

The business case for social welfare advice services

An evidence review – lay summary

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Background

The implementation of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 in April 2013 removed most of civil and family law from the scope of legal aid. It was widely anticipated that this would dramatically increase demand for legal advice services, especially in the areas of social welfare law (eg housing, debt and benefits advice). The Low Commission, with funding from the Baring Foundation, commissioned the University of Surrey to review the extant literature to determine whether the evidence supports a business case for investment in social welfare advice services.

The review was executed in two stages: first, identification of the evidence; and then synthesis of the evidence and assessments of its quality. Almost 7,000 pieces of information and articles were reviewed for possible inclusion, from which 659 were selected for closer scrutiny and 44 reports and articles were subjected to a full review. This article presents a lay summary of the findings of this research, focusing explicitly on the economic value of social welfare advice, both legal aid and generic.²

The economic value of legal aid advice

While there is a voluminous literature on the social value of legal aid, there is a dearth of evidence on its *economic* value, and what exists is predominantly from the US. Despite concerns over the quality of the data and methodologies adopted, all of the studies reviewed concluded that legal aid not only pays for itself, but also makes a significant contribution to households, local economies and reducing public expenditure.

Evidence from the UK

From the UK, the most commonly cited study is by Citizens Advice (2010) which estimated that for every £1 spent on legal aid, the state saves:

- £2.34 from legal aid spent on housing advice;
- £2.98 from legal aid spent on debt advice;
- £8.80 from legal aid spent on benefits advice; and
- £7.13 from legal aid spent on employment advice.³

More recently, a study of the impact of Citizens Advice services in the Bath and north-east Somerset area (2014) found, using standard social return on investment methodology, that for every £1 spent on Citizens Advice services there was a benefit to individuals and/or other stakeholders (including the state) of between £33 and £50 over a period of five years.⁴ Similarly, the think tank the New Economics Foundation (NEF) and AdviceUK, a network of independent advice agencies (2010) estimated the social return on investment for two cases (debt advice and housing advice) as over £9 for every £1 invested.⁵

Scope (2011) also offers strong economic justification for the provision of legal aid for disabled people's welfare benefits cases, as the fixed rate (of approximately £167 per case) ensures value for money by providing good early intervention and prevention of costly appeals.⁶

An evaluation of the Early Legal Advice Project (ELAP) (2013), operational within the Midlands and East of England (MEE) region of the UK Border Agency providing free early legal advice to asylum-seekers (from November 2010 to December 2012), found that applying early processes to facilitate asylum applications cost between £222 and £538 more on average (per adult single case) than other cases in the MEE region.⁷ This report did, however, highlight the limitations in calculating these total costs and other factors to be considered while undertaking early intervention work (for example, ELAP set-up costs and other process costs not previously captured).

Only one report reviewed focused on the socio-economic value to individuals, wider stakeholders, institutions, the local community and wider society of Law Centres, which are independent, not-for-profit organisations providing free legal advice and representation.⁸ Although the authors express caution about the underlying assumptions grounding their calculation, they do report an example used for prevention of eviction, finding that the socio-economic benefit to cost ratio was 1:6, meaning that for every £1 pound invested, a socio-economic value of £6 was generated.

Evidence beyond the UK

Similar evidence is found from other jurisdictions. In Australia, PricewaterhouseCoopers, commissioned by National Legal Aid, found that direct legal aid provision in relation to court services for family law issues had a net positive benefit for the justice system: approximately AUS\$1.60 to AUS\$2.25 for every dollar spent.⁹

The Canadian Bar Association¹⁰ (2011) argued that unrepresented litigants consume more public resources, for example due to longer trials resulting from unfamiliarity with court procedure.¹¹ The savings are thought to be substantial but uncertain, varying from CAD\$1.60 to CAD\$30 for every CAD\$1 spent on legal aid.¹² These figures were taken by synthesising evidence from around the world, including studies from the UK, US and Australia.

By far the largest body of evidence came from the US. A study conducted by Feelhaver and Deichert (2008) into the economic impact of legal aid in Nebraska suggested that legal aid brings money into the state via several routes.¹³ This includes federal sources (as a direct result of legal aid's grants and contracts); via benefits awarded (child support, alimony) from the state which benefit clients; and indirect benefits that accrue when individuals receive legal aid services (improved quality of life for clients, tax savings for the state and economic development). Ultimately, the total benefit to Nebraska was estimated to be USD\$13.5m in 2007, compared to the cost to Nebraska of USD\$3.4m. In other words, for every USD\$1 spent on legal aid in Nebraska, the government saves USD\$3.97.¹⁴

A similar study was undertaken by the Task Force to Expand Access to Civil Legal Services in New York (2010).¹⁵ This suggested annual cost savings of USD\$100m to state and local governments as a result of expanding civil legal assistance. This would generate a significant return of USD\$5 for every USD\$1 spent on legal aid.

