

**Advice NI response to
Access to Justice Review (2) &
Scope of Civil Legal Aid
January 2015**

Background

Advice NI is a membership organisation that exists to provide leadership, representation and support for independent advice organisations to facilitate the delivery of high quality, sustainable advice services. We also engage in the delivery of frontline services direct to the public.

Advice NI's latest annual statistics (2014) reflect the growing demand upon advice services, some keynote information includes:

- 270,000 enquiries dealt via Advice NI service provision;
- Local frontline, Council-funded, 'generalist' advice providers provide assistance to those in greatest need, with social security enquiries accounting for 77% of their workload;
- Rosemount Resource Centre (an Advice NI member) became the first local, 'generalist' advice provider to be granted the waiver for their 'North West Legal Access Project';
- A range of other Advice NI members have been granted the waiver including Housing Rights Service and South Tyrone Empowerment Programme;

- Debt Action NI (an Advice NI service, funded by DETI) is the first integrated debt advice service in Northern Ireland and between April 2013 – March 2014 the service dealt with over 5,200 clients with £62.3 million of debt;
- Advice NI has delivered the SSA Benefit Uptake Programme targeted exercise contract for the last number of years (25,000 people targeted) and achieved record breaking results in terms of benefit uptake generated (£4.1 additional income generated for older people in 2012/13);

Delivery of these services is via multiple channels including face to face (in agency, outreach, home visit), telephony and online. Level of service varies from information & advice to representation at tribunal level and beyond.

Context

Advice services provide information, advice, support and representation to people concerning their rights and responsibilities. This includes advising people who are in debt, representing those who have suffered discrimination and defending those threatened with homelessness. Advice services make a vital contribution to tackling problems that affect people's day to day lives across Northern Ireland. In particular advice services target deprivation and need as it exists within local geographic areas and within particular social groups – ensuring that the most vulnerable people have access to advice services on issues affecting them.

Advice NI welcomes the opportunity to respond to both consultations with a view to realising the long-awaited potential to finally move towards an integrated, mixed model of advice provision involving a partnership between voluntary sector generalist advice providers, specialist providers and legal practitioners.

Advice NI believes that the advice sector can demonstrate an effective track record in contributing to the well-being of individuals & of society and in terms of promoting equality and social justice. Advice NI is keen to explore how a mixed model of legal service provision can be developed as regards the delivery of legal services in Northern Ireland.

However there is a clear “mixed message” espoused by both documents in terms of (i) securing and maintaining access to justice while providing a basis for targeting services where they are most needed; & (ii) the proposal to remove certain areas from the scope of legal aid which could be seen as actually restricting access to justice. This is made all the more stark with both documents released and out for comment at the same time, leaving a perception that whilst in theory the Department says that it is committed to access to justice, the actions of the Department tell a different story.

Advice NI has consistently argued that protection of the most vulnerable is of paramount importance, and we would continue to argue for expansion of help and support for people into areas that would make a real difference. For example, Advice NI believes that tribunal representation plays a key role not only in terms of generating positive outcomes for appellants but also for the effective functioning of the tribunal system. Specifically in relation to social security appeal tribunals, these cases generally impact on benefit entitlement for low income households and as such can have very significant impacts. For example a typical case may involve entitlement to Disability Living Allowance; a successful hearing may not only involve award of that particular benefit but can trigger the award of additional premiums on other means tested benefits with the result that income can be boosted by over 100%. It is therefore difficult to over-state the importance of these hearings.

The latest annual information provided by The Appeals Service (TAS) highlights the impact that representation has on outcomes – Advice NI representation generates a 50% success rate (final decision reached by tribunal) as opposed to an unrepresented success rate of less than 20%.

Advice NI members also provide support and representation at a range of other tribunals including Commissioner’s Hearings, Mental Health Review Tribunals, Special Educational Needs and Disability Tribunals and Industrial Tribunals.

There is a real issue of unmet need in terms of people who are unrepresented and additionally there are a significant number of cases where advisers are not able to represent the appellant but work with them in terms of preparation and draft written submissions. Advisers also report seeing changes in the nature of hearings, particularly re Industrial

Tribunals, where the employer increasingly instructs high-powered legal teams to dispute cases which disadvantages the appellant, particularly where they do not have representation.

- **Advice NI believes that any review of access to justice / Scope of Civil Legal Aid in Northern Ireland must consider (i) the issue of tribunal preparation; (ii) representation; and (iii) how access to support during any appeal process can be enhanced.**
- **Advice NI believes that the Department of Justice needs to engage more effectively with the Department for Social Development to ensure that arrangements are aligned and supported in the context of welfare reform and the impact this will have on social security benefit claimants and the advice sector.**

In terms of the Scope of Civil Legal Aid proposals, we do not agree that cuts to Legal Aid funding will improve access to justice and would oppose any reduction in funding. In addition we would be concerned that the consultation document puts too much reliance on an already over-stretched advice sector as an alternative to the legal profession. If access to justice is to mean anything, then sufficient resources must be made available to the advice sector to meet any extra demand flowing from the reduction in Legal Aid services currently provided by the legal profession.

- **Advice NI believes that the Department of Justice needs to engage more effectively with the Department for Social Development to ensure that arrangements are aligned and supported in the context of the proposed cuts to Legal Aid funding.**

Advice NI would welcome the opportunity to engage with the Department with a view to genuinely increasing access to justice for those who need it most.

Contact information:

Bob Stronge (Chief Executive)

Fiona Magee (Deputy Chief Executive)

Kevin Higgins (Head of Policy)

Advice NI

1 Rushfield Avenue

Belfast

BT7 3FP

Tel: 028 9064 5919

Fax: 028 9049 2313

Email: bob@adviceni.net

fiona@adviceni.net

kevin@adviceni.net

Website: www.adviceni.net