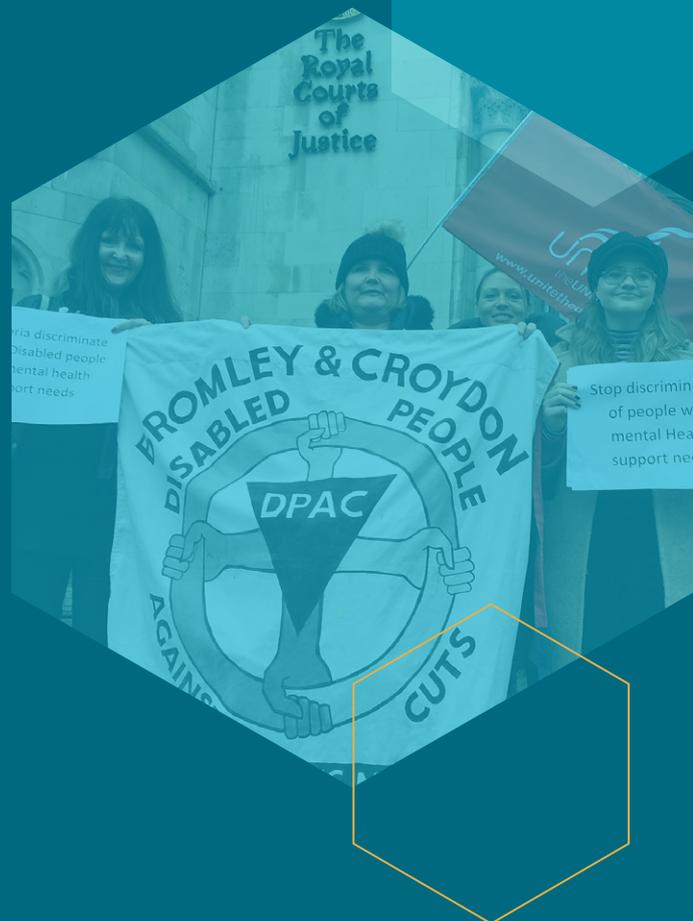


Collaborative legal approaches for systemic change

Public Law Project and
Lankelly Chase partnership

Final report



November 2024

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Front and inside cover images:

Credit: Mary Turner

Credit: A collaboration between An Untold Story – Voices and Henry/Bragg from the photographic exhibition *Absence of Evidence*

Credit: Campaigners outside the Royal Courts of Justice, courtesy of Inclusion London and Disabled People Against Cuts (DPAC)

We use the image of the Crown Prosecution Service (CPS) as many of our collaborations in this report concerned remedies to criminalisation of communities experiencing discrimination.

Executive summary

In 2017, the Public Law Project (PLP) established a strategic partnership with the Lankelly Chase Foundation to gain a better, more rigorous understanding of the conditions that are necessary for successful public law-oriented collaborations and subsequent system change. PLP's lawyers worked closely with organisational leaders, advocacy workers, community groups and frontline advisers to provide in-depth training and support, identify public law issues and progress routes to challenge. This report summarises the key learning points from the partnership.

PLP has a unique and important role representing individuals while also acting as a 'second-tier advice' or 'infrastructure' organisation: PLP plays a critical role within civil society, providing specialist advice and public legal education to other civil society organisations. This position presents both challenges and opportunities. The partnership helped overcome some of the difficulties by allowing PLP to work closely and consistently with organisations and communities. A key feature of the partnership was the development of relationships that helped build confidence to use public law on wide ranging systemic issues.

Second-tier advice organisations can play a valuable role in activating change: in many of the casework examples over the course of the learning partnership, PLP supported organisations and communities to create and embed their own change. In some cases, PLP facilitated initial accessibility to broader networks and played a valuable role guiding partners through unfamiliar processes and new institutions. Lawyers at PLP would then step back to allow them to continue independently in those spaces.

Effective collaborative working must be alive to wide ranging needs and capacity constraints of different partner organisations: the trajectory of the learning partnership showed that different organisations had varying needs – depending on their existing experiences with the use of legal approaches, whether they had lawyers in-house or existing relationships with external lawyers – and levels of appetite for the use of public law tools. Organisational factors are critical in accounting for the degree of interest in the partnership and in the types of tools that can be used.

