

Report on the future development of the Centres of Excellence Programme

Introduction

The LLST commissioned Jo Pettitt and Carolina Albuerne as independent consultants to produce an evaluation and review of their Trust's Centres of Excellence Programme in September 2023. In March 2024, the first phase of the work was finalised with the production of an initial report that reviewed the scheme in its current format after interviewing over 45 stakeholders involved in the programme.

Now in July 2024, we would like to present the report on the future of the development of the scheme. We have formulated a number of proposals on how the scheme could operate going forward and responded to the challenges and opportunities emerged from the initial review. We have put together 14 recommendations for the LLST Governance Team to review and develop in order to define the future COEx programme. These would form the base of an implementation plan and, what we expect to be a two to three year 'transition period'.

We have divided this report into five key areas of focus for the LLST Governance Team to work on with said set of recommendations that we hope will make the sign off and formulation of an implementation plan as easy as possible.

1. Review of assessment process and eligibility criteria for awarding and removing COEx status

Current COEx assessment process

We understand from [LLST](#) that there has **not been an open call for applications** since the initial one in 2015 that launched the COEx programme. Organisations that have applied to join since then have been put forward for the programme or have approached LLST themselves, having come across the programme in one way or another. As we understand it, there was no systematic approach to these new applicants nor guidance applied to this process. Since the programme was set up assessments have been carried out, in the main, by one independent consultant. These assessments are then reviewed by LLST's grants subcommittee and their recommendations are considered by the Board. Whilst this consultant is highly regarded in LLST and across the sector, there is concern about overreliance on one person to carry out this role, due to sustainability issues and the obvious

lack of diversity this represents. From the analysis of the LLST staff, we found that **in the last five years there have not been many assessments of prospective new grantees** due to the lack of significant growth in the funding pot, the indefinite nature of the programme (no end-point for current COEx grantees), the interruption of the Covid pandemic, and the lack of an open call.

We heard from LLST and the current consultant, who set up and still uses the assessment process, that it is focused on **proxy measures for organisation health** i.e. a desk review of board engagement, board papers, organisation strategy, budget, funding and funding forecast, accounts for last two years and a conversation with the manager. There has never been a focus on the quality of advice given or the client experience and the limited case file review was removed from the process by the previous interim manager at LLST. The consultant accepted their view that his *“gut feel about what the state of the files tells you about whether an organisation is well run is not a robust measure”*, but maintained it is still a useful proxy indicator. The consultant suggested that LLST’s initial concerns about organisations collapsing shortly after receiving funding have diminished over time, and so the original rationale for the focus of the assessment being on organisation health might no longer hold. In this case LLST could shift the emphasis towards, for example, ‘the user experience’.

“Bob's concern that they were going to fund an organisation that would collapse two weeks later is probably gone; most of the organisations still standing are not going to collapse now, they have survived the last 30-40 years, so maybe we should spend more time in future looking at the user experience.”

Concerns about the assessment process

Key concerns about the current assessment process raised by our internal and external contributors were as follows:

- **Lack of clarity and transparency about the application process, eligibility criteria, and timeframe**, including a defined endpoint or criteria for potential removal from the programme.
- **Lack of an open field and barriers to entry for applications**, with a perception that most applicants are approached or recommended for the programme, giving rise to concerns over an apparent ‘closed shop arrangement’.
- **Lack of a clear rationale and a structured, objective process** for the assessment and selection of organisations to become COEx, leading to a perception of arbitrariness in the selection process.
- **Too much focus on indicators of organisational health/quality** in the assessment that are covered in existing quality standards (e.g. Lexcel, SQM, AQS), which most COEx already hold, i.e. management and governance processes.
- **Over reliance on individual expertise and on the judgement of a single consultant** for the evaluative process, raising questions about sustainability, lack of diversity, potential bias and subjective elements influencing decisions,

- **Absence of indicators related to EDI and access to justice** in the assessment process, that would reflect a commitment to serving vulnerable populations and improving access to justice, and to inclusion of organisations that are for and led by specific communities that are not currently reflected in the COEx programme.

One contributor outlined what in their view is needed, starting with a clear purpose for the programme and criteria for entry based on the purpose, both of which are visible and transparent (advertised). There should be a clear statement of the limitation of the funds and the fact that not every organisation that is eligible will be able to join the programme and a whole system approach should be adopted, with systematic steps from assessment to decision point, with appropriate decision-making safeguards in place.

“Assessment and judgement should be structurally enabled; if that's not happening we need to make sure that's an outcome of this review; it's not the way to make judgements around such crucial decisions; [we need] sound and clear criteria, people need to know what the barrier to entry is; a clear and consistent application process; a clear process of review; a diverse panel, including arguable a representative from the sector or user of a service/agency (i.e. external stakeholder lens). Not relying on one person because of their knowledge to make a judgment; there should be a shared ability to make judgements.”

“We don't want such a good scheme to suffer reputation damage because the right systems and processes are not in place. We need to make defensible decisions.”

Eligibility criteria

The COEx programme **eligibility criteria** are set out on the [LLST's website](#) and in the publicly available document, “LLST Centres of Excellence Scheme, [Information about the scheme](#)” (January 2018).

To be eligible for the COEx scheme an organisation must:

- *Have been providing free specialist civil legal casework for at least one year (advice and/or representation in courts or tribunals) and*
- *Casework has to have been provided by at least 2 F.T.E employed staff and*
- *That service must be based in and provided wholly or mostly to residents of London and the Home Counties. If a service is National, it may still be eligible to take part in the scheme but the amount of funding is likely to be proportional.*

Due to LLST's limited resources, agencies providing only debt and/or welfare benefits must take cases to the Court of Appeal or above. This is purely due to the number of these organisations that exist and the limited funds we have available. We will review this over time.

LLST staff described the focus of the COEx programme on **specialist legal advice providers** as intentional and rooted in the urgent need to make sure these services survived following the removal of most legal aid funding. They explained that the narrow eligibility criteria, as well as the lack of a public call, are designed to delimit the volume of applicants

and avoid wasting the time of organisations that might apply to join without a realistic prospect of success. They said that LLST intends to retain this focus on specialist legal advice providers in the COEx programme, whilst recognising that the eligibility criteria represent a barrier to entry for some community based organisations. They argued that infrastructure support is available to such organisations from membership organisations including Advice UK and Inclusion London, whereas specialist legal advice services don't generally have access to infrastructure support (with notable exceptions being law centres and CABs). They said that LLST intends to support community based organisations to gain more specialisms through the workforce development programme.

However, a range of different perspectives on this issue were expressed by LLST Trustees and our external contributors. Their views are summarised as follows:

- **Too many organisations are excluded** from the COEx programme by the eligibility criteria, which needs to be addressed in the interests of equity and in light of the 'paradigm shift' in relation to how advice services are delivered and how the needs of particular communities are met (i.e. through community based, user led, holistic services).

"The eligibility criteria were set up by the original board, mostly people from city law firms, they didn't want to go too far away from where they have connections; they want to maintain focus on the specialist legal advice sector."

"Access has been about which organisation knows about COEx."

- **Specific eligibility criteria need to be reviewed in relation to potential discriminatory impact** and to ensure they are fit for purpose and congruent with the values and intentions that underlie the programme. For example the requirement for 2 F.T.E. employed staff delivering casework may be discriminatory in effect.

"We should be careful not to create discrimination by design; we should check that the criteria are not incongruent with the values behind the scheme."

"The world has shifted, we need to reflect on whether these criteria are still relevant."

- **The programme needs to move beyond being a closed and 'exclusive' group** and be more openly available to advice organisations across London, in accordance with the aims of the programme. If one intention is to **improve access to justice**, this needs to be reflected in the eligibility criteria and support infrastructure provided to organisations to help them deliver this.
- **If the intention is to continue to support specialist legal advice providers** through this programme, LLST could require organisations to have one of the **existing quality standards** as an eligibility criteria, to avoid duplication of effort and to ensure consistency and transparency.

"The best approach for LLST is to require agencies either to have Lexel or SQM and 'piggy back' on that, 'it does most of the work for you'."

- **The terms ‘specialist’ and ‘legal advice’ used in the eligibility criteria are not defined and are potentially problematic.** Distinctions between generalist/specialist advice and legal advice/non-legal advice are not always easily made and don’t necessarily reflect current realities within the advice sector. If the programme is to be linked to specialism, that needs to be clearly defined (i.e. area of law or category of work or provider) and the associated qualifications or quality standards should be included in the eligibility criteria, which they are not at present.

As noted in part 1 of the programme review, **specialist advice work can be defined in a variety of ways** including:

- Specialist because it is focused on a **specific group** (such as migrants, survivors of trafficking, homeless people, parents and carers, disabled people) or **area of law** (such as housing, welfare benefits, immigration, education, family law, public law).
- Specialist because of the **level and type of work** (including representation in the Family Court, County Court, Upper Tribunal, or Court of Appeal), and **who it is delivered by** (e.g. solicitors).
- Specialist because it is **‘end to end’ casework**, from triage and initial advice, through to representation and completion of a case.

