

2022-2023

# ACCESS TO JUSTICE IN SURREY

MAPPING THE PROVISION OF, AND NEED FOR,  
ACCESSIBLE LEGAL ADVICE IN SURREY



# INTRODUCTION

**South West London Law Centres defends the rights of people otherwise unable to afford a lawyer so that everyone can have equal access to justice. We have become increasingly aware of the challenges facing residents of Surrey in accessing affordable legal advice for social welfare law.**

Practitioners and stakeholders have long been aware of the challenges facing vulnerable residents in Surrey. With steady cuts to Legal Aid and the closure of the Surrey Law Centre in 2016, the provision of free and specialised social welfare legal advice has been reduced to services offered by local universities and a select few third-sector initiatives.

In response to the limited availability of free legal advice, casework and representation, a powerful network of non-specialised services has stepped up to support the community. This includes social welfare advice provided by Surrey Citizens Advice, community support initiatives and charitable projects. While these services provide extensive help to vulnerable community members, the majority are unable to provide qualified legal services.

To design new projects to support and expand upon existing services, South West London Law Centres (SWLLC) has spent the last 12 months researching the provision and community need for accessible legal advice across the county.

This report brings together our research and findings. We look at multiple areas of social welfare law: housing, employment, immigration and asylum, welfare benefits, debt and education, in addition to family law. For each of these topics, the report presents mapping data of the current provision of advice services across the county; and voices from workshops and engagement with community members and advisors to highlight the need and demand for expanded services in social welfare legal support. The final section presents initial ideas for new projects to better support the community groups we have been working with.

We hope this report can be used to engage stakeholders to develop solutions to the community's need for legal advice, casework and representation in Surrey.

We are immensely grateful to Citizens Advice for the access and information provided. It is thanks to their support that we have been able to prepare such a detailed and rich report.

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## DOCUMENT STRUCTURE



FOR EACH TOPIC OF LAW, WE LOOK AT:

1. Desk-based mapping research of current providers
2. Analysis of Citizen's Advice casebook
3. Community Engagement



## BACKGROUND

### Legal Aid Deserts

Surrey has an advice gap for specialist advice in social welfare law. In September 2021, the Law Society listed Surrey as a 'Legal Aid Desert,' an area in which "people on low incomes facing important legal issues are struggling to get the local face-to-face advice they're legally entitled to."<sup>1</sup> This research was updated in May 2022 and confirms that all local authorities in Surrey currently face an extreme shortage of Legal Aid providers in civil law.

The Law Society's research highlights the lack of local Legal Aid providers in welfare benefits, community care, immigration and asylum, or education in Surrey. Our research builds on these findings, corroborating the 'Legal Aid Desert' for employment, debt and housing law. The availability of free or low-cost legal representation is non-existent for these areas of law within the county. Our research continues to confirm the consequent reliance on 'no win no fee' solicitors and non-legal advice services.

There is one housing Legal Aid provider in Surrey, located in Basingstoke and Guildford.

### Surrey Legal Advice Steering Group

In 2021, a Steering Group of representatives from Citizens Advice, local universities, charities and corporate law firms came together to work on improving access to specialised legal services in the county. The research presented in this report is the primary output from this group. It has been made possible by funding from the Community Foundation for Surrey and the London Legal Support Trust.

### Understanding community need

Surrey is a county of extreme economic and social inequality. Access to services is very different to neighbouring London, partially as a result of the largely rural area. Several significant urban areas of Surrey form part of the Greater London Built-Up Area. For the purpose of this investigation, the parts of Surrey that form part of Greater London's Built-Up Area are not included.

<sup>1</sup> The Law Society Futures and Insight Team, 'Civil Legal Aid: A review of its sustainability and the challenges to its viability,' September 2021. Available at: <https://www.lawsociety.org.uk/topics/research/civil-sustainability-review>.

Vulnerable community members in Surrey face a complex array of challenges when they encounter housing, employment, immigration, welfare benefits and debt or education rights problems. Over the last 12 months, we have heard from close to 200 local residents and advice providers through surveys, focus groups and one-on-one interviews.

With limited access to legal information, the late identification of legal problems is a major challenge for community members. It means that many are unable to access support early enough, and social welfare problems frequently escalate into more complex legal problems.

Even when individuals are able to identify that their problem has a legal component, there are extremely limited places to turn to for help. Community members have highlighted how overwhelming it is to know where to go for advice.

Short-term project funding, the closure of projects during the pandemic and the increasing prevalence of automated telephone responses from local authorities and advice services isolate those in need. Many end up without advice or representation, or they are pushed into financial precarity as a result of the high costs of private (or even 'no win no fee') legal support. For those who are already economically and socially vulnerable, the experience can be demoralising at best, and a step into poverty and social exclusion at worst.

## CURRENT ADVICE PROVISION

The 'Legal Aid Desert' means an increased reliance on the broader advice sector in Surrey. Existing advice organisations are providing a range of services to support vulnerable community members. This includes some one-off legal advice; representation through partnerships with providers located outside of Surrey; and non-legal complex casework. However, the availability of specialist legal services is limited, particularly for immigration and asylum, employment and education advice.

Most social welfare advice in Surrey is provided by the voluntary sector or not-for-profit agencies. Citizen's Advice has a strong presence across the county, with 10 local branches and numerous specialised projects. Multiple Citizens Advice offices continue to develop their capacities for legal support, most notably through the Housing Help Desks run at Staines County Court and Guildford County Court, and partnership outreach services with organisations such as Macmillan Cancer Support on welfare benefits. There are three universities across Surrey which run legal advice clinics, specialising in family, employment, and housing law, in addition to generalist community advice services and pro-bono clinics.

Numerous projects and organisations provide information, signposting and guidance for community members, but very limited (and in some areas, non-existent) options for casework and representation. This seriously limits the impact of any signposting efforts and aggravates vulnerable clients' legal problems.

## Mapping advice providers

Mapping existing social welfare advice providers in Surrey was our first step in understanding current provisions. Our mapping aims to quantify accredited and non-accredited services and differentiate them through the different levels of advice and legal support they offer.

Our research brings together information on over 158 local projects providing advice on social welfare issues. The large majority of these are non-legal (non-accredited) projects in the third sector. This is complemented by an analysis of the Citizens Advice national case recording system, Casebook. In the absence of qualified legal advice, we understand that the majority of community members turn first to Citizens Advice for support. Studying the trends and issues that clients approach Citizens Advice with, provides valuable evidence of the unmet need for more specialised legal services.

There is a major shortage of services for employment, immigration and education advice. The availability of legal representation is also limited for debt claims, so cases which need more than one-off or initial advice will have very few options for support or potential representation.

There is a relatively high number of family and welfare benefits services. For these topics, the high number of services and equal geographical distribution for initial advice and casework and is unlike the other areas of advice provision.

## Types of advice

'Specialist advice' refers to accredited legal advice given in the areas of law sometimes referred to as 'social welfare law.' We have also investigated the provision of family legal advice, given the contrasting prevalence of services and interest from our partners.

Defining 'legal advice' is complicated. The Advice Services Alliance notes:

*"Most advice service users ('clients') would not necessarily identify their issue as having a legal component, and most people approach advice services with a particular problem which may cover several areas of social welfare law. Even though this is, strictly speaking, legal advice, most advice services are delivered by lay people... Most advice agencies will therefore fall outside of regulation."<sup>2</sup>*

There therefore needs to be a broad definition of 'advice' and legal support, which can incorporate the services which community members currently rely on, while identifying and distinguishing regulated and unregulated services. Our research considers advice accreditation to be any audited quality standard mark awarded to providers in England and Wales. Our understanding of these regulations is from the Legal Services Act 2007 (LSA), and is outlined in the table on the following page.<sup>3</sup>

<sup>2</sup> Advice Services Alliance, 'Advising Londoners: An evaluation of the provision of social welfare advice across London,' July 2020, p12. Available at: <https://asauk.org.uk/wp-content/uploads/2020/07/Advising-Londoners-Report-30072020-1.pdf>.

<sup>3</sup> The Legal Services Act 2007 (LSA), [www.legislation.gov.uk/ukpga/2007/29/part/1](http://www.legislation.gov.uk/ukpga/2007/29/part/1)

**TABLE 1: DEFINING TYPES OF ADVICE AND LEGAL SUPPORT.**

1	<p><b>Type 1: Active information and guidance</b></p> <p>This is an impartial service, “which will help you to identify your options and narrow down your choices but will not tell you what to do [...] the decision is yours.”[4a]</p> <p>Examples could include services that help community members plan financial budgets or identify areas for saving money. These may touch on issues related to social welfare law but are non-legal sessions, which are unaccredited and unregulated.</p>
2	<p><b>Type 2: Gateway Advice</b></p> <p>Active information, signposting, and explanation. “This work refers to activities such as providing information either orally or in writing, sign-posting or referring the user to other available resources or services. It [can] also include the explanation of technical terms or clarifying an official document, such as a tenancy agreement or a possession order.”[4b]</p> <p>Examples of ‘Type 2’ services include Citizens Advice generalist services, or advice helplines (often at a nation-wide scale).</p>
3	<p><b>Type 3: Specific Advice</b></p> <p>Specialised legal advice tailored to an individual’s need. This often includes a diagnostic interview where the problem and relevant issues are identified, and a practitioner making a judgement as to whether the individual has a case that can be pursued. These services include ‘initial’ or ‘one-off’ advice provisions provided by pro-bono clinics. This can include setting out an individual’s options or courses of action; encouraging someone to take action on their own behalf; providing practical aid with letters or forms; negotiating with third parties on the user’s behalf; and supporting individuals in making their own case.</p> <p>We include ‘Help to Claim’ welfare benefits services and Mediation Information Assessment Meetings (MIAM) in this category of advice. This type of service and upwards should be regulated and accredited.</p>
4	<p><b>Type 4: Legal Casework</b></p> <p>Once it has been established that a case can be pursued, clients may need complex casework support. There is casework which is non-legal, primarily in the social care sector, but also conducted by advice organisations such as Citizens Advice.</p> <p>We understand ‘Legal Casework’ to refer to the direct treatment of, and intervention in, the situation of the client’s legal issue, on the client’s behalf.[4c]</p>
5	<p><b>Type 5: Advocacy, representation and mediation</b></p> <p>“This work includes a range of further actions arising from the casework defined in Type 4. This may have been undertaken by the adviser preparing the tertiary work or may have come to the adviser by referral from another organisation or adviser.</p> <p>The principal activities may include:</p> <ul style="list-style-type: none"> <li>• Advocacy and Representation – where the adviser may prepare a case for the user and represent or speak on their behalf at a tribunal or court</li> <li>• Mediation – where the adviser may act on behalf of the user by seeking to mediate between the user and a third party.</li> </ul> <p>[This] includes some activities that can only be undertaken by lawyers.”[4d]</p> <p>Citizens Advice does provide specific advice, legal casework and advocacy, representation and mediation work to clients.</p>



FOR REFERENCES FROM THE TABLE, PLEASE SEE CITATION 4.<sup>4</sup>

## Topics of advice

We chose to look into the following areas of social welfare legal advice:

	<b>HOUSING</b>
	<b>EMPLOYMENT</b>
	<b>IMMIGRATION</b>
	<b>WELFARE BENEFITS</b>
	<b>DEBT</b>
	<b>EDUCATION</b>
	<b>FAMILY</b>

TABLE 2: TOPICS OF ADVICE

For more information on the reasons and our methodology, please see our Interim Report, which can be found on our website.

## General Advice Services

While our mapping research looked at individual topics of social welfare law, there are a number of organisations which provide advice on multiple topics. This category has been termed ‘General Advice’ providers: services offering generalist social welfare advice – primarily Citizen’s Advice and university clinics. There are 14 ‘General Advice’ providers operating in Surrey.

- All identified General Advice providers are accredited (AQS or SRA).
- There is at least one Citizens Advice Centre or generalist University clinic for each local authority in Surrey.
- Elmbridge is covered by two Citizens Advice, and both Guildford and Runnymede have local Citizens Advice offices in addition to generalist university clinics.
- For ‘General Advice’, every Local Authority has providers of Type 1 and Type 2 services.
- There are no Type 5 (Representation, mediation and advocacy) services, as this is inapplicable to generalist advice provisions, which do not offer blanket opportunities for representation or advocacy on all social welfare issues.

