

FIXED FEES, EQUALITY AND DIVERSITY

Abstract

This paper examines the proposal to introduce fixed fees in England and Wales in social welfare law, and in particular in the categories of housing, employment, debt and welfare benefits.

Drawing on an analysis of cases reported in 2005-06, the paper highlights concerns about the introduction of fixed fees, given the relationship between case costs and

- The types of cases taken on
- The extent of work done for clients
- The results achieved for clients
- The geographical region where the case is handled
- The types of clients helped

The paper focuses on the potential impact on members of BME communities, especially in London, and concludes that the introduction of fixed fees is likely to have a discriminatory impact.

1 Introduction

- 1.1 The legal aid scheme in England and Wales is facing dramatic changes as a result of the Carter report¹ and its proposed implementation by the Ministry of Justice [MOJ, formerly DCA] and the Legal Services Commission [LSC].
- 1.2 The proposed changes are extremely controversial. The implementation of the Carter report has been severely criticised by the House of Commons Constitutional Affairs Committee [CAC].² It has also been the subject of a number of threatened and actual judicial reviews, by the Law Society, the Society of Asian Lawyers / Black Solicitors Network and others.
- 1.3 One issue that has been particularly controversial is the likely effect of the proposed reforms on black and minority ethnic [BME] firms and communities. These concerns are highlighted in the CAC report³ and in some of the judicial reviews. It has been suggested that there has been a failure to carry out a proper or comprehensive race impact assessment and that the proposed implementation of the reforms may be in breach of the Race Relations Act 1976 as amended.
- 1.4 At the time of writing, the government's response to the CAC report is still awaited.
- 1.5 The Advice Services Alliance [ASA] is the umbrella organisation for independent advice networks in the UK. Our particular concerns relate to the proposed introduction of fixed fees in the categories of social welfare law.

¹ *Legal Aid: A market-based approach to reform*, July 2006

² House of Commons Constitutional Affairs Committee: *Implementation of the Carter Review of Legal Aid*, Third Report of Session 2006-07, May 2007.

³ See Chapter 7: The impact of the reforms on BME firms and clients

- 1.6 We have recently completed an analysis of all cases reported by NfP agencies and solicitors firms, during 2005-06, in the main social welfare law categories of housing, welfare benefits, debt and employment.⁴ This complements an earlier analysis that we did of NfP case lengths in 2004-05.⁵ As on that occasion, we are extremely grateful to Peter Watson of Citizens Advice for the data analysis.
- 1.7 This paper highlights some of the key findings from our analysis and in particular our concern that the introduction of national fixed fees in social welfare law is likely to discriminate against clients in London, members of BME communities, and BME clients in London in particular.

2 The road to fixed fees

- 2.1 The introduction of fixed fees in social welfare law represents both a significant change from the way in which suppliers have been paid until now, and a stage in a wider process that has been developing for some time. Standard fees have existed in criminal legal aid since 1988 (in the Crown Court) and 1993 (in the magistrates court). A graduated fee scheme for barristers in the family courts has existed since 2001.⁶
- 2.2 Until 2004, both solicitors firms and NfP agencies were paid for cases on the basis of an hourly rate, although firms were paid on a case-by-case basis whereas NfPs were paid on the basis of the total number of hours worked.
- 2.3 During 2004 however the LSC introduced a system of “tailored fixed fees”, under which solicitors firms were paid a fixed amount per case, calculated on the basis of the average cost per case in each firm in 2003-04. Firms could however ask for payment at hourly rates for “exceptional” cases that cost more than three times the tailored fixed fee. This system was originally available on a voluntary basis, but became mandatory for most areas of family and civil legal help in April 2005. However it did not apply to immigration and asylum cases, and remains voluntary for mental health cases.⁷
- 2.4 The Carter report proposed the introduction of a system of fixed or graduated fees as an interim step prior to the introduction of a market-based approach by way of “Best Value Tendering”.
- 2.5 When the Carter report was published, the LSC/DCA published their own proposals in a consultation paper entitled “Legal Aid: a sustainable future”. For the main categories of social welfare law this paper proposed the introduction of fixed fees based either on national or regional rates, based on the claims made by solicitors firms during 2005-06. The paper proposed that all cases would be paid by fixed fees, save for those cases which cost more than four times the fixed fee (“exceptional” cases), which would be paid on the basis of hourly rates.
- 2.6 Although the LSC/DCA stated their preference for national fees, they recognised that such a move would particularly hit suppliers in London, where average case costs are generally much higher.⁸