Long term collaborative partnerships can facilitate reflective and trauma-informed practice in second tier organisations like PLP: a growing awareness of the risks of behaving in an extractive manner shaped PLP's approach to the partnership work over time. This was influenced by the collaboration and the ability of claimants and partner organisations to raise this concern. While this speaks to the capacity and courage of those individuals to point out when the relationship veered in this direction, it is also possible that the longer-term nature of the relationships fostered by this partnership facilitated more honest and trauma-informed communication.

Relationship building takes time and highlights the importance of institutional memory:

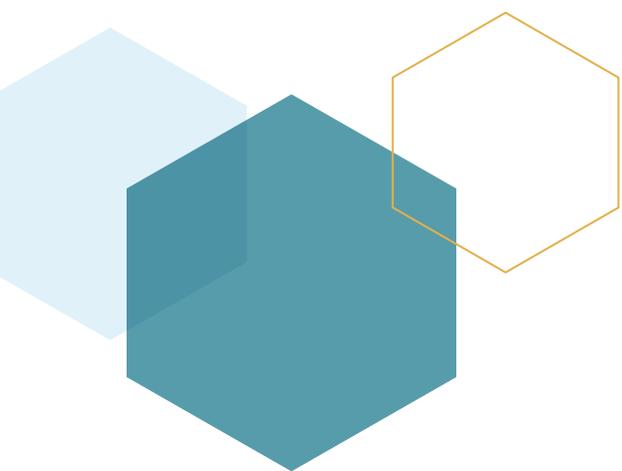
evidence from the case studies in the learning partnership suggested that it takes between 18 and 24 months of groundwork to move from identification of a systemic problem to a potential strategic legal intervention. Evidence also suggests that the legacy phase of PLP's interventions continued for several years after the initial partnership working began and is ongoing. Preserving institutional memory through knowledge sharing and succession planning when strategies and staffing might change can help to conserve trust and ensure partnerships are sustained for the future.

Effective collaborative working necessitates an organisational strategy that is agile and responsive to socio-political changes in the wider landscape:

the success of much of the work of the partnership in relation to, for example, Brexit, austerity related measures or criminal justice reform, required a responsive approach that could quickly engage on fast changing public law issues. For PLP and its partners, this also required close engagement between the research and casework teams; and reliance on wide ranging external networks of e.g. parliamentarians, legal professionals, civil society organisations (CSOs) and academics.

It is challenging working across different areas of law as well as with different types of organisations and PLP's future strategy may require trade-offs:

it is important to clearly identify issues that need attention, the scale and scope of similarly affected individuals or organisations and the potential for different forms of impact from community empowerment to policy change, to the potential to drive shifts in culture and discourses. While it is clear that one benefits the other, there may be trade-offs in future in working with different types of organisations; from large professionalised campaigning organisations with wide reach and existing political influence that may benefit from public law support to the types of small, community- or lived-experience-led organisations that were at the heart of the Lankelly Chase and PLP partnership.



1. Introduction

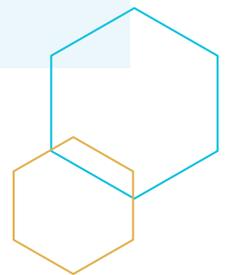
Collaboration in the use of public law knowledge and tools, including judicial review, to drive change in the systems that drive and perpetuate disadvantage can be transformative. Yet it can also be risky, time and resource intensive and can, under some conditions, be counterproductive. In 2017, the Public Law Project (PLP) established a strategic partnership with the Lankelly Chase Foundation to gain a better, more rigorous understanding of the conditions that are necessary for successful public law-oriented collaborations and subsequent system change. The aim of the partnership was to bring PLP's public law expertise to bear in supporting a group of frontline charities and NGOs across wide ranging areas, including criminal justice, welfare benefits, discrimination, domestic abuse and child protection (see Box 1 for a list of the original partner organisations).