<sup>4</sup> References from the table on Page 7:

[4a] Consumer explanations of “advice” and “guidance” (2017), The Financial Advice Working Group for HM Treasury and the Financial Conduct Authority. Available here: <https://www.fca.org.uk/publication/research/fawg-consumer-explanations-advice-guidance.pdf>.

[4b] The Scottish National Standards for Information and Advice Providers (SNNSIAP): A Quality Assurance Framework (2009). Available at: <https://www.slac.org.uk/advice-agencies/scottish-national-standards-for-information-and-advice-partners/types-of-information-and-advice-under-the-snsiap/>.

[4c] Law Insider, Casework definition. Available at: [www.lawinsider.com/dictionary/casework](http://www.lawinsider.com/dictionary/casework).

[4d] The Scottish National Standards for Information and Advice Providers (SNNSIAP): A Quality Assurance Framework (2009). Available at: <https://www.slac.org.uk/advice-agencies/scottish-national-standards-for-information-and-advice-partners/types-of-information-and-advice-under-the-snsiap/>.

## COMMUNITY NEED

Since April 2022, SWLLC has been working to listen to the experiences of Surrey's residents and advice providers, about the need for more accessible social welfare legal advice.

We have heard from close to 200 community members and advice providers. 106 people completed our online survey and we spoke to a further 48 community members through research interviews and focus groups. Our findings are corroborated by informal meetings with dozens of local residents at community centres and outreach events, and one-on-one meetings with employees and representatives from Citizens Advice, local tenants groups, voluntary organisations and local authorities.



Understanding the need for services is complex, but through a mixed-methods approach we are piecing together a moving story. Repeated stories recount the overwhelming feeling of not knowing where to go for help, of relying on 'no win, no fee' practitioners, or extreme financial precarity due to high legal costs.

We also obtained and analysed open-source data from Surrey County Council to compare social, economic, and demographic data with the current provision of advice. Some of the data sets investigated include: digital inclusion, languages spoken, access to public services, food vulnerability indexes and benefit claims.

To understand the implications of our mapping of advice providers for social welfare legal topics, it was necessary to outline the estimated community need, by analysing social, economic and demographic data, to best understand the geographic variations of uptake for social welfare support services.

We found that:

- In the 2021 Census, just under half of Surrey households (42.9%) were classified as deprived in some way. While Surrey had lower proportions of households which were classified as deprived than England and the South East, 10,403 Surrey households (2.2%) were classified as deprived in three/four of the dimensions of deprivation.<sup>5</sup>

<sup>5</sup> Office for National Statistics, data set available in an interactive map here: <https://www.ons.gov.uk/census/maps/choropleth/population>

- Across multiple indexes (i.e. infrastructure and social/cultural factors), Tandridge and Spelthorne have the poorest digital inclusion, followed closely by Mole Valley.<sup>6</sup>
- Surrey's elderly population is growing fast, in the last 10 years there has been large population increases in the older population. 34.0% growth in those aged 70-74, 18.2% growth in those aged 75-79, and 14.5% growth in those aged 80 and above (Census 2021).<sup>7</sup>
- In November 2021, 58,255 Surrey residents were claiming Universal Credit (over double pre-pandemic levels). The highest density of Universal Credit claimants is in Spelthorne, Woking, and Reigate & Banstead.<sup>8</sup>
- The number of disability benefits (DB) claimants is more homogenous across the county, but there are slightly higher rates in Spelthorne, Woking, Waverley and Tandridge.<sup>9</sup>
- According to the British Red Cross's Food Vulnerability Index, Spelthorne ranks the least vulnerable in the county, a statistic which challenges our other findings. The Local Authority with the most extreme food vulnerabilities is Waverley, closely after Reigate & Banstead, and Tandridge.<sup>10</sup>
- As of 2020, households in extreme fuel poverty are concentrated in Westborough in Guildford. Woking, Mole Valley, Surrey Heath, Waverley and Epsom & Ewell are also concentrations, but are below the national average. We expect this data to be seriously aggravated with the current cost of living crisis.<sup>11</sup>
- Occupancy of temporary accommodation and homeless shelters is largely concentrated in Guildford and Woking, with a small number of others in Reigate and Banstead and Mole Valley.<sup>12</sup>

Further in-depth analysis of the data studied can be found in our Interim Report (September 2022), and is referred to throughout this document.

<sup>6</sup> Surrey-i, 2021 Digital Exclusion (by Surrey Heartlands), information about the dataset available here: <https://www.surreyi.gov.uk/understanding-digital-exclusion-in-surrey/>

<sup>7</sup> Office for National Statistics, data set available in an interactive map here: <https://www.ons.gov.uk/census/maps/choropleth/population>

<sup>8</sup> Surrey-i, Economic Disadvantage in Surrey (UC & JSA) summary report, available to download here: [https://www.surreyi.gov.uk/download/vdy6m/hft/Summary%20-%20Economic%20disadvantage%20in%20Surrey%20\(UC%20%26%20JSA\).docx](https://www.surreyi.gov.uk/download/vdy6m/hft/Summary%20-%20Economic%20disadvantage%20in%20Surrey%20(UC%20%26%20JSA).docx)

<sup>9</sup> Office for National Statistics, data set available in an interactive map here: <https://www.ons.gov.uk/census/maps/choropleth/population>

<sup>10</sup> British Red Cross, Food Vulnerability Index, available on ArcGIS: <https://britishredcross.maps.arcgis.com/apps/webappviewer/index.html?id=4b599f94d2d04d6496cc8b2d89911f62>

<sup>11</sup> See Surrey-i dataset on Fuel Poverty. The latest fuel poverty statistics were created by the Department for Business, Energy & Industrial Strategy using 2020 data and so do not represent the current levels of fuel poverty after the recent rising fuel costs and wider cost of living crisis. Therefore, these figures are likely to be underestimates of the current levels of fuel poverty. See more information here: <https://www.surreyi.gov.uk/dataset/exz1x/fuel-poverty-and-related-statistics>

<sup>12</sup> Office for National Statistics, data set available in an interactive map here: <https://www.ons.gov.uk/census/maps/choropleth/population>



# KEY

# FINDINGS

## HOUSING ADVICE

### Mapping advice services in Surrey

There are currently 33 organisations providing housing advice in Surrey, excluding Local Authority Housing Support services. Over half of these services are unaccredited and provide non-legal support through other projects targeting particular community groups, such as housing advice provided through domestic abuse shelters.

- 10 accredited services in the county offer 'Specific Advice' (as defined in the table on page 7). However, only 1 service provides free legal representation. This is the only Legal Aid provider based in Surrey: Wills Chandler in Basingstoke and Guildford.
- 55% of identified housing advice services are not accredited to provide qualified legal advice.
- Many accredited providers do not specialise in housing legal advice but cover housing issues as part of projects on debt, domestic abuse or refugee and asylum support.
- Two Citizens Advice run Help Desks at Staines and Guildford County Court, providing at-court support and advice.
- The University of Law had a housing advice line open during term times; providing 'Type 3: Specific Advice,' though this is currently paused. There is also a Leasehold Advice Clinic run by a firm based in Brighton, available to

Surrey residents but located out of the county.

- There is limited capacity for complex legal casework and representation from current providers, though Citizens Advice, which runs the Court Help Desks, can take on complex casework and representation through their local partner Wills Chandler.
- Elmbridge, Guildford, Reigate & Banstead and Woking all have numerous opportunities for at least gateway housing advice (Type 2 services). In Tandridge, the only service covering the borough is a non-accredited Domestic Abuse service, which can provide some non-specialist housing advice.\*

\* However, it is important to note that according to the 2021 census, Tandridge has a high proportion of owner-occupiers compared to the rest of the county. There is also low proportion of socially rented accommodation (11.1%, only higher than Epsom & Ewell and Kingston-Upon-Thames in the whole county.)<sup>13</sup>

**33** Housing Advice projects in Surrey

<sup>13</sup> NB: In 2021, 13.3% of Tandridge households rented privately. This figure increased from 11.0% in 2011. In 2021, around one in nine households (11.1%) lived in socially rented housing, compared with 10.8% in 2011. The percentage of Tandridge households that owned their home (outright or with a mortgage or loan) decreased from 75.9% to 74.5%. The increase in the percentage of privately-rented homes was greater across the South East (2.9 percentage points, from 16.3% to 19.2%) than in Tandridge (2.3 percentage points). Across England, the percentage increased by 3.6 percentage points, from 16.8% to 20.5%. — Office for National Statistics.

### Understanding need

Our research into the community's need for housing advice found three key components:

1. Advice providers working in the sector (across private housing associations and Citizens Advice) feel that there *is* adequate provision.
2. There is a large demand for support services relating to mortgages, leaseholds and freeholds.
3. There is a lack of awareness within the community of how to access housing advice services, let alone legal casework and representation. This results in a reliance on 'no win, no fee' solicitors locally, suggesting a demand for casework and representation locally, and a challenge for practitioners in conducting outreach and promotion of any available services.

### Learning from Citizens Advice

*"We run the court desk which is sited at Guildford Court. And any housing issues that arise can be referred to our housing specialists. [...] We do have a very good second-tier service on housing."*

(CITIZENS ADVICE FOCUS GROUP, SEPTEMBER 2022).

Analysis of the Citizens Advice casebook (01/01/2022 - 31/12/2022) shows that clients approached Citizens Advice with:

- 420 issues regarding rent arrears in housing associations.
- An additional 296 issues for rent arrears to private landlords.
- 720 issues relating to Local Authority homelessness services

- A further 1,438 issues relating to access to, and provision of accommodation.

In a Citizens Advice focus group, employees and volunteers felt that housing advice was well covered by the Court Help Desks, and NHAS and Shelter helplines. The participants highlighted that a good partnership exists with the local housing Legal Aid provider in Basingstoke and Guildford, Wills Chandler Solicitors.

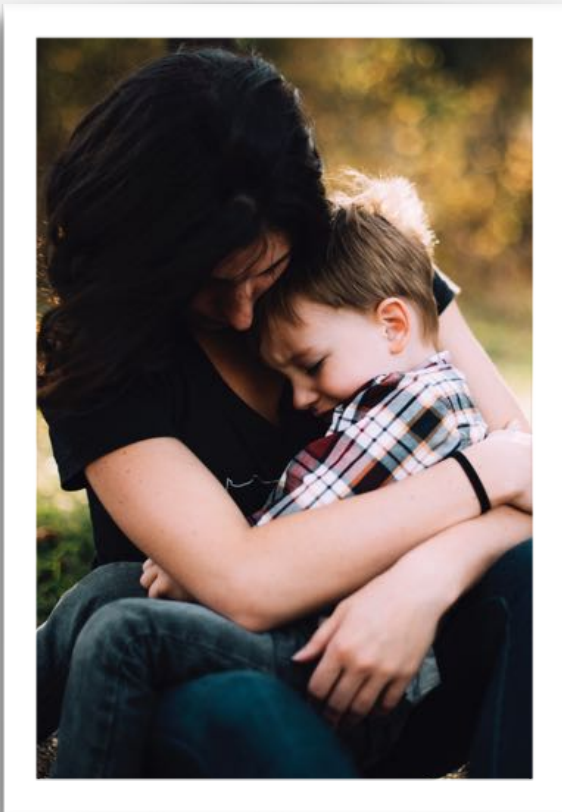
*"We have access to solicitors we can go to regarding housing advice, and sometimes they'll take on the cases as well."*

(CITIZENS ADVICE FOCUS GROUP, SEPTEMBER 2022).

### Learning from community members

In our 'Community Call Out' survey launched in May 2022, 40% (43 of 106) of respondents listed housing as 'the biggest problem' for their local community. However, many of the longer-form answers were in fact non-legal issues relating to housing. Where problems did have a legal component, participants highlighted challenges relating to home ownership, including issues of repair and maintenance for shared ownership leases.

