

Responding to young people's legal advice needs (in the context of Youth Matters and other policy) by James Kenrick and Barbara Rayment, Youth Access

Intro

As local authorities look to the messages contained in Youth Matters regarding the future provision of information, advice and guidance services for young people and the development of integrated support, Youth Access, the national membership organisation for young people's information, advice and counselling services, is pressing for better attention to be paid to young people's legal rights-based needs. New research evidence indicates that the gap between young people's social welfare legal needs and their ability to obtain appropriate professional advice is even greater than previously feared. If local authorities are to secure better outcomes for young people, particularly in terms of their health and economic well-being, then improving access to legal advice must be part of the package of help available. Fortunately for young people in some parts of London, these needs are being addressed through specialist legal services. Youth Access, through new funding from the Big Lottery, is hoping to share this learning more widely by involving local services in pilots to test new models of provision.

Rights To Access

In 2002 Youth Access published the most comprehensive report ever written on the subject of young people's access to advice. *Rights to Access: meeting young people's needs for advice*¹ set out the available evidence on young people's needs, advice-seeking behaviour and barriers to access to advice. It highlighted young people's relatively high levels of legal need in areas such as housing, benefits and employment rights and their typical inability to obtain advice. Young people's low awareness of rights and services, and the psychological inaccessibility of mainstream advice services, such as solicitors and Citizens Advice Bureaux (CABx), were key factors in limiting their demands and had obscured the fact they needed advice. Those that were finding their way to youth advice services were often prevented from obtaining the high quality advice they deserved as a result of shortcomings in the skills of many youth advice workers and their poor referral relationships with more specialist advice services. While individual youth practitioners often made valiant attempts to meet housing and debt needs, many were simply insufficiently trained to help young people manage and negotiate these problems within a rights-based approach. Solicitors and other mainstream advisers, meanwhile, were found to have insufficient skills, or indeed relevant knowledge, to engage with and provide effective advice to those few young people with whom they came into contact.

Youth Access Law Centres

Perhaps unsurprisingly, the most interesting work in the youth advice field over the last few years has been carried out by local voluntary organisations. Streetwise Community Law Centre in South London is probably the most developed example of the 'Youth Access Law Centre' model, which Youth Access has developed in conjunction with the Law Centres Federation using the evidence provided by *Rights to Access* as a base. Streetwise is a specialist legal advice service established specifically for 13 to 25 year olds. It has demonstrated that if services are developed with the appropriate characteristics, they can be both accessible and effective, translating need into demand

¹ Published by Youth Access, 2002.

and making a real impact on young people's lives.² Streetwise, based in accessible youth drop-in premises, employs specialist young people's lawyers and advice workers alongside youth workers, Connexions Personal Advisers and counsellors. Aside from its front-line role, Streetwise has sought to address the absence of second tier support for other local youth advice and information services by providing training, casework support and peer supervision.

A second Youth Access Law Centre project, Streetlegal in Enfield, is also now well-established and, like Streetwise, gaining considerable attention. It too has discovered the importance of integrating its specialist services within early intervention and prevention youth services, such as information, advice and counselling provision. The work of both projects has demonstrated the unique pattern of young people's legal advice needs, something confirmed by recent research findings.

New research evidence

The 540 young people surveyed as part of the Legal Services Research Centre's first *English and Welsh Civil and Social Justice Survey*³ reported more problems, proportionately, than the population as a whole in 10 of the 18 problem types examined, including rented housing, domestic violence, employment and welfare benefits. The findings on homelessness are particularly striking: young people emerge as seven times more likely to have reported a problem. Only 7% of those young people managed to obtain advice, compared to 77% of people aged 25 and over with similar problems. Significantly, young people's failure to obtain advice was not due to apathy: 73% had tried to obtain advice, failed and ended up having to handle their homelessness problems alone.

Homelessness, poor housing, low income and debt are key contributors to poor outcomes for individual young people. Not only do such social welfare problems severely restrict young people's ability to take up education and employment opportunities – a fact insufficiently understood within the Connexions Service – but research has identified a 'cascade effect'⁴ whereby one problem, if not dealt with in a timely manner, leads to another until the individual is inevitably sucked into a cycle of social exclusion. The LSRC data demonstrated that young people are disproportionately prone to experiencing multiple problems in this way and identified a very significant problem cluster involving housing, homelessness, unfair treatment by the police and action being taken against the young person.

Contribution of advice to ECM outcomes

The most obvious conclusion to be drawn from the LSRC findings is that there is significant scope to reduce crime and anti-social behaviour through early intervention and prevention legal advice work with young people at risk. There is, in fact, growing evidence of much wider contributions to be made by legal advice services towards meeting the objectives of children's trusts.

² See *Impact Report: A young people's Law Centre in action*, Streetwise Community Law Centre, 2003.

³ The main findings from the research are set out in *Causes of Action: civil law and social justice*, Legal Services Research Centre, 2004. The LSRC data on young people referred to in this article remains unpublished – contact Youth Access for further details.

⁴ See *Paths to justice: what people do and think about going to law*, Hazel Genn with National Centre for Social Research, 1999.

Advice services work predominantly with people at risk of social exclusion and are ideally placed to deliver across all five of the Every Child Matters outcomes:

- Dealing with debt and low income is known to relieve depression, anxiety and other mental and physical illnesses (Being Healthy).⁵
- Legal services can give young people at risk, e.g. those in care, a voice and force social services and other relevant authorities to fulfil their legal obligations (Staying Safe).
- Legal advice can help young people overcome the barriers to participation in learning and work by solving their serious social welfare problems like homelessness and school exclusion (Enjoying and Achieving).
- Not only is tackling housing, benefit and debt problems known to reduce re-offending rates⁶, but it enables young people to exercise their rights as citizens, consumers and service users, combat discrimination and injustice and develop their self-confidence (Making a Positive Contribution).
- Advice services can help young people maximise their income, improve their financial literacy, retain suitable employment and gain access to decent homes (Economic Well-being).

