ETHOS AND VALUES

This chapter starts by summarising competing perspectives on the public service ethos and professional ethics more specifically, building on the discussion of competing perspectives on lawyers in the preceding chapter. Considerable claims have been made about professional altruism; claims which have in turn been subjected to fundamental challenges. Public service professionals have been faced with increasing dilemmas, in the context of public service modernisation, in attempting to balance competing demands despite the pressures to reduce the space for the exercise of professional judgement. This introductory section sets the context for the later focus on Law Centres and those who were working in them, starting with their motivations and values as these interrelate with Law Centres’ own missions and ethos. Subsequent sections explore the reflections of those directly involved with Law Centres, and reflections by stakeholders from different sectors: lawyers in private practice, staff from other voluntary sector agencies such as advice centres, local authority officers and councillors and funders more generally.

CONTESTED APPROACHES TO THE PUBLIC SERVICE ETHOS, PROFESSIONAL ETHICS AND PROFESSIONALISM IN THE CONTEXT OF PUBLIC SERVICE MODERNISATION

Differing approaches to the contested notion of the public service ethos need to be unpacked so as to set the context for the discussion of ethics and the professions. Is there a public service ethos, and, if so, how might it be changing in response to public service modernisation? In summary, the public service ethos was traditionally associated with notions of service to the public within the framework of public institutions such as the civil service, and characterised by commitments to values such as those of accountability and impartiality, delivering services according to agreed procedures, doing a socially useful job without fear or favour.

The question of motivation has been involved here, the public service motivation construct being defined as an individual’s predisposition to respond to motives associated with public institutions (Perry and Wise, 1990) and to behave accordingly. Altruism – the commitment to serving the public, even if this might involve lower rates of pay in public service employment – has been defined as a central aspect of this motivation, although more rationally self-interested motives such as job security have also been identified as potentially relevant, in the past at least (Perry and Honeghem, 2008). Individuals can and do act with varying motivations.
Social democratic approaches to the welfare state have tended to place particular emphasis upon notions of reciprocity, mutuality and solidarity. As Chapter One has already suggested, Titmuss, for example, explored altruism in terms of acting ‘reciprocally, giving and receiving service for the well-being of the whole community’ (Titmuss, 1970, p 213), recognising the common benefits of public services universally available on the basis of need, rather than on the basis of ability to pay for them. This latter approach seemed to have particular relevance for Law Centre staff and volunteers, as later chapters illustrate.

More recently, the notion of the public service ethos has become more controversial, as critics have emphasised associations with bureaucratic dysfunctionality and paternalism (Le Grand, 2003). It was suggested that public officials were using this notion as a smoke-screen and providing spurious justifications for bureaucratic inefficiencies and inertia. The logic of agendas for public service modernisation was to question the continuing relevance of the public service ethos, given that public services were being increasingly delivered in other ways, driven by market-led forms of accountability to service users. As the House of Commons Public Administration Select Committee’s report on The public service ethos argued, the public service ethos was not different from or superior to that of the private or voluntary sector (House of Commons, 2002). Public servants (including MPs, of course) could behave in corrupt and unethical ways, just as individuals in the private sector could deliver services according to the highest ethical standards.

While recognising that individuals may indeed be motivated by, and may or not behave in ways that resonate with, the characteristics of the public service ethos, this still leaves the question as to whether there may be differences between sectors. Is their primary goal to provide services to the public or to make profits for their shareholders and partners? This issue emerges later in the context of Law Centres and their experiences and relationships with private sector law firms.

The Public Administration Select Committee’s report went on to suggest a public service code, starting from the principles of probity, transparency and accountability that were supposed to underpin public life overall. Public servants should also focus upon providing quality services, treating public service workers and their clients fairly and equitably. There should be proper redress where maladministration had occurred (a central concern for Law Centres, of course). And public service providers should remember at all times that ‘public service means serving the public, not serving the interests of those who provide the service, and work collaboratively with others to this end’ (House of Commons, 2002, p 6) – a comment reflecting the distrust of public servants and professionals that underpinned public service modernisation agendas in the first place.