“A lot of generalist and specialist work is closer together than people think and often generalist advisors are just as expert as specialists; often they are paid less to do more; they have higher targets and cover all areas of advice...”

“Sometimes we think about the area of law as being specialist and others as serving particular communities and needs.”

Focus of the assessment

At the inception of the COEx programme, the overriding concern of its founders was for the survival of the specialist legal advice sector and key service providers and the programme was shaped towards that end, with the assessment providing some assurance that the grantees were financially and operationally viable. As noted above, and according to the consultant who set it up, the assessment was focused on basic indicators of organisational health through scrutiny of management and governance practices, including Board engagement, Board papers, organisation strategy, budget, funding and funding forecast and accounts. The consultants who carry out the assessments (mostly the one consultant who set it up) are recognised for their high level of expertise and knowledge of the sector and over time the process has become more reliant on their individual judgement than on formal assessment against a set of objective criteria.

LLST staff said that the assessment process is designed to be a useful opportunity for self-assessment and reflection, as well as a strategic opportunity for organisations to take advantage of some expert consultancy provided as part of the assessment process. Some of

the feedback from our COEx contributors confirmed that this is indeed how they saw it. They were generally happy that the process was not too onerous and did not require information that was not already available for reporting to other funders, to their Board or for accreditation purposes.

However, a number of observations about the assessment were made by internal and external contributors, including the following:

- **The lack of a standardised process** based on objective criteria and overreliance on individual judgement raises concerns about equity, fairness and consistency of outcome if different consultants are taken on to carry out the assessments.
- Basic indicators of sound financial management and governance are bottom line requirements for any funder, but **the assessment process duplicates existing accreditation processes** that most COEX organisations and specialist legal advice providers have already engaged with and may not add value or help to decide which organisations should join the programme.
- The assessment process should be **aligned with the priorities and aims of the programme** and, depending on the outcome of the review, could include factors such as **EDI, user experience, engagement with communities, organisational impact and quality of partnerships**.
- **If the programme seeks to develop organisations**, rather than find organisations that are already highly developed, the assessment could focus on identifying organisations that have a **vision for where they need to be and what they need to get there**.

“It goes back to what is the purpose of the scheme; is it that the centres are excellently run or is it that they provide excellent service or are excellent in terms of partnerships across their local ecosystem? Where is the excellence that we're looking for? If we decide that it's something other than that they are excellently run - if we say what we're really concerned about is community engagement, client journey, client service, and quality of partnerships - then do we throw everybody out and start again with new criteria or say were shifting emphasis and will evaluate all existing grantees to assess against those criteria? And the evaluation of those things will drive the funder + support i.e. for the next 3 years. Anyone coming in afterwards has to be evaluated against the new criteria, 'so you're safe but we now want to spend some time working with you on these other things'.”

“If an access to justice focus is adopted, that changes the assessment focus. None of these things are currently measured - assessment is currently based on a 'semi sane fundraising strategy and a balanced budget'.”

“If the COEX scheme is about giving organisations security in the sector and access to other funding opportunities, we should at least be asking them to explain how they are improving access to justice; it should be an important feature of the assessment.”

Fairness, equity and inclusion

Internal and external contributors raised some significant concerns in relation to fairness, equity and inclusion, which have been described above and can be summarised as follows:

- **Lack of clarity and transparency** about access to the programme, eligibility, and evaluative and decision-making processes may lead to lack of equity and inclusion.
- **Lack of open calls** or promotion of the programme to encourage applications, and very few new entrants over ten years, gives rise to the perception of a 'closed shop' and exclusivity.
- **Lack of robust, objective and structured assessment** and decision-making processes, with overreliance on a single expert consultant, give rise to questions of fairness and equitable access.
- **Eligibility criteria that exclude** many community based and user led advice providers and those with part-time workers, give rise to concerns about equity and inclusion in terms of access to resources and potential charges of discrimination.

Use of a probation period

A 'probation period' was built into the original programme structure to enable organisations that did not quite meet the eligibility criteria in terms of management and governance processes, to work on their shortcomings, achieve satisfactory progress and thereby receive the COEx title and join the programme. LLST told us that in the past there had been some engagement between organisations and the consultant, who provided tailored support to help them reach the required standards and reduce administrative burdens of having to go through the assessment process again. However, in recent times there have not been sufficient resources to invest in this type of support to organisations that are not deemed eligible. One contributor suggested that a process of peer support could be used instead of a consultant, to encourage 'strong' organisations to help others to meet the required standards.

Ending of support

The COEx programme was not designed with a defined and delimited funding cycle or end point and the fact that entry to the programme brings the designation 'Centre of Excellence' makes it very hard to remove organisations from the programme as this will seem to remove the associated 'excellence' title. The assumption has been that current Centres of Excellence will continue to be part of the programme, unless they fall below the required standards, and that new organisations will be brought in as funding allows. In reality, as far as current LLST staff are aware, no COEx grantees have been removed from the programme although it was acknowledged that some may not meet the expected management and governance standards or recognisable 'excellence' standards.

The ongoing and indefinite nature of the programme and associated funding was one of the features that current COEx grantees highlighted as distinctive and much appreciated, and

some contributors expressed concern that changing this could damage the relationship of trust currently enjoyed between LLST and COEx grantees. However, the tension between prioritising stability for the existing group of grantees and promoting equity, diversity and inclusion by opening up opportunities for new organisations to join the programme was also highlighted by contributors. There was a recognition that a process of ending support or ‘deboarding’ needs to be introduced, including because if the programme review leads to a revision of the aims and eligibility criteria for the programme, it is likely that a transition process will be required that will lead to the ending of support for some current grantees.

Contributors made the following suggestions in relation to a process for ending support:

- **Cap support and membership of the programme** to 7-10 years in line with some other long term funders.
- **Taper support**; for example, provide full support for 5 years, and then gradually reduce support over 7-10 years, allowing organisations to remain designated COEx and access training and infrastructure support during this period.
- **Introduce any changes gradually** to allow organisations to adjust.
- **Focus on planning for endings** and consider options like mergers and partnership work.

Proposals for revised process

Our evaluation brief was to review the COEx programme and propose changes going forward related to the programme structure, running, future development and sustainability. Within this section, which reviews the assessment process, eligibility criteria and the process for awarding and ending support, we would like to propose a ‘What, why, how’ approach to outline the way the programme works both internally and externally. This approach, when all its details are agreed, should allow for stronger communication about the programme, its intentions and long term strategy, and hopefully culminate in greater learning about its impact. Creating clear messaging about what the COEX programme is and aims to be will make it more identifiable and enable its achievements and learning to be more systematically analysed and learned from.

The ‘Why’

What is the problem/issue we are trying to resolve? It is clear from the mission of the LLST, and its priorities listed below, that the Trust seeks to promote and support access to justice through provision of free specialist legal services for those who need them but can’t afford them. We understand that the Trust tackles this in a range of ways, and this ambition remains the one that sits behind the COEx programme, ie, it is the ‘why’ and the reason for its existence.

The ‘How’

Working from the ‘why’, set out in the LLST strategy and mission, we outline the ways in which the problem is tackled. We define the purpose, the aims and the scope/eligibility of the programme below as we see them going forward.

Programme Purpose

The review process gave us some understanding, from the point of view of the interviewees, of the purpose of the COEx programme. However, a number of people we spoke to were not able to give a clear answer to this question, including COEx grantees. We would therefore suggest that it is a priority to define and communicate a clear definition of the programme’s purpose as part of a ‘relaunch’, so as to manage expectations of current and prospective grantees, current and potential stakeholders and partners, funders and the wider advice sector in London and the South East. This will be key to building on the success of the current scheme and strengthening its future potential.

The London Legal Support Trust within its latest [Impact Report \(2022\)](#) speaks of “Ensuring Access to Justice for All” and sets its three priorities as follows:

1. Priority One: Build excellence through advocacy, knowledge sharing and peer support.
2. Priority Two: Enhance grant-making, practical support and policy work with the advice sector.
3. Priority Three: Diversify and increase income streams through collaboration.

Within these three priorities clearly lies the work to date of the COEx programme, which in its almost 10 years of life has worked with over 40 organisations. Besides the annual reports on the scheme based on the annual questionnaires filled in by the members, the Trust put together a [document in 2018](#) to collate all the information to date relevant to the scheme. This document explains what the scheme does in providing support and services beyond the grant money to its COEx members, but it does not give a clear ‘purpose’ for the programme.

Recommendation 1: Our first recommendation is that a **purpose statement** is put together for the scheme that can be agreed upon by LLST and its governance structure, with a desirable final agreement from its current COEx members, or a sample/selection of them (Advisory Panel option that is discussed later in Section 5 of the report).

We propose the following possible **purpose statements** for the scheme:

Option 1: The purpose of the London Legal Support Trust Centres of Excellence Scheme is to improve the quality and sustainability of legal support services in London and the South East by setting high standards, promoting equity, diversity, and inclusion (EDI), providing tailored guidance and support, and recognising outstanding organisations, to ensure fair access to justice for everyone.

