which does a superb job. Our use of social media will also be essential.

We may differ locally on political choices, but we have a powerful enemy in a government determined to kill off social welfare law. We must not be set against each other. The next general election is absolutely crucial. Whichever party you support you have a role to play in arguing for pledges at least to restore what has been lost. We have a very powerful argument. Let's resolve in Manchester this afternoon to fight for a system of social welfare law of which we can be proud.

**To hear Lord Bach's speech in full** follow this weblink to the *illegal* website:

<http://illegal.org.uk/thread/7160/page/1/advice-crisis-conference-february-2013#scrollTo=17963>

## Questions and comments to a panel of the keynote speakers

**Lord Bach, Julie Bishop and Steve Hynes – and Yvonne Fovargue MP** (Labour, and Chair, All-Party Group on Legal Aid)

Session chaired by **Denise McDowell, Greater Manchester Immigration Aid Unit.**

### **1) What is the future for legal aid and for specialist legal aid organisations? Can organisations like A4E fill the advice gap?**

Organisations like A4E cannot fill the gap. We are not going to get this government to undertake a policy U-turn, but we can campaign over the next couple of years to advocate change by showing the negative impacts of the cuts and by committing Labour to introduce a new system for funding advice after 2015. (Steve Hynes)

### **2) Notwithstanding opposition to legal aid cuts expressed by Lord Bach, what action is Labour taking?**

A question put on behalf of a person too ill to attend expressing personal fears as a disabled person for the future and challenging lack of political resolution by Labour in the face welfare reform and legal aid cuts.

The attack on social welfare law must be made a political campaign priority alongside defence of the NHS and challenging welfare reform measures, but although the party is talking about future advice policy the issue needs to be raised up the political agenda. The party will need a coordinated strategy and funding for future advice services. In the meantime the Department of Work and Pensions should face financial penalties for case errors because otherwise they have no incentive to improve performance, and one option would be to increase funding for tribunal appeals from this source. Further damaging measures are being brought in at the last minute in welfare reform regulations, and worse things are coming e.g. restrictions on school meals. (Yvonne Fovargue)

The question included a challenge to the taxation of occupational pensions of disabled people as a tax on long-term disability.

This contrasts with the absence of taxation on capital, for instance a land tax or tax on financial transactions. (Julie Bishop)

### **3) What relationships can be developed with the TUC and individual trade unions?**

It is essential that these campaign issues rise up the agenda for trade unions affiliated to the Labour Party. (Lord Bach)

There was wide acknowledgement in the meeting that Unite the Union, including community branches, are particularly supportive.

### **4) The general election due in 2015 will be a watershed. How will the people most badly affected be sustained through another Parliament if services are not restored?**

The Low Commission report needs to be used to influence political parties to give manifesto commitments on social welfare law in 2015. A fear is that Labour will repeat its decision in 1997 to make no new spending promises for at least the first two years of any Labour government. We should argue for Labour to make 'cute spending commitments' including to civil legal aid, where a relatively small sum of money to restore rights of access to justice could have a clear impact, with the whole annual legal aid budget amounting to no more, for example, than two days expenditure on the NHS. Labour and the Liberal Democrats should be pressed to adopt a pledge of a cash sum allocated to assure access to justice in social

welfare law. (Steve Hynes)

A strong argument can be put for social welfare law expenditure by comparing this as a priority with the recent commitment of the Department of Communities & Local Government to allocate local authorities up to £250 million to restore weekly bin collections. (Lord Bach)

It is essential to contest the government's political and ideological argument that social welfare law is a low priority because its beneficiaries are 'shirkers' or the 'undeserving poor'. (Yvonne Fovargue)

### **5) What immediate and direct action can be taken in the face of advice cuts from April, alongside the more long term parliamentary political campaign?**

Action needs to be aimed at what is achievable, acknowledging that the government is a powerful opponent with a clever strategy. We need to avoid a scattergun approach to campaigning. We could choose a single month to take clients to as many MPs' surgeries as possible as part of a coordinated national action. Many MPs have every narrow life experience and we should confront them with the realities of our clients' lives. (Julie Bishop)

### **Other points from delegates**

#### **1) Challenging welfare reform**

Restoration of legal aid alone will not compensate for the reductions in benefit payments for housing and council tax. Whilst arguing that any incoming Labour government must reverse the worst of the welfare reform measures we should consider how to campaign now to encourage landlords and councils not to collect the new 'bedroom tax' and council tax payments.

#### **2) Department of Work and Pensions**

The DWP error rate has not improved since 2007. We should promote the fact that the cost of those errors could more than cover the legal aid cuts.

#### **3) Civil disobedience**

We should anticipate civil disobedience to follow the changes from April and in shaping our campaigning we should be prepared to be responsive to developments in this broader political environment.

#### **4) Social justice**

Campaigning on social welfare law may remain a small part of a wider fight for social justice, but the sense of a 'moral crusade' focused on equality, citizenship and rights has the potential for high political impact.

## **The Next Steps**

### **Jean Betteridge**

For Access To Advice the next step is to produce a report of this conference for use as widely as possible, to raise public awareness, to get publicity for this issue, as a campaign tool.

We all need to take the lessons from today back to our localities and organisations to put into action.

There have been lots of points made about collecting information on the impact of the changes, with personal stories as well as the statistics.

We need to collaborate to do that effectively and to make the case for free advice services. This conference has come about through working together, beforehand and on the day. We need to build on this to salvage, maintain, renew and secure publicly funded free legal advice.

### **Thank you from Access To Advice**

To everyone who came and contributed their ideas and experience: delegates, speakers, workshop leaders and facilitators, also the recorders of the sessions and workshops.

To all who shared the organizing work beforehand and who helped on the day.

To the sponsors for their financial and practical support.



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