⁴ *Case Lengths, Case Costs and Fixed fees*, available at <http://www.asauk.org.uk/fileLibrary/pdf/CaseLCFF.pdf>

⁵ *Case Lengths Under NfP Contracts*, available at <http://www.asauk.org.uk/fileLibrary/pdf/cslgthnfpcon.pdf>

⁶ CAC report paras 53-56

⁷ CAC report para 57

⁸ *Legal aid: a sustainable future* p.28

- 2.7 Following the consultation, the LSC/DCA published their further proposals in a document entitled “Legal Aid Reform: the Way Ahead”. This proposed that there should be national fees, not regional fees, that the calculations for these fees should be based on the costs of NfP agencies as well as solicitors firms, and that cases could be paid “exceptionally” on the basis of hourly rates if they cost more than three times the national fixed fee.
- 2.8 The difference between the fees originally proposed in the “Sustainable future” paper and the fees now proposed can be seen from the following table.

Table 1: the fixed fees originally and finally proposed

		Debt	Employment	Housing⁹	Welfare benefits
<i>Sustainable future</i>	Proposed national fee	£127	£229	£163 or £188	£143
<i>Sustainable future</i>	Proposed London fee	£189	£453	£206 or £237	£223
<i>Way ahead</i>	Proposed national fee	£196	£225	£171	£164

3 ASA’s concerns

General

- 3.1 In our response to the consultation paper “Legal Aid: a sustainable future”,¹⁰ we argued that the introduction of fixed fees is likely to be seriously detrimental to the provision of advice and assistance in social welfare law, given
- The variation in case lengths/costs that exists within these categories
 - The likely effects on suppliers
 - The likely effects on the cases that suppliers take on
 - The likely effect on quality
 - The likely effect on the overall provision of services to clients in social welfare law.
- 3.2 We also argued that the introduction of fixed fees was likely to work against the LSC’s separate proposal to contract only with quality tested “preferred suppliers”.
- 3.3 We argued that further research needs to be carried out into the types of cases undertaken in social welfare law; the types of clients helped; the case mix of different providers and the factors that are linked to different case lengths.
- 3.4 We suggested that alternative proposals should be considered, including: an extension of tailored fixed fees; higher fee levels; more categories of fees; graduated fees; more sophisticated escape mechanisms; and special provision for niche organisations.
- 3.5 Some of the arguments we put forward are directly relevant to the issues highlighted in this paper.

⁹ The “Sustainable future” paper proposed two different rates for housing cases. The “Way ahead” paper proposed one composite rate.

¹⁰ ASA’s response is available at <http://www.asauk.org.uk/fileLibrary/pdf/LASUSres.pdf>

Case mix

- 3.6 Where suppliers have average case lengths/costs that are higher than the value of the fixed fee, the incentive will be to reduce their average case lengths/costs. This is likely to involve
- Looking for the easy/short cases and the easy clients and/or
 - Avoiding long, difficult and complex cases and clients.
- 3.7 Where suppliers have average case lengths/costs that are equivalent to or lower than the value of the fixed fee, the incentive will be to maintain their previous case mix. There will be no incentive to widen their case mix to take on a significant number of cases that exceed the value of the fixed fee.¹¹

Quality

- 3.8 There is clearly a potential conflict between fixed fees and quality. This was demonstrated by research carried out for the LSC reported in 2001.¹² This research found that solicitors funded to provide a fixed number of matter starts for a fixed fee performed worse than other suppliers in the three areas of quality (as measured by peer review), client satisfaction and outcomes.
- 3.9 Where suppliers have case lengths/costs which are higher than the value represented by the fixed fee there is likely to be a direct relationship between fixed fees and quality.
- 3.10 It seems to us inevitable that economic pressures will cause standards to fluctuate considerably. In some cases work might be done well up to a certain point and then stopped. Other cases might be taken to their conclusion but the work done in a more cursory manner. There is likely to be a general trend towards routinising cases, with the result that individual cases do not receive the attention that their particular characteristics deserve.
- 3.11 There is also a real risk that the introduction of fixed fees will drive out some good suppliers, who feel unable to deliver quality services within the fixed fees proposed, while retaining some high volume suppliers who may not be providing quality services. This would run counter to Lord Carter's recommendations about the importance of quality.