Findings from Florida TaxWatch (2010) found that the total economic impact of civil legal aid was significant.¹⁶ Legal aid programmes in Florida in 2008 helped to create over 3,300 jobs; produced over USD\$250m of output in the state economy; generated USD\$297m of disposable income; and generated USD\$4.78 of economic impact for every USD\$1 spent on legal aid.

In Texas, the research firm the Perryman Group (2009) estimated that for every USD\$1 spent on civil legal aid in the state, the annual gains to the economy were USD\$7.42 in total spending, USD\$3.56 in

output (gross product) and USD\$2.20 in personal income.¹⁷ This was achieved through an increase in business activity and associated employment.

A report on the legal services programs in Louisiana (2011) states that the money received or saved by their clients creates a wave of economic activity within the state.¹⁸ The report suggests that for every USD\$1 spent on legal aid in Louisiana, there is a return to the government of Louisiana of USD\$2.40.

Early analysis by Granberry and Albelda (2006) prepared for Massachusetts Legal Assistance Corporation, using data from 2004, found that a USD\$500,000 net investment by the Massachusetts state legislature to fund the Disability Benefit Project (DBP) providing assistance to low-income individuals, yielded between USD\$7.7m and USD\$15.4m of new revenue.¹⁹ This amounts to a return to the state government of USD\$15 to USD\$30 on every net dollar the state spent on this program. An update of the analysis conducted in the fiscal year 2007 estimated that a USD\$600,000 net investment by the state to fund DBP assistance yielded USD\$7.7m in new federal revenue, amounting to an effect on the economy of USD\$7.7m to USD\$15.4m.²⁰

The economic value of social welfare advice

There is a large evidence base on the social value or impact of social welfare advice, especially with respect to the provision of debt advice which has been studied extensively (discussed below). Again, there is relatively less evidence on the economic value of this advice. Social welfare problems often cluster – for example, a financial or debt problem may be precipitated by a welfare benefits problem, and may result in a housing problem if a mortgage or tenancy falls into arrears. Getting good early advice may therefore solve or even prevent multiple problems, and generate economic value to individuals, their creditors, local and central government, and the wider economy.

General social welfare law advice

RAISE (2011), a benefits and money advice organisation based in Merseyside (UK), claim that their advice benefited clients in terms of relieving stress/anxiety, reducing debts, dealing with creditors and lessening the sense of isolation.²¹ Since 2007 they have assisted over 900 clients to gain over £1m in extra welfare benefits, to manage over £750,000 of debt problems, and to have £20,000 of debt written

off. For the year April 2009 to March 2010 they estimated total benefits of £3,028,203.²²

The housing and homelessness charity Shelter (2010) estimates that each mortgage debt advice case costs the state £229 on average, while potentially saving the state the cost of repossession estimated at £16,000.²³

Advice services can also generate significant value for money to social landlords. For every £100 invested, Evans and McAteer (2011) estimated there is a gain of £122 (a return of 22 per cent) in the form of reduced arrears and associated costs for landlords.²⁴ The report suggested an annual net benefit of £49m for the social housing sector if debt advice intervention was rolled out nationally. Two reports focused on the potential cost for local government and local authorities that may have a duty to rehouse evicted social housing tenants (by Shelter (2010)²⁵ and Child Poverty Action Group (CPAG)/LASA (2012)²⁶).

There are also other benefits of advice that, while ultimately economic, are not easily monetised or estimated. For example, the lower educational attainment of children living in temporary accommodation following an eviction or repossession, or the psychological impacts on household members which may lead to increased healthcare expenditure and benefits claims, or poorer labour market outcomes.²⁷

Debt and money advice

Several recurring themes emerged from the literature focusing on legal advice provision for debt and financial management issues, as follows.

A study by London Economics/Money Advice Service (2011) found that improving financial well-being through the provision of advice generated a range of beneficial outcomes for clients – for example: maintaining and stabilising relationships; avoiding mental health issues; maintaining employment; preventing homelessness; and avoiding criminality and interactions with courts.²⁸ Those in receipt of debt advice in another study, by the Legal Services Research Centre (2010), reportedly felt that the advice provided had resulted in improvements to their stress levels, and increased confidence; this is important as debt problems were also reported to last longer than other rights issues, with debt problems lasting an average of just over 11 months (median seven months) compared to just under nine months (median of four months) for all other problems.²⁹ A study by the Institute for Employment Research (2010) found that the positive impact of advice also

meant that debt advice clients were better able to act for themselves long-term; even when indebtedness was unresolved, they also reported being better able to cope and prevent further deterioration.³⁰

