

## **Law Centres Network (LCN) response to Ongoing Competence**

### **Demonstrate Competence**

Law Centres are for the most vulnerable – those who can't afford the legal advice that they need. A core part of Law Centres' identities for a long time has been that to receive advice from a Law Centre is not to 'settle for second best' – the legal advice provided by a law centre is at least as good as any private advice and often better due to the additional complexities thrown up by advising people in complex situations in which often more than one area of law is engaged.

Within Law Centres the ability to work on complex cases to a high degree of competency is valued culturally. Due to the non-profit nature of Law Centres' work, a key way in which lawyers are able to assign value to their own work is through case complexity, as billing (although still important in Legal Aid cases) does not have to same value attached to it as a performance indicator as in private firms. LCN helps to facilitate shared learning between staff across the network in a variety of ways, and is expanding the opportunities for remote peer support.

For these reasons, LCN feels that there is a high degree of competence needed to be a lawyer within the Law Centres Network.

### **Consumer Expectations of Competence**

Clients of Law Centres tend to be in some sort of legal crisis, and also to not always have a great deal of choice or ability to "shop around" to find the advice that they need. In addition, Law Centres tend to receive many more requests for help than they have the ability to take on as clients. This is to say that Law Centres make a specific effort to explain the expectations that clients can have of them, and to be responsive to any comments or criticisms. There is a difficult balance within Law Centres between clients who do not want to bother their lawyers (even when it would be more helpful for them to do so) and clients who need and request more from their lawyers than it is a lawyer's job to provide, often due to the failure of statutory services.

We also have concerns that others who have interacted with the sorts of clients that Law Centres take on are at times not meeting the same levels of competence as a Law Centre would, even in strongly regulated areas such as immigration, e.g. a client who came to a law centre having spent a large sum of money only to be told by the law centre that their case was without merit. There is a concern that there is a section of society who needs legal advice but does not have the consumer experience (or is in too distressed a state to utilise their consumer experience) and as a result receives substandard advice.

This is not to place the blame on clients in these situations, or to describe these clients as lacking in agency – the difficulty in judging competence during a crisis or when there appear to be no other options is clearly enormous.

### **Competence Assurance (regulators etc.)**

LCN's view is that something more rigorous than the current CPD regime might be needed to provide a safety net for those that cannot judge the quality of the advice they receive. However as explained above, in many cases this may not have the desired impact due to the demand

for advice exceeding the capacity for competent professionals to deliver it.

In terms of the unregulated sector, LCN has concerns about informal “advisors” (including McKenzie friends) and charities who may be well meaning, but lack the skills and knowledge to provide good quality advice. In some cases, there is a grey area between support with a legal issue and advice, and it tends to be in these areas that any statutory support for legal advice has been almost entirely removed (welfare benefits, employment law, large parts of family law). LCN also notes that this has had an impact on HMCTS, which has had to deal with the burden that unrepresented and/or unadvised litigants then place on the judiciary.

Furthermore, LCN is concerned that due to the shrinking of the part of the sector that Law Centres work in (often referred to as the social welfare law sector), it has become increasingly difficult to recruit from outside the sector in a way that brings in the kinds of competence required to be a Law Centre lawyer. This results in increased training costs, both in time and money on organisations with little of either to spare.

A view from an immigration lawyer within the network is that there would be merit to there being a Children’s Panel for immigration lawyers in the same way that there is for Family Lawyers.

There have also been some discussions within LCN about the SQE and what impact its introduction may have on competence assurance. We do not have a clear view on this yet as we are gathering more information and views from Law Centre staff, but we thought it important to flag up that it is an issue we are actively considering.