

## Advice Sector Panel Meeting

2 – 4pm, Tuesday 4 June 2019

Simmons & Simmons, London

Attendees	Organisation
Lindsey Poole (LP)	Chair, Advice Services Alliance
Karen Ashton (KA)	Central England Law Centres
Kari Gerstheimer (KG)	Mencap (by telephone)
Anne Killeen (AK)	Z2K
Eileen Pereira (EP)	Personal Support Unit
Chilli Reid (CR)	AdviceUK (by telephone)
Diane Sechi (DS)	Simmons & Simmons
Kirsty Thomson (KT)	JustRight Scotland
Rebecca Wilkie (RW)	Access to Justice Foundation
Lisa Wintersteiger (LW)	Law for Life
Alex Walters (AW)	JUSTICE
Abby Buttle (AB)	JUSTICE
Heidi Bancroft (HB)	Secretary to the AJC, JUSTICE
Sally Hunt (SH)	JUSTICE
Apologies	Organisation
Claire Blades	Citizens Advice
Ken Butler	Disability Rights UK
Kat Lorenz	ASA Project
Jo Hickman	Public Law Project
Andrew Medlock	Parliamentary and Health Service Ombudsman
Chris Minnoch	Legal Aid Practitioners Group

### 1. Welcome, Introduction and Apologies

LP welcomed attendees to the meeting.

### 2. Minutes of the last meeting

The minutes of the last meeting were agreed.

### 3. Feedback from the Steering Group meeting

Karen Ashton (KA) reported back from the Steering Group meeting which was held on 29<sup>th</sup> March 2019. KA and Claire Blades (CA) reported to the meeting that the Advice Sector Panel had narrowed down the two areas to concentrate on – lesson learning and assisted digital, and that there would be a brainstorming session to narrow these areas down. The SPT was hoping that some cross-panel work would come to fruition so that this Panel could tap into the resources of other panels. It was recognised that resources continued to be an issue with the panel. LP informed the group that she had HB had been looking for funding opportunities and any funding ideas would gratefully be received.

### 4. Online Advice Platform Concept note – Alex Walters, JUSTICE

Alex explained that he would introduce the context of the Concept Note (circulated as a paper) and then ask for feedback. JUSTICE published a report in 2018 on Preventing Digital Exclusion from Online Justice, but that report did not include the area of legal advice, hence the need for the Concept Note. He explained that the paper was not in its final form, but that he was seeking feedback from a number of forums, including the AJC Pro Bono Panel. They would then hold a roundtable event, where the Note would be handed over to HMCTS and MoJ. Members gave feedback on the concept note and AW confirmed that members of the Panel would be invited to the roundtable discussion.

## 5. Liaison with other panels

### Pro Bono Panel

#### a) Preliminary Stakeholder Engagement Survey Results

Diane Sechi (DS), Pro Bono Panel presented some early results from their UK-wide survey which would close on 17 June 2019. The aim of the survey was to test the assumption that digitally excluded people will be able to get assistance from frontline agencies. They had received 430 responses so far, and 40% of those who have responded have said they are unable to meet the current demand. Only 54% were able to offer assistance within a digital format, with the remainder having to use paper forms. Additional comments have highlighted real concerns, to name a few - problems with internet connections in rural areas leading to responses having to be in paper form; clients finding it difficult to remember passwords; hospital staff being asked to assist clients who are leaving their care after lengthy stays. She was finding it difficult to access Citizens Advice, so she asked that members pass any contacts on to her.

DS informed the panel that she would have the assistance of academics to analyse the results and would be consulting the full Council on what areas to cover in the report. She was also keen to consult with the Advice Sector Panel on how the results of the survey would be presented.

**Action:** Members to contact DS if they could assist with access to Citizens Advice.

#### b) Polluter Pays Principle

DS gave an update on the Polluter Pays principle which was another project being taken forward by the Pro Bono Panel. The principle was to make decision-makers pay a fee for poor decisions in the hope that this will incentivise them to make better decisions. They had set up a working group and held their first meeting on 25<sup>th</sup> April 2019. It was evident in the meeting that tribunals had their own systems in place to weed out cases that needn't result in a hearing. There had also been a discussion on whether primary legislation would be needed in order to introduce a fee. They discussed the introduction of a pilot at a tribunal (which would involve a tick box exercise for judges) and they were now exploring whether they could run a pilot at the Asylum and Support Tribunal.

A number of Panel members reported telephone calls were being made by the DWP to PIP appellants encouraging them to settle early, and that appellants were feeling pressurised into accepting less than what they may be entitled to as a result of these calls.

#### c) Academic Panel Workshop in Manchester, 19 June 2019

HB highlighted this forthcoming event – Mapping Administrative Justice in Wales, with a response from an academic working in Scotland. She asked interested members to contact her for more information.

**Action:** Interested member to speak to HB regarding the workshop.

## **6. Advice Sector Priority Topics and Working Groups**

The panel discussed ideas for an area to focus on and to narrow down the topics they had selected in the previous meeting.

Anne Killeen (AK) reported that it may be useful to look at the DWP's contract with those who carried out medical assessments. A discussion followed regarding whether the assessors got feedback if a decision was overturned and whether they were subject to targets. Many clients were told they would not have to face re-assessment in two years' time, only to find themselves called on to do exactly that. The argument from the DWP suggested that those sitting on tribunals were far more qualified and had more time to consider these decisions, and that if you were able to compare like with like, far fewer decisions would be overturned. There was also the consideration that the DWP would say that this system is working, because there was an appeal process in place.

Discussions ensued around partnering a report on the DWP and their decision-making with an individual's experience of the system, as a way of having more impact, especially from the media's point of view. The panel decided that they could produce a report through evidence and data on the cost of an incorrect decision to the government of a person going through the system. This could include real life case studies. The leverage of the AJC would help to push the findings of the report.

It was suggested that they approach an economist who may be able to assist with the analysis. They would also generate case studies which demonstrate the impact of an incorrect decision on their clients.

**Action:** Panel members to send case studies to Heidi/Sally.

## **7. Update on Funding Sources to Support Group Activity**

There was a discussion on funding options. The panel made some suggestions including the Pro Bono Panel's law firms, Nuffield Foundation, and the Economic and Research Council.

**Actions:** 1) DS to speak to Pro Bono Panel regarding funding application; and 2) LP to report back on meeting with ESRC.