

Challenging Discrimination – a challenge for the Citizens Advice service

Executive Summary, prepared by Citizens Advice, based on research by Barbara Cohen, Karen Chouhan of the 1990 Trust, and Douglas Smith of De Montfort University.

Introduction

The research makes plain that the Citizens Advice service, with its thousands of outlets, good visibility, outstanding resources and high standards of advice, has the potential to be a first point of contact for discrimination advice. What the research also suggests is that to become a first point of contact for discrimination advice may not be a cheap, quick or easy journey.

Context of the research

The Citizens Advice service Strategic Plan 2004-2008 and the FAIR Equality and Diversity Strategy 2004-2008 commit the service to:

- become a first local point of contact for discrimination advice;
- take into account – in all aspects of our work – the causes of discrimination, prejudice and social exclusion and their impact on many people and groups; and
- develop strategic partnerships with other agencies so that we can best help our clients and communities.

A number of external factors add relevance to the timing of this move by Citizens Advice:

- The expansion and harmonisation of anti-discrimination legislation, and of public authorities' proactive duties to promote equality. These will affect the Citizens Advice service as employer, service provider, and in its advice-giving and social policy roles.
- The establishment of the Commission for Equality and Human Rights (CEHR) in 2007.

Statements both in the 2004 white paper that preceded the Equality Bill and subsequently have made clear the government's expectation that Citizens Advice Bureaux (Bureaux) would be one of the main sources of discrimination advice to individuals, with the CEHR providing second-tier support. However, the need for discrimination advice is a present one, and the need to strengthen the ability of the Citizens Advice service to provide such advice is not dependent on the coming into operation of the CEHR.

Aim of the research

In recognition that there is much work to be done if the Citizens Advice service is to become an effective first point of contact, the primary aim of the research was "to consider what needs to happen to enable the Citizens Advice service in England and Wales to become a first point of contact for all forms of discrimination advice for all communities, in partnership with other providers where beneficial".

Current situation: levels of CAB discrimination advice

In 2003-04, of the 5 million Bureaux contacts, 45,000 were recorded as involving discrimination/intimidation, of which the researchers estimate some 23,000 contacts, or less than half of one percent of the total, involved discrimination.

About half of all discrimination/intimidation contacts relate to employment. There are 357 specialist employment advisers in Bureaux, the majority are part-time and volunteers. 193 Bureaux provide some level of representation at Employment Tribunals. 27 Bureaux have Legal Services Commission (LSC) contracts for employment advice. It is not possible at the current time to know how many of the specialist employment advisers are experienced in discrimination casework, but on anecdotal evidence the majority are not. Citizens Advice Specialist Support has an LSC contract to provide second-tier employment advice to Bureaux and the wider advice sector.

Current situation: work with discriminated-against communities

Within the Citizens Advice service, the National Black Workers' Group, Disabled Workers' Group, Lesbian Gay and Bisexual Group, and Women's Group (staff networks known as SONGs) have played a significant role in getting equality and discrimination issues high on the agenda.

The research learned of many good practice examples in which Bureaux had developed partnerships for joint working with community groups and other local organisations. And of Citizens Advice Wales and Regional Teams and equality forums stimulating outreach and supporting local and regional initiatives with other organisations on issues of equality, discrimination and racist/faith-based violence. Some bureaux run specific advice sessions for target communities and/or actively promote their services to them. An increasing number of Bureaux are willing, and some particularly keen, to use their skills and resources to combat discrimination and welcome Citizens Advice guidance

However, the community groups and other agencies involved in this research generally did not see the Citizens Advice service as having the expertise today to take on discrimination cases. Some BME, young people's, disabled people's and LGBT groups doubted their members would approach the CAB for help as they would not perceive them to be friendly to people who are different or knowledgeable on the issues.

In their view, for Bureaux to advise on discrimination it's necessary that their workforce should better represent their communities, and to improve access and ensure staff are suitably trained. They emphasised the need for Bureaux to collaborate on service provision and training and on sharing resources. Many agencies saw bureaux as being primarily a source of debt advice and were unaware of the range of advice offered by Bureaux including discrimination advice. There were specific comments about lack of contact by Citizens Advice and Bureaux. Most wanted to work with Bureaux to develop and promote their services, some expressing disappointment that this was not already happening in their area.

