

The role of Citizens Advice Bureaux within the access to justice landscape in Scotland



This is a summary of research carried out by Sarah O'Neill Consulting for Citizens Advice Scotland. The detailed research report can be accessed at: www.cas.org.uk/accesstojustice



Key findings

- > The CAB service in Scotland plays a key role within the access to justice landscape, at all stages of a client's 'journey'. Hundreds of thousands of people who experience civil justice problems are reliant on its services to obtain access to justice. Bureaux provide vital support to clients who are often vulnerable, and who would find it difficult to access the same level of advice and support elsewhere. The entire justice system is therefore heavily dependent on the services which they offer. In the words of one bureau manager: *'if we didn't exist, I think you would need to invent us'*.
- > Bureaux are often the 'first port of call' for those with civil justice problems. Even though people may not identify their problem as a 'legal' one, this does not deter them from seeking advice from bureaux. Bureaux can identify a problem as potentially having legal consequences, and then take decisions about how best to deal with it. They perform a vital 'triage' service, identifying all of the client's issues at an early stage; advising and supporting them in dealing with those issues; identifying any matters which need to be referred to a specialist adviser or solicitor; and trying to ensure that they are directed to the best place to resolve their problems.
- > Bureaux have an important role in preventing the escalation of disputes at an early stage. Many problems are resolved through their assistance, before they ever reach a formal legal process. This fits with the recognition of the Scottish Government's Justice Strategy for Scotland that 'in civil matters, early intervention with good advice for problems that arise can prevent the involvement of the courts and can reduce hardship for a large number of people'.
- > Bureaux have become an established part of the landscape. A wide range of local and national organisations refer clients to them, while government, local authorities and other public agencies fund their work, recognising that they offer a vital service. Grant funding to target areas of unmet need by funding services such as in-court advice may also have created an expectation that these services will remain available. Increased acceptance and recognition of lay representatives is gradually becoming more entrenched in some court and tribunal processes. This too may create expectations that such services will continue to exist.



The CAB service in Scotland and its clients

- > The Citizens Advice Bureau (CAB) service is Scotland's largest independent advice network. It has a very wide reach, with citizens' advice bureaux across most of Scotland and 300 advice points in total, including community outreach services and in-court advice services. These dealt with a total of 930,000 issues in 2016/17, helping almost 275,000 clients, or around 1 in 14 adults in Scotland.
- > There is high public awareness of the CAB service in Scotland and what it does. People have positive perceptions of the service, while clients have high levels of satisfaction with the service they receive.
- > Certain groups are over-represented among its client base, including the unemployed; low earners; social and private sector tenants; and those living in more deprived areas. Advisers involved in the research said that a high proportion of clients are vulnerable: they may have disabilities; mental or physical ill-health; or addiction issues.
- > The profile of CAB clients is largely reflected in the issues which they seek advice about. The top 5 advice areas are: welfare benefits; debt; employment, housing; and 'legal' issues. Together, these account for 80% of all enquiries. More than half of these were benefits enquiries: the volume of these increased by 12% in 2016/17.



Why people go to bureaux for advice

The reasons why people go to a CAB, rather than a solicitor include:

1. Its strong brand name and reputation, visibility and accessibility.
2. Recommendation by others, including 'word of mouth', friends, family and colleagues, and referrals from a variety of local and national bodies.
3. Cost – the CAB service offers free help and advice.
4. Lack of recognition of the problem as 'legal'. Clients often see their problem as an issue with their benefits, housing etc. which needs to be fixed, rather than as a 'legal' issue. They are therefore unlikely to go to a solicitor.
5. Informality/accessibility – clients may see the CAB service as more approachable and accessible than a solicitor.
6. A need for support – clients often need significant support from an adviser, as well as advice on their rights, which solicitors may not be able to provide.
7. Trust – some clients trust the CAB service more than they would trust a solicitor.
8. Supply issues – it can be difficult to find a solicitor to take on a case, as most solicitors do not provide advice on 'social welfare law' issues, such as welfare, debt and housing.