4 Our findings

The data

- 4.1 The LSC has provided ASA with anonymised details of all the cases completed under NfP and solicitor contracts in 2005-06 in the four main categories of social welfare law. The number and distribution of cases reported was as follows:

¹¹ In the Standard Terms of the new Unified Contract the LSC has now included a "fixed fee margin" key performance indicator, which could mean that suppliers making a "profit" of more than 20% out of the new fixed fees will be penalised.

¹² Moorhead et al *Quality and Cost: Final Report of the Contracting of Civil, Non-Family Advice and Assistance Pilot* (2001)

Table 2: Distribution of cases between NfPs and solicitors firms

	Housing	Benefits	Debt	Employment	Total
NfPs	35,823	55,677	48,537	4,566	144,603
Solicitors firms	55,404	23,344	15,374	5,568	99,690
Total	91,227	79,021	63,911	10,134	244,293
NfP Percentage	39%	70%	76%	45%	59%
Solicitors Percentage	61%	30%	24%	55%	41%

- 4.2 The details provided are those recorded by organisations when reporting cases as closed, using the “SPAN” coding framework then in force.¹³
- 4.3 Since NfPs recorded all their work in 2005-06 as “time”, we refer to their case lengths in terms of minutes. During 2005-06 solicitors firms were paid “tailored fixed fees” (based on their average case costs in 2003-04),¹⁴ but reported the profit costs they would otherwise have claimed in pounds (£). The analysis that follows uses the profit costs figures so recorded.
- 4.4 In order to consider the likely effects of the introduction of fixed fees, we have also converted the average times recorded by NfPs into costs, on the assumption that NfPs are paid on average £50 per hour.
- 4.5 The national averages (and the proposed fixed fees) are as follows:

Table 3: Average case lengths/costs compared to the proposed fixed fees

Category	Nfp Average in minutes	NfP Average at £50 per hour	Solicitors average	Proposed fixed fee
Housing	234 minutes	£195	£200	£171
Benefits	274 minutes	£228	£180	£164
Debt	314 minutes	£262	£152	£196
Employment	430 minutes	£358	£325	£225

- 4.6 We have related the average length of cases in each category to:
- The type of case (as recorded in the SPAN system as “Matter Type Part 1”, and “Matter Type Part 2”¹⁵)
 - The extent of work done for clients

¹³ See the ‘Guidance for reporting work under general civil contracts: Controlled work – the SPAN system’ published by the LSC, available at: http://www.legalservices.gov.uk/docs/forms/span_guidance_0406.pdf

¹⁴ Unless the case cost more than three times the tailored fixed fee, in which case solicitors could claim their actual profit costs.

¹⁵ The Matter Type Part I is usually a general description of the type of case. The Matter Type Part II records further information such as the nature of the advice given (benefits), the client’s needs (debt) or the client’s circumstances (housing and employment).

- The results achieved for clients ¹⁶
- The LSC region in which the case was carried out
- The client's disability status and ethnicity

4.7 It is important to remember that there may well be factors not covered within the SPAN recording system that impact on case lengths. One big unknown factor is the identity and behaviour of the "other side" involved in a case, and the effect that this has on case lengths.

Types of cases

4.8 There are substantial differences in average case lengths or costs depending on the type of case. For example:

In welfare benefits

- Cases take longer if classified as a benefit challenge and shorter if classified as advice on entitlement.¹⁷
- Cases take longer if classified as involving an appeal and especially an appeal to the Social Security Commissioners. Cases reported as involving a review take less time than the average.¹⁸

In debt

- Cases take longer than average if they involve multiple debts, but less than average in all cases involving single debts, especially for NfPs.
- Type of case is a particular issue for NfPs, who reported 76% of all debt cases, and for whom multiple debt cases average 146% of the fixed fee.

In employment

- Cases take longer than average if reported as unfair dismissal and very much longer than average if reported as discrimination. All other cases take very much shorter than average times.¹⁹

The extent of work done for clients

4.9 Suppliers are required to report whether a case

- Finished at the first meeting with the client
- Involved further work
- Involved putting the case for the client
- Involved representation at court or tribunal.

4.10 It is hardly surprising that, with one exception,²⁰ the average time spent on cases clearly reflected the extent of work done for clients.

¹⁶ The first endpoint indicates the result of the case. The second endpoint indicates whether the case involved wider public benefits. The third endpoint indicates the stage at which the case concluded.