Option 2: The purpose of the London Legal Support Trust Centres of Excellence Scheme is to support the strengthening of legal support services in London and the South East to ensure access to justice for those in need, while championing high quality, user led, inclusive and accessible services.

Option 3: The purpose of the Centres of Excellence *Funding* Programme at the London Legal Support Trust is to support the development and sustainability of high quality legal advice services in London and the South East. It provides an ecosystem of support, learning, inclusion and strives towards user led and accessible services that seek to ensure early access to justice.

Programme Aims

Alongside the potential purpose statement suggested above, we would like to reinforce the understanding of the programme by establishing **a set of aims** and we propose the following, based on our consultations:

- **Elevate Standards:** Provide support to high quality specialist legal advice services, ensuring that organisations consistently deliver accessible and *client-centred** assistance.
- **Strengthen Capacity:** Provide resources, training, and development opportunities that enable legal advice organisation to enhance their operational efficiency and resilience.
- **Encourage Adaptability:** Foster a culture of continuous improvement and adaptability, encouraging organisations to adopt a trial and error approach and creative solutions in their service delivery.
- **Promote Collaboration:** Build a network of legal support providers, facilitating the sharing of knowledge, expertise, and resources to collectively address the evolving needs of vulnerable populations.
- **Recognise Achievement:** Publicly acknowledge and celebrate the dedication and achievements of organisations that demonstrate an exceptional commitment to provision of legal support, and that communicate and share learning that inspires others in the sector to strive for more accessible and better quality services.

***client centred:** By this we mean that services are either co-designed with users and/or informed by users views and feedback throughout their creation and implementation. This can be done with formal 'client advisory panels' or using MEL that is centred in the user/client experience.

These aims would form the basis of a 'kitemark' for the programme, recognising that organisations affiliated to the programme have undergone a review of their services by an independent advisory panel that demonstrates a fit with strategy and mission of LLST and EDI criteria. This would not equate to a 'quality mark' as it was clear from our research that neither the COEx members nor the LLST were in favour of duplicating the work of existing regulators and/or existing quality marks. The kitemark would be an alternative way of recognising the organisations in the COEx programme, the impact of their work and best practice within the specialist legal advice community in London and the South East without duplicating what is already in place for regulatory or quality assessment purposes.

This kitemark would be more of a 'seal of approval' from a trusted, collaborative and sector leading organisation such as LLST, that organisations could show to their clients, colleagues, stakeholders, and funders.

We anticipate that one challenge would be the question of if and how to manage removal of the kitemark from those organisations no longer formally taking part in the scheme and/or those that are being 'phased out' or 'decelerated'. We will discuss this below. One option would be to allow organisations to continue to 'display' the kitemark when they are no longer in the programme as an 'alumni', as long as they continue to meet the programme aims.

Recommendation 2: Our second recommendation is that the LLST staff and governance body decide as early as possible whether to adopt a kitemark associated with the programme to replace the current 'Centres of Excellence' designation.

The 'What'

The 'What' refers to what the programme does in order to meet its mission within the wider portfolio of LLST's work. It covers eligibility for the programme and how this is assessed; the work 'in practice'; and how the support and funding is awarded, retained and 'decelerated' and ultimately finalised. In order to continuously analyse if this is a functioning model that works for both the Trust and its COEx members, monitoring, evaluation and learning as well as sustainability and funding are covered in the next sections of this proposal.

What does the COEx programme do

Based on our review process we propose the following description of what the COEx programme does:

Through the following interventions the LLST Centres of Excellence programme aspires to contribute to a more just and equitable society, where access to high-quality legal support is available to all, particularly the most disadvantaged in our communities.

1. **Structured Support for Specialist Legal Advice Services:** providing structured support to robust, specialist legal advice services across London and the South East, to enhance service delivery.
2. **Financial and Non-Financial Support:** offering financial assistance and non-financial support such as consultancy and training, helping organisations bridge funding gaps and improve operational capacity.
3. **Operational Focus:** helping specialist legal advice services to streamline operational focus, allowing them to prioritise service delivery by promoting efficiency and cost saving schemes.
4. **Responsive Problem-Solving:** providing a prompt response to organisational challenges by proposing tailored solutions and ensuring effective support tailored to the sector's evolving needs.

5. **Supporting Collaboration:** fostering collaboration, partnership and peer support within the legal advice sector, to facilitate knowledge sharing and resource utilisation for enhanced service delivery and staff support, and to promote sustainability and avoid duplication of effort.
6. **Demonstrating Quality and Specialist Work:** showcasing the sector's high-quality, specialist services to funders, enhancing credibility and sustainability through its annual monitoring and evaluation programme .

Eligibility

The COEx programme's current **eligibility criteria** are set out on the [LLST's website](#) and in the publicly available document, "LLST Centres of Excellence Scheme, [Information about the scheme](#)" (January 2018).

To be eligible for the COEx scheme an organisation must:

- *Have been providing free specialist civil legal casework for at least one year (advice and/or representation in courts or tribunals) and*
- *Casework has to have been provided by at least 2 F.T.E employed staff and*
- *That service must be based in and provided wholly or mostly to residents of London and the Home Counties. If a service is National, it may still be eligible to take part in the scheme but the amount of funding is likely to be proportional.*

Due to LLST's limited resources, agencies providing only debt and/or welfare benefits must take cases to the Court of Appeal or above. This is purely due to the number of these organisations that exist and the limited funds we have available. We will review this over time.

These eligibility criteria refer to the limited resources of LLST as a limiting factor and rationale for narrowing the criteria to exclude certain categories of legal advice provider and include others. There is currently no rationale that relates the eligibility criteria to LLST's strategy or the programme aims or to the context and reality of how legal advice services are delivered in London. We therefore propose that LLST updates its eligibility criteria to bring them more explicitly into alignment with the purpose of the programme and with LLST's wider mission of 'ensuring access to justice for all'.

Definition of 'specialist legal advice service'

A key feature of the current criteria is that they specify provision of 'free specialist civil legal casework' as a qualifying criteria. We understand that LLST does not want to move away from providing support to the community of 'specialist legal advice' providers as they believe that there are other bodies such as ASA and Advice UK amongst others, that can provide infrastructure support to 'generalist' advice providers. We also understand that the LLST plays a key leadership role in the development and running of the Workforce Development

Programme, which is clearly prioritising the growth of advice provision in community organisations that would not usually be considered as specialist advice providers.

However, during our programme review the definition of specialist legal advice providers (who is and who isn't one) proved problematic in discussions with a range of COEx grantees and other sector organisations. Each part of this designation proved to be open to question and interpretation, including what is considered 'specialist' advice and what is considered 'legal' advice and what is considered 'advice' and where the boundaries lie (see page 4 above). We therefore propose that for transparency and clarity the LLST sets out their understanding and definition of a 'specialist legal advice service' and communicates this clearly in their purpose statement and eligibility criteria.

The LLST may wish to seek further guidance on this point from sector colleagues. As noted on page 4, a number of ways of defining what is a specialist service were highlighted in our review and should be considered, including:

- Specialist because it is focused on a **specific group** (such as migrants, survivors of trafficking, homeless people, parents and carers, disabled people) or **area of law** (such as housing, welfare benefits, immigration, education, family law, public law).
- Specialist because of the **level and type of work** (including representation in the Family Court, County Court, Upper Tribunal, or Court of Appeal), and **who it is delivered by** (e.g. solicitors).
- Specialist because it is '**end to end**' **casework**, from triage and initial advice, through to representation and completion of a case.

Recommendation 3: Our third recommendation is for LLST to consult (as needed) and agree on the definition of 'specialist legal advice' they wish to use in relation to the COEx programme. This is a key action point before finalising the proposal for this review.

Proposed 'new' eligibility criteria

Whilst the eligibility criteria certainly need to be clearly related to the purpose and aims of the programme, they can also be used as a tool to ensure maximisation of funds, sustainability for the programme and its grantees and to ensure that there is an element of inclusivity and development within the programme as a whole.

We propose the **following eligibility criteria**, which take into account the findings from our review and subsequent interviews with the LLST team.

- *Organisational income must be within the bracket of £50,000 to £2 million.*
- *Organisations must have a current quality mark (Lexcel, AQS, etc) and/or be registered to deliver specialist advice under another regulator (OISC, Law*

Society, Bar Standards Board, etc) or be working towards such benchmarks/regulations.

- *The service(s) must be based in and provide services wholly or mostly to residents of London and the Home Counties. If a service is National, it may still be eligible to take part in the scheme if it has dedicated services for residents in those areas.*

In our discussion of these proposed criteria with LLST staff and trustees, a further proposal emerged, to address a concern about the potential lack of inclusion of a range and diversity of services that might not meet the criteria. The **LLST expressed their commitment to including a 20% quota of organisations that are working towards registration and/or accreditation as stated in the proposed criteria**. This commitment, as proposed by the LLST, would be supported by a buddying up/mentoring system from other organisations. This would be one of the priorities when making decisions during the assessment process that is proposed below.