The policy response

In the past we were optimistic that a plethora of new initiatives in the youth and legal sectors might start to make inroads into the problem of young people's marginalisation from access to advice. However, this required coherence in the Government's approach, which unfortunately remained elusive. Social welfare problems like homelessness and debt have rarely been framed by youth policy makers and providers as legal rights-based issues. Meanwhile, those developing policies for legal services have focussed rather more on the thorny issue of how to control a spiralling legal aid budget than on the needs of specific client groups like young people. There was, in 2003, a belated attempt to join up the Community Legal Service and Connexions⁷, but this was half-hearted, ineffective and forgotten. The concurrent consultations on the *Youth Matters Green Paper* and on a revised strategy for the Community Legal Service have offered the Government a further opportunity to tackle the policy gaps.

Youth Matters devotes a whole section to the theme of 'Supporting Choices: Information, Advice and Guidance', which contains some encouraging words. The Government's vision includes all young people having access to "*confidential and impartial advice and support available through national helplines, online advisers and drop-in facilities*". Responsibility for commissioning IAG services will be devolved from the Connexions Service to local authorities working through children's trusts, schools and colleges. However, beyond one or two mentions of health and relationship issues, the prime focus of this section is firmly on careers-type IAG. Given the need to resolve the Connexions 'problem', this shouldn't, perhaps, come as a surprise. The provision of advice on social

⁵ See, for example, *An evaluation of the health and advice project: its impact on the health of those using the service*, S. Hobby and L. Hobby, University of Liverpool, 1999.

⁶ See, for example, *NACAB Kent Probation Project: report on recidivism amongst clients*, T. Samuel, 2001. The Social Exclusion Unit highlights the need for more housing and money advice projects in *Reducing re-offending by ex-prisoners*, SEU, 2002.

⁷ *The Community Legal Service and Connexions: Joint Initiatives*, Department for Constitutional Affairs and Department for Education, 2003.

welfare issues, although not directly referred to anywhere in the paper, presumably could be part of the “*broader package of personalised and sustained targeted support and advice*” envisaged for teenagers who are not in any form of education, employment or training. As the current Social Exclusion Unit’s ‘Young Adults Project’⁸ is demonstrating, it is vital that this broader advice package is both integrated within holistic information, advice and counselling services established specifically for young people and includes the provision of help on social welfare issues.

The draft five year strategy for the Community Legal Service⁹, meanwhile, signals a greater focus on meeting the legal advice needs of vulnerable client groups. Referring to the evidence of the Legal Services Research Centre, it acknowledges that many of those who are in most need of advice do not access existing advice services and often obtain no advice at all. However, in a departure from the stated evidence base – and in a jump of logic that has perturbed many – the paper concludes that what is needed is fewer bigger mainstream advice centres, to be called Community Legal Advice Centres, issued with detailed service specifications to force improvements in accessibility. More worrying still is that the Legal Services Commission, acting before the close of its own consultation, appears to have issued central policy instructions to its regional teams to withdraw their increasingly enthusiastic support for the development of services targeting specific client groups. Service models like the Youth Access Law Centre, we have been told, simply do not fit within their overall vision. Young people’s legal needs will be met, it appears, through outreach work by large CABx, Law Centres and private practice solicitors – the very agencies that have hitherto failed to engage this client group.

RAP project

Youth Access will continue to alert the Department for Education and Skills, the Department for Constitutional Affairs and the Legal Services Commission to the need to join up their thinking on advice. We will also continue our work to model approaches that learn from evidence of what works and that listen to young people. Youth Access has secured funding from the Big Lottery Fund for the Rights to Access Project (RAP), enabling us to extend our work with advice agencies, youth services, policy makers and planners to address young people’s lack of access to high quality social welfare legal advice. Amongst other activities, RAP will develop the first ever national youth advice training programme and campaign for a more coherent policy approach from government. We are also committed to piloting the Youth Access Law Centre service model in at least three new locations.

During this summer, 36 organisations logged serious expressions of interest in managing Youth Access Law Centre pilot projects. Of these, eleven were short-listed on the basis of an initial telephone assessment and entered the second stage of the selection process, consisting of a site visit and a more detailed organisational ‘Health Check’. A key aspect of the selection criteria is the involvement of key partners in the youth, advice and legal sectors – each with a strong commitment to improving young people’s access to advice. The selected sites will be announced in November and will agree a development plan in which Youth Access will provide some development support. The pilots will be independently evaluated to assess their impact and to identify the key factors that will enable further services to be developed and sustained over time.

⁸ See *Transitions: a Social Exclusion Unit interim report on Young Adults*, March 2005.

⁹ *Making Legal Rights A Reality: The Legal Services Commission’s Strategy for the Community Legal Service: A consultation paper*, July 2005.

In testing out the Youth Access Law Centre model across the country, Youth Access seeks to offer a robust and replicable solution to a much neglected area of need amongst young people. We hope that local authorities and children's trusts will want to ensure that they build on this learning and the developing good practice to ensure that it becomes a feature in their approach to providing integrated information, advice and support packages for young people in their area.

If you want further information about Youth Access' work on legal advice, please contact the RAP project on 020 8772 9900 or email james@youthaccess.org.uk