

# 5

## **Free Advice**

### Contents

- ▶ What is Free Advice?
- ▶ Fundraising
- ▶ Donations
- ▶ Legal Aid
- ▶ Meeting this Criterion

## What is Free Advice?

A fundamental principle within the advice sector - which is shared by all the networks - is that advice should be free at the point of delivery. Offering a free service is therefore a advice<sup>UK</sup> membership requirement for member centres.

This is because by offering services that are free, advice centres can assure access - especially to those people for whom paying for a service would be a barrier and therefore would be denied the advice which may help them to enforce their rights. For example, if the only providers of legal advice were private solicitors, without the legal aid scheme many people would be unable to take advice about their rights. Access is especially important when individuals do not start from an equal basis - if an employee has a problem at work s/he will know that invariably the employer will be able to employ solicitors in the case of a dispute. The employee may not have the resource to do the same - hence the existence of advice centres.

This section outlines the issues around free advice and offers guidance on what advice<sup>UK</sup> requires of member centres.

## Fundraising

There is a distinction to be made between inviting funding for a "good cause" from the general public who agree with the aims and objectives of the organisation, and inviting donations from users. This briefing does not cover fundraising - this is an activity that many centres are reliant on for varying percentages of their funding but one which should be kept quite separate from the running of a centre. So, fundraising campaigns such as benefit gigs and sponsored events should be viewed as a separate activity from donations.

## Donations

### **SHOULD YOU INVITE DONATIONS FROM USERS?**

advice<sup>UK</sup> believes you should not expressly invite donations from users, because in doing so you are expecting the people who need help to fund you. Of course, users may volunteer to give donations, and if they do that is their choice. Where we draw the distinction is where users feel obliged to offer a donation or are left with the impression that they should make a contribution to the service.

## **ARE DONATION BOXES EVIDENT IN YOUR CENTRE?**

Think through the messages you are giving to users. Having a donations box or tin can pressurise people into feeling they have to give money for the service they have just received. What if that person is the one that can least afford it?

If you do have boxes think where you position them. An obvious siting - a box on the interview table for instance - will lead people to feel obliged to give. If you are going to collect donations leave the box with the receptionist or use it when someone asks if they can make a donation.

## **DO YOU DISPLAY POSTERS INVITING DONATIONS?**

Do you specifically tell users that the service is dependent on donations and how much it costs to run the service?

Again you may be pressurising users into feeling obliged to leave a donation. Imagine a poster which informed users that the service costs £10 per person to fund. What would be their likely response? A contribution - regardless of whether they could afford it.

## **IF USERS OFFER A DONATION DO YOU EXPLAIN THAT A DONATION IS NOT NECESSARY?**

Do this with care - everyone has a right to choose to offer a donation. What you have to take into account is that some people may be doing it because they feel they ought to. Advise staff to deal with the situation tactfully. If your service is grant aided by a local authority tell users that they are already making a contribution via their council tax or explain the aims of the service and that you receive grant aid for what you do.

Some centres have policies that say they will not accept donations from users. This can be a useful device if handled carefully. Remember some people may want to make a donation and you may cause offence if you refuse to accept. Think about encouraging users to send a thank you letter - these can be used when drawing up a funding application.

## **DO YOU CHARGE USERS FOR PHONE CALLS MADE AND LETTERS SENT ON THEIR BEHALF? DO YOU THINK THIS DETERS PEOPLE FROM USING YOUR SERVICE?**

Yes it does! Think of the issues people bring to the centre - they are often about money, or lack of it. Taking these sort of measures will lead to people being wary of using the service - which means they won't get the assistance they need to achieve their rights.

### **AT THE EXTREME END OF THE SCALE HOW DO YOU KNOW THAT STAFF ARE NOT COLLECTING DONATIONS FROM USERS?**

There have been exceptional cases where it has been found that unscrupulous individual advisers have been collecting "commission" from tribunal cases. These are extreme cases of individuals intent on carrying out such practices. What you can do is raise awareness of why advice is free and gain the commitment of staff via training and support. By making sure users are aware that services are free you will ensure they question any charges made.

### **HAVE YOU GOT A POLICY TO RECORD DONATIONS?**

Think about acknowledging donations in a way which doesn't encourage further contributions. You should also have a separate record for donations so you can monitor the situation. Remember that once a funder sees a level of donations they will doubtless have the expectation that that level will continue in the next financial year - this could put the centre under pressure to achieve this.

## **Legal Aid**

A feature of the current legal aid system is the collection of contributions. Whilst advice and assistance - known as green form - is free, there may be a contribution to be made if civil legal aid is used. The vast majority of advice centres get around this by not claiming the contributory element or by meeting the charge via other funding. Contributions are not currently an issue with centres who have a block contract, as contributions do not apply.

The advice networks would face a dilemma if the government ever thought about reintroducing contributory green form - this would open the legal aid system to many people who are just outside of the current limits - something the networks have been lobbying for for years. advice<sup>UK</sup> would have to consult with members if not collecting contributions denied access to a considerable number of users.

## **Meeting this Criterion**

Currently we ask you to confirm that your service is provided free of charge by ticking a box on the membership application form. We are happy to rely on what you

tell us although we will check to confirm free status if necessary - it is important that all advice<sup>UK</sup> members adhere to this criterion.

We are initially wary of centres who are 100% dependant on donations - or who tell us they have no income but are able to employ staff. If this is your position please ensure that you detail how your centre is funded - we will need to be reassured that you are not solely reliant on donations from users of the service.

As we explain in the section on independence, we would be concerned if the centre was 100% dependent on a grant from a private donor if this donation had conditions attached to it which limited the centre's work.

If we have any concerns we will raise them with you directly and advice<sup>UK</sup> Membership staff are happy to help and advise centres. We recognise that advice centres operate within a cash limited environment and new services in particular can initially find it difficult to obtain grants and funding for their operations. Let us know about your funding concerns - we can advise you on funding options other than relying on donations from users.