During the review, one of our interviewees commented that we ought to produce: “*a clear statement of the limitation of the funds and the fact that not every organisation that is eligible will be able to join the programme and a whole system approach should be adopted, with systematic steps from assessment to decision point, with appropriate decision-making safeguards in place*”.

We propose the following statements to address this point:

- *The COEx programme operates within a finite budget, which is entirely contingent upon the fundraising results of the London Legal Support Trust’s (LLST) annual events and other fundraising efforts. Recognising the limitations of their budget, the Trust acknowledges that not all organisations meeting the eligibility criteria will be able to participate in the COEx programme. Therefore, the Trust aims to periodically review the programme’s eligibility criteria and overall impact to maximise the effectiveness of its investment over time.*

To ensure fairness and transparency, the assessment process for the COEx programme will be rigorous and will involve oversight by independent advisors, as well as by the Trust’s staff and consultants. The goal is to continuously improve the programme, ensuring it meets the needs of the most deserving organisations and maximises the benefit of the funds available.

- *We encourage all eligible organisations to apply for the COEx programme, understanding that our funding is limited and demand is high. Our commitment is to ensure that the selection process is fair, transparent, and focused on achieving the greatest possible impact. While we strive to support as many worthy organisations as possible, the finite nature of our budget means that not all qualified applicants will receive funding. We remain dedicated to reviewing and refining our criteria and processes regularly to optimise the distribution of our resources. We appreciate your understanding and encourage you to stay engaged with our ongoing efforts to support legal aid services through our various fundraising initiatives.*

We also propose inclusion of a statement on '**exclusions**' from funding that would cover both legal grounds according to the Charity Commission regulations - see Legal Education Foundation's page [here](#) on 'Eligibility and Exclusions' as an example - and any other potential 'red lines' that the LLST might have in relation to the scheme. This could also be a way of 'ruling out potential applicants' from applying (see section at the end on a minimum number of trustees, or an exclusion on certain areas of law and/or type or level of advice).

And example could be these, adopted from the LEF's ones:

Exclusions

We will not fund:

- *Work that does not advance LLST's charitable purposes or strategic objectives.*
- *Work that falls outside the Charity Commission guidance on campaigning and political activity.*
- *Work that has already taken place.*
- *Work that does not have a direct benefit in the UK.*
- *Projects related to commercial law.*
- *Work on environmental or criminal law except where this is alongside other areas of civil law.*
- *Awards, prizes or one-off events that are not part of a broader programme the Foundation is supporting.*
- *Projects where LLST funding would directly replace or subsidise government, legal profession or university funding, including the costs of law clinics.*
- *Infrastructure for pro bono legal advice.*
- *Capital expenditure on buildings and vehicles.*
- *General fundraising appeals.*

We are unlikely to fund:

- *Organisations with fewer than three Trustees, company directors or partners.*
- *Organisations with more general reserves than stipulated in their reserves policy.*
- *Organisations that are in serious financial deficit.*

Recommendation Four: Our fourth recommendation is that the LLST and its governance team make a decision on the **new eligibility and exclusion criteria**, and accompanying statement. We hope that our recommendations can support such a decision.

Assessment Process

As referred to above, the existing assessment process was developed mainly by one consultant, following the request from LLST to focus on sustainability and governance. As explained by Matt Howgate himself: "(...) the *original rationale for the focus of the assessment being on organisation health might no longer hold. In this case LLST could shift the emphasis towards, for example, 'the user experience'.*"

Based on our research we would like to propose the following options for an assessment process that aims to be transparent, inclusive and accessible for organisations operating in such a time-pressured environment. We hope to have addressed some of the concerns mentioned in the summary above (page 5) in these proposals.

Proposal A - annual/biennial open process:

- Step 1: set callout/application time frames - suggestion is once a year maximum
- Step 2: organisations take an eligibility test online (this can be done through a simple embedded form within the website).
- Step 3: LLST staff assess those who pass the test and invite them to a 'get to know you interview' (decision making indicators to be formalised).
- Step 4: LLST staff present the organisation to the 'grant committee' (which should include the advisory grant making committee) who will then decide who is invited to apply for the grant (introductory or 'get to know you' interview guidance to be formalised).
- Step 5: LLST asks for a two page proposal addressing how core funding would be beneficial and impactful for this organisation.
- Step 6: LLST 'grant committee' decides which organisations to invite for a final interview (assessment process guidelines to be formalised).
- Step 7: LLST 'grant committee' carries out an 'in person' assessment meeting (preferably) that should follow the assessment process guidelines with an opportunity to talk to senior staff, delivery staff and, if possible, service users.
- Step 8: LLST 'grant committee' makes final decision on which organisations to fund . (final decision making guidelines to be formalised)
- Step 9: LLST 'grant committee' reviews, as per the proposed schedules below, the rotation and deceleration of COEx status to keep the funding flowing for new organisations to enter the programme.
- Step 10: LLST communicates to all applicants the result and initiates an 'onboarding' process for grantees who will also buddy up with existing COEx members.

Proposal B - annual/biannual 'by invitation online' process:

- Step 1: COEx manager (and/or other leading staff responsible for the programme) alongside LLST colleagues will carry out ongoing scoping of the specialist legal advice landscape as they carry out their functions on the programme and within the different stakeholder and funder groups. This will mean keeping tabs and having 'get to know you' conversations with organisations to understand who might be a good fit for the programme.
- Step 2: COEx manager and grant committee have an 'intelligence download session' to decide, based on the interviews and data collected, which organisations are to be invited to the screening 'get to know you' formal conversation as per Step 3 above.
- Step 3 to follow the process as from Step 4 above.

Proposal C - annual/biannual 'ongoing' hybrid process:

This would allow for Steps 1 to 3 of Proposals A & B above to be two options for the Trust and the programme on an annual or biannual basis. This would mean that whilst the

programme could run an annual open round based solely on the eligibility criteria, it could also approach organisations during the year to 'invite' them to apply. Steps 4-10 from the first option would be followed as above. This option would give the programme the freedom to look for talent and/or need to meet its mission of supporting access to those more in need.

Recommendation five: Our fifth recommendation is for the LLST governance committee to decide on their preferred option (A, B or C) for the **assessment and grant round process**.

Prioritisation of applicants

From our discussions with the LLST staff team and considering the analysis presented in our review, we propose that the LLST develops a rationale for prioritising between the organisations that apply to join the programme. This would constitute good practice and would provide clarity and transparency to applicants that might meet the eligibility criteria but whose work might not be prioritised by the Trust, and consistency in decision-making.

Priorities could include:

1. **Geographical location and outreach of organisations**, to ensure service coverage and access across the 33 London Boroughs and wider areas of the South East.
2. **Service provision in specific areas of law**, which the Trust may identify as being under serviced at any given time.
3. **Representation of certain communities and/or underrepresented specialisms** that could be intersectional such as homelessness and migration, debt and substance misuse, LGBTQI and discrimination.
4. **Supporting development** of organisations that are **on a journey towards accreditation and/or registering to give specialist legal advice** (potentially 20% of grantees).

Awarding and Ending of Support

There is currently no process for ending support for organisations that are part of the COEx programme. Given the limited pot of funding, this does not allow for the membership to expand and limits the impact and reach of the programme, particularly in underserved communities and services. We therefore propose a tapered approach that includes a time limit attached to each grant in order to make the programme more sustainable and far reaching.

The proposal is that grants are offered at the following suggested rates and time periods:

1. **Initial Grant** - 5 years - £20,000 and full access to the COEx programme (consultancy, training and opportunities for leveraging funding)
2. **Deceleration Grant** - 3 years - £15,000/£10,000/£5,000 tapered over 3 years with access to the full COEx programme (consultancy, training and opportunities for leveraging funding)
3. **Alumni Status** - open ended - access to training support, opportunities for leveraging funding and offer of remunerated activities such as: mentoring,

supervision, training delivery and other types of consultancy/support to COEx members.

The deceleration phase could also be split into two if there is an appetite from the LLST to market the programme to cover organisational support for a decade. This would be at the discretion of the LLST.

Recommendation Six: Our sixth recommendation is for the LLST governance team to decide on whether the **proposal for awarding and ending of support**, or a variation, fits within its aspirations for the programme.

Renewal of support during the Initial and Deceleration Periods

Due to funding limitations and potential fluctuation of LLST's funding from year to year as it mostly relies on its own fundraising efforts, a proposal for a renewal process to be put into place as a safeguarding measure was discussed. Given that organisations take part in annual surveys, development support and forum meetings, and potentially some of the new suggested measures for MEL, we would not anticipate a review process to be an onerous. Here we highlight the importance of a deceleration process in which less pressure is put on organisations and more opportunities are developed to support them towards being more sustainable and resilient.