Several reports also focused on both the short- and long-term outcomes of debt advice. The Money Advice Service (2010³¹ and 2012³²) stated that individuals in unmanageable debt who sought debt advice were almost twice as likely to move into manageable debt within 12 months compared to those who had not sought debt advice, resulting in individuals having lower debts.³³

There were also several societal benefits identified, including:

- benefits to creditors, through recovering some of the money owed;
- benefits to businesses, through the improved health of employees;
- benefits to the exchequer, through lowering health service costs; and
- wider societal benefits such as tackling child poverty, and promoting social inclusion.³⁴

Debt advice was also reported to lead to better outcomes for creditors, compared to alternative pathways to resolve defaults (for example, chasing defaults, write-offs or cases brought before courts), and recovering more debt owed.³⁵

Impact of advice on vulnerable groups

The impact of advice on vulnerable groups was found to be particularly significant in the evidence reviewed. Vulnerable groups that were considered included young adults, disabled people and those with mental health issues.

Young people

There was consistent evidence that unresolved social welfare problems have a large impact on many areas of young people's lives, for example:

- mental health;
- physical health;
- social and emotional well-being;
- education;
- employment and training;
- housing situations;
- standards of living;
- youth offending; and
- safety from harm.³⁶

A report by Youth Access (2011), the largest provider of advice and counselling services to young people,

outlines how social welfare problems disproportionately impact on disadvantaged adults, resulting in substantial cost to wider society.³⁷ One estimate puts the cost of unresolved social welfare issues to be £1b per year for young adults aged between 16 and 24 years old.³⁸ Young adults were also more likely to need advice when they have problems than other age groups, because their problems have greater impact, and receiving advice has been shown to result in better outcomes.³⁹

Disabled people

Scope (2011) illustrates that the removal of legal aid for welfare benefits cases will have a substantial, immediate impact on disabled people, and that these changes might offset the measures put in place by the government to support disabled people to get into work and out of poverty.⁴⁰ Advice enables disabled people get a fair outcome in decisions about their benefits, ensures that barriers are overcome in negotiating the complexity of social welfare law, and may prevent the need for costly appeals. There is a danger that if disabled people are no longer able to access advice there will be significant impact on their ability to maintain independence, reduce their capacity to cope with the additional costs, and potentially undermine their ability to remain employed.

People with mental health issues

There is some evidence that debt advice can reduce the risk of unmanageable debt and prevent the onset of mental health problems.⁴¹ An independent value for money review conducted by Citizens Advice (2010) noted other benefits from receiving and acting on advice include better health, stress relief and self-confidence.⁴² However, this review by Citizens Advice also highlights how the scale and significance of these benefits are hard to identify and measure, potentially indicating the complexity of placing a value on advice provision.

A more detailed study by Youth Access (2012) investigated the relationship between younger clients and their mental well-being in relation to their social welfare legal problems.⁴³ The study found that younger clients attending for social welfare advice had high levels of mental illness and that 70 per cent of 188 service users felt that advice resulted in improvements in their stress or health. The report also estimated potential cost-benefit or cost-effectiveness of providing advice to young people, including the knock-on costs of healthcare utilisation and housing issues. The report describes how providing advice may

result in the reduction of two GP visits, that would equate to a saving in GP costs of £108,108 per 1,000 clients of youth advice agencies (or £108 per young person).⁴⁴ There was also an improvement in the mean scores of those completing a General Health Questionnaire (GHQ-12) from 'poor' to 'fair'. The report estimates that it would be cost-effective (ignoring other benefits) if advice provision cost between £211 and £316 per young person. Five of the advice agencies used in the survey were able to provide estimates of the cost of advice provision, which ranged from £61 to £120 per person helped.⁴⁵

A recent report by the Centre for Mental Health (2013) found that specialist welfare advice can cut costs of healthcare for people with mental health issues in three specific ways: by reducing inpatient lengths of stay; by preventing homelessness; and finally, by preventing a relapse.⁴⁶

Additional insights

Much of the evidence reviewed highlights the need for:

- early intervention;
- prevention of serious problems; and
- education – in terms of both raising awareness of existing advice services, such as debt advice, and further training of frontline advisers to promote good quality provision, especially for specific groups, such as young and vulnerable adults.

Early intervention can result in better outcomes – if both sides have legal assistance and providing counsel as early as possible can reduce the need for certain cases reaching court – and lower cost.⁴⁷ Providers of advice are positioned to play a key role in these areas enabling early resolution of problems and, if problems occur, by limiting their impact.⁴⁸ Several reports described how clients had often had reached crisis point before seeking advice,⁴⁹ including some who had difficulties for more than five years. As such, advisers and creditors alike believe outcomes would be much better if help were sought earlier.⁵⁰ Seeking advice early was especially important in the case of housing, as social housing debt arrears can build up over time and residents can face serious consequences, such as court action or eviction.⁵¹

Several studies assessed the individual and economic impact of unmet legal advice services,⁵² including studies by the Friends Provident Foundation (2009)⁵³ and Legal Action Group (LAG) (2012).⁵⁴ Advice services today are currently in short supply

and demand is growing. Delays are frequent and there is a need to address issues in a timely manner. Specific individuals will be disproportionately impacted by this unmet need for advice services including:

- disadvantaged young people, as they are more likely to take no action to resolve their problems, and when they do seek advice they are more likely to delay or abandon their attempt to seek advice;⁵⁵ and
- those from isolated geographical locations, ie so-called 'advice deserts'.⁵⁶

Recommendations

A number of recommendations emerge from a review of the extant literature.