Proportionally, there is a high number of homeowners in Surrey. The 2021 census shows that just under three quarters of Surrey households owned their homes or had shared ownership of their homes (71.7%), alongside 16.9 per cent of households who lived in private rented homes or lived rent free and 11.4 per cent of households who lived in social rented homes. Surrey had a lower proportion of households in social rented homes (11.4%) than the South East (13.6%) and England (17.1%).



In our engagement with local tenants' associations and community groups, participants emphasised that many community members require support regarding mortgage payments or leaseholds. While there is a clear community need for support with housing issues, there is a reduced likelihood of cases eligible for Legal Aid.

*"The council placed some tenants in the building who fought and damaged the stairwell space and landing. Now everyone in the building is being asked to pay for the repairs, which isn't right given the Cost of Living crisis and the maintenance fees already included for leaseholders."*

(TENANTS ASSOCIATION MEMBER, FEBRUARY 2023)

At community outreach events in the summer of 2022, we heard multiple stories of clients who did not know how to access support for issues of disrepair, temporary accommodation and the suitability of social housing. Multiple community participants have used 'no win no fee' solicitors, not knowing where else to turn.

*"I've just instructed a solicitor because of the condition of my flat. If we lose the case we won't have to pay, which is good. I wasn't sure what else I could possibly do..."*

(COMMUNITY MEMBER, DORKING COST OF LIVING FAIR, AUGUST 2022).

*"I have this one tenant who has been in arrears for months. But it's because he doesn't have status and since his partner died there's no benefits coming in. I don't know where to even start with sorting out his immigration papers. And I guess after that he needs to get onto the DWP but it's just so complicated and he's about to be evicted."*

(HOUSING SUPPORT OFFICER, INTERVIEW, JANUARY 2023)

In interviews with two Housing Support Officers from local housing associations, the interviewees both highlighted the complexity of signposting tenants to advice services. Increasingly, individuals with rent arrears also face complex problems relating to welfare benefits, immigration status or employment issues, that non-specialist (and non-legal) support workers feel unequipped to advise on.

# EMPLOYMENT ADVICE

## Mapping advice services in Surrey

There are only 10 initiatives providing employment advice in Surrey, excluding job centres.

- 7 out of 10 of the services are unaccredited and can only offer information and guidance (Type 1) and Gateway Advice (Type 2). Out of the 3 services that are accredited, none are currently operating.
- The award-winning Guildford Employment Rights Advice Line Direct (GERALD) was run by the University of Law in Guildford. It constituted a large proportion of employment rights services in Surrey though with limited capacity and availability (as with all existing university projects) as it only ran during academic term times. At the time of publication, this service has been paused.
- The University of Surrey's Law Department is starting a new Employment Law Clinic in 2023.
- Both university clinics can only offer initial or one-off free advice. They do not have the capacity or remit for advocacy or representation.

## Understanding need

Given the low provision of advice, it is likely that fewer cases are reaching the employment tribunal. Without legal support and education, many community members may not fully know their rights at work.



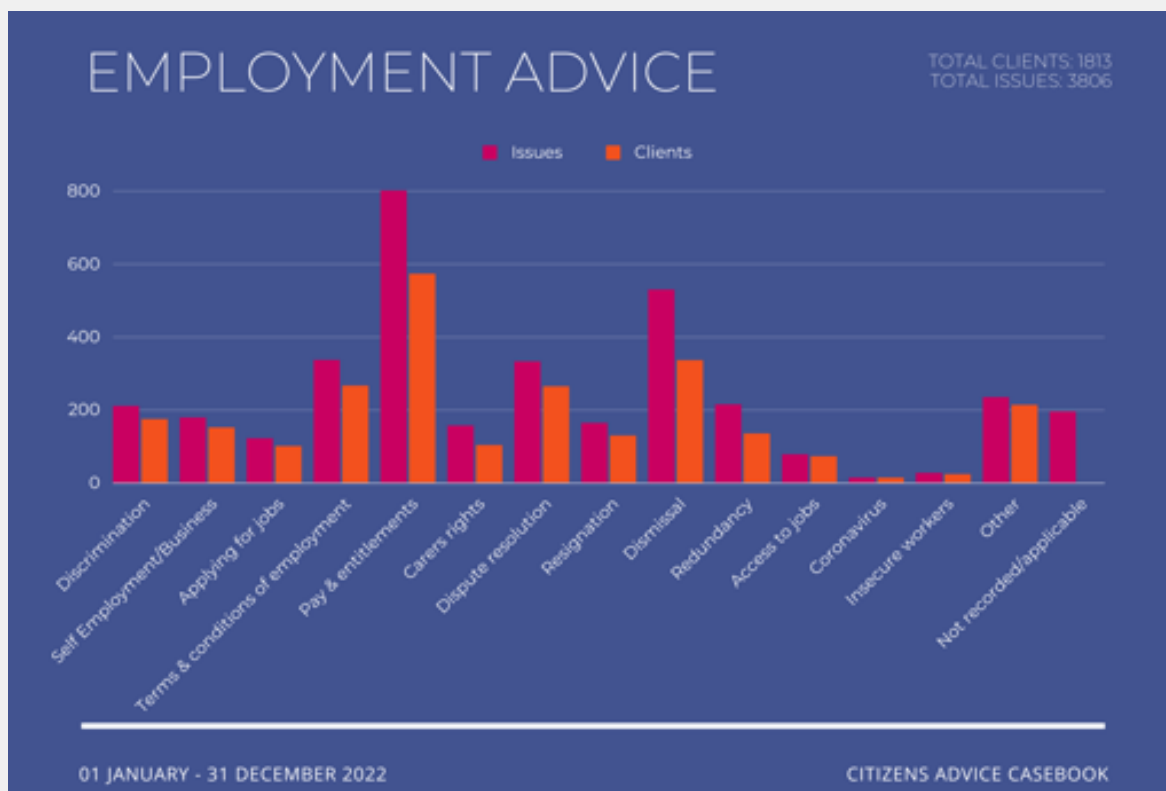
## 10 Employment Advice projects in Surrey

Over the last year, we have spoken to clients who have experienced unfair dismissal, discrimination, problems with their notice and/or redundancy pay, and breach of contract.

Our research into the community's need for employment advice in Surrey found two key components:

1. Many Citizens Advice offices feel under-equipped to deal with complex employment issues, but do not have access to legal advice providers to refer clients to.





GRAPH 1: CITIZENS ADVICE CASEBOOK — BREAKDOWN OF EMPLOYMENT ADVICE ISSUES (ALL SURREY CITIZENS ADVICE CENTRES, 01 JANUARY - 31 DECEMBER 2022).

2. There is a serious dearth of specialised and qualified advice available, let alone casework or representation. Right now, the two universities advice clinics constitute the backbone of legal advice, but more needs to be done to promote the services within the community.

### Learning from Citizens Advice

We know that demand for advice regarding employment rights exists, as an analysis of the Surrey Citizen's Advice casebook proves that 1,813 clients used Citizen's Advice services for 3,806 issues in 2022. Many of the issues presented in the table above have an important rights-based component.

In a focus group with Citizens Advice employees and volunteers, participants

emphasised the fact that the community's understanding of employment rights is low because of the lack of legal support. Many participants noted how they utilise Citizens Advice volunteers who have previous experience as employment solicitors, where possible, as there is nowhere else to access that expertise locally.

*"[We see] a lot of employment cases that need working to a depth, they need a solicitor, they need representation. Although I've referred quite a few clients to the FRU they've never picked up any of our cases."*

(CITIZENS ADVICE FOCUS GROUP, SEPTEMBER 2022).

Another participant noted (see next page):

*"There was a Surrey Law Centre, and they had an employment person, was it ten years ago now, who worked on discrimination matters... But I feel that there is literally nowhere to get free employment advice in Surrey. And, I think for that reason we've probably seen a drop-off in people actually pursuing legitimate claims in Surrey. [...] And the ones that I've helped with "it's a lot of running a tribunal. You know, a lot of too-ing and fro-ing. A lot of impenetrable legal notices that you have to reply to within certain deadlines. To have that expertise back in our area would be, you know, absolutely amazing."*

(CITIZENS ADVICE FOCUS GROUP, SEPTEMBER 2022).

It is important to note that there are regional differences within Citizens Advice, with some employees and volunteers expressing that they were well equipped to deal with employment rights issues:

*"We've got a volunteer who takes people up to tribunal level, so we're very lucky with that. And of course, it's quite well supported through expert advice through CA as well."*

(CITIZENS ADVICE FOCUS GROUP, SEPTEMBER 2022).

From an analysis of Citizens Advice casebook data, we learnt that while some Centres can advise on a range of employment issues, when it comes to legal problems there is often little that can be done for free or at an affordable price locally. An advisor had to explain to clients that he didn't even have *"information on solicitors specialising in employment issues."* They suggest clients search the internet and remind clients *"it's important to ask about fees."*

As we've heard through our community engagement, for those already unsure of their rights and the legal processes at tribunals, this can be an overwhelming task, requiring time, digital literacy and financial resources.

### Learning from community members

While working on outreach at a series of Cost of Living fairs and community centres across Surrey, we were approached by six clients asking for direct advice on urgent employment issues. Four had already been to Citizens Advice, but still did not know how to understand the tribunal process or where to start with appeals. Five individuals approached the SWLLC t-shirt and banner, with hope of finding direct answers to these questions. The issues presented included unfair dismissal and problems with notice, and deduction of wages.

In other outreach efforts, we learnt that local residents and those working in broader social welfare support services have allowed 'GERALD', the University of Law's employment advice line, to "drop off their radar," because of the limited capacity and restricted opening hours *[at the time of publication, this service has been paused]*. In the future, promotion of the service among targeted community groups could provide some interim relief to those without advice or representation on employment issues.

# IMMIGRATION AND ASYLUM ADVICE

## Mapping advice services in Surrey

Surrey has no providers of free or low-cost legal services for immigration and asylum. Dr Jo Wilding's latest report on Legal Aid Deserts demonstrates the dearth of free or low-cost immigration, nationality and asylum advice available.

In our mapping research;

- We identified 13 Immigration and Asylum advice services in the county of Surrey, though no OISC or IASS Level 2 or above accredited projects.
- The 13 advice services identified include non-specialist grassroots initiatives to support refugees and asylum seekers locally, some in partnership with Citizens Advice (such as Citizens Advice Woking and The Lighthouse) or organisations like The Big Leaf Foundation, offering non-legal casework and support.
- All 10 of Surrey's Citizens Advice offices operate under the government's Level 1 OISC exemption, meaning all Local Authorities in Surrey are covered by OISC Level 1.
- There is an organisation in Brighton called Voices in Exile, whose services cover all of Surrey and is OISC Level 2 accredited. This provides casework opportunities, but no advocacy or representation.

- The University of London runs a Refugee Law Clinic, based in Central London, but with a potential referral route through the University's general advice clinic in Egham, though no community members or advice providers we spoke to have used this.

- There are no Legal Aid contracts in immigration, or Level 3 OISC providers, in the whole county.