Was the public service ethos being undermined, then, as a result of this distrust, which was accompanied by the increasing use of marketised incentives such as performance-related pay? John and Johnson (2008) examined the evidence for this argument and concluded that it was not borne out by the data. Despite anxieties about the impact of public service modernisation, there were still differences
between employees in the public sector and those in the private sector in terms of the sources of job satisfaction, for example (with greater emphasis being placed upon whether the job was useful to society, allowing opportunities to help other people, for instance). John and Johnson also found that younger people seemed to demonstrate as much commitment to public service values as did older employees, although they were tentative in offering possible explanations for the apparently relatively high levels of commitment among the young. There seemed to be evidence that the public service ethos still existed among both older workers and their younger colleagues. But this in no way implied that they would be immune from demotivation in response to future changes.

In summary, the notion of the public service ethos has been highly controversial, raising questions that underpin debates on the professions and on professional motivations and ethics in the context of public service modernisation. These issues, including the generational issues involved, emerge later in relation to the values of Law Centres and their staff and volunteers.

**Ethics and the professions**

Ethics and the related notion of ‘ethos’ have been centrally important yet similarly contentious topics in debates on the professions, professionalism and the future of public welfare provision more generally. On the one hand, professionals have been presented (or at least, have presented themselves) as ‘knights in shining armour’ (Le Grand, 2003). The most frequently cited traits that have been described as characterising professionals have been their membership of an organisation that promulgates ‘standards and/or ideals of behaviour’ and that ‘they publicly pledge themselves to render assistance to those in need and as a consequence have special responsibilities or duties not incumbent upon others who have not made this pledge’ to use their specialist knowledge and skills in such altruistic ways (Banks, 2004, p 19). In summary, professionals should be motivated not solely by the cash nexus, without regard to the relevant professional standards. Obvious examples include the commitment that lawyers should not obstruct the course of justice by continuing to pursue a case if a wealthy corporate client were to admit their guilt to their lawyer while continuing to protest their innocence in court.

Conversely, professionals have been presented as ‘knaves’, motivated by their own self-interest, operating restrictive practices for the benefit of service providers, rather than working in the best interests of service users. According to those holding more sceptical views, ‘professionals surround their work with an ideological covering. It is a “calling”, not merely a job’, professionals claim, ‘carried out from high motives of altruism, of glory, or of moral, spiritual or aesthetic commitment, rather than for mundane gain’ (Collins, 1990). But these types of claims can be seen as rhetorical devices, it has been argued in response, justifying the use of professional power and privilege (Wilding, 1982). As Chapter One has already suggested, there was evidence of such potentially negative views of public service professionals from the post-war period onwards (and, indeed, before that...
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too); negative views that were compounded by feminists and anti-racists, who were deeply critical of the paternalism and institutional racism that in their view was too often displayed (Williams, 1989).

In recent times, more general criticisms have been associated with the managerialism that was so prevalent from the late 1970s. As Page, for example, has argued, New Labour was ‘skeptical of the claim that welfare professionals, motivated by a public service ethic, can be relied upon to develop high quality, cost efficient services without external monitoring’ (Page, 2007, p 109). Targets, performance monitoring and audits were required in order to control their potential for exhibiting more knavish behaviours in practice, as the previous chapter has suggested in relation to lawyers engaged in legal aid work more specifically. Critics such as Standing have argued more generally that increased monitoring of professionals illustrated society’s lack of trust in professionals to be professional (Standing, 2011), setting the UK’s New Labour government’s approach in the context of similar strategies being developed internationally.

The points to emphasise here are simply as follows. The issue of professional ethics has been contested from varying perspectives. As with debates on ethics more generally, there have been competing approaches, based on differing theoretical underpinnings, as to what might and what might not constitute ethical behaviours. This suggests that professionals have needed and continue to need the space to exercise their judgement, weighing up competing claims. Public service provision has been conceptualised as having been particularly challenging in these respects, a dilemmatic space in which there may be no self-evidently right thing to do (Honig, 1996). Both professionals and street-level bureaucrats have experienced tensions, it has been argued, in attempting to balance colliding value systems and competing demands in the public sphere (Lipsky, 1980; Hoggett et al, 2009). These pressures have become increasingly problematic in the context of public service modernisation.