We suggest that the renewal process is carried out:

- **every two years** to ensure all grantees have an assurance of continuity even though there is an overall commitment to decade long funding and/or support. This will also remind grantees that all funding is subject to the fundraising efforts of the Trust.
- via a **'renewal assessment interview'** that requires less effort than the application process and where the LLST assessor(s) record notes and write the report and support organisations throughout the process. The renewal 'application' is submitted to to the grant assessment committee based on the interview.

Ending of support for current COEx grantees as part of the proposed 'transition period'

As acknowledged on page 7 above (Ending of Support), ending support for existing grantees is a delicate issue that will require a transition period and a separate piece of focused work. We will give some orientation for this process in the fifth section of this report, 'Fundraising and Sustainability' (page 35).

Ending or suspension of support to organisations whilst in receipt of a COEx grant: present and future

Our understanding is that there has been one instance in the history of the programme where an organisation was suspended for a period of time and later readmitted following an evaluation process. While we have not had access to information relating to this decision

and the process used, we do believe that there may be instances where this might occur in the future, requiring LLST to follow due diligence.

We therefore make the following proposals in relation to possible scenarios where a grant may be suspended and/or ended. All of these should be clearly set out in the grant agreement and presented to the grantee at the time of awarding the grant. [Here](#) is the general advice issued by the NCVO on Safeguarding for Grantholders for reference.

We see the following scenarios as warranting the suspension and/or ending of a grant, as long as the appropriate guidance and decision making processes have taken place:

- Inappropriate use of funds that is outside the established agreement with the LLST and the Charity Commission regulations.
- A safeguarding issue that isn't appropriately addressed and/or amounts to harm and subsequently carries a potential reputational risk.
- Removal or suspension of a quality mark certificate and/or other accreditation.
- Significant risk issues relating to governance, quality of advice, understaffing and/or a rise in complaints from service-users that arise from an LLST review process or peer review.

Re-application process

The evaluation team considers that if the Alumni programme is sufficiently developed and invested in, there could be a cut off point where organisations cannot access the full COEx/Initial grant for the following 10 years, unless there are significant changes in the organisation or the context in which the specialist legal advice sector operates. This would be in line with many other long-term funders, which have ongoing relationships with organisations after their funding has ended, such as Esmee Fairbairn, Sigrid Rausing or the Oak Foundation. This is of course a decision to be made by the LLST Governance team as per our recommendations for action/decision making below.

Recommendation Seven: In our seventh recommendation, we propose that the LLST governance team makes a decision on proposals put forward on renewal, ending or suspension of funding for current and future grantees as well as the time they would want an organisation to wait before re-applying once they enter the Alumni part of the programme.

2. Review of COEx monitoring and evaluation process

Current COEx monitoring and evaluation process

Annual self-assessment questionnaire

The self-assessment process is described in LLST's document, [Information about the Scheme](#) (January 2018) as follows:

Each agency carries out a self-assessment against a range of good practice indicators:

- *management and governance;*
- *risk, business planning and strategy;*
- *financial management;*
- *quality and compliance.*

Agencies reflect on their annual progress in each area and identify issues which need further development, supported through LLST where possible. These are assessed by a sector specialist, who writes a report identifying strengths and areas for development. LLST provides and/or brokers funding and other forms of support to enable the agency to reach or maintain COEx Status.

[...]

The primary purpose of the COEx scheme is to assist the individual agency to identify where there may be threats to its sustainability and to make suggestions as to how it can mitigate those threats.

The second purpose is to provide some level of assurance to LLST as a funder (and perhaps other funders). Some agencies are in financial difficulties and require both emergency and ongoing grant funding to help them to survive. LLST's grant funding available is limited and it is important that the trustees have confidence that they are not investing in agencies which are unlikely to survive for long or which are not capable of addressing their problems.

We heard from [LLST](#) contributors that the annual self-assessment questionnaire is crucial for understanding the COEx **programme delivery and overall impact**, including numbers of clients reached, areas of advice given and for obtaining other information about what COEx grantees are doing. This is helpful in order to target particular programme workstreams effectively. Beyond this, it is used to help **identify risk** in terms of governance and sustainability of services, and the **support needs** of participating organisations. The assessment helps to identify organisations that would benefit from a check-in visit from the consultant or proactive offer of support, for example if there has been a recent change of senior management, loss of more than 30% of the Board of Trustees, or a high rate of staff turnover. The financial information gathered may help to **identify financial risk** for individual organisations prompting targeted intervention, but also **builds a picture of the financial resilience of the sector**, which is useful for programme development to share with key

stakeholders and funders. For example it is good to know the range of organisations operating in the sector in terms of size and budget and how many operate at or below their reserves policy over a sustained period.

The intention is that the questionnaire provides **valuable baseline data** about the specialist legal advice sector and some indicators of the impact of the COEx programme, but LLST hopes that it is not too burdensome and that it is a **useful tool for organisations as a form of self- assessment**. Concerns were expressed about the overall length of the questionnaire, whether there are any redundant questions, and its relevance and usefulness to COEx grantees. They would be interested to explore other ways of obtaining qualitative feedback from COEx grantees, including for example periodic calls.

COEx grantees were **generally happy** with the self-assessment questionnaire. They spoke positively about the **process** (timely information and flexibility with the deadline) and found the **structure** of the questionnaire helpful, enabling them to assign different sections to staff members or teams. Although the questionnaire is long, **most found the length justifiable** as long as the information is useful and they receive feedback, and it is shared with the sector and funders, ideally to attract more funding. They said that completing the questionnaire gave them the **opportunity to reflect** on their work and their service; to think about successes, things that have changed or progressed, and to identify areas of risk. Some said that they are able to **reuse information** to complete the questionnaire or having completed it, for example for annual reviews, accreditation assessment, funding bids, or audits. One person suggested adding questions related to quality.

Very happy with the monitoring as it can be split between areas and the work can be spread across the team. They are always very flexible in accepting it if you are a little late. It's a good opportunity for me as I use it to recap on how the year has been as I don't get an opportunity to do it otherwise. The five key questions of risk are the ones that always make me think.

The annual report makes sure that our services are remaining on track and gives us an opportunity to reflect back on our work on what has gone well and what has changed. We report on our London services to compare and contrast how our work within London has shifted and what we have done to meet demand. It is a period of reflection, to know how our work has progressed in London. It's broad and I think that it will help organisations within London.

We do our own annual evaluation and reporting back to the Charity Commission. It's part of our everyday work to do this, and we don't mind getting some data from our own internal systems and providing this to some funders to justify their grants/investment and/or for planning for the future

As a process it's fine, we are told when it's coming, we are given a deadline, a survey monkey link. We get to choose our own reporting period which is fantastic, not all funders allow us to do this. Our process runs from Jan-Dec so this is really helpful. It's split into operations/governance so I think it's fine from memory. Our casework team provides monthly stats and quarterly we review our figures and look at our insights, and then we do year to

year comparisons. Data is there for us to understand what our services are doing, how does this help us put together our work, we are being more strategic with the use of our data.

It's fit for purpose and not too difficult and I can understand why they might want the information but perhaps it could be adapted to include more quality questions. In terms of usefulness, I don't think it's useful as a self assessment. It's not something that I get out when I do my business planning

Current consultants emphasised that the review process should be **proportionate** to the size of grant and capacity of organisations, and **aligned with the aims** of the programme and its theory of change (i.e. what is the change LLST is trying to create with the COEx programme). For example, the current questionnaire does an adequate job of assessing how things are going for COEx grantees, if anything has changed and if there is anything they need. This fits broadly with the current aims of the programme. However, if the programme seeks to drive positive change in the sector going forward, for example in relation to diversity and inclusion, client experience, community engagement and improving access to justice, then the questionnaire needs revision. The current dataset does not deliver information on these issues.

Use of data collected from the questionnaire

We heard from LLST staff that the questionnaire was designed and developed by 'highly experienced management and leadership consultants'. The data is written up into a report on an annual basis by a different consultant (see for example the [2022 report](#)) and used by staff in two ways:

- i) **aggregated data** from all COEx grantees, both structured and narrative, is shared within the sector and with funders and is used to shape the COEx programme and for strategic planning.
- ii) **individual responses** are reviewed as required to explore needs that can potentially be met by the programme and review risk where issues of concern have been flagged.

The 2022 report was 30 pages long and consisted of a detailed write up of the questionnaire findings, covering:

- **Headline findings**
- **Services provided** (types legal advice and topics provided, delivery method, number of clients by topic, number of cases overall & quality standards held)
- **Covid-19 impact**
- **Cost of living crisis impact** (demand and type of enquiries, staff and volunteers, financial impact on the organisation)
- **Leadership, staffing and governance** (staff and volunteer roles and levels, governance, performance monitoring)
- **Risks, challenges and plans** (risk log, strategic plans, successes and challenges)
- **Finance and funding** (reserves, surplus and deficits, financial planning and management skills, COEx agencies' income)
- **Help and support needs** (training and support, other support)

LLST staff are concerned to ensure that the value they get from the data is **proportionate** to the effort for grantees and the grant size, and would like to differentiate 'nice to have' from 'essential' information. LLST has signed up to **IVAR's 'open and trusting grantmaking' values**. These are:

1. Don't waste time
2. Ask relevant questions
3. Accept risk
4. Act with urgency
5. Be open
6. Enable flexibility
7. Communicate with purpose
8. Be proportionate

The key value for LLST is to **only ask questions if you really need the information and don't ask for anything that you will not use**. For example, the questionnaire includes a question on change in senior management in the previous year because they know it can be a trigger for organisational instability and they want to intervene with an offer of support.