Recommendations for researchers

Primarily, there is a need for further evaluation of advice services, to determine their effectiveness and value for money. Currently there is an absence of good-quality research on the economic value of legal aid, focusing on costs of services and return of investment, especially research based in the UK. More quantitative, longitudinal studies are warranted in this area.⁵⁷

There is a need to improve the robustness of evaluation findings (especially how outcomes may be consistently measured), and a consideration of the best approaches and models for undertaking cost-benefit analysis for all categories of civil law aid.⁵⁸ Future evaluations could be aided by more consistent and routine outcomes monitoring within advice bodies.⁵⁹ This information could be used to reward organisations by their outcomes, rather than the number of advice transactions undertaken.⁶⁰ According to a number of sources, there are large knowledge gaps around the market for many advice services, including, for example:

- estimates of the *actual* and *total* demand for debt advice;
- the volume of debt advice provision in the UK;
- the needs of *actual* and *potential* debt advice-seekers; and
- comparisons of the short- and long-term effectiveness of the different types and delivery routes of debt advice provision.⁶¹

Recommendations for government and policy-makers

There were also a number of recommendations for government and policy-makers. Some focused on extending the scale and scope of advice services. For example, extending services to include a wider range of preventative services, such as training in financial management and navigating bureaucratic systems.⁶²

There was a call for greater collaboration between organisations (creditors/advice services) and the government to provide a more comprehensive, joined-up service.⁶³ The UK government should improve the infrastructure of advice to ensure a sustainable provision of legal advice,⁶⁴ and continue to provide core funding over the longer term to meet the cost of activities to support advice services.⁶⁵ This echoed US and Canadian reports.⁶⁶ There was a call for innovation in payment systems, including the development of incentives to those working in this area.⁶⁷ There was also a call to undertake a review of the impact of the LASPO Act reforms in order to understand fully the real demand of advice services.⁶⁸

Recommendations for providers

A number of recommendations emerged for providers of debt advice.

There is a need to provide a more holistic approach to providing debt advice, by focusing not only on arrears management but also on areas such as supporting financial confidence and knowledge to stabilise clients' finances.⁶⁹

There is a need for the development of pre-emptive referral mechanisms to ensure that housing arrears are tracked and that residents take up advice services before their debt escalates.⁷⁰ Although early advice and intervention is linked to high rates of successful resolution, and can stop problems escalating,⁷¹ early advice/unmet needs remained a marginal topic in much of the evidence. There is a need to put systems in place to provide early advice, beginning with planning and implementing proactive work.⁷² One way of dealing with this could be to develop services so that there is a more effective initial contact or triage system to manage clients' journeys from the initial point of contact through to further advice.⁷³

Summary

There was universal agreement in the literature that advice results in positive outcomes for clients and their households. However, almost all of the evidence originated from the ‘grey literature’, ie informally published work, where the quality of the evidence was generally poor. For instance, only a handful of reports were able to provide detailed information on the data, a clear and robust methodology, and sound analysis from which they draw their conclusions. A clear problem throughout the literature was the lack of a consistent or universally adopted measure of outcome or quality. Very few studies use recognised methodologies to appraise services (eg cost–benefit analysis), and those that do so provide too little information on their data and methodologies adopted to provide an accurate appraisal of the quality of the evidence. In a number of studies, valuing the benefits appears to have involved some rather heroic assumptions that are not well justified.

Accepting the generally poor quality of most of the evidence, the results are consistent in demonstrating a positive effect of advice. The main conclusion that must be drawn from this review is that further research in this area would be helpful to inform decision-making.

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The Low Commission

The Low Commission was established late 2012 in light of legal aid and funding cuts to develop a new strategy for social welfare advice. It is funded by several different Foundations and is independent from provider groups and political interests. It published its main report at the beginning of this year.

Following this, the Commission launched a second stage of follow-up work to strengthen the evidence base and advocate for new strategy. The Cookson report is the Low Commission's first follow-up report. You can find out more from the Low Commission's website: www.lowcommission.org.uk.



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See Professor Graham Cookson, 'What is the business case for social welfare advice services?', July/August 2014 Legal Action 14.