## Understanding need

The southeast of England includes most of the main points of arrival from continental Europe and is the most significant region for irregular arrivals into the UK, with the highest number of undocumented people outside London, and the highest foreign national prisoner population in the UK. There are currently 9,000 asylum seekers in the county.<sup>14</sup> This is an important region for immigration and asylum, as "dispersal to the South East is increasing as part of both Operation Oak, in the short term, and the widening dispersal project, in the mid-term."<sup>15</sup> The infographic on the following page is taken from Dr Jo Wilding's 2022 report, and presents data relating to the South East region of England.<sup>16</sup>

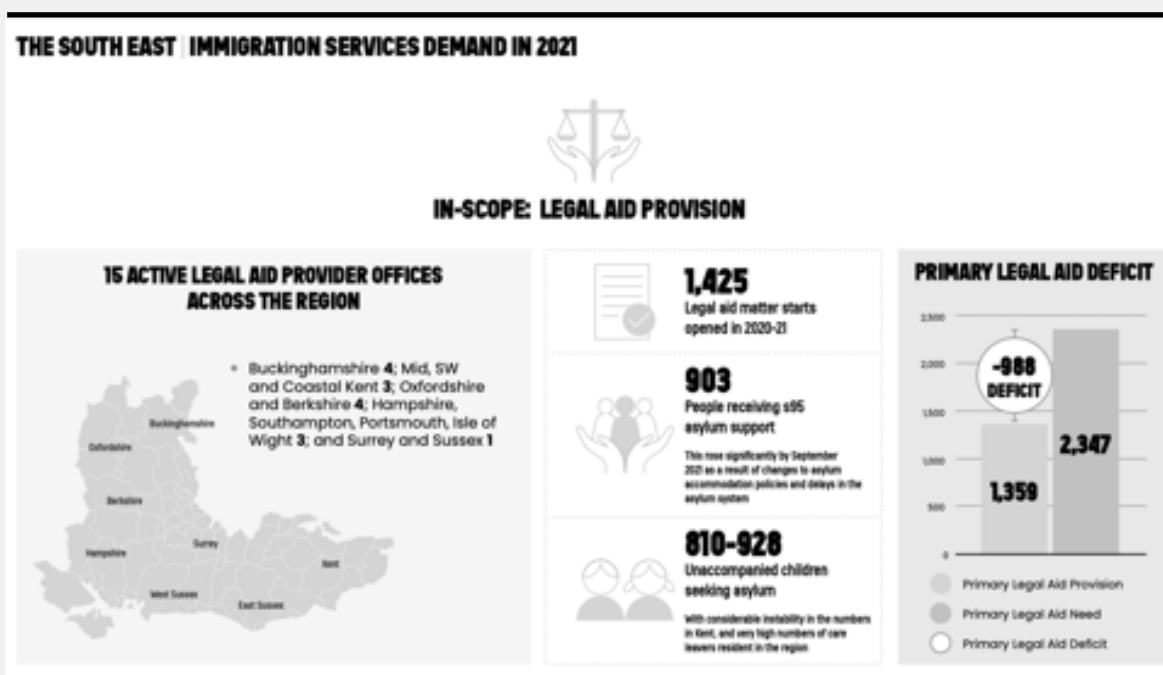
**13** Immigration Advice projects in Surrey

**0** Accredited IASS or OISC Level 2/3 services in Surrey. **0** Legal Aid contracts.

<sup>14</sup> Insight from Community Action Surrey's new Asylum Seekers project, April 2023.

<sup>15</sup> Dr Jo Wilding (2022), 'No access to justice: how legal advice deserts fail refugees, migrants and our communities,' Refugee Action Good Practice. Available at: <https://www.ragp.org.uk/reports>.

<sup>16</sup> *ibid.*



GRAPH 2: INFOGRAPHIC FROM 'NO ACCESS TO JUSTICE: HOW LEGAL ADVICE DESERTS FAIL REFUGEES, MIGRANTS AND OUR COMMUNITIES,' REFUGEE ACTION GOOD PRACTICE.

In addition to being a key region for irregular arrival to the UK, Surrey is also the third-largest receiver of Unaccompanied Asylum-Seeking Children (UASC) in the UK. The Big Leaf Foundation reports that there are around 140 under-18s living in care in the county and a further 312 current UASC Care Leavers.<sup>17</sup> We know from Surrey County Council that a large proportion of asylum seekers are concentrated in Mole Valley (Leatherhead and Dorking) and Woking.

Experience from our Immigration team working across 6 South West London Boroughs continues to corroborate the fact that immigration and asylum claims often intersect with complex welfare benefits problems. There is a fundamental scarcity of services to fully support vulnerable residents of Surrey with immigration, nationality and asylum problems.

### Learning from Citizens Advice

In a focus group with Citizens Advice employees and volunteers, participants explained the struggle of working with such an extreme shortage of legal immigration support.

Participants told me they were getting *“questions we aren't equipped to answer.”*

They were seeing increasingly *“complex cases and ... a steady increase in people coming to Citizens Advice because they can't afford a solicitor.”*

(CITIZENS ADVICE FOCUS GROUP PARTICIPANT, SEPTEMBER 2022).

The lack of affordable advice services forces Citizens Advice advisors to research possible referrals and consult the Citizens Advice helpline, a time-intensive process for advisers who can only advise to level OISC1.

<sup>17</sup> Big Leaf Foundation (2022), 'Annual Review.' Available at: <https://www.bigleafoundation.org.uk/annual-review.html>.

Many participants expressed a desire for a local initiative to which they could simply “hand over” immigration cases.

In 2022, Surrey's Citizens Advice Centres received 1,279 clients on 2,704 advice issues relating to immigration, nationality and asylum issues. The chart below presents a breakdown of these cases.

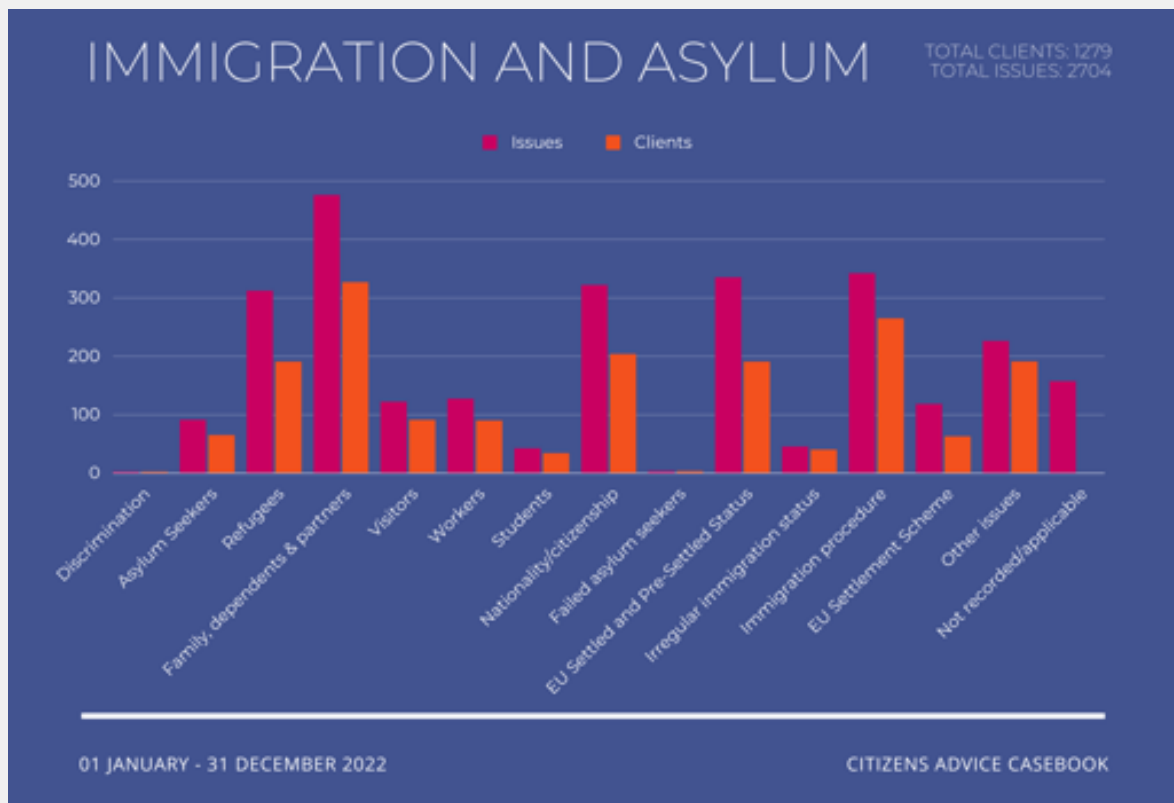
### Learning from community members

In February 2023, we were approached by employees from multiple Domestic Violence Refuges in Surrey, who were facing a high number of complex cases involving immigration and asylum cases that they did not have the expertise to service. This corroborated many anecdotes heard from partner organisations and research participants over the last year, who explained;

*“There’s just no way of knowing how to help people when every problem they face comes back to their legal status in the UK. We just aren’t equipped to deal with this.”*

RESEARCH PARTICIPANT, PHONE CALL, DECEMBER 2022.

At outreach events in the summer of 2022 at community centres and Cost of Living fairs, we heard stories of isolation, poverty and marginalisation resulting from undetermined immigration statuses.



GRAPH 3: CITIZENS ADVICE CASEBOOK — BREAKDOWN OF IMMIGRATION AND ASYLUM ADVICE ISSUES (ALL SURREY CITIZENS ADVICE CENTRES, 01 JANUARY - 31 DECEMBER 2022).

*“My social services officer has been trying to help me find the right papers but I missed the deadline [for the EU Settlement Scheme] and I don’t know what to do. Now I don’t have anything to get my housing benefits so I’m here everyday, we eat lunch together and I help in the cafe. I can’t afford the lawyers Citizens Advice told me to go to.”*

COMMUNITY MEMBER, WOKING OUTREACH, JUNE 2022.

*I’m Ukrainian but I came to the UK with my daughter before the Ukrainian scheme. I want to register as self-employed.\**

COMMUNITY MEMBER, LEATHERHEAD OUTREACH, AUGUST 2022

\*Paraphrased, non-direct quote. The individual’s visa expired and her eligibility under the Ukrainian Extension scheme is unclear, she was unable to receive any benefits.

Most of the problems we came across through our community engagement, and which partner organisations highlighted to us, face two pressing challenges:

1. The first relates to casework and representation for clients who are eligible for Legal Aid, as there are no caseworkers or practitioners to refer them on to.
2. The second relates to community members without regularised status, who have no recourse to public funds (NRPF), and face increasingly high risk of poverty, destitution and homelessness as a result of their immigration status.

Most inquiries received through our community engagement work related to EU Settlement Schemes, the Ukrainian Family Scheme, family reunification and asylum.



# WELFARE BENEFITS ADVICE

## Mapping advice services in Surrey

Welfare Benefits advice provision in Surrey (as elsewhere in the country) has numerous intersections with projects and organisations providing debt advice. We have identified 33 Welfare Benefits advice services. The majority of this advice is led by local Citizens Advice.

About 40% of the services offering advice are unaccredited, a far lower proportion than in other areas of social welfare advice studied in Surrey. In general, these services do not step into the realm of legal casework, case-specific advice, or advocacy.

The high number of services and fairly equal geographical distribution for initial advice, casework and representation or advocacy, is unlike the other areas of advice provision.

33 Welfare Benefits Advice projects in Surrey

Our mapping research found that;

- Citizens Advice leads most advice provision on welfare benefits in the county. The largest quantity of clients they advised in 2022 was regarding Personal Independent Payments (PIP), which tends to support those with long-term physical or mental health conditions or disabilities.



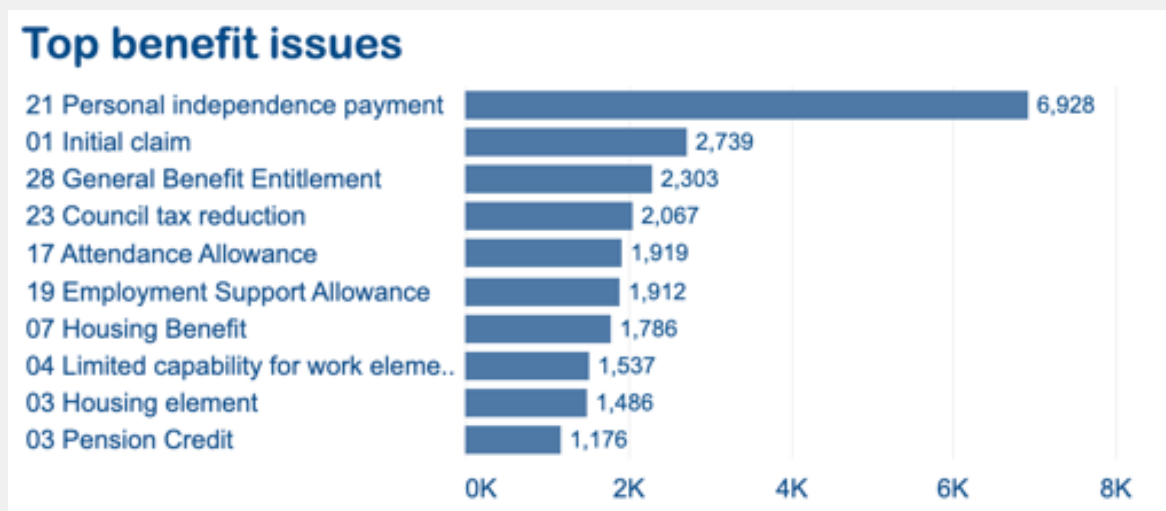
- 14 of the advice providers we identified are non-accredited but offer complimentary services, such as information and signposting, form-filling or mental health support for claimants.
- Type 3 (Specific Advice) is primarily provided by third-sector organisations, including Age UK, the Macmillan Project with Citizens Advice South West Surrey, Aanchal Women’s Aid charity, and two projects in Waverly which are part of the debt charity Frontline.
- Legal casework and support for appeals are far less prevalent than the lower tiers of advice we have categorised, but there is clearly successful provision from the Surrey Welfare Rights Unit, which specialises in welfare benefits and supports existing Citizens Advice Centres across the county.
- Voices in Exile provides welfare benefits advice for refugees and asylum seekers, and Action for Carers Surrey provides (non-accredited) advice for carers through hospital partnerships.