¹⁷ Cases reported as "challenge" cost 175% of the proposed fixed fee on average for NfPs and 140% for solicitors

¹⁸ Cases reported as "appeal" cases cost 204% of the proposed fixed fee for NfPs and 162% for solicitors. For appeals to the Commissioners the respective figures are 230% and 213%.

¹⁹ Cases reported as unfair dismissal cost 180% of the proposed fixed fee for NfPs and 159% for solicitors. For discrimination cases the respective figures are 263% and 246%.

²⁰ In housing, solicitors' cases reported as "putting the case" cost more than those reported as ending at representation. The reasons for this are not obvious to us.

- Cases that finished at the first meeting with the client took substantially less time than average
- Cases that involved “further work” took noticeably less time than average
- Cases that involved putting the case for the client took noticeably more time than average ²¹
- Cases that involved representation at court or tribunal took substantially more time than average. ²²

Results achieved for clients

- 4.11 Cases which resulted in certain positive outcomes took longer than average. These included:
- In housing, cases that resulted in the client being housed, re-housed or retaining their home
 - In benefits, cases that resulted in the client receiving a lump sum or property, or a new or increased regular payment
 - In debt, cases resulting in a reduction of the sum owed to a third party or a reduction of the client’s liability to make regular payments
 - In employment, cases resulting in the client receiving a lump sum or property
- 4.12 Generally, across all categories, cases took less time than average if the outcome is recorded as
- Client advised and taking action themselves
 - Client enabled to plan/manage better
 - Outcome not known

Regional variations

- 4.13 There are clear variations in average times between the regions in each category of law. The table below sets out the variations from the national averages of case lengths for NfPs (in minutes) and case costs for solicitors firms (in pounds) reported in each region.

²¹ Such cases cost on average 149% of the proposed fixed fee for NfPs and 147% for solicitors in housing, 171% and 143% respectively in benefits, 206% and 212% in employment, and 150% for NfPs in debt.

²² Such cases cost on average 168% of the proposed fixed fee for NfPs and 133% for solicitors in housing, 272% and 220% respectively in benefits, 402% and 364% in employment, and 196% for NfPs in debt.

Table 4: Regional variations in average case lengths/costs from the national averages

	Housing		Benefits		Debt		Employment	
	NfPs	Sols	NfPs	Sols	NfPs	Sols	NfPs	Sols
Birmingham	+13	+£15	+16	+£12	-15	+£23	-80	-£72
Brighton	+15	-£80	+17	-£71	+29	-£23	+61	-£106
Bristol	-52	-£12	-31	-£12	-62	-£5	-62	-£38
Cambridge	-13	-£23	+27	+£22	+28	+£2	-18	-£30
Cardiff	-65	-£34	-28	-£32	+33	-£5	-88	-£166
Leeds	-68	-£44	-58	-£12	-4	+£5	+67	-£40
Liverpool	+73	-£58	-49	-£63	-15	-£18	+85	-£117
London	+93	+£46	+91	+£91	+26	+£64	+96	+£337
Manchester	-11	-£58	-40	-£16	-1	-£5	-116	+£9
Newcastle	+22	-£43	+32	-£26	+1	-£30	-83	-£121
Nottingham	+45	-£31	+2	+£41	+12	-£5	+93	-£89
Reading	-14	+£27	+11	-£4	+52	-£7	+71	-£65

4.14 It will be noted, in particular that

- The London figures are all substantially above average, and are the highest in all categories in both sectors except for NfP debt cases
- Most notable are the London solicitors firms' employment cases, which have an average cost that is over twice the national average.

4.15 The following table compares the average case lengths/costs in London and the proposed fixed fees.

Table 5: Average case lengths/costs in London compared to the proposed fixed fees

Category	NfPs	Solicitors firms
Housing	160%	144%
Benefits	185%	165%
Debt	146%	110%
Employment	195%	294%

Types of clients

Disability

4.16 Suppliers are asked to record whether the client considers himself or herself to have a disability as defined by the Disability Discrimination Act 1995.²³ We have some

²³ The Act defines disability as a physical or mental impairment with long term, substantial effects on a person's ability to perform day-to-day activities.

doubts as to the accuracy of the figures provided, given in particular the high proportion of cases in which the client’s disability status was recorded as unknown.²⁴

4.17 There is some relationship between disability and average case times in housing, benefits and debt (for NfPs in particular) and a strong relationship in employment cases.

4.18 In employment

- For NfPs, cases for clients reported as disabled took substantially longer than average, costing on average 218% of the fixed fee, compared to 156% for those without a recorded disability.
- For solicitors firms, the respective figures were 209% and 142%.