**Differing approaches and outcomes**

Before we move on to consider the implications for Law Centres, these differing approaches need some brief introduction, together with the range of potential outcomes in terms of professional motivations and behaviours. In summary, approaches based upon Kantian principles have stressed the importance of absolute values as rules for guidance, such as the categorical imperative of commitment to the best interests of each individual client. For example, the doctor’s first duty, according to a Kantian approach, would be to each individual patient, recommending treatment according to the best interests of that particular individual. Rationing access to expensive medication or treatments would have no place here, in terms of the professional ethics involved. Although doctors have been understandably reluctant to become directly involved in rationing decisions within the context of the NHS, the reality has been more complex. In practice, like other professionals, doctors have actually made and continue to make
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decisions with rationing implications, such as decisions about how to allocate their time so as to meet varying needs most effectively. In periods of austerity the pressures to make judgements about the allocation of scarce resources have been increasing across a range of professions, including the legal profession, as has already been suggested.

Approaches based upon utilitarian principles, in contrast, start from the principle of the greatest good of the greatest number of people, implying that professionals need to balance the interests of individual clients and communities with the interests of society more widely. But who decides what would be in the best interests of the majority, and on what basis? And how would such approaches impact upon the rights of minorities, especially disadvantaged minorities? Arguments of the utilitarian kind have been used to justify – or to challenge – limits to the time that lawyers can spend with any particular legal aid client, in order to ensure that as many clients as possible receive some form of service, however time restricted, as the previous chapter has demonstrated. But the legal profession has questioned whether such forms of rationing would meet the needs of the most disadvantaged clients.

These underlying differences of approach have had varying implications for professional ethics, and especially for professionals providing public services in periods of public expenditure constraint. As Banks and others have pointed out (Banks, 2004; Hugman, 2005), professional codes of ethics have varied from country to country in any case, as well as from profession to profession, over time. This is not to suggest that any one ethical code is the moral equivalent of another. Rather, the point to emphasise is that ethical codes are varied and contested. While codes may provide guidance, this is not to the exclusion of the need for professional judgement.

In the current context however, as Banks (2004) has also noted, ethical codes have tended to become more prescriptive. And as codes become longer and more prescriptive, the room for trust and discretion gets narrower. This tendency, it has been argued, has been an increasingly marked effect in response to new modes of management in the public services. Although there have been some differences of view as to the extent to which professional discretion has been curtailed in practice (Clarke and Newman, 1997; Evans, 2010), the trend has been well marked. In the 1990s, for instance, Hoggett described the combined effects of successive government attempts to get ‘more for less’ in terms of new and more sophisticated forms of organisational control (Hoggett, 1996) – challenging professional self-regulation, as the previous chapter has illustrated in relation to the legal profession. In Hoggett’s view, control mechanisms were increasingly centralised, despite the simultaneous promotion of strategies claiming to promote decentralisation and self-regulation within the public services. Some senior professionals had become professional-managers as a result, while ‘the diffusion of management systems has clearly had the effect of reducing professional autonomy across a wide number of sectors’ (Hoggett, 1996, pp 28–9), potentially undermining motivation and trust in the process (Hoggett, 1996; Hoggett et al, 2009; Sommerlad, 2001).
This leads into the next point to be noted in relation to this study: the increasing interest in ‘virtue ethics’ in response to some of the challenges of the new managerialism (Banks and Gallagher, 2009). A virtue ethics framework, it has been argued, ‘can provide an orientation to professional attitudes and actions that offers a welcome counter-weight to the current emphasis on obligation-based performance to externally defined principles, rules and standards’ (Banks and Gallagher, 2009, p 49). Here the focus shifts away from targets and outputs to emphasise, in contrast, the ‘virtues’ required of the professional in question; virtues such as professional wisdom, care, respectfulness, trustworthiness, justice, courage and integrity. The individual professional is defined as a moral agent within a community of practitioners who share a core moral purpose or service ideal (Banks and Gallagher, 2009).

Virtue ethics has its critics too. This type of approach is not unproblematic, and does not provide unproblematic answers for professional practice within the context of public service modernisation. Ethical issues and dilemmas are, arguably, inherent in the exercise of professional judgement per se (Hoggett et al, 2009). The point for the purposes of this study is simply to emphasise the tensions that virtue ethics highlight, and the potential conflicts for professionals in the current policy context.

The outcomes, meanwhile, continue to emerge. What Banks describes as the ‘new accountability’ upwards has been associated with processes of de-professionalisation, restricting the space for professional discretion and potentially threatening professional ethics more generally (Banks, 2004). But this is not the only view, or indeed the only possible outcome. For some professionals, for example, the new professionalism could be positively associated with more effective uses of scarce resources and/or more responsive outcomes for service users, to be welcomed as such. For others, more pragmatically, these challenges needed to be met by more professional entrepreneurialism, as the only realistic basis for survival in an increasingly competitive climate.

