

6 Independence

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Introduction

This section considers the issue of independence - a key principle of advice^{UK} membership. It outlines the factors we will consider if we have concerns about independence.

If you feel that your centre will not meet advice^{UK}'s requirements for independence please contact us for further advice. As an alternative to full membership of advice^{UK}, advice providers can access some advice^{UK} services by becoming advice^{UK} Subscribers, and this may be the option we explore with you.

The various providers of advice share similar values and practices. advice^{UK} provides services and training that can often be relevant to a wider audience than our membership, and we encourage these non-advice^{UK} member providers to subscribe to the services they require. When defining our membership we wish to retain the emphasis on our membership criteria, so solicitors' practices, local authority advice centres and housing association services are invited to apply for advice^{UK} subscription instead of membership.

Why Independent?

advice^{UK}'s membership criteria require that the centre is independent of central or local government control. This is because we believe that an assurance of independence is important for users of advice services - they may be experiencing problems with the Benefits Agency or local authority housing department and prefer to seek advice from someone not linked to that agency.

advice^{UK} believes it is important that our members are able to give advice without having to consider the interests of a party other than the user of the service. advice^{UK} encourages centres to provide quality advice, which will include providing the user with a number of options - it may not be in the interests of the user if these options are limited because of a link with a funder.

Generally there is acceptance in the advice sector, and amongst those who fund advice centres, that a diversity of service provision is beneficial to users. advice^{UK} supports independent advice centres via advice sector initiatives such as Advice 2000, working effectively with local authority provided services and local private practice solicitors as well as other advice providers. Mechanisms such as sharing training and referrals recognise the relative strengths and values of each provider.

What advice^{UK} looks for to decide if a centre is independent

If we have concerns we will consider the following factors:

Funding Restrictions

Does any of your funding dictate what you can and cannot do? Examples of this would include a local authority placing restrictions on a centre regarding pursuing housing cases against the housing department of the local authority. This does not only include restrictions in writing but also applies if the local authority places pressure on a centre to cease such work and implies that funding will be withdrawn.

If advice^{UK} has concerns about independence we would wish to see examples of the centre challenging decisions made by the funder and, where applicable, taking the challenge through a court or tribunal. We would need to know that the centre was not prevented by legislation in pursuing cases.

Other examples would include local banks providing money for services and expecting that their debts will be given preferential treatment. Again, we need to see evidence that this is not the case.

Some potential funders may wish to benefit from referral arrangements - a local solicitors firm could offer funds in return for the centre referring all legally aidable users to them. This would breach independence if this was the only referral point used by the centre.

Some centres have service level agreements that may include restrictions. Some restrictions are imposed via practice which may not be written down but nevertheless happens. Monitor the composition of your Management Committee – if all members are male and are of the same faith, for example, this could impact on the decision-making process and hinder independence.

Conditions

Beware of service level agreements which provide for conditions that could affect your independence - the funder wanting complaints to go directly to them, for example.

It is increasingly common for funders to expect quality assurance measures from centres, which advice^{UK} supports as good practice. We do, however, consider it important that centres who have developed procedures and practices in accordance to recognised models should not have inappropriate or irrelevant systems imposed on them. Other funders may want to see case records - this would breach the confidentiality of clients.

Impact on Centres

Some centres may be able to gain preferential treatment from funders, thereby affecting the funding of other advice centres. advice^{UK} would be concerned if centres compromised their independence to receive preferential treatment.

Management Committee

The governing body of the centre should be able to demonstrate that they are independent:

- ▶ local authority representatives should be in the minority.
- ▶ no organisation that funds the centre - a local company for example, should have a majority on the management committee.

Powers

The governing document should provide for the management committee to have powers over the employment of staff, the renting and purchase of premises and the gaining and management of funds for the centre.

Membership

No one constituency should dominate the membership of the committee. Centres should aim to have a diverse committee with members representing other organisations, users of the service, individuals with particular skills and staff and funders as observers.

Conflict Of Interest

There should be a clear procedure to manage conflicts of interest:

- ▶ Management committee members should not take part in debate on areas where they have personal interests - they should not be present in the room for the debate. This should be referred to in the governing document.
- ▶ Funders should have observer status and not vote.
- ▶ The same applies to staff members who should be observers and should not be present for any discussion which affects their terms and conditions or concerns personnel matters. We would expect to see management committees consulting with trade union representatives and staff before implementing any decision affecting staff.

Image

How the centre is portrayed will affect users' perceptions of whether the centre is independent. For instance, Christian advice centres can often be based within a

church and be staffed by people committed to the Christian faith. Many such advice^{UK} groups take positive steps via publicity and activity to ensure that potential users know they can visit the centre without having to subscribe to the centre's own views.

Publicity

Think about how you word publicity. Do you appear on local and/or national government leaflets as a source of advice? Would it be clear to users that you are independent?

Acknowledgement

Funders require acknowledgement of their contribution to the service - this might be by including their logo on letterheads, leaflets, posters and publications. This is perfectly acceptable - but don't allow a funder's image to dominate over that of the centre. If you allow one funder to become very closely associated with the centre your users may become confused about who is providing the service.

Premises

Consider where the centre is based - do you share premises with other services? This can be an issue if you are in premises where you share the reception area with a local authority service. How can users be sure you are not sharing information?