### Understanding need

Welfare benefits advice frequently intersects with other indicators of social and economic vulnerability, such as disability or migration status.

We analysed a series of datasets from Surrey County Council to understand how need for advice services on welfare benefits might be distributed across the county.<sup>18</sup> Spelthorne has the highest concentration of residents receiving welfare benefits, with 1 in 10 residents receiving universal credit (12.8%). This is higher than the national average of 10.8%.

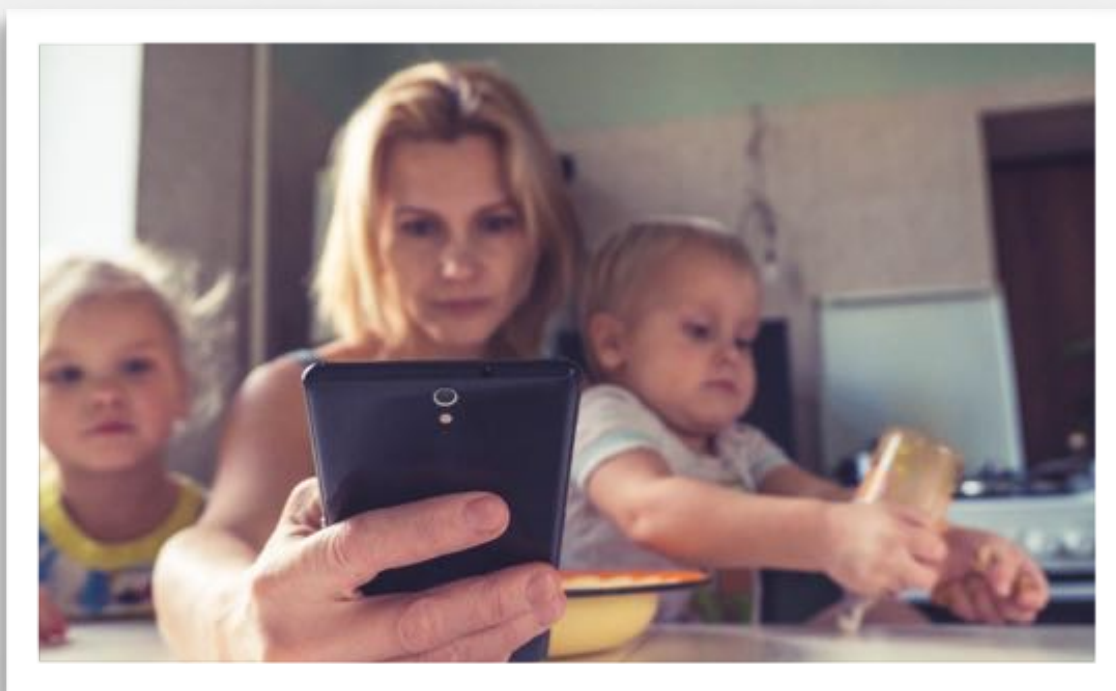
The concentration of Disability Benefits (DB) claimants is somewhat different. Although Woking and Spelthorne retain the highest proportion of claimants, Tandridge and then Waverley follow closely (with only a 0.08% difference between Spelthorne, which ranks 2nd, and Tandridge, which ranks 3rd).



GRAPH 4: CITIZENS ADVICE ‘TOP ISSUES’, 01 JANUARY - 31 DECEMBER 2022, ALL SURREY CITIZENS ADVICE CENTRES AMALGAMATED.

<sup>18</sup> DWP Quarterly report (February 2021), through Surrey County Council. Available at: [www.surreyi.gov.uk](http://www.surreyi.gov.uk). Last accessed 23 February 2023.





Registered homelessness (living in hostel or temporary shelter for the homeless residents) is largely concentrated in Guildford and Woking, with some lesser prevalence in Reigate, Redhill, Dorking and Leatherhead. For full analysis of these data sets, please consult our Interim Report (September 2022).

### Learning from Citizens Advice

In 2022, a large majority of issues dealt with by Citizens Advice in Surrey focused on Personal Independent Payments. 'Benefits and Tax Credits' are the number one category that community members go to Citizens Advice about in Surrey. The second category is an overlapping categorisation titled 'Benefits Universal Credit.' Combined, these saw 33,391 issues brought to Citizens Advice in Surrey in the year 2022, by 11,977 clients.

The advice providers we have spoken to through our surveys and focus groups believe that there is adequate provision of benefits advice in the county. All Citizens Advice offices are supported in complex

issues by a second-tier provider: the Surrey Welfare Rights Unit [SWRU].

*"We are very well supported by SWRU for Welfare Benefits, we're completely served. That's fine for us. But you're right. We do see clients who need a range of specialist advice. We've got it for debt, we've got it for housing, we've got it for welfare benefits. The big area we're personally missing, and this can make welfare benefits very difficult, is immigration"*

(CITIZENS ADVICE FOCUS GROUP PARTICIPANT, SEPTEMBER 2022).

*"The level of support we get from the SWRU is needed in every area and it's just not there. And I feel like we get as good as, for welfare benefits, or if not better. Because they really know their stuff and they're really on it."*

(CITIZENS ADVICE FOCUS GROUP PARTICIPANT, SEPTEMBER 2022).

## DEBT ADVICE

### Mapping advice services in Surrey

There are 24 projects across Surrey providing debt advice. A large proportion are non-accredited financial support services which offer county-wide services for debt.

There are high levels of availability for Type 1 (Active Information and Guidance) and Type 2 (Gateway Advice) services, but no free legal casework, advocacy or representation.

- Many county-wide services focus on certain areas of financial advice – for example focusing on debt advice for carers, relating to fuel poverty, or mental health. They tend to provide services such as form-filling sessions, or budgeting and financial planning support.
- The multiple Surrey Citizens Advice Centres have numerous specialist services relating to debt, all of which are AQS and FCA (Financial Conduct Authority) regulated. FCA accreditation means that organisations can provide Debt Adjusting and Debt Counselling services, suggesting the fairly extensive provision of Specific Advice (Type 3) and Legal Casework (Type 4). These tiers of services are offered by Citizens Advice specialist projects, in addition to a Community Debt Advice service in Redhill.
- In total, we have been able to identify 23 different advice projects for Debt. The data suggests a fairly high provision of debt advice, up to Type 4 advice (Legal Casework).
- There is no free or low-cost representation or advocacy for debt problems.



24 Debt Advice projects in Surrey

Understanding need

Speaking to volunteers and employees at community centres and money support projects, it is clear that the community's demand for advice is high.

There are many local options for initial (Type 1-3) debt advice, but there is still unmet demand for specialised and accessible legal support services. Where legal cases arise, clients are required to seek legal advice in London or neighbouring counties, with little signposting or referral available from local projects. This can be an isolating and challenging experience.

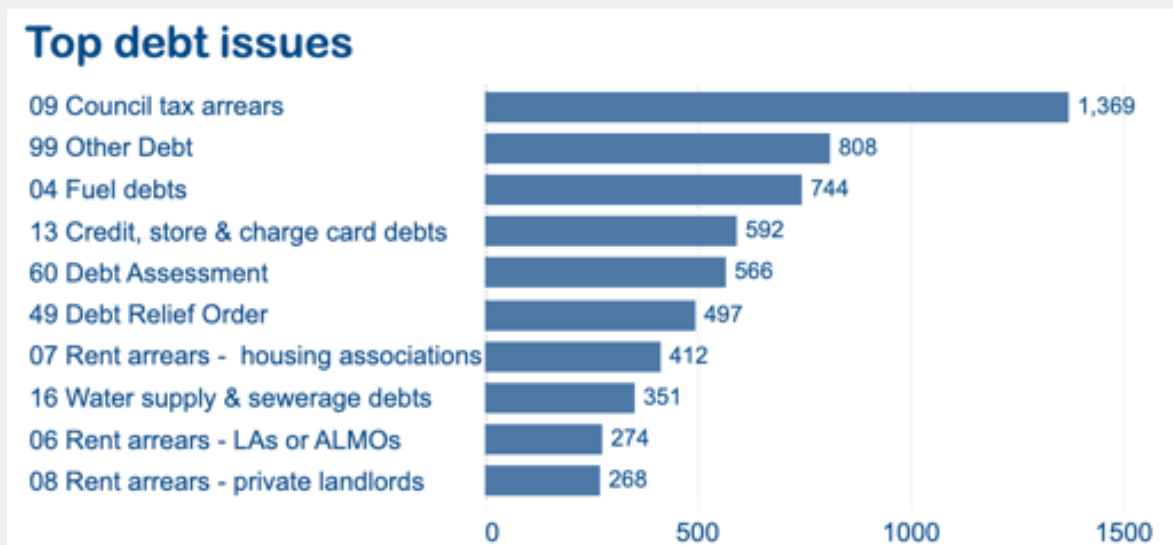
Learning from Citizens Advice

In 2022, 2,952 clients contacted Citizens Advice in Surrey regarding debt issues.

One volunteer advisor noted;

*“For debt, there’s always issues that come up. Like when you’ve got issues with determining liability, or you’ve got issues with something else, a lot of people arrive when they’ve received the legal paperwork and are about to be taken to court. And there’s often questions about the defence, what amounts to a legal defence. And what you end up doing is you have to send them away to try and get legal advice, and then tell them to come back when they’ve had it. And it’s just really difficult. We just need access to a solicitor that can advise on those issues connected to debt. Because more often than not, you direct them away and you’ll send them to... I use the LawWorks website... But they often struggle to get the appointments. They struggle to find support with the legal side of things. And I see it quite regularly from a debt perspective, and it’s frustrating because you can’t cross into that territory as an advisor.”*

(CITIZENS ADVICE FOCUS GROUP PARTICIPANT, SEPTEMBER 2022).



GRAPH 5: CITIZENS ADVICE ‘TOP ISSUES’, 01 JANUARY - 31 DECEMBER 2022, ALL SURREY CITIZENS ADVICE CENTRES AMALGAMATED.

The graph on the previous page breaks down the top issues in 2022. As with Welfare Benefits and Housing Advice, Citizens Advice do have access to some second-tier legal advice on debt issues, though some noted that this can be a time-consuming process.

*“We can get very good specialised advice from Shelter on debt, which all Citizens Advice can access. So that’s where we would go for further advice for our Court Desk advisors should we need it.”*

(CITIZENS ADVICE FOCUS GROUP PARTICIPANT, SEPTEMBER 2022).

### Learning from community members

In our online survey distributed in May 2022, 27% of participants (29 out of 106) answered ‘debt advice’ to the question:

“Have you, or someone you know, used any of the following services?” This answer was only surpassed by ‘food banks’.

A volunteer at a community centre with a debt-advice service noted;

*“The debt problems we see are so connected to loneliness, drug misuse, poor access to medical services, and young people with mental health issues. We can advise on prioritising payments and accessing welfare benefits, but often when it gets to the legal stage people just disappear, and I think it’s because they just don’t know what to do or where to go.”*

(RESEARCH INTERVIEW, WOKING, JULY 2022)

# EDUCATION ADVICE

## Mapping advice services in Surrey

Education rights advice is an area in which good provision for Initial Advice (Type 1) and Active Information And Guidance (Type 2) exists on the national level.