Alternatively, professionals may respond to what they perceive as threats to their professional integrity with reluctant conformity or by developing individual or collective forms of non-compliance (Banks, 2004; Hoggett et al, 2009; Sommerlad, 2010). Sommerlad’s earlier study of legal aid lawyers quotes Downs (1966) in this context: ‘the greater the efforts made to control subordinated officials, the greater the efforts by those subordinates to evade or counteract such “control”’ (Downs, 1966). The effects of such control strategies may actually be perverse, encouraging knavish rather than knightly behaviours in order to achieve the required targets. As Sommerlad added, by way of illustration, a lawyer commented that “I have to go into the office this weekend and forge a whole lot of stuff for the audit. That’s what I really hate; I think I was a good lawyer, maybe not perfect, but I was certainly never dishonest; and that’s what this is making me” (Sommerlad, 2001, p 355).

Finally, professionals may respond with what Banks has described as ‘principled quitting’, ‘jumping ship’ in order to retain personal integrity when all other
strategies seem to have failed (Banks, 2004). Later chapters provide illustrations of each of these types of response to the ethical issues and dilemmas posed by public service modernisation and more recent policy developments in relation to the provision of legal aid.

**Law Centres, their missions and ethos**

How were these potential dilemmas being experienced in Law Centres? What were Law Centres themselves setting out to do and in what ways did the services that they were offering differ from those being offered by other providers? How were those involved, whether as staff or as volunteers, describing Law Centres? And how were Law Centres being perceived by other stakeholders, including lawyers in private practice, as well as people working in CABs and other advice agencies, or by local authorities and other funders?

Law Centres’ ethos emerged as intertwined with the motivations and values of those directly involved in them. Staff and volunteers typically explained their own motivations in terms of their commitments to Law Centres’ missions: ‘meeting community needs for legal services’ and concerns with ‘addressing social justice issues’, ‘broadening access to quality advice’ and ‘access to justice for the most vulnerable in society’, for example.

People’s motivations are discussed in more detail in Chapter Eight, together with the ways in which motivations may have been shifting over time in response to changing contexts. Staff and volunteers brought values with them, and these values in turn were subject to modification. In some cases commitments deepened, while in other cases there was some evidence of erosion as people struggled with the dilemmas associated with the pressures of the Carter reform–related changes. The point to emphasise here is simply this, that the motivations and values of those who were working and volunteering in Law Centres were clearly linked to Law Centres’ own ethos and values, whether as cause or effect – or both.

So what did staff consider to be the key aspects of Law Centres’ ethos and values? There was broad agreement that the role of Law Centres was to facilitate access to justice for all, regardless of ability to pay or social position. It was about providing a “quality service ... to the people who can’t access legal advice elsewhere”. “There’s no one else that helps the people we help”, commented one Law Centre worker. The Law Centre was there to ensure that “all sections of the community [have] access to the law”, a trustee remarked in similar vein. “We want to provide a quality service ... to the people who can’t access legal advice elsewhere”, a solicitor in another Law Centre said, emphasising the importance of quality provision.

Accessibility emerged in terms of locality and atmosphere, as well as in financial terms. The administrator in one Law Centre commented that the Law Centre that she managed was located in shop–front premises in an area of high social need. People could call into the Law Centre when going about their daily business.
Being physically accessible was seen to be important. A number of Law Centres were similarly located near to markets and local shops.

It was also recognised in one city, however, that there could be cases where clients might prefer to go to a more anonymous central location (if they were anxious to avoid relatives or neighbours learning that they were taking up issues of domestic violence, for example). In the city in question there were collaborative referral arrangements in place to address this issue. Issues of collaboration between different agencies are considered in more detail in Chapter Six.

The atmosphere in Law Centres was also seen as important, being welcoming to clients; “very approachable, informal”, “clients like this”, “they feel confident”, as a local volunteer explained. A volunteer in another Law Centre made similar comments about the atmosphere, describing it as “so welcoming, so relaxed”, with very helpful staff on the reception desk who were “so polite”. If this hadn’t been the case, she continued, “I wouldn’t have bothered to give my time. I feel valued.”

“We don’t patronise people”, a lawyer explained, adding that people could see this, “so we’ve built up a lot of trust” over the years. People “know that we’re on their side.” This chimes with the findings from earlier research which identified that less socially advantaged groups tended to prefer to obtain legal advice from a “one-sided” lawyer, that is, a lawyer who could be trusted to be on the side of the less-advantaged (Abel-Smith, Zander and Brooke, 1973).