Ethnicity

4.19 Suppliers are asked to record the ethnicity of each client who signs a Legal Help form, using the 16 categories approved by the Commission for Racial Equality, or alternatively recording the client’s ethnicity as “unknown”. The following table distinguishes between those cases where the client was recorded as “White British” and all other cases [referred to as “BME”] except those where the clients’ ethnicity is recorded as unknown. The table sets out the average case lengths/costs for these two groups (in minutes for NfPs and pounds for solicitors firms), the average for all cases and the variance from the average of these two groups.

Table 6: Comparison of average case lengths/costs between White British and BME clients

Sector	Category	Averages			Variance	
		White British	BME	Overall	White British	BME
NfP	Debt	312	321	314	-2	+7
	Benefits	262	301	274	-12	+27
	Employment	407	476	430	-23	+46
	Housing	219	270	234	-15	+36
Solicitors	Debt	£147	£171	£152	-£5	+£19
	Benefits	£151	£230	£180	-£29	+£50
	Employment	£268	£496	£325	-£57	+£171
	Housing	£175	£234	£200	-£25	+£34

4.20 These figures suggest that there is an “ethnicity effect” of varying degrees depending on the sector and the category of law.

4.21 There is however a remarkable difference between London and all other regions in the ethnic profile of clients. The following table sets out the proportion of clients whose ethnicity was reported as other than White British.²⁵

²⁴ The proportion of cases where the disability status was unknown varied between 16% and 37% across all four categories and both sectors.

²⁵ The balance were recorded as White British save for the proportion of cases where the client’s ethnicity is reported as unknown, which varies between 2% and 11% of cases.

Table 7: Proportion of BME clients

		Housing	Benefits	Debt	Employment
London	NfPs	73%	72%	65%	74%
	Sols	68%	82%	66%	74%
Outside London	NfPs	20%	22%	12%	26%
	Sols	14%	18%	10%	13%

4.22 The high proportion of clients in London who are from BME communities means also that a high proportion of all BME clients are in London. The following table shows the national distribution of BME clients in these categories as between London and the rest of England and Wales.

Table 8: Distribution of BME clients

Category	Number in London	Percent in London	Number outside London	Percent outside London	Total number
Housing	19,413	64.3%	10,771	35.7%	30,184
Benefits	9,846	41.6%	13,824	58.4%	23,670
Debt	3,452	33.8%	6,749	66.2%	10,201
Employment	1,564	51.0%	1500	49.0%	3,064
Total	34,275	51.1%	32,844	48.9%	67,119

4.23 As noted above, average case lengths/costs are much higher in London than in the rest of England and Wales. The following tables divide the national averages as between London and the rest of England and Wales.

4.24 The figures for London (NfPs in minutes, solicitors firms in pounds) are as follows

Table 9: Average case lengths/costs by ethnicity in London

Sector	Category	Averages			Variance	
		White British	BME	Overall	White British	BME
NfP	Debt	353	336	340	+13	-4
	Benefits	357	367	364	-7	+3
	Employment	489	542	526	-37	+16
	Housing	308	328	327	-19	+1
Solicitors	Debt	£254	£199	£216	+£38	-£17
	Benefits	£291	£265	£270	+£21	-£5
	Employment	£596	£676	£662	-£66	+£14
	Housing	£242	£247	£246	-£4	+£1

4.25 The figures for the rest of England and Wales are as follows

Table 10: Average case lengths/costs by ethnicity outside London

Sector	Category	Averages			Variance	
		White British	BME	Overall	White British	BME
NfP	Debt	311	314	312	-1	+2
	Benefits	258	269	260	-2	+9
	Employment	399	416	401	-2	+15
	Housing	214	235	218	-4	+17
Solicitors	Debt	£143	£151	£145	-£2	+£6
	Benefits	£143	£179	£151	-£8	+£28
	Employment ²⁶	£249	£273	£248	+£1	+£15
	Housing	£161	£188	£167	-£6	+£21

5 The problem: BME clients in London

The “ethnicity effect” and the “London effect”