Apart from Citizens Advice, we were only able to identify five projects providing Education Rights advice locally in Surrey. Four services are charities providing advice for families and children with SEND needs, the fifth is Surrey County Council's Local Offer. All five provide Type 1 advice (Active Information and Guidance), and a further three can provide Type 2 (Gateway Advice) - explaining legislation but not supporting individual cases.

There is no availability for free or low-cost legal advocacy, representation or complex casework in the whole county.

- Four of the identified services are 'county-wide', with only the Surrey Community Action project 'Gypsy Roma Traveller Advice and Guidance' locally-focused (based in Mole Valley).
- No Education Advice services are accredited or regulated.
- All offer Type 1 advice (active information and guidance). Three of the projects can provide Type 2 (Gateway Advice), explaining legislation or legal rights.
- Only the Surrey SEND Advice Service provides specific advice (Type 3). This is an impartial service, though it is run by Surrey County Council.



- There is no opportunity for free or low-cost complex legal casework (Type 4), representation, mediation, or advocacy (Type 5) from any local provider in the whole county.

## Understanding need

Costs of private assessments and Advocates for the Education Tribunals are incredibly high, and we have spoken to numerous families pushed into poverty because of the lack of affordable specialist advice available.

5 Education Advice  
projects in Surrey

## Learning from Citizens Advice

Compared to other topics, the number of clients and issues brought to Citizens Advice in 2022 is low (the second lowest of all issues for Surrey Centres from 01 January to 31 December 2022). However, there were still 620 issues brought by 391 clients over the year.

A study of the Citizens Advice casebook shows repeated issues returning. Case notes highlight clients' distress about situations with schools, and one documents an advisor having to explain that *"legal advice would be expensive"* and that the client could try and find a *'reliable friend or church member'* to support them instead. This is just one story of many but highlights the extremely limited availability of support for families in need of legal advice regarding education rights.

The graphs on the following page present the number of issues and cases received by Citizens Advice across the county in 2022. We have also included issues relating to Children's Health and Social Care, as there are often complex intersections and struggles for families to assert their children's education rights and their health and social care rights. These graphs are intended to illustrate the range of issues arising in the community.

The top-left graph shows the broader issues of education cases seen by Citizens Advice. The highest relates to 'schools, non-advanced education.' A further breakdown of case categories within 'schools, non-advanced education' is shown in the bottom graph. The data highlights a high number of issues occurring that would benefit from even initial legal advice, such as 'availability of appeals/admissions and appeals,' 'school transport' and 'special educational needs.'

As a Citizens Advice employee noted:

*"Certainly, education is a really difficult one for us. There are some helplines out there but it is a question of foraging around and referring people. And it's not great. It's just another area that we're becoming more and more aware of."*

(CITIZENS ADVICE FOCUS GROUP, SEPTEMBER 2022).

## Learning from community members

During one focus group, an advisor spoke up about their personal struggle to access services on Education Rights;

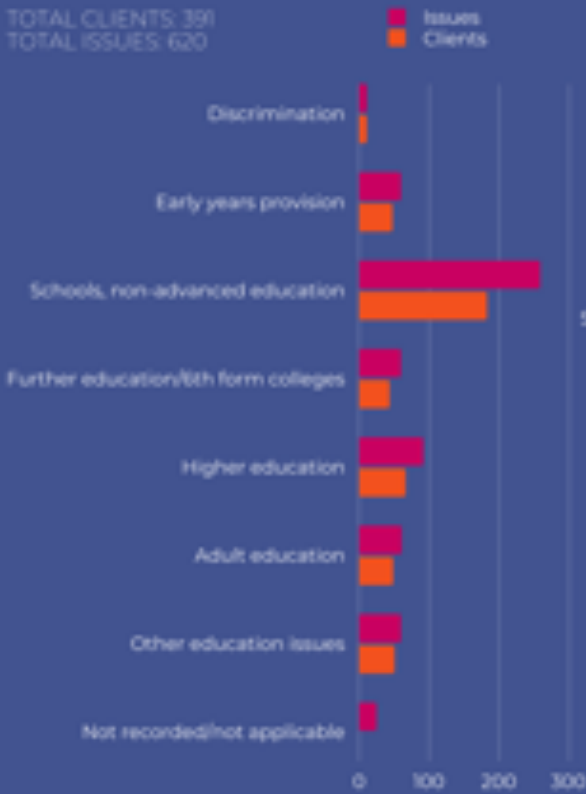
*"On a personal level, I am currently looking for legal representation against Surrey County Council around my son's education needs. And I'm finding that I am just not able to access anything at all that's free. I can go out there and get myself a solicitor and pay money that I don't have. But I don't have it."*

(CITIZENS ADVICE FOCUS GROUP, SEPTEMBER 2022).

We were hearing increasingly startling stories of community members unable to pay for the representation or advice they needed regarding their children's education rights, or paying for advice and being pushed into poverty as a result. From December 2022 to March 2023, we conducted interviews with parents taking action against Surrey County Council, to better understand the need for advice.

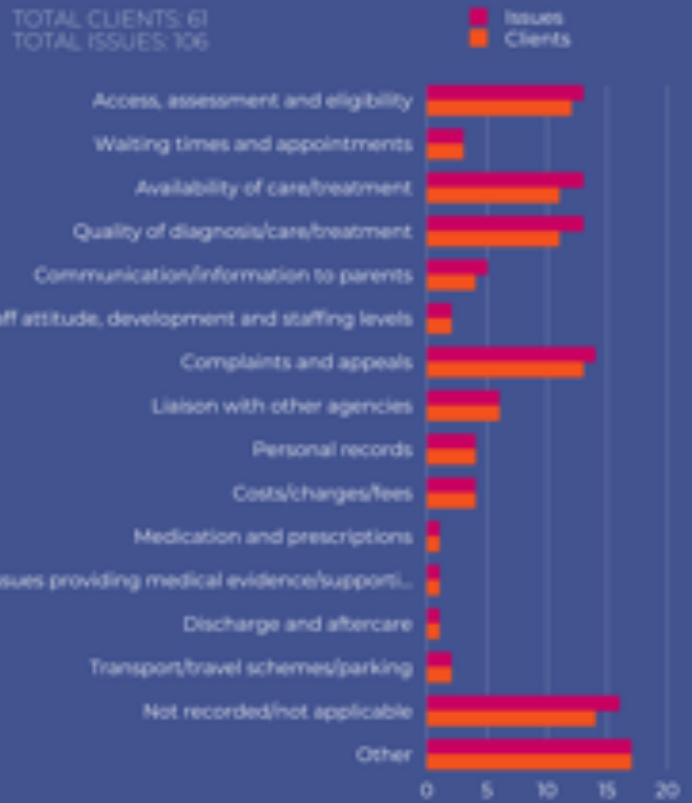
# EDUCATION RIGHTS

TOTAL CLIENTS: 391  
TOTAL ISSUES: 620



# HEALTH & COMMUNITY CARE CHILDREN'S HEALTH AND SOCIAL CARE

TOTAL CLIENTS: 61  
TOTAL ISSUES: 106



# SCHOOLS, NON-ADVANCED EDUCATION

TOTAL CLIENTS: 183  
TOTAL ISSUES: 259



01 JANUARY - 31 DECEMBER 2022

CITIZENS ADVICE CASEBOOK

GRAPH 6: CITIZENS ADVICE CASEBOOK — BREAKDOWN OF 'EDUCATION' AND 'HEALTH AND COMMUNITY CARE' ADVICE ISSUES (ALL SURREY CITIZENS ADVICE CENTRES, 01 JANUARY - 31 DECEMBER 2022).

*"I do have an Advocate helping me, but this all costs a lot of money. I've left my job. I've picked up a couple of little part time things but that doesn't pay the mortgage. And I kept filling in loads of forms to get Carer's Allowance and Disability Living Allowance. It's just everything takes so long. It's so long winded. It's just, I mean, when you're tired anyway, and sort of emotionally exhausted? Yeah. It's it's quite hard holding it all together for your child."*

(RESEARCH INTERVIEW, ONLINE, FEBRUARY 2023)

*"That's the trouble. I can take a year off. I'm just using my savings really on all this — money that my mum left me. It will give me a year. Then I'm gonna have to start earning. But, I need the flexibility to look after her".*

(RESEARCH INTERVIEW, ONLINE, FEBRUARY 2023)

In August 2022, we heard of a potential group claim, which fell apart after more financially-stable families decided to go with fee-charging solicitors, leaving some parents not knowing what steps to take to protect their children.

One mother explained;

*"The system is designed to discredit the parent and therefore not provide for the child. People have come a long way on the journey.*

*There's a WhatsApp group of parents, being candid about things. And when new people start there's a lot of naivety. When you start, you think, Oh, the system is, you know, supposed to help us. And these are our rights that we fight for.*

*But then as you go on that journey, you realise more and more that it's like a merry go round bumping game, where you're not supposed to win. You're not going to get anything. And you start to expect a lot less.*

*There's a lot of money involved, but the money doesn't provide for us or give us what we're entitled to. So it really does need changing, so that the money is not wasted on stopping whatever, but actually providing services and providing appropriate, more efficient education for our children... At the moment, the whole structure is about supporting something that's completely inappropriate and against us."*

(RESEARCH INTERVIEW, ONLINE, FEBRUARY 2023)

*"I've given up a high flying career and to be pushed into poverty because there is no support and there is no care system. And because fighting to get them back into school or looked after costs so much."*

(RESEARCH INTERVIEW, ONLINE, MARCH 2023)

*"The pressure is huge. Because you have, you have no idea of your rights. And you just get abused by the schools. And in the meantime, a child is suffering."*

(RESEARCH INTERVIEW, ONLINE, FEBRUARY 2023)



## KEY FINDINGS: CURRENT PROVISION AND COMMUNITY NEED

*“Well, CAMHS, the health side of things have been fantastic. The bit that really I struggle with is the legal side. Now with the EHCP. There’s Section I, J, F... I’ve no idea what any of it means. That’s why I need to get an Advocate involved. Because one of the things about being a parent of a child who’s struggling, I’ve certainly noticed, is I can only cope with one thing at a time. So I could only cope with fighting to get a EHCP, I couldn’t think beyond that. Now, I’m giving myself a little bit of time to just let that settle in. Then I’ll start with the appeal process.”*

(RESEARCH INTERVIEW, ONLINE, JANUARY 2023)

Although the number of claims (at Surrey’s Citizens Advice offices) is lower than other areas of social welfare advice, the requisite of costly private assessments and appointing an Advocate is pushing families into extreme financial precocity and social isolation. Community members turn to Sunshine Support (a UK-wide charity) or the KIDS SENDIASS telephone helpline, but find the financial costs overwhelming.

Citizens Advice refers service users to SOS SEN, an independent helpline supporting families and carers to understand their entitlements to special education provision, and to help them secure it.



## FAMILY LEGAL ADVICE

### Mapping advice services in Surrey

The provision of family legal advice in Surrey is markedly different to the areas of social welfare law we covered above.

We included Family Advice services in our mapping of providers in Surrey as a result of interest from our Steering Group in the provision and accessibility of family legal advice. It is an interesting comparison to the other areas of social welfare law covered, as although there is a far higher occurrence of advice service, it appears that community awareness and access are somewhat limited.