Current situation: other providers of discrimination advice

The research highlighted the overall lack of availability of discrimination advice and representation.

The current equality commissions mainly rely on telephone helplines as well as a website to offer information to members of the public. Some provide casework assistance and offer legal representation in a small number of cases. Some bureaux receive second-tier support from the DRC or EOC or a local law centre.

Some national and local NGOs provide advice and, in some cases, representation to their members on one or more grounds of discrimination and other employment matters. The main providers are Race Equality Councils and Law Centres. The Free Representation Unit (FRU), Bar Pro-Bono Unit and Solicitors Pro-Bono Group receive case referrals from Bureaux and may provide free legal assistance including tribunal representation. However, all three accept very few cases of employment discrimination.

Some national and local advice and community organisations refer to the Citizens Advice site www.adviceguide.org.uk on a wide range of issues, including employment discrimination.

Barriers

There are a number of barriers the Citizens Advice service will need to overcome to become a first point of contact for discrimination advice in partnership with others. These include:

Perceptions of community groups and potential clients, especially in relation to the volunteer and paid staff profile

The research suggests that currently Bureaux are not the first place most people would turn to for discrimination advice, so unless the service promotes itself as a provider of discrimination advice, it will not become a first point of contact. If, however, Bureaux are not yet capable of providing discrimination advice, which is a major concern, then it is not in the interests of clients or the service to encourage people to use bureaux now for this purpose. Without the experience of giving discrimination advice, bureau staff will not develop the awareness, knowledge and skills they need in order to provide high quality discrimination advice.

One reason people from a range of groups do not see the service as for them is the profile of CAB workforce in many areas. National figures show that CAB volunteers are predominantly female, white and age 55 or older: 61% are age 55 or over, 66% are women, 8% are BME, and 9% disabled. The paid workforce differs little, except that it is younger, with more women and fewer disabled people. There are more men, and fewer disabled and BME people at trustee level.

Access to services

The research identified similar access issues potentially restricting the service's capacity to provide discrimination advice as affect access to the service generally, including limited availability of drop-in face-to-face advice and telephone advice.

Specialist support for staff

Data from the Bureaux surveyed suggest that discrimination enquiries may be more demanding of time than other enquiries and often require specialist knowledge. Citizens Advice Specialist Support offers second-tier consultancy support to all Bureaux in employment (including employment-related discrimination), welfare benefits, money advice and consumer cases, but can only answer 5% of calls. An email service is being piloted to address the problem, but there are no plans to increase staffing levels. Specialist Support provides specialist training for CAB staff. It can represent clients, but does so infrequently because of the time involved.

Recruitment and retention of volunteers

Annual volunteer turnover is 16%, which although less than the average for the turnover of paid staff in the voluntary sector (20 per cent), nonetheless means there are ongoing implications for recruiting and training sufficient numbers of volunteers who can develop adequate discrimination advice skills.

Non-completion of certificate programme

In 2003-04 Bureaux recruited 4,606 volunteers to enter the compulsory certificate training programme; 3,119 attended it, 2,666 started work as trainee advisers and 1,366 completed the full training and were able to work as advisers. This induction period allows new volunteers to assess whether CAB work is what they want to do, and if they can commit sufficient time. However these figures seem to represent wastage of 70%.

Need for effective discrimination advice training

Equality and discrimination issues are integrated throughout the Certificate Programme which all new advisers must complete and most additional voluntary training. Within Citizens Advice there are questions about the effectiveness of this approach, and the Self-Organised Network Groups have recommended more specific discrimination training. Equality awareness training has been offered but has not always been successful in terms of attracting sufficient numbers of interested advisers.

Partnerships between Bureaux, community groups and other advice organisations

The research suggests that some real and/or perceived barriers may need to be overcome in order to bring the Citizens Advice service together with partner providers. For example, it was impossible not be aware of an undercurrent of competition between other agencies and the Citizens Advice service, which is unlikely to contribute to the positive collaboration that most agencies said they wanted.

Impact on policy work

The nature of the social policy evidence collected by Bureaux reflects the nature of advice work generally, with little discrimination evidence arising. If Bureaux undertake a greater volume of discrimination advice, this could create a good evidence base

from which Citizens Advice could play a more prominent role in policy debates on equality and discrimination.