Sharing insights and assessing impact

COEx grantees raised the question of **dissemination** of the information and analysis from the annual questionnaire to a wider audience, particularly with a view to diversifying funding for the sector beyond foundations and grant funders. Some reiterated that the annual questionnaire is a **useful reflection point** for them and helps with strategic planning and decision-making about priorities for the coming year. However, they would like **more feedback** from the overall process, a '**state of the sector analysis**'. One organisation reflected that LLST has helped to raise standards in the sector by implementing this review process and that organisations could benefit from further **sharing of the insights and analysis** generated through the questionnaire. Another suggested that an overall **summary of findings** could be put together and an **annual plan** of how LLST will respond, for example to training needs identified. One grantee thought it would be useful to share more about **risks** that organisations are facing to identify common themes and issues that LLST could address.

LLST has really helped to raise our standards. We see best practice shared and we use it. What's missing for me is the feedback loop as I don't attend the forum meetings which are going to talk about the annual report and its findings. If LLST had a more solid offer on training for the year, I would be able to factor that in more for my own planning.

LLST Trustees said that they don't currently get much insight from the data collected from annual questionnaires and suggested the information shared with them could be focused on how the grant money has been used, how organisations have improved and how users have benefited. They don't need to see the whole data set but would like to assess 'real change' and 'value for money' and would like to know that the data and insights are being used to **inform decision-making and understand impact**.

With regard to assessing **impact**, one consultant raised a note of caution about the meaningful attribution of the impact of LLST's grant making based on aggregated numbers: organisations that gave advice, people receiving advice and range of advice issues covered. *Data can be a bit meaningless, i.e. if LLST reports that xx agencies gave advice to xx people on xx issues, what does that tell us, when LLST only gave them 10k?*

Funders said that because of their close work with LLST and being embedded in the programme, they are very satisfied with the reporting and feel they have a good understanding of the work. This is in part thanks to the funder's position on the steering committee for the Advice Workforce Development Fund programme.

Responding to feedback and implementing new initiatives

Some organisations commented positively on **changes and new initiatives** that LLST had implemented as a result of feedback in the questionnaire. Examples included the strategic workforce development programme, wellbeing initiatives and practical initiatives around EDI and access to Language Line. The **risk of duplication** of effort was raised by one organisation, with LLST, NACAB, Advice UK and LCN all providing a range of support initiatives to their members and affiliates.

One organisation commented that they have proactively contacted LLST if they need help with something rather than wait for the annual questionnaire and have found them to be very responsive 'all year round'.

If I have a problem I drop them an email rather than putting it in the yearly report and then thinking oh, did they reply to what I raised? I feel like they respond to things all year around, I couldn't be a bigger fan! ... Managers there are greatly patient and very responsive.

Consultants commented that LLST's approach of encouraging grantees to approach them when they have a problem is highly effective because it means that help and practical support is provided at a point when the organisation is ready to change and develop.

I like LLST's approach of 'we're here when you need us, if you've got a problem approach us and talk to us and we'll try and find a way of supporting you'; that brings the resource in at the point when the agency is ready to change. Lots of funders throw money at organisations when they are not ready to develop and the money isn't used as effectively as it might be. With LLST because of the great listening and open dialogue, they can say 'ah ok thats your problem at the moment, we'll see what we can do about it" and they go away and find stuff that really helps.

Onsite review

The review process is described in LLST's document, [Information about the Scheme](#) (January 2018) as follows:

The Reviewer

The reviewer will be an experienced consultant who has worked with advice agencies, businesses and other charities to help them achieve stability.

The process is confidential between the reviewer, LLST and the agency. If the

reviewer sees individual client information, it will not be passed to LLST and the reviewers will have the same duty of confidentiality as anyone employed by the organisation.

The Process

The process begins with a request for information to be sent to the reviewer in advance of the visit. This will include:

- A completed pre-review questionnaire;*
- The most up to date Agency accounts*
- The most up to date budget and cash flow forecast*
- The most up to date Business / Strategic Plan*
- An organogram*
- The fundraising strategy*

The next stage of the process is the on-site review. The reviewer will come to the agency's offices and speak to relevant manager/supervisor (and, where possible, to at least one of the trustees and to such members of the management team as is appropriate – e.g. the finance manager or practice manager).

The reviewer will send the agency a draft report. If the agency disagrees with any comments or findings, there will be an opportunity to resolve them before the report is sent to LLST.

Where necessary or desirable, LLST may meet the agency to identify extra help that may be needed to assist the agency to improve areas. For instance, where LLST may be able to broker fundraising assistance to help with grant applications.

The process is designed to help to get the agency to Centre of Excellence status and to provide funding in a meaningful and sustainable way.

We heard from LLST and one programme consultant that the onsite review has not been implemented as part of the annual review process for all COEX grantees as originally conceived. Instead the **annual self assessment questionnaire** is used as an opportunity to **flag concerns and risk** arising from the responses of individual organisations. This might relate to financial circumstances or management and governance issues such as a change in senior management, high staff turnover or loss of significant numbers of Board members. A review visit would then be arranged with the consultant. Grantees are evaluated against a range of good practice indicators in relation to: management and governance; risk, business planning and strategy; financial management; and quality and compliance.

The same consultant emphasised that **review visits** carried out by the consultant are **not an evaluative data gathering process**, but are prompted by concerns raised in the questionnaire and the assessment that some **targeted support** might be useful. The consultant expressed the view that LLST does not have a regulatory role in the specialist legal advice sector (which in their view is highly regulated) and while trustees might expect a review process to ensure grant money is spent appropriately and effectively, the process needs to be proportionate to the size of grant. They said that no organisation has been removed from the programme due to concerns about their performance, though some have been assigned an 'amber' status, indicating that more support is needed. The consultant said that they rely significantly on their knowledge of the organisations and experience in the

sector to identify areas of concern and to make 'positive constructive suggestions' on how things could be improved.

We reviewed a range of 'review reports' or 'health checks' shared by LLST, which showed that there is not a standard format that has been used for all the reviews, however the following topics are generally covered:

- *Management*
- *Governance*
- *Strategy & Planning*
- *Finances and Fundraising*
- *Staffing*
- *Recommendations*

Quite a number of reviews conducted in 2021 used a more detailed format set out in a Word table:

Governance

- *Has there been any significant turnover in Board members and has this affected Governance?*
- *Is current governance robust and sufficient for the agency's needs?*

Management

- *Has there been (or is there likely to be) any significant change in senior management and how has this affected the agency?*
- *Does the agency have sufficient management resource and, if not, what is needed?*

Staffing

- *Has the agency lost staff during the pandemic and how has this affected operations / how will it affect operations?*
- *Have recent recruitment processes been successful or are there recruitment concerns?*
- *Are there any other staffing concerns that might affect client service or the operation of the agency?*

Finances

- *Is the agency facing a deficit or surplus budget in the current financial year? Either way, why?*
- *Is the agency projecting cash-flow difficulties in the current (or next) financial year? If so, what are they and when are they likely to occur?*
- *How is the agency finding fundraising in the current environment?*
- *What are the organisation's reserves and have they grown or reduced during the Covid period?*
- *Are there any particular funding shortfalls or financial issues that are likely to affect the agencies client services or operation?*

Client Services / Operational Issues

- *How is the agency approaching reopening face to face services and hybrid working and what are the likely risks or issues?*
- *Is the agency seeing increased need / demand for services and what does this look like? How capable is the agency of responding to this increase?*

Strategic Planning

- *Is the agency able to plan for the coming 12-36 months and, if so, what are its strategic priorities?*

Risk

- *What are the biggest risks to the agency's work in the short to medium term?*
- *What can we do to help and support?*

Conclusion & Recommendations

Ideas for improving the monitoring process

Those we spoke to made some suggestions for improving the process, including implementing:

- a structured review process to proactively identify and address risks, rather than waiting until organisations reach a crisis point
- ongoing monitoring visits to ensure organisations are meeting expectation
- an annual focus group or similar initiative to facilitate ongoing feedback and evaluation of program effectiveness
- a peer review process
- user reviews to strengthen engagement with service users
- training and resources to organisations on how to effectively monitor and report on their activities in a way that is inclusive of individuals with disabilities

Proposals for revised monitoring, evaluation and learning process

The information we gathered through the first phase of this evaluation has allowed us to put together some proposals based on the findings from our interviews and our own analysis of the COEx programme.