A number of lawyers also commented on the importance of the atmosphere within the Law Centre in terms of team working and collective ways of working. One young woman noted, “I hadn’t worked in one [collective] before ... it was a bit weird at first”. She reflected that although it took some getting used to, it was positive to be treated with respect and to “feel valued” as part of the team. This was part of the Law Centre’s ambience. In some instances experiences of working in such an atmosphere were contrasted with more negative past experiences, including in private practice, where the focus was described as being “there to make money for the boss”.

However, there were also a few reflections on more negative experiences in Law Centres. Several lawyers contrasted the atmosphere in their current Law Centre with atmospheres that they had encountered elsewhere when collectives had not worked effectively or harmoniously. Law Centres were “special places”, a Law Centre lawyer explained, “but they are only as special as the people in them. The ethos is constantly fragile and in need of what museum people call curation ... keeping the flame burning. The little flame can flicker and blow out”, though.

The same lawyer elaborated on this theme: “one of the issues in terms of the fragility of the Law Centres is that the business case and the business realities are very different ... clearly one pressure on the ethic or ethos is the need to make it pay, to make it sustainable and to establish business disciplines on the work of each lawyer” – a balance that is increasingly difficult to manage, it was widely argued, and as later chapters illustrate in more detail. These issues about working relationships between staff, team working and the challenges of collective forms of organisation are explored in more detail in Chapter Five.
Law Centres were generally very busy – and sometimes working from unsuitable premises (with insufficient space for clients to speak with receptionists in privacy, for example). Some offices were also clearly in need of redecoration, being scruffy as well as cramped. The contrast with the décors of the private sector firms that were visited could scarcely have been more striking. But generally, and most importantly, Law Centre clients were observed being greeted in warm and welcoming ways. Typically, there were toys available for children and notice boards displaying information about a range of local services and community activities.

**Holistic approaches**

Another frequently emphasised aspect of Law Centres’ ethos was the importance of treating clients’ problems holistically. At this point, some clarification may be helpful, as the term ‘holistic’ was applied in two slightly different ways. When referring to an individual client, working ‘holistically’ implied addressing the client’s different problems and needs comprehensively. For example, this might involve identifying the links between a client’s presenting issue, such as the threat of eviction and consequent homelessness, and his or her underlying problems, such as problems with claiming welfare benefits, leading to debt and consequent rent arrears.

The term ‘holistic’ was also used to refer to collaboration between agencies, for example, providing ‘holistic’ services so that clients could be referred on to specialist agencies when appropriate. Chapter Six provides more detailed discussion of this latter usage of the term, exploring more generally the development of more collaborative approaches between different agencies across particular localities. In this chapter the focus is upon holistic approaches to working with individual clients.

“We’re interested in the clients ... they are at the centre of what we do”, explained the administrator of one Law Centre, adding that “we deal with vulnerable people” whose problems often overlapped. As a trustee in another Law Centre explained, the ethos was about providing “a seamless path”. Others referred more specifically to the potential overlap between mental health problems and disability discrimination problems, for instance, or between benefits problems and rent arrears, or immigration problems and welfare benefits and housing problems. These types of problems needed time and patience to unravel and address. This was particularly so when a client also had mental health problems or language issues (needing an interpreter, for instance), which meant that even more time and patience would be required. A number of those who had had experience of working in private law firms suggested that Law Centres generally demonstrated far more patience when working with very vulnerable clients. Law Centre staff would also recognise that recovering relatively small sums (the example cited was of £900 in a compensation case) could make a vast to clients’ lives if they were managing on a low income, even if such sums could seem trivial to private firms.
Other typical comments included similar reflections on the impact that Law Centres could make both for individuals’ lives and for communities: “Making a difference ... allowing people to exercise their rights.” “When I’ve done a case [successfully] I’ve changed someone’s life”, an immigration solicitor commented, explaining how asylum cases could and often did involve issues of life and death. The solicitor who made the last comment had previous experience of working in the private sector and drew comparisons between the ethos in each, while recognising that there were also individuals and firms that did share many of the Law Centres’ values and demonstrated this by providing pro bono advice sessions, for instance.