Recommendations

The recommendations aim to bring together the fundamental changes that are needed to enable to Citizens Advice service to be a first point of contact for advice, in partnership where beneficial. The recommendations are organised as either changes specific for Citizens Advice or individual bureaux. The recommendations could also be further divided into three main categories: changes to internal processes to elevate discrimination as a work priority and improve the quality of discrimination work; improvements to access to the service and the public perception of what the Citizens Advice service provides; and ways to improve working in partnerships.

Citizens Advice

Internal processes:

1. Make 'discrimination' stand-alone item in the list of core advice areas contained in the Membership Scheme.
6. Promote internally to bureaux that discrimination advice is part of the core service.
7. Review and revise generalist and specialist training to ensure all existing and new advisers have sufficient competence to provide advice on discrimination at the required level.
8. Ensure that all the information available to advisers includes accurate and up-to-date information on the facts and effects of discrimination and available remedies, including time limits wherever relevant.

Access to CAB and public perception:

2. Make discrimination advice part of the Citizens Advice 'brand'.
3. Publish and give wider publicity to social policy reports on discrimination issues.
5. Encourage and support Bureaux recruitment of advisers from a wider range of backgrounds.
9. Ensure all information relating to discrimination and harassment provided by Citizens Advice for members of the public is accurate and up-to-date.
11. Encourage and support Bureaux in the development of targeted advice services.

Working in partnerships:

4. Develop new partnerships and strengthen existing partnerships with national statutory and voluntary bodies working to combat discrimination.
10. Ensure there are accessible, effective arrangements for second-tier support for discrimination advice; advisers should be able to obtain necessary support to ensure that, at whatever stage in advice giving, they can give appropriate and accurate advice and/or can make a suitable referral.

Bureaux

Internal process:

12. Leadership by the Trustee Board and Bureau Manager and a clear commitment to make discrimination advice part of the core service the bureau will deliver.
14. Ensure all existing and new bureau staff are trained to provide discrimination advice to the required level.
15. Develop and maintain a good discrimination 'information bank'.

Access to CAB and public perception:

16. Develop and strengthen community links.
17. Market the bureau as a provider of discrimination advice.
18. Identify and remove potential barriers to clients seeking discrimination advice.
19. Consider establishing a distinct targeted advice service.

Working in partnership:

13. Develop new partnerships and strengthen existing partnerships with local providers of advice and with other local agencies working to combat discrimination and to promote equality.

Options

The research describes five operational options which involve strengthening or modifying current arrangements or introducing new arrangements to assist the Citizens Advice service to become an effective first point of contact for discrimination advice.

The options follow two separate tracks: the actual day to day provision of advice to clients; and the support arrangements that will help to ensure that such advice is accurate, timely and appropriate. Within each option there is consideration of how it might help the service develop a stronger social policy role on discrimination and related issues.

Options 3 and 5 set out different approaches to the delivery of discrimination advice, targeting additional resources at selected Bureaux, while options 1, 2, and 4 involve strengthened, revised or wholly new second-tier arrangements for consultancy and training. The options could be combined wholly or partially; one or more could be phased in over time

Any option selected should encompass all grounds of discrimination and cover all of the main social policy areas in which discrimination is likely to occur, such as consumer, housing, education, health and community care or exercise of police powers.

Note that none of the options will resolve the problem of finding sufficient numbers of skilled advocates for representing discrimination cases in the employment tribunal and the county court.

1. Increased Citizens Advice Specialist Support at national level.

Equip Citizens Advice Specialist Support (Specialist Support) with the staff and other resources to extend its consultancy, referral and training role to include all aspects of discrimination. This would involve a national team of one experienced discrimination lawyer and 10 or more experienced discrimination caseworkers. Specialist Support, liaising with Citizens Advice training teams and bureaux guidance tutors, would be expected to identify discrimination advice training needs and contribute to the organisation and delivery of relevant training.

This option would only make a difference if people were coming to Bureaux for discrimination advice and bureaux staff were trained, prepared and committed to providing good quality discrimination advice. Its impact would depend very much on the strength of leadership in Citizens Advice and in bureaux to secure the changes outlined in Chapter Five above. This option is likely to increase significantly the number of potential tribunal or court cases that need representation and make added demands on Specialist Support.