Our interviewees gave us some insight into what they would like to see in a monitoring, evaluation and learning (MEL) approach in the COEx programme, as noted above (page 27). Many of their suggestions require a significant increase in resources, including for commissioning work from external providers/stakeholders for objectivity and external review purposes, but also given the current limited internal resources at LLST to carry out this work in house. Furthermore, some of the suggestions, such as the proposal for peer review, would put an additional burden on COEx members. Whilst remuneration for this work might be an option, it ought to be budgeted and included in a formal MEL programme for the scheme so that grantees are aware and can make themselves available for this work.

Review the annual self assessment survey

Overall, as stated above (page 20 onwards), the MEL tool currently used by LLST to monitor the programme is well received and accepted by COEx members. However, there is potential for refinement and improvement, perhaps through a co-production process (with those in the scheme being monitored/assessed) as touched upon in the next section. It was also proposed that the survey is less centred on organisational health, especially if the proposed new eligibility criteria are accepted, and is focused more on assessing risks and challenges and service users' experience.

We propose that the opportunity to survey these specialist legal advice agencies once a year gives the LLST the opportunity to **revise and/or make additions to the questionnaire on specific topics that might be helpful for its strategic purposes or to ‘dig deeper’ into an issue that might be coming up for the sector across the year.** This would give the LLST and the wider sector an evidence base to inform decision making and advocacy with stakeholders such as local authorities, the MOJ or other funders (see below reference to Refugee Actions’ Insight Hub on their approach to taking issues of concern and producing data sets to be used for a variety of purposes).

We also would like to propose that the survey aligns with the finalised purpose and aims of the programme once these are signed off, as recommended in the first section of this report. We would be happy to offer an initial thematic review of the survey once these decisions have been made, to give an overview of what the survey might look like going forward, subject to a potential co-production process.

Recommendation Eight: Our eighth recommendation is for LLST to decide if they wish to i) revise the self-assessment survey in line with the updated purpose and aims of the programme, ii) add elements to the survey on a yearly basis for strategic use; iii) specify uses of the survey data; and iv) update the survey using a co-production approach with users.

Introduce additional monitoring tools

Peer review: We propose that a potential way of increasing learning and skills sharing across the COEx cohort would be to introduce **‘peer review’ visits.** These could be promoted as an opportunity for learning following a 360 degrees appraisal approach, where individuals within organisations speak and share reflections about each other’s organisation in a reciprocal way, which is then recorded, and where support and/or recommendations are produced by the peer reviewer’. Since this approach is time and resource intensive, we would envisage a small number of such reviews taking place annually, with a focus on a shared review of eachothers’ service and how the programme is working for each organisation.

Focus group discussions: We also propose the use of **‘focus group discussions’** on an annual basis to provide additional monitoring or learning about a particular issue that has arisen from the annual survey or other interaction with programme members. We would be happy to produce a draft generic topic guide for such focus groups if this recommendation is accepted, although this would need to be adapted according to the themes under discussion..

Recommendation Nine: Our ninth recommendation is that LLST considers introducing further monitoring tools such as the Peer Review Visits and/or Focus Groups.

Formalise an MEL structure

We propose that LLST develops an **MEL framework** that is linked to the programme aims and purpose, integrated within the programme structure and processes, and 'informed' by the members. We believe that using a participatory, **co-creation approach** to developing an MEL framework will harness more buy-in to the monitoring process, but will also be an opportunity for learning, skills sharing and development of skills for participating organisations.

We recommend that going forward there is an emphasis on **learning** within the **MEL framework** and that priority is given to the interpretation and dissemination of the findings of the self assessment survey in a way that is most useful for COEx members, the wider legal advice sector and other stakeholders. This could include:

- A **breakdown of the findings by individual organisation** that they could use to report to others and/or use in their own strategic planning or fundraising efforts.
- A **deeper analysis of the data collected**, which explores the primary issues for organisations in that current period. We take note of how [Refugee Action's Insight Hub](#) currently reports its findings from their periodic surveys on particular issues. Recommendations and information notes arising from this could be useful not just for the COEx cohort but for the wider sector to get a bird eye's view on the situation of the specialist legal advice sector in London and the South East.
- A **report and/or commentary based on the priorities that have emerged from the survey** findings and that can be used for specific purposes by the grantees and/or the wider access to justice community. Topics could include, for example, access to funding, gaps in legal advice, workforce training and development and lobbying and campaigning efforts amongst others.
- A **dissemination strategy** of the report(s) for the different audiences: grantees, LLST and partners and the wider public working directly with service users but also around campaigning and advocacy.

Recommendation Ten: Our tenth recommendation is for the LLST to i) develop an **MEL framework** through a co-production process and ii) adopt additional 'Learning' measures for improved dissemination and use of findings.

Furthermore, with a clear understanding of the current staff team capacity at LLST to work on this programme, we believe that a strengthened MEL framework can only be developed and delivered if there is a dedicated full time role within the team to work on the scheme (COEx Programme Development Manager or something alike). We believe that this is being

prioritised and welcome the intention to increase the impact of the programme at this stage of revision and renewal.

Recommendation Eleven: Our eleventh recommendation is that the LLST prioritises the recruitment of a **Programme Manager** for the scheme who will oversee the development of an MEL strategy.

3. Name of the programme

The name of the COEx programme was discussed with interviewees, as set out in the report from phase one of this evaluation. As documented in our report, there was substantial feedback on this topic, especially related to the use of the word 'excellence' and how this was perceived and understood by COEx members and those external to the scheme. We also discussed what the name meant to the participants and how they felt it was perceived within and outside of the scheme during the focus group with COEx grantees. We made the following recommendations based on this input and our own analysis.

Recommendations on changing the name of the COEx programme

- **Reevaluate the name:** It is prudent and timely to reevaluate the programme's name, in light of the programme review and the concerns raised about the use of 'Centers of Excellence'. Alternative names might better reflect the program's focus and objectives.
- **Maintain brand recognition:** While considering a name change, efforts should be made to preserve the recognition and branding value associated with COEx. Ideally a name change should enhance clarity without sacrificing the positive impact of the brand on funding and partnerships.
- **Clarify programme's purpose and criteria:** The name should communicate the programme's purpose and clearly align with the assessment criteria for acceptance into the funding programme. This will involve greater transparency and communication regarding the assessment criteria and benchmarks.
- **Provide clarity on quality assurance:** Given the discussion around whether COEx functions as a quality mark or accreditation, it is important to provide clarity on the programme's role in quality assurance. This includes clearly distinguishing COEx from existing quality standards and ensuring transparency in the assessment process.
- **Balance rebranding efforts with resource allocation:** Rebranding efforts should be balanced with other organisational priorities, such as fundraising and programme implementation. Consideration should be given to the resources required for rebranding and the potential impact on funded organisations.

- **Engage stakeholders in decision-making:** Continued stakeholder engagement throughout the process of evaluating and potentially changing the programme's name is important to ensure that decisions align with stakeholders' needs and perspectives.

We stand by these findings and would therefore make the following recommendation:

Recommendation Twelve: Our twelfth recommendation is for the LLST to review the name of the programme based on the feedback received and try to find a suitable alternative. We recommend that a brand specialist is engaged in this process as this falls outside our expertise as consultants.

For information only, these are some of the names that came up during our analysis of the feedback from review participants:

Sustain Advice London (SAL)

Sustain Advisory Fund (SAF)

Legal Advice Sustainability Program (LASP)

Sustain Legal Advice Programme (SLAP)

Sustain Legal Advice Centres (SLAC)

4. Plan for diversifying pool of assessors and capacity building consultants

For the last 10 years the COEX programme has been mainly supported by a small pool of consultants, with one lead consultant who was involved in the setting up of the scheme. They have worked on various aspects of the scheme, such as the analysis of the annual survey, assessment visits, and the provision of direct consultancy support to COEX members.

Assuming the ongoing provision of direct consultancy support to programme members in areas such as: governance, fundraising, strategy, integration of lived experience, etcetera., the pool of consultants ought to be expanded in the interest of diversity and inclusion. An open call for these consultancy roles could be put in place in order to create a roster that would be diverse, multi disciplinary and cross sectorial. This would ensure that the best capacity development approaches and range of experiences and expertise are made available to programme members, depending on their needs. We recommend the LLoyds Grant Plus support scheme as an example of an open recruitment process.

Recommendation Twelve: Our twelfth recommendation is that the LLST governance team expands the pool of consultants working on assessment, MEL and capacity development for the programme through an external open recruitment process and maintains a roster of consultants that is both inclusive and diverse.

Advisory Panel

We set out our proposals for an Advisory Panel below. This panel could be focused exclusively on the COEx programme or have a wider mandate within LLST. In this case, the panel could provide input to decisions about the strategy and priorities of the Trust.

Our proposals can be discussed by the LLST governance team and tailored to best fit the programme or wider organisational objectives, with consideration for the resources needed to run such a group.

Purpose of the panel

- To offer independent advice and recommendations related to the programme's assessment process.
- To provide input and direct experience of the work of specialist legal advice agencies.
- To bring a diverse and representative pool of people together where the LLST, and other potential consultants, might not have lived experience.
- To act as a standing group that is called upon when there are decisions to be made about the programme, its development or priorities.