Collective and preventative approaches to taking up common issues in the pursuit of social justice

Although there was general agreement that Law Centres were not set up to focus exclusively upon individual clients’ cases, there were some variations in the emphasis given to the different aspects of this wider mission. Some highlighted the importance of pressing forward the law itself to promote social justice, taking test cases to strengthen legal rights for all (one lawyer described himself as a “legal guerrilla fighter” for social justice). Law Centres were able to use legal remedies to enforce rights – and to test and further develop rights – in ways that were beyond the scope of other advice agencies; a unique selling point in terms of their abilities to contribute to social justice agendas more widely.

Others emphasised the importance of community work in terms of public legal education and policy work, typically preventative work. And some highlighted each of these aspects. One person summarised this as: “The essence for me personally, it’s about wider issues, to educate the local community and empower them [in relation to knowing and accessing their legal rights]”. The Law Centre was concerned to “empower people to do it for themselves”, a lawyer in another Law Centre similarly commented. There were a number of examples of test cases and of outreach and community-related work, including campaigning and public legal education that had been undertaken in the past.

One such example was of a campaign with Women in Prison that had generated a lot of work for a particular Law Centre. The campaign had been about trying to maintain inmates’ homes while they were serving short-term prison sentences. This was seen as being very important so as to ensure that they had somewhere to go upon release. The campaign had resulted in some achievements.

Other examples of past policy work in other Law Centres had included taking up homeless people’s problem of being unable to make contact with the office outside office hours, even when they needed emergency accommodation. Using the law to enforce the rights of homeless people, the Law Centre had enforced the provision of a 24-hour helpline by the council in question. Another example was the successful challenging of a council’s policy of not giving reasons in writing for refusing accommodation to homeless people. Without reasons in writing it
was very difficult to appeal a decision. As a result of the challenge, the policy was changed. But there was little if any time for this type of policy work under the current system, this Law Centre worker added.

Examples of test cases included one that had gone to the European Court of Human Rights in Strasbourg. This was a test case about immigration rules as they applied to a refugee who had temporary status but did not yet have settled status. If that person married outside the country before getting settled status, they could be refused the right of entry for their spouse. This was challenged as a violation of human rights. The Law Centre lawyer involved in the case explained that for him such cases were about “pushing the law to the boundaries” in the interests of justice.

He gave another example of a case that he had taken forward to push the boundaries. This was in relation to degrading treatment or torture, as applied to a Roma child with disabilities, and the child’s access to appropriate education. At the tribunal the argument that the case involved degrading treatment had been accepted, in addition to the argument that it also involved the rights of the child. The lawyer explained that he had had the time and space to take this case effectively – and that such opportunities were what “really motivates”.

An example from another Law Centre was of a case that had lasted for eight years, from the mid-1980s to 1992, ending up in the European Court of Human Rights. This case had forced a change in the law to clarify that the dismissal of a pregnant woman did indeed constitute sex discrimination. There were a number of other examples of test cases from a range of Law Centres taking up cases to clarify the law, to challenge discrimination and to extend rights in the interests of social justice.

These were precisely the types of approach that fitted most readily with the original Law Centre model – but least appropriately with the LSC funding system. “It’s very hard to keep that initial ethos of the Law Centres going” while meeting these targets, a lawyer explained. They needed to organise campaigning, but there was no time to do this, he continued. “Even the simplest campaign would be difficult now.” The experience of such pressures, and their impact on staff motivation, are explored in more detail in later chapters.

Law Centres’ ethos: other stakeholders’ perspectives

Meanwhile, to what extent were the claims that were being made by Law Centre staff and volunteers being reiterated by other stakeholders? There was broad agreement across other advice agencies, private sector providers, local authorities and other funders that Law Centres were making vital contributions in terms of enabling people to have access to justice, regardless of their inability to pay or other social disadvantages. The Law Centre was about “promoting equality, justice, access and fairness for people who wouldn’t normally get access to legal advice and support”, an advice worker in an ethnic minority community project reflected in one city. “Strongly value led”, agreed an advice agency manager in
another city, “with a strong fairness agenda” and ethical base that had impacted upon decisions taken in her own agency (such as the decision that representing landlords or employers would, in the agency’s view, be in conflict with the commitment to work with tenants and employees).

Law Centres were seen as being “unequivocally there for the disadvantaged”, in the view of an advice worker from another agency, who commented further that “the respect that local community groups have for the Law Centre is huge” and mentioned the Somali and Polish communities as examples.