The advice and help which bureaux provide to those with civil justice problems

- > Bureaux take a holistic ‘person-centred’ approach: they focus on the client, and all of the problems they are experiencing. Problems tend to occur in ‘clusters’: for example, there can be a strong relationship between benefits, debt and housing problems.
- > Initial advice and casework is provided primarily by volunteer ‘generalist’ advisers. The adviser who first deals with a client will attempt to diagnose the various problems they are facing, and consider how best to deal with each of these. They may be able to deal with some of the issues directly; support the client to self-help in relation to others; and/or refer some issues to a specialist adviser or to a solicitor.
- > Specialist CAB advisers across Scotland provide advice on benefits; debt; housing; employment; immigration; and legal issues. Some also represent clients at a court or tribunal. These include in-court advisers, who provide a vital ‘emergency service’ for many people facing eviction or repossession. Some benefits advisers represent clients at tribunals, with a high success rate: in 2016/17, 59% of appeals were upheld.
- > Bureaux are accredited under both the Scottish National Standards for Information and Advice Providers (SNSIAP) and the Money Advice Service Debt Advice Quality Framework. Accreditation under these standards provides reassurance to the public that they will receive a quality assured service from bureaux and their advisers. All CAB advisers undergo a four-stage adviser training programme before they can advise clients. Specialist advisers must also undertake additional specialist training.



The role of bureaux within the wider legal services landscape

- > Bureaux meet an otherwise unmet legal need. They fill ‘gaps’ in provision, where people’s advice needs are not met by traditional legal services. While bureaux regularly refer clients to solicitors – there were over 2000 referrals in 2016/17 – they sometimes have difficulty in finding a solicitor to take cases on. This depends on the type of issue involved and on what provision there is in the local area. Specific gaps in provision in some areas include employment, simple procedure and housing.
- > CAB advisers and representatives can offer more expert, specialist advice and representation in areas of social welfare law than many solicitors. They also provide a level of practical and moral support to often vulnerable clients which solicitors are not generally equipped or resourced to provide. This includes things like carrying out benefit checks; contacting and negotiating with creditors; and helping them to complete forms. It also involves listening to clients, reassuring them, and explaining things to them in an approachable way. Without the assistance of bureaux, it is likely that many clients would not pursue their issues through a tribunal or court process.
- > The picture emerging from the research is of a service which focuses on the work it does best, working in partnership with other agencies, with the aim of ensuring that clients’ needs are best served, so far as possible. Advisers involved in the research seemed well aware of their own strengths and limitations, and when issues would be better dealt with by others.



The benefits which the CAB service brings for clients and for wider society

- > Bureaux helped clients to make financial gains of almost £144 million in 2016/17. They can also help people to keep their home and avoid homelessness; deal with their outstanding debt, avoid a court order for debt against them, and better manage their finances in future; or get the benefits they are entitled to, helping them towards financial stability and to avoid getting into debt. Less tangible benefits for clients include reduced stress and anxiety; increased confidence and positivity; improved quality of life; feelings of empowerment; and 'peace of mind'.
- > Benefits for both local communities and wider society include financial benefits, in the form of savings to the public purse resulting from the resolution of clients' problems, and benefits to the economy due to increased client incomes. Research commissioned by CAS in 2014 estimated that bureaux contributed a total benefit to the common good in Scotland of £169 million.¹ Society also benefits from the improved confidence, positivity and wellbeing experienced by CAB clients. Bureaux also provide an important safety net for all of those who may need to use their services.

1 See the detailed research report for full reference



The research looked at:

- > the nature and extent of the role of the CAB service in Scotland within the access to justice landscape
- > the quality assurance arrangements for the training and regulation of advisers
- > the benefits which the CAB service in Scotland brings for its clients and for the wider public interest

This was a small-scale research project, carried out in March and April 2018. It involved:

- 1) a review of the relevant literature from both Scotland and elsewhere, together with a review of data provided by CAS;
- 2) seven telephone interviews with CAB managers and specialist advisers with knowledge and experience across the top five areas where clients seek advice from bureaux; and
- 3) a focus group involving invited CAB representatives with knowledge and experience in some of the top CAB advice areas.