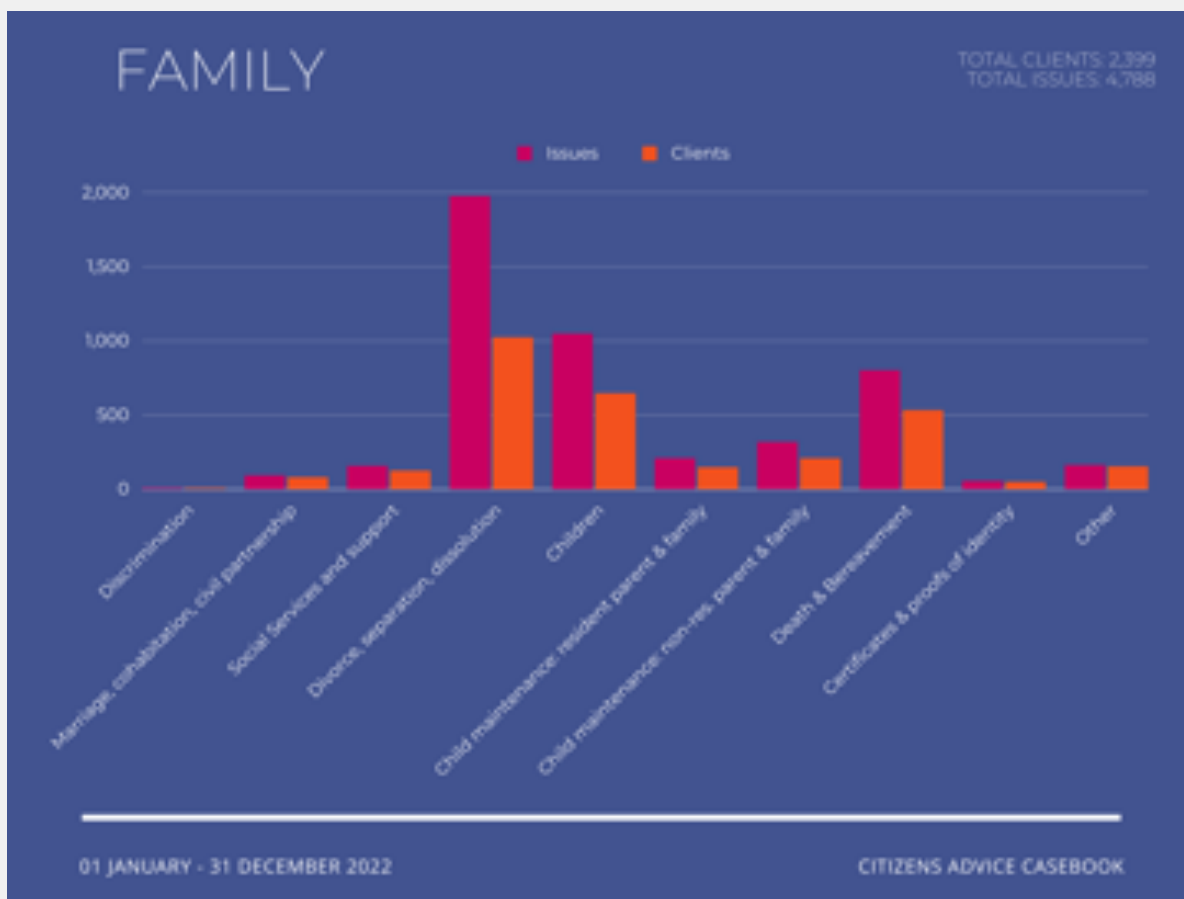
Of the services we identified, there are multiple options for family advice and legal support. For Type 1 (Active information and guidance) and Type 2 (Gateway

Advice), many services are regulated, even if they do not hold legal accreditation. Examples of this include the Surrey Care Trust and the Rape and Sexual Abuse Support Centre (holding non-legal accreditation such as the 'Approved Provider Standard,' or the 'Helpline Partnership'). This is quite different to areas of social welfare law, where it is often only Citizens Advice providing services that are accredited, even for non-legal advice.

There are 39 identified services providing free or low-cost family advice across the county. This includes 16 Family Law Legal Aid contract holders, and 7 Legal Aid mediators.

- There are concentrations of Legal Aid contracts in Guildford, Reigate & Banstead and Woking, but there is some provision of accredited advice services in every Local Authority across the county.





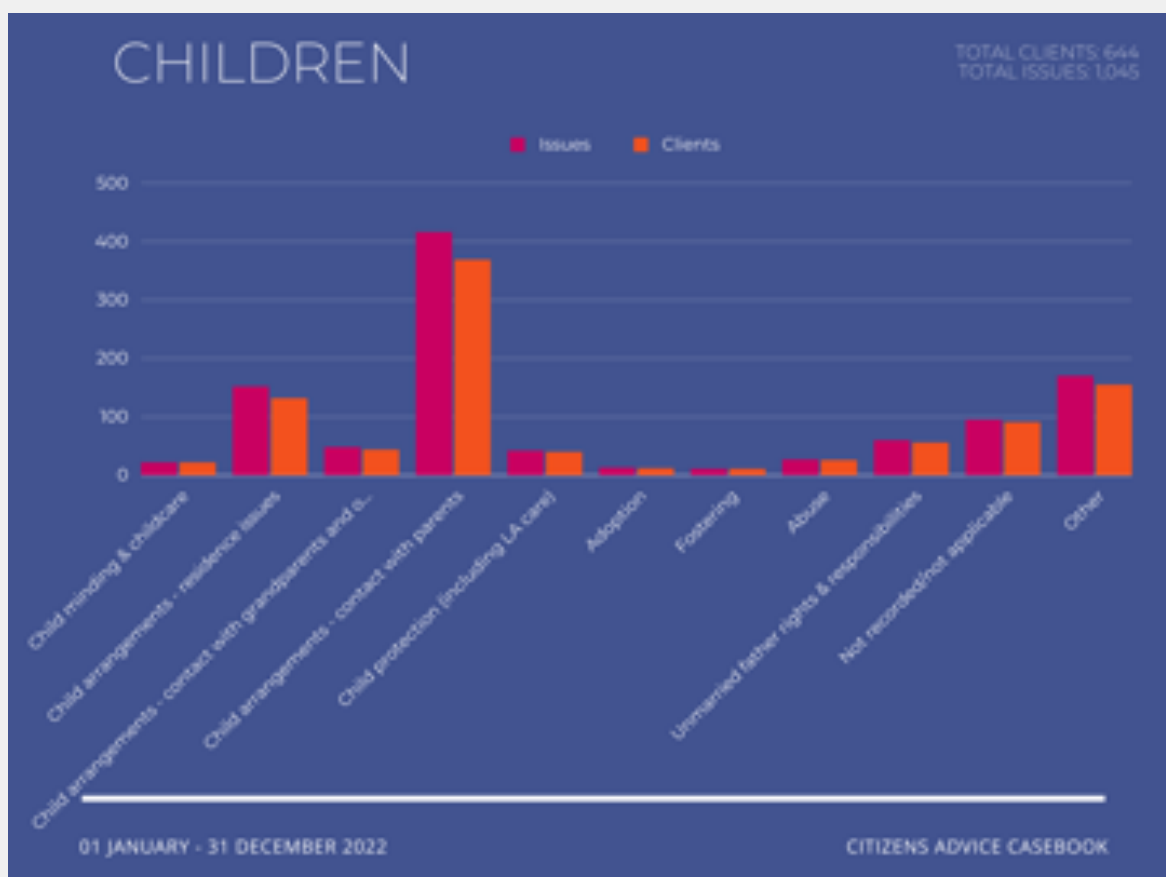
GRAPH 7: CITIZENS ADVICE CASEBOOK — BREAKDOWN OF FAMILY ADVICE ISSUES (ALL SURREY CITIZENS ADVICE CENTRES, 01 JANUARY - 31 DECEMBER 2022).

- Additionally, there are many third-sector initiatives providing family advice and support, some of which specialise in sexual and domestic abuse services and children services. Four domestic abuse charities part of the Surrey Domestic Abuse Partnership cover areas defined as North, South, East and West Surrey. The North & South partners are linked with local Citizens Advice offices, providing accreditation to those advice services.
- Citizens Advice Esher & District has previously led a family law clinic, but this is not currently active.
- The University of Law has a Family Law Advice Guildford (FLAG) project,

providing free one-off legal advice supervised by solicitors.

- Epsom & Ewell and Tandridge have the fewest number of local providers for Family advice available.
- The mapping data of Family Law services has not yet differentiated between the types of work Legal Aid contract holders use their contracts for. This is a necessary focus for the next stage of research.

We have so far been unable to confirm the capacity of Legal Aid contract holders, or the types of cases they are taking on.



GRAPH 8: CITIZENS ADVICE CASEBOOK — BREAKDOWN OF ‘CHILDREN’ ADVICE ISSUES (ALL SURREY CITIZENS ADVICE CENTRES, 01 JANUARY - 31 DECEMBER 2022).

### Understanding need

39 Family Advice projects in Surrey

### Learning from Citizens Advice

The tables above and on the previous page present a breakdown of the family issues community members approached Citizens Advice with in 2022.

In our focus group with Citizens Advice employees and volunteers, participants acknowledged easier access to family advice.

One participant noted:

*"I think that the way that family law is so much more successful shows you how weak the other areas are."*

(CITIZENS ADVICE FOCUS GROUP, SEPTEMBER 2022).

Participants all agreed that they knew where to refer clients for support. They believed there was moderately good community awareness and access to mediation and representation.

*“Well, one of our advisors this morning got a Family Law Legal Aid solicitor. It took her, fantastic, about twenty minutes to find one. So, that might be exceptional but we have got reasonable cover... I think that our provision here is reasonably good.”*

(CITIZENS ADVICE FOCUS GROUP PARTICIPANT, SEPTEMBER 2022).

*“I worked as a Family Mediator within Surrey, and I have to say I think the provision is much better in Family Law than it is in other areas. I was very surprised, moving over to the Macmillan Project, as to how poor it was in comparison.”*

(CITIZENS ADVICE FOCUS GROUP PARTICIPANT, SEPTEMBER 2022).

When asked about the community’s awareness of the £500 Family Mediation Voucher Scheme, we were told;

*“We publicise it. Not a lot of people know about it. But to reiterate what the others have said, I feel as though Family Law is the popular one, it’s the popular kid in the playground. Everyone’s going to it and they can access it. And the Mediation Service — I always feel that if someone comes to me with a Family Law situation, it means that referring them on is quite easy. It’s one of the simpler processes.”*

(CITIZENS ADVICE FOCUS GROUP PARTICIPANT, SEPTEMBER 2022).

### Learning from community members

At community outreach and engagement events, we received a relatively high number of enquiries regarding divorce and child contact (18% of all enquiries). 10% of enquiries further related to Wills and

Probate, with many of these clients unable to identify the area of law with which they needed advice, believing it to be a Family Law issue. This suggests a need for better communications on advice provision to help community members identify their legal problems.

In our online survey, 23% of participants referred to problems with ‘family,’ ‘family breakdown,’ and ‘domestic violence’ [and ‘abuse’] in the long-form answers to the question “What are the main issues currently affecting your community?”

When we spoke to a District Judge at Guildford County Court, they noted that there are high numbers of litigants in person - particularly for Child Contact cases. Often, close to half of the cases for First Hearing and Dispute Resolution Appointments [FHARA] have both parties unrepresented.

This highlights an important learning for this research - that even when there is a greater provision of Legal Aid, it does not mean that vulnerable clients will choose to use such services, or know how to access them.

Any new services will need to be developed alongside community outreach and engagement programmes in order to ensure their reach.

A closer look at the Citizens Advice casebook for issues relating to child contact shows the following breakdown of issues (see table above).

The largest majority (39.7%) of ‘issues’ at Citizens Advice Centres in Surrey in 2022 were related to ‘Child arrangements - contact with parents,’ corroborating the view of the Judge.

# RESEARCH CONCLUSIONS

Through our mixed methods approach, we are beginning to piece together a moving story of extreme community need for more specialised legal services.

## 1) There are extensive non-accredited and non-legal advice services across the county.

Our mapping research demonstrates a large number of services providing active information, guidance and gateway advice (Type 1-2 Advice) on social welfare issues. A large proportion of these services are un-accredited, and in general they do not step into the realm of legal casework, case-specific advice, or advocacy. These projects, for example, help with budgeting or switching utility providers, rather than legal support for welfare benefits or debt.

From interactions with community members and Type 1 to 2 advice providers, we are also aware of a lack of resources and understanding of how to identify legal cases from social welfare issues. This aggravates the legal problems community members face, making the late identification of legal problems, and difficulty accessing qualified, specialised legal advice a frequent problem for community members.