“They want to help the most vulnerable”, commented an advice worker about the Law Centre in a yet another city, who also pointed out that around two-thirds of the clients came from areas that were among the 20% most deprived localities in England. “The uniqueness of the Law Centre is that it is actually accessible to all”, reflected an advice worker in another area. And “because it is a community-based organisation you see all sorts of people there. People can be intimidated by independent solicitors”, she continued, “because they dress, they have a certain attire … whereas the Law Centre’s a lot more relaxed and [you can] express yourself a little bit more, being in that environment does make a difference.” The atmosphere was “less formal and less intimidating than many private lawyers’ offices”, a lawyer providing pro bono advice sessions reflected in similar vein. “It’s in a different style of seeing people”, which made the Law Centre seem more accessible, in her view.

A former client explained how important this had all been to her, particularly commenting on the support she had received. She had been in what she described as “buckets of tears”, but felt that she had been listened to with great sympathy as well as with professionalism. She did add that “I don’t think the building is actually appropriate” (being in need of decoration and repair, in her view), but this in no way detracted from the warmth: “from the time you know you hit the door … you could sense the warmth of the individuals in there”.

The relatively informal atmosphere in Law Centres was in no way associated with a lack of professionalism, it was argued more widely. As an officer based in a funding agency commented: “Personally I value Law Centres very highly. I think the services they provide are amazing.” Other stakeholders similarly commented on the quality of the services that Law Centres were providing. “At their best they’re excellent”, reflected an officer from a funding agency. Stakeholders, including those in private practice, spoke of their confidence in referring clients to their local Law Centre.

Stakeholders also commented on some of the challenges presented by Law Centre clients, many of whom required considerable time and patience to unravel their problems. An officer from a funding agency (with considerable personal experience of Law Centres) emphasised this preparedness “to spend time with clients, giving them that extra time and attention that makes them feel valued” and enabling their often related problems to be unpicked. An advice worker in an agency that collaborated closely with its local Law Centre similarly commented on the particular needs of both their client groups, “We are there for the people
who don’t manage”, and added that this was a very “needy group”. While the aim was to empower clients and to “work to promote independence”, realistically this wasn’t always possible, she added.

This willingness to give clients the time and attention needed to address their issues holistically was contrasted with the ethos in many private sector firms. They tended to be less patient, it was suggested, and particularly so in terms of tolerating challenging behaviours from clients with mental health and/or alcohol or substance abuse issues, for instance. A local councillor who had a background in private legal practice commented, “I can’t tell you how different I think the two environments are”, and explained that she had left private practice because “the underlying driver in a city firm is inevitably money” (although she added that there were, of course, private firms that provided pro bono legal advice, operating from a very different value basis, far closer to the values of Law Centres).

There were a number of similar comments contrasting the ethos in Law Centres with that in private firms. These included comments about the quality of the services provided by some private firms, in some localities, in particular areas of law.

There was one exception, however: a comment from a lawyer with experience of both private and not-for-profit sectors. She considered that clients were better treated as “a valuable commodity”: “the whole level of courtesy is higher in private practice” in comparison with not-for-profit organisations, which tended to keep clients waiting if there was a queue. She pointed out that although it was important to listen to clients carefully and respond holistically, it was important to ask very focused questions and use time efficiently so as to get to the heart of the problem.

**The benefits of Law Centres’ local knowledge and policy inputs**

In addition to the ways in which they treated individual clients, Law Centres’ community base was also seen as an important factor, another of their unique selling points. “They have grassroots knowledge, which is a key to our local Law Centre”, an advice worker in one city commented. This local community base was also valued by a number of local authority officers who commented on Law Centres’ capacities, as a result, to contribute to policy development. One senior officer reflected that Law Centres could play an important role in improving decision making more generally. Through feedback from clients they could identify areas where administrative procedures were inadequate, for instance, providing valuable input. More systematic feedback, in this officer’s view, could strengthen effective, outcomes-based accountability. Both the leader of the council and the chief executive were interested in promoting such aims, he added.

Very similar comments were made by local authority officers in other areas who expressed their appreciation of Law Centres that provided up-to-the minute feedback on clients’ problems in the community as they arose. In one area the Law Centre was described as “one of our strongest partners”, bringing clients’
perspectives to strategic policy discussions. In this area the perspectives of people who were experiencing poverty were seen to be particularly important, given that the area had high levels of poverty and deprivation and that, as a result of the recession, the problems were spreading to affect previously less affected groups. Other examples of policy inputs included a review of homelessness in one city, jointly carried out between the CAB and the Law Centre, each focusing upon its particular areas of expertise.

