



From policy to practice: the role of advice

Colin Lancaster
Director of Policy and Development
Scottish Legal Aid Board



The contribution of advice

Advice can make a real difference at every stage:

- Preventative work – financial inclusion, public legal education
- Early intervention – debt advice, negotiation with creditors
- Crisis work – using legal protections, court representation

The advice landscape

Wide range of advice providers dealing with debt and repossession

- Legal aid lawyers in private practice
- Law centres, including Shelter Housing Law Service
- Generalist advice agencies
- Housing specialists, including Shelter
- Local authority welfare rights and money advice teams
- Specialist money advice agencies

Recent developments

- £1million extra for CABx to increase capacity
- Legal aid lawyers respond to increased needs
 - 35% increase in legal aid applications on mortgage rights
 - 170 outlets across the country, up from 138
- Ministers provide an additional £3million for advice and representation for those affected by the downturn
 - Five additional solicitors employed by SLAB
 - Additional resources for existing in court advice projects
 - Over £2m available for grant funded projects
 - 16 projects across country focusing mainly on repossession
 - Early intervention as well as court representation
 - Several partnership projects involving lay and solicitor advice

Debt action forum and repossession subgroup

- Both groups recognised advice as of central importance in making legal protections effective
- Access to advice subgroup explored issues in more depth
- Significant number of recommendations about advice

Legislative response

Homeowner and Debtor Protection (Scotland) Bill seeks to implement several of the advice related recommendations

- Pre action requirements an opportunity to engage with lenders before things reach court
- All cases calling in court provides opportunity for advice intervention at late stage
- Provision for lay representation widens options

Non-legislative response

Repossessions advice group convened to oversee implementation of non-legislative advice related recommendations

- Shelter, CAS, MAS, SALC, Law Society, Court Service, CoSLA, Government, SLAB, CML, Consumer Focus Scotland
- Tying implementation to legislative programme to ensure readiness for Bill provisions

Six connected areas of improvement

- Accurate and timely information about (current and proposed) repossession process
- Information about advice services
- Access to and referral between services
- Court arrangements
- Legal aid
- Planning and co-ordination of publicly funded legal assistance

Conclusion

- Huge amount already being done across the sector
- Downturn puts current arrangements into sharp focus
- Bill both requires and provides opportunity for development
- Need to look beyond the recession to ensure arrangements are sustainable and effective in the longer term