## 2) Citizen's Advice and the University clinics constitute almost all of the regulated social welfare advice services.

The accredited advice services that do exist are primarily constituted by local Citizens Advice Centres and their affiliated projects, and the three local university's advice clinics. The generalist services offered by Citizens Advice and legal advice clinics do cover general social welfare issues, but there is limited specialisation into specific areas. The clearest shortage in advice provision is for immigration and asylum, education, and employment rights. Even where numerous services exist locally (for example in housing or debt), the community's access to these services and knowledge about how to approach advisors is limited.

More specialised services offering complex casework, advocacy and representation are in need for all social welfare areas. Even where we can map a (relatively) high number of projects offering advice (i.e. housing or debt), the availability of legal representation is still extremely limited.

Cases which need more than one-off or initial advice will have very few options for support or potential representation. There are a relatively high number of family and welfare benefits services. The high number of services and equal geographical distribution for initial advice, casework and representation or advocacy, is unlike the other areas of advice provision studied.

**3) There are high numbers of accredited, Type 3-5 level services for Family Law, but capacity and access is limited.**

Compared to the areas of social welfare law we have studied, a far higher number of advice services and Legal Aid contract holders exist for family law in Surrey. However, we understand from engaging with community members and existing advice providers, that this can still be hard to access. The next stage of research needs to focus on the type of cases Legal Aid contract holders are taking on, and their current capacity. This will allow us to identify specific gaps in provision of legal support for family law.

**4) It can be challenging for clients to navigate the support available**

Anecdotally, many community members have alluded to the difficulty of staying abreast of active services. Short-term project funding and Covid-19 mean that the options for those seeking advice is constantly changing, which can deteriorate the community's confidence in services and alienate those less competent with literacy or digital tools. In addition, automated telephone responses from either the local council or Citizens Advice make it challenging for those less technologically adept or those with complex and urgent problems, to access advice.

There is no organisation in Surrey that provides Type 2-5 advice services in one place (Gateway advice, specific advice, legal casework and representation, mediation, and advocacy). There are unbelievably limited legal casework and representation services available as it is.

However, the fact that each type of advice is provided by different organisations, in different locations, means that clients seeking legal support currently must engage with at least 2-3 different organisations. This is challenging for vulnerable clients, and hard for those working within the advice sector to stay abreast of active services.

**5) The poorest provision for social welfare advice currently exists in education, employment, and immigration advice.**

Education, employment, and immigration are clear areas in which we need to prioritise new projects to provide legal advice and representation.

Education and employment advice are currently served by the generalist services at CA and the university clinics, but we know that university projects have limited capacity and reduced services due to the academic term-time schedule.

**a) Employment**

The two university projects (University of Surrey clinic to begin this autumn) provide the backbone of specialised legal advice in employment law. This is geographically concentrated in Guildford. The only option for free or low-cost representation in employment law is no-win no-fee solicitors, or potentially through South West London Law Centres, which is not based in the county. Advice providers have commented on the drastically decreasing number of claims being brought to the tribunals, because of the lack of legal support available.

## b) Education

Education legal advice is massively under-provided for. We have heard repeatedly from community members that greater support is needed for children with Special Educational Needs. Through Community Outreach events, we heard repeatedly of how difficult it is to find education rights support. We were told of potential group claims which fell apart after more financially-stable families decided to go with fee-charging solicitors, leaving some parents not knowing what steps to take to protect their children.

## c) Immigration and asylum

It is clear when talking to front-line advice providers and from mapping the existing services, that there is a dire shortage of immigration and asylum legal support. With no Legal Aid providers or OISC Level 3 services, there is no opportunity for advocacy or representation, despite high need (Surrey is the third largest recipient of unaccompanied asylum seeking children; our community engagement has uncovered a high need for help with late EUSS claims). Citizen's Advice focus group clearly corroborated that more local support is urgently needed.





# ACTION PLAN

## DEVELOPMENT IDEAS

The first year, this project focused on mapping the current provision of advice services in Surrey and listening to community members to understand unmet need.

For the second phase of the project we will begin trialling focused interventions to further develop accessible legal advice services locally.

The aim of the pilot projects is to:

- a. Bring together key stakeholders in the fight to improve the provision of legal support in Surrey.
- b. Expand the legal advice capacity of existing projects, to build on trusted relationships with community groups and avoid duplication of existing initiatives.
- c. To understand the uptake of new services, so as to continue building on our understanding of community need, and the feasibility for a broader legal advice project in the county.

We are currently exploring development plans for three new initiatives:

- Legal Advice Help Desk at the Family Court at Guildford County Court
- Education Rights Advice Project
- Immigration and Asylum Caseworkers.

Our data analysis and Community Engagement strategy, suggests that locally-focused initiatives to improve access to justice could target:

- a. Spelthorne (for broad based social and economic inclusion and integration).
- b. Spelthorne, Woking, Waverly and Tandridge for community care advice and targeted social welfare rights support for persons living with disability.

If you would like to contribute to the project and the development of solutions, please email [enquiries@swllc.org](mailto:enquiries@swllc.org).

The high (and increasing) proportion of elderly residents, and poor access to digital services, suggests that new projects must carefully consider their design, access and outreach to ensure maximum engagement from Surrey's most vulnerable residents.



## FAMILY LAW COURT HELP DESK

### Background

Given the proportionally high number of litigants-in-person (LIPs) for Child Contact cases, and the expertise of the Surrey Access to Justice Steering Group, we are currently developing a pilot for an information and legal advice Help Desk for litigants with First Hearing and Dispute Resolution Appointments (FHDRA) for child contact cases in the Family Court at Guildford County Court.

We are working with Guildford County Court, and representatives from Charles Russell Speechlys, Russell Cooke, the University of Surrey and the University of Law.

The project will provide litigants-in-person with at-court legal advice from remote solicitors. In order to do so, we will work

with student volunteers, who will triage litigants, help connect them to an advisor, and provide signposting and further information after the hearing. Given the presence of CAFCASS at the Magistrate Court hearings, the project will only aid those with hearings before the District Judges in the County Court.

The pilot project will run for 3-6 months, with a mid-point review. The pilot will trial the operation of the Help Desk and collect further data to evidence the need for such a service.

### Aims

1. To support vulnerable community members who are currently unable to access affordable legal advice.
2. To assist proceedings at court, to help prepare clients' expectations and facilitate smoother hearings.
3. To provide follow on signposting and/or referrals for those that need further support following the hearing.

4. To create an active network of Legal Aid family law practitioners and third-sector family advice organisations in Surrey.
5. To provide experience to law students, who will receive triage training and be able to observe the court FHDRA lists.

### Proposal

There are four components to the pilot Help Desk project:

1. **Pre-hearing:** Through outreach with partners at Citizens Advice, domestic abuse refuges, and third-sector organisations, the service would be advertised in the community. Communications material will inform clients to bring relevant documents to court on the day of the hearing. This includes the CAFCASS Safeguarding Letter and any other hearing notices.
2. **Information, guidance and triaging:** On the day of the hearing, student volunteers staff the Help Desk, providing non-specific information about the court processes, and where required, triaging clients to access remote one-off legal advice.
3. **Legal Advice:** clients choosing to receive legal advice would connect via phone or video-call to a remote pro-bono solicitor, accompanied by a student volunteer who could help upload relevant documents and listen to the advice.
4. **Signposting and monitoring:** After the hearing, clients would be encouraged to return to the Help Desk, to receive follow-up information, signposting (where relevant) and to allow for impact monitoring.

# EDUCATION RIGHTS ADVICE PROJECT

## Background

In light of the (a) many families across Surrey struggling with the affordability of legal advice and representation on Special Education Needs and Disability (SEND) rights, and (b) the dearth of education advice services, we hope to facilitate some advice intervention to support families in Surrey.

Below are two embryonic ideas to be further developed.

## Expansion of SWLLC Education Clinic

South West London Law Centres is currently hosting a pro-bono Education Clinic. Our specialist advisor provides 30 minutes' free initial advice to help families understand and enforce their rights over their child's education. Issues covered include Special Education Needs (SEN), including advice about Education, Health and Care Plans (EHCP), school exclusions, transport and admissions.

As the clinic only launched 6 months ago, we have not yet advertised the service to residents of Surrey, hoping to first understand capacity and demand from South West London residents.

Capacity permitting, a programme of outreach and promotion with partner organisations could provide some free initial legal advice to residents in Surrey.

## Public Legal Education and Information Access

In February 2023, we undertook a series of group and one-on-one sessions to work with community members who have struggled to access and afford legal advice regarding Education Rights.

22 participants took part in total.

In the workshops, we designed potential interventions that would facilitate access to justice for SEND legal cases in Surrey. These engagement sessions produced three potential interventions:

1. **Online Public Legal Education:** participants across multiple sessions expressed a keen interest in online webinars and workshops. It was suggested that pre-recorded sessions would best facilitate access, relieving time-constrained parents with caring duties or work. Some participants also specified preference for live sessions (if hosted online).

Topics of interest for PLE included:

- a. Special Educational Needs (including advice on EHCPs, First-Tier Tribunal Appeals, and enforceability of provision).
- b. Disability discrimination.
- c. Rights and entitlements regarding children out of school due to exclusions, illness, and other issues.
- d. School admissions for children without EHC plans.
- e. School exclusions.
- f. School transportation.

2. **Road-mapping Resources:** in a peer-to-peer support meeting for parents hosted by the National Autistic Society (Surrey), participants developed the idea of an infographic that helped parents understand the journey ahead. This resource would be analogous to a flow-chart, helping prepare families with recent SEND diagnoses or educational rights issues. The aim of the Road-Map Resource would be to illustrate the cycle of assessment, ECHP, potential appeal, and re-assessment. Parents felt that a visual and autism-friendly information sheet like this would have been helpful in their journey, so they could understand the likely next steps and preempt upcoming private assessment costs and appeals, without having to appoint an Advocate or wait on a advice line for hours to understand the options for their next steps.
3. **Surrey Pro-Bono Clinic:** Every one of the 22 participants we worked with expressed a desire for a local pro-bono advisor who understood the context of Surrey Local Authorities and SEND services. This idea has not been worked into a formal project or proposal, but further corroborates the demand for accessible legal advice on education issues locally. Three participants noted that they would appreciate advice on potential group claims, and many wanted resources and support with grassroots organising for SEND rights in Surrey.

# IMMIGRATION AND ASYLUM IN SURREY

## Background

There is a dearth of Legal Advice services for Immigration Law in Surrey. There is scope for an Immigration Caseworker (or multiple) to work on two potential projects in the county.

1. The first is an initiative to provide legal casework to women's domestic abuse refuges, for cases with intersecting domestic violence and immigration or asylum claims.
2. The second is an initiative to provide casework for asylum seekers residing in temporary accommodation in Mole Valley who are awaiting assessment of their asylum claim.

## Immigration Casework for Women's Refuges

The Surrey Domestic Abuse Partnership [SDAP] already provides extensive advice and information services on a range of topics relating to domestic violence, including housing, family issues and welfare benefits.

There is no organisational capacity or infrastructure for an internal immigration caseworker, but a new project could be developed to facilitate access to a caseworker to do Legal Aid cases on immigration and domestic abuse.

## Asylum Seekers Support, Mole Valley

A new community project is being set up in Leatherhead, to host several Community Hubs supporting asylum seekers to access local support and local services. There are just over 9,000 asylum seekers in Surrey. The hubs will provide:

- Access to free, impartial information about volunteering and possible employment options, including one-to-one guidance sessions, group workshops and information sessions.
- Conversational English classes for asylum seekers wanting to access regular face to face English classes.
- An Energy Asylum Seekers Project Club, Debt Advice and Scam Awareness Sessions.

There is potentially scope to develop a caseworker role as part of the community hub. So far, issues faced by asylum seekers working with Community Action Surrey include domestic violence, victims of torture, mental health and 'move on' related issues.

Legal advice is an essential component in the work to support vulnerable community members who have irregular status or have no recourse to public funds. Resolution of these issues will allow the Hub to more effectively deal with other issues presented, as regularising a community member's immigration status will in turn enable access to benefits and public funds, services and even employment.

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