There was also some appreciation of the fact that Law Centres and local authorities could and did find themselves in conflict over specific issues and cases. But this was not a reason for not funding Law Centres – on the contrary. One local authority officer reflected that at the back of officers’ minds was the question “Why should I be paying you to sue me? It makes no sense in the short term.” However, he added that in the longer term, like complaints procedures in the private sector, this was “essential and integral. You learn from the challenges, those litigations, so it can help you improve your services, ensuring that those issues that have arisen do not arise again. It is more cost effective.” As an officer in another local authority reflected, the independence of Law Centres was important within the wider context of the independent role of the third sector, the Centres being separate from the local authority and therefore being able to act against it, if need be, in the interests of clients/local people. While a number of local authorities clearly shared these views, this was certainly not universally the case, as Chapter Six considers in more detail.

**Preventative approaches as part of Law Centres’ original social justice mission**

There was also widespread agreement over the potential importance of Law Centres’ preventative work more generally. A local councillor commented that the local Law Centre in her area included work with families to avoid homelessness. This was to the benefit of the council (not having to pick up the tab) in addition to benefiting the families themselves. The Law Centre in that area also had a specific contract with the area’s key social landlord to do preventative work. As a result of regular meetings with officers to identify problems and seek solutions as problems arose, the number of evictions had been reduced from around 300 cases per annum to around 50 cases annually. Rent arrears had been going down and tenant satisfaction scores had been going up. This was in “everyone’s interest”, being cost-effective as well as being effective in social terms.

The same councillor referred to the value of preventative work around education, challenging school exclusions. She pointed out that young people excluded from school were disproportionately at risk of unemployment and, indeed, of prison. Challenging unnecessary exclusions was therefore beneficial for society as well as for the young people concerned and their families.

An employment lawyer who provided pro bono advice sessions at another Law Centre stated that preventative work was being done in yet another area:
preventing tribunals from becoming clogged up. This was because, far from encouraging unrealistic claims, Law Centre staff gave clients very realistic advice, advising them not to pursue claims that were very unlikely to succeed. In this way Law Centres were contributing to the reduction of the work of tribunals. More generally (not specifically referring to employment law), a number of those interviewed also commented on the problems to be anticipated if fewer clients were represented and so decided to represent themselves. Magistrates and tribunal chairs typically much preferred clients to be represented, as this enabled cases to be heard more expeditiously.

But, as Law Centre staff and volunteers had noted, under LSC funding systems there was less scope for preventative work, or for policy work, community work or public legal education, unless funding could be obtained via separate sources. There were some fictions, in any case, about Law Centres’ wider role, which “wasn’t as prevalent as it should be”, as one lawyer put it. While the local Law Centre had in the past had a high profile in terms of campaigning on homelessness policies and procedures, on housing conditions such as damp and on racial harassment, a local authority officer commented, this wasn’t necessarily so evident in the current context.

Similar points were made about Law Centres’ wider roles in terms of public legal education and training, community outreach work and capacity building. Here too, some of the public legal education and training work that was going on was being facilitated as a result of separate project funding. Otherwise, in the view of a senior advice worker who reflected upon her knowledge of a number of Law Centres, they had “shifted away from this” because of the pressures of the funding system for legal aid, even if they still espoused this wider role in principle. Stakeholders certainly referred to examples of past test cases, as the previous section has illustrated. But such cases seemed to be a diminishing feature of Law Centres’ work in more recent times.

There were anxieties about a possible loss of vision more generally, as those more directly involved also recognised, and fears that, in their struggles to meet the requirements of the current funding system, Law Centres might be drifting away from their original mission. “It’s very very hard”, commented a solicitor. “I think in terms of [being] an employee it really demotivated me … we had to move away from perhaps more complicated work where we could try and change policy with local authorities”, she added, giving an example of preventative work on tenants’ housing issues. “You know you want to help people”, she continued, “you want to help the community, you are there because you don’t want to make profit like a private firm, you want to make a difference and it seems that the government is trying to squeeze that out of the community.” The solicitor in question was in the process of moving on from a Law Centre to work for another not-for-profit organisation. This leads us into a more detailed discussion of the changes that have been taking place and the challenges that these changes have posed for Law Centres’ ethos and values – the subject of following chapters.