Composition of the panel

- Current or former users of specialist legal advice services (services provided by COEx members and/or other organisations within London and the South East). In order to recruit, LLST could look at other London advisory panels such as the one recently created by the GLA, and/or work with existing COEx members to find those who may already have advisory panels of users (Praxis would be one example).
- Staff or volunteers (preferably with lived experience of having accessed specialist legal advice) within the current COEx members who would provide direct experience of the reality of advice delivery.
- Independent community members who have experience and/or understanding of the impact of access to justice for their communities even if they are not in the legal profession (community leaders, healthcare staff, teachers amongst many others).

Recruitment and remuneration

- Recruitment would be dependent on how diverse LLST wants the advisory group to be and/or whether the group is focused on COEx and/or LLST more generally. Some examples are:

- Recruitment via existing COEx members and their advisory panels and/or user led panels.
- Recruitment via direct advertisement of the role within COEx members and the larger stakeholder group of LLST.
- Open public call that is widely advertised.
- Remuneration should be considered. LLST could review the recruitment and remuneration proposals developed by other organisations before deciding on an approach that would be the best fit for example MEX or the GLA. Development and upskilling of an advisory panel like this should be considered, especially if it will include people who will join this type of body for the first time.

Facilitation and development of the panel

- We caution that additional staff time and resources will be required to support an advisory panel to run in an optimal way. Without this, too much of a burden will fall on existing staff within LLST, or the panel will not receive appropriate support.

Recommendation Thirteen: Our thirteenth recommendation is that the LLST governance team introduces an **Advisory Panel** as proposed, or a variation of it, to ensure it meets its intention to reach those most in need of accessing specialist legal advice. We also recommend that LLST considers whether the remit of an advisory panel might be extended to cover the whole work of the LLST.

5. Options for sustainable funding and development

The COEX programme is currently running on an annual budget of £450,000 which is entirely dependent on the LLST's capacity to fundraise on an annual basis through its different fundraising streams. This places the scheme, and its development, under substantial pressure and poses a question in relation to the aspiration to potentially provide tiered financial and organisational support over a 10 year period, as described in our proposals above.

We made the following proposals (above), in relation to this decade long commitment:

Initial Grant - 5 years - £20,000 & full access to the COEX programme (consultancy, training & funding leveraging opportunities)

Deceleration Grants - 3 years - £15,000/£10,000/£5,000 tapering throughout the 3 years with access to the full COEX programme (consultancy, training & funding leveraging opportunities)

Alumni Status - open ended - access to the training support, funding leveraging opportunities and offer of remunerated activities such as: mentoring, supervision, training delivery and other types of consultancy/support to COEX members.

In order for the LLST to fully reopen their grants round, and due to budget restrictions, there will need to be a transition period of deceleration or offboarding of organisations currently supported by the scheme. We estimate that this **‘transition period’** will take two to three years to complete. The ‘transition period’ will need to follow a number of steps for its successful implementation.

The steps we propose below will need to be reviewed and signed off by the LLST governance team and followed throughout the implementation of the transition and the revised COEX programme.

1. Analysis to be carried out of current COEX organisations that takes into account the following:
 - number of years in the scheme
 - geographical coverage
 - current financial stability
 - other potential support from infrastructure bodies such as LCN, ASA, or Advice UK
 - areas of law they cover

2. Proposal put together to offboard organisations in a tapered way, for example following the guidance below:

Number of years as COEX	Geographical consideration	Financial stability	Offboard when
7 to 10 years	TBD	TBD	2025 - one final grant 2026 - offer to become part of the Alumni programme
5-7 years	TBD	TBD	2025 - one full grant 2026 - one half grant 2027- offer to become part of the Alumni programme
2-5 years	TBD	TBD	2025 & 2026 - full grant 2027 - half grant 2028 - offer to become part of the Alumni programme
2 years or less	TBD	TBD	Consideration for transfer directly onto the proposed new 10 year programme by raising their grant in 2025 to the full 20k value and then following the timetable as per the suggestions in the proposal

Other steps should be followed in relation to the budget and fundraising forecasts that will allow for more accurate planning of the transition period. Calculations should take into account expenditure relating to:

- Grant Plus 1-1 support and forecasts for this over the 3 year period.
- Training and wider development support that would engage the Alumni cohort. This would need further consideration if the intention is to remunerate Alumni organisations for delivering support services such as training, supervision, mentoring and/or 'buddying up'.
- Grant payments during the transition period set against new grant payments at the proposed new rate of £20,000. This will help LLST to decide when it is feasible to open the first 'new round' of funding under the revised scheme.

Recommendation Fourteen: Our fourteenth recommendation is that the LLST Governance team reviews and adopts the proposed (or similar) process for a **transition period** and proceeds with implementation as soon as feasible.

Conclusion

We have been privileged as reviewers to play a small part in the evaluation and revision of the COEx scheme in its 10 year anniversary. We have been able to see first hand the impressive work carried out by the members of the scheme and how, whilst managing on a shoestring, the LLST have made this their flagship programme, which informs and supports all the work they do towards ensuring access to specialist legal advice in London and the South East.

This second phase of our review has been based on a very productive and collaborative dialogue with LLST staff and trustees and we very much appreciate your support, encouragement and engagement in such a process.

We remain strong advocates for the programme and believe that these recommendations and the ongoing commitment of the Trust will make the programme stronger and solidify its position as a national programme of reference in the struggle to ensure access to justice.

Summary of Recommendations

1. Purpose, eligibility, assessment process, grant making and grant ending

1. **Recommendation One:** Our first recommendation is that a **purpose statement** is put together for the scheme that can be agreed upon by LLST and its governance team, with a desirable final agreement from its current COEx members, or a sample/selection of them (Advisory Panel option that is discussed later in Section 5 of the report). (Page 9 of the report)
2. **Recommendation Two:** Our second recommendation is that the LLST staff and governance team decide as early as possible whether to **adopt a kitemark** associated with the programme to replace the current 'Centres of Excellence' designation. (Page 11 of the report)
3. **Recommendation Three:** Our third recommendation is to explore this together (at LLST) and come to one **definition** of what the LLST means by '**specialist legal advice**' that could include all or some of the above. This is a key action point before finalising the proposal for this review. (Page 13 of the report)
4. **Recommendation Four:** Our fourth recommendation is that the LLST and its governance team make a decision on the new **eligibility and exclusion criteria**, and accompanying statement. We hope that our recommendations can support such a decision. (Page 15 of the report)
5. **Recommendation Five:** Our fifth recommendation is for the LLST governance team to decide on their preferred option (A, B or C) for the **assessment and grant round process**. (Page 17 of the report)

6. **Recommendation Six:** Our sixth recommendation is for the LLST governance team to decide on whether the **proposal for awarding and ending of support**, or a variation, fits within its aspirations for the programme. (Page 18 of the report)

7. **Recommendation Seven:** Our seventh recommendation is that the LLST governance team makes a decision on proposals put forward on **renewal, ending or suspension of funding for current and future grantees** as well as the time they would want an organisation to wait before re-applying once they enter the Alumni part of the programme. (Page 19 of the report)

2. Monitoring, Evaluation and Learning Process

8. **Recommendation Eight:** Our eighth recommendation is for LLST to decide if they wish to i) revise the self-assessment survey in line with the updated purpose and aims of the programme, ii) add elements to the survey on a yearly basis for strategic use; iii) specify uses of the survey data; and iv) update the survey using a co-production approach with users. (Page 28 of the report)

9. **Recommendation Nine:** Our ninth recommendation is that LLST considers introducing further monitoring tools such as the **Peer Review Visits and/or Focus Groups**. (Page 29 of the report)

10. **Recommendation Ten:** Our tenth recommendation is for the LLST to i) develop an **MEL framework** through a co-production process and ii) adopt additional **'Learning' measures** for improved dissemination and use of findings. (Page 29 of the report)

11. **Recommendation Eleven:** Our eleventh recommendation would be that the LLST **prioritises the recruitment of a Programme Manager for the scheme that can oversee the development of an MEL strategy** (Page 30 of the report)

3. Name of the Scheme

12. **Recommendation Twelve:** Our twelfth recommendation is that the LLST governance team expands the pool of consultants working on assessment, MEL and capacity development for the programme through an external open recruitment process and maintains a roster of consultants that is both inclusive and diverse. (Page 31 of the report)

4. Plan for diversifying pool of assessors and capacity building consultants

13. **Recommendation Thirteen:** Our thirteenth recommendation is that the LLST governance team introduces an Advisory Panel as proposed, or a variation of it, to ensure it meets its intention to reach those most in need of accessing specialist legal advice. We also recommend that LLST considers whether the remit of an advisory panel might be extended to cover the whole work of the LLST. (Page 33 of the report)

5. Review options for sustainable funding and develop proposals

14. **Recommendation Fourteen:** Our fourteenth recommendation is that the LLST Governance team reviews and adopts the proposed (or similar) process for a transition period and proceeds with implementation as soon as feasible. (Page 35 of the report)