2. Regional Citizens Advice Specialist support

Similar to option one, but organised on a Wales and regional basis, including 1.5 or 2 full time discrimination specialists, ideally including one full- or part-time discrimination lawyer, in each base. Dedicated administrative support should be provided. This option would enable discrimination specialists to develop closer working relationships with bureau staff and spend time building staff confidence and competence, working with advisers on particularly complex cases or planning or delivering training. It would provide a valuable resource for regional staff, whose main function is to support bureaux and to ensure they meet the organisational standards and quality of advice standards laid down in the Membership Scheme. Business management consultants should be able to call on regional Specialist Support discrimination specialists to help them in their work with bureaux on aspects of service planning, staff recruitment and training, social policy and partnerships to ensure that the relevance of the equality provisions in different quality areas is understood and that bureaux meet the required standards.

This option may have the greatest prospect of success, measured in terms of how quickly and how comprehensively the Citizens Advice service becomes an effective first point of contact for discrimination advice

3. Create 'Beacon Bureaux'

Create a number of exemplar "beacon bureaux" that are effective first points of contact capable of providing discrimination advice and casework, with geographic representation across England and Wales. This option offers an opportunity to identify what is needed in terms of resources - staffing, training, support, informational resources. Each beacon bureau would need a full-time (or full time equivalent) discrimination specialist. The aim should be that all staff should gain maximum benefit from the presence of the discrimination specialist; this should not mean referral of all discrimination cases to the specialist but in many cases the Specialist supporting other staff to provide appropriate advice. Neighbouring bureaux would refer discrimination cases to beacons, but beacons would not provide second-tier support to other bureaux.

This option, could, and perhaps should, be implemented in combination with Option 1 or Option 2, which offer different arrangements for second-tier support for discrimination advice.

4. National agreement with an external agency to provide consultancy, casework and training on discrimination

Following the model of the National Homelessness Advice Scheme (NHAS), Citizens Advice would enter into an agreement with an external agency to provide consultancy, casework and training on discrimination to bureaux from 'discrimination advice centres' across England and Wales. Options are the law centres, race equality councils, or, in the longer term, CEHR-funded equality units. Thirty or more discrimination fieldworkers would be assigned to work with a patch of Bureaux from a network of local agencies working in the field of discrimination. Fieldworkers should be lawyers or non-lawyers with good discrimination casework experience. They would not be employees of Citizens Advice.

By establishing discrimination advice centres, there is a greater likelihood within this option than in Options 1 or 2 that, from the outset, the specialists providing second-tier support (the fieldworkers) will have direct access to expertise and good casework and advocacy experience not only on employment but on a wider range of issues, including, for example, education, housing or local authority services.

One of the key features of the NHAS is the flexibility to provide training appropriate to local need; it is envisaged that under this option for discrimination advice, fieldworkers would plan with advice session supervisors and guidance tutors what aspects of discrimination advice should be included in training.

5. Nationally managed specialist discrimination advice service units contracted to operate within Bureaux.

This would adopt the structure used by the Independent Complaints Advocacy Service (ICAS). This would require a government department or, in future, perhaps, the CEHR to contract with Citizens Advice or directly with individual Bureaux to provide a specialised discrimination advice service at, say, 30 - 40 locations across England and Wales, each with the equivalent of 2 full time staff, at least one of whom should have good discrimination casework experience. They would provide discrimination advice to clients of the host CAB and, on referral, from other Bureaux. They would have a second-tier support role in relation to discrimination matters and some involvement in training of bureaux staff.

As a specialist unit, the discrimination advice service could easily provide telephone advice and advice by email, up to the stage in a case where a face-to-face meeting was necessary. Unlike national specialist bodies, for example the equality commissions, the service would have local bases and clients could be seen at local Bureaux or CAB outlets, or home visits where appropriate.

The benefit of having specialist staff working within bureaux at local level is not only good access for clients but also good learning opportunities for bureau staff. The creation of a discrimination advice service should not be viewed as removing a role

for CAB advisers in discrimination, since in many cases the generalist adviser would be competent, with access to second-tier support, to continue with the case.

Conclusion

Making a commitment to become a first point of contact for discrimination advice is a first step, being prepared to consider options and gearing up for change is the next, but there should be no illusions on the part of any of the players about what is required to make it happen. Making it happen, however, is important, and the effort involved will yield great benefit to marginalised and disadvantaged communities, to civil society generally and to the Citizens Advice service itself.

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