PLP's lawyers worked closely with organisational leaders, advocacy workers, community groups and frontline advisers to provide in-depth training and support, identify public law issues and progress routes to challenge. They offered information, legal advice and representation as needed to each partner organisation. The model was based on the idea that fostering long-term, multi-disciplinary relationships is a necessary condition for systemic change.

A focus on learning was put at the heart of the partnership. PLP and the Lankelly Chase Foundation wanted to learn more about when and how to deploy legal approaches to support systemic change. The aim of the partnership was to understand how the use and impact of litigation and other strategies that draw on the knowledge or deployment of public law principles can bring about systemic changes. A key feature of the collaboration was the development of reflective practice. In 2017, the Lankelly Chase Foundation and PLP together appointed us as learning partners to the programme following a competitive tender process. As learning partners our role was to act as a supporter, guide and 'critical friend' with responsibility for capturing the learning from a co-constructed action research plan. Practically, we worked closely with key contacts at PLP to capture the everyday opportunities and challenges of public law work, as well as spread that knowledge across the organisation, and disseminate the learning to a variety of audiences, including other civil society organisations, funders and legal professionals.

Box 1: Lankelly Chase Foundation and Public Law Project original partner organisations

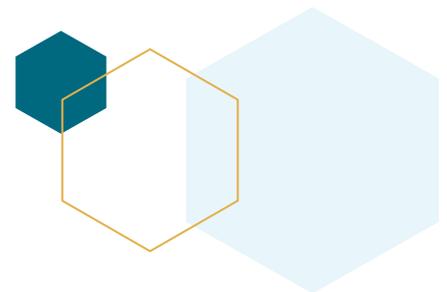
Agenda
Anawim
Appeal
BTEG
Family Rights Group
Friends, Families and Travellers
Leeds Gate
National Survivors User Network
Revolving Doors
An Untold Story – Voices



As part of the learning partnership, we researched and produced a number of reports and case studies (see further below for related methodology) relevant to PLP's engagement with Lankelly Chase grantees as follows:

- Comprehensive review of the literature relevant to the strategic use of litigation to achieve systemic change in 2018.¹
- Case study of a successful welfare benefits strategic litigation challenge highlighting the value of collaboration across the disability rights sector in 2019.²
- Series of short case studies outlining the interim findings of PLP's collaborative work with frontline organisations (listed in Box 1 above) in 2020.³
- Internal report to establish baseline findings on the access to justice landscape for judicial review in Wales in 2021.⁴
- Case study of a successful settlement in relation to a challenge brought by a self-organised group (An Untold Story – Voices) in 2021.⁵

The aim of this final report is to summarise the research and learning derived from the partnership and to provide a forward-looking analysis of opportunities and challenges that lie on the horizon. The report is structured as follows. Section two outlines the context and underpinning principles and the nature of the partnership. Section three presents the methodological approach we took to address the learning partnership's guiding research questions and discusses the original research undertaken to inform this report. We then focus in more closely on the context of PLP's work over the course of the learning partnership, highlighting the significant shifts in the wider landscape over the last decade, which helps in understanding some of the key drivers and impediments to using public law for systemic change. Section five presents the key findings of the learning partnership, highlights the challenges of collaboration and looks to the future in identifying opportunities. The final section concludes by drawing out the key lessons for PLP. Our objective is to contribute to PLP's institutional memory of what they have done and learned over the last decade and to support the organisation's thinking as it considers its future strategy.



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1. Vanhala, L. & Kinghan, J. (2018) *Literature Review on the Use and Impact of Litigation* (London: Public Law Project) 21. Available at: <https://publiclawproject.org.uk/content/uploads/2018/04/Literature-Review.pdf>
 2. Vanhala, L. & Kinghan, J. (2019) *Using the Law to address unfair systems: A case study of the Personal Independence Payments legal challenge* (London: The Baring Foundation). Available at: <https://baringfoundation.org.uk/resource/using-the-law-to-address-unfair-systems-a-case-study-of-the-personal-independence-payments-legal-challenge/>
 3. Kinghan, J. & Vanhala, L. (2020) *Supporting systems changers through the use of collaborative legal approaches* (London: Public Law Project) p.11–12. Available at: <https://publiclawproject.org.uk/content/