- 5.1 The previous two tables suggest that there is an “ethnicity effect” in most cases, the exceptions being debt cases in London for both sectors and benefits cases for solicitors in London.
- 5.2 It is vital that we understand why cases for BME clients take longer. There are likely to be some direct links, such as the fact that discrimination cases in employment take very much longer than other cases. In general however we think that the link is more likely to be indirect, suggesting that ethnicity is a proxy for other things, such as being new to the country, not understanding UK institutions, bureaucracies or procedures, and language difficulties.²⁷
- 5.3 Further research is clearly needed in order to ensure that specific needs, including those of BME clients, are served fairly and adequately in any new scheme. There must be a full race impact assessment before any changes are implemented.
- 5.4 The figures suggest that the “London effect” is stronger than the “ethnicity effect”. The average case lengths/costs for both White British and BME clients in London are noticeably (and in some cases substantially) higher than those for both sets of clients outside London.
- 5.5 We have noted already that the average case lengths/costs in London are the highest in all categories in both sectors except for NfP debt cases.
- 5.6 We do not understand why average case lengths/costs are so much higher in London. We do not accept that suppliers in London are more “inefficient”, as seems to be implied by the LSC/DCA. It may be that providers in London deal on the whole with more complex cases. There is some evidence of this in the data that we have on NfP average case times.²⁸ This would be understandable given the large number of

²⁶ In these cases the overall average is lower than both the White British and BME averages due to the fact that 7% of cases were recorded as “unknown”, with an average cost of £199, thus depressing the overall average.

²⁷ See the analysis of these issues by Hazel Genn and others in *Tribunals for diverse users*

²⁸ In 2004-05, in employment, NfPs in London reported a higher proportion of cases ending in representation and a higher proportion of discrimination cases. In welfare benefits, London NfPs report a significantly higher proportion of benefit challenge/appeal cases. In both categories there were higher than average proportions of cases reported as ending at the first meeting with the client and significantly fewer than average cases ending at the “further work” stage.

advice agencies and community groups in London, which may well be dealing with the less complex cases. Higher case lengths/costs may also reflect the high level of pressure on statutory and other services and the housing market in London. They may also reflect particular problems arising out of the nature and behaviour of the “other side” in many disputes.

How will London suppliers react?

- 5.7 The impact of the introduction of national fixed fees in London will depend on how London suppliers react.
- 5.8 We do not believe that London suppliers will be able to make any significant “efficiency” gains in order to mitigate the effects of the introduction of national fixed fees. It seems to us they are likely to react in a number of different ways.
- 5.9 Some will stop doing legal aid work either in particular categories of law or altogether.
- 5.10 Some will have to adjust their case mix, by taking on more easy/short cases, and fewer complex/longer cases.
- In benefits, this is likely to mean more “entitlement” and “review” cases, and fewer benefit challenges and appeals
 - In debt, this is likely to mean more cases involving single debts and fewer cases involving multiple debts
 - In employment, this is likely to mean more cases concerning employees’ terms and conditions (pay, holiday and sick leave entitlement etc) or wrongful dismissal, and fewer cases involving unfair dismissal and discrimination.
- 5.11 Much will depend on the extent to which suppliers are prepared to gamble that individual cases will cross the threshold of three times the fixed fee, and thus qualify for payment, on hourly rates, as “exceptional” cases. The LSC has stated however that it will assess such claims, adding the further risk for suppliers that the costs they claim will be reduced below the threshold, with the effect that they only receive the fixed fee.
- 5.12 It seems to us that there will inevitably be an impact on the quality of services provided.
- 5.13 Following the LSC’s classification system, suppliers will have to make decisions about whether they should finish a case at the first meeting with the client, or do further work (and how much), the extent to which they “put the case” for the client, and whether they represent the client at court or tribunal. It seems to us inevitable that suppliers’ decisions will be influenced by the value of the fixed fee (unless they are satisfied that the case will qualify as “exceptional”).
- 5.14 Such decisions will in turn be likely to have an effect on the outcomes achieved for clients. Suppliers are likely to be conscious that achieving certain positive outcomes for clients is likely to involve further work on their part. At the least, they may be less prepared to “go the extra mile” for clients whose cases do not appear to be particularly promising.

Who will be affected?

- 5.15 If any of these changes in supplier behaviour take place as a result of the introduction of national fixed fees in London, the losers will be clients and potential clients, the great majority of whom are members of BME communities. The

introduction of national fixed fees in the social welfare law categories of housing, debt, benefits and employment is likely to have a discriminatory impact

- on Londoners with more complex problems or cases
- on members of BME communities generally (given the “ethnicity effect” and because half of BME clients in these categories are in London)
- on BME Londoners (who represent approximately three quarters of all clients in these categories of law in London)
- on BME Londoners with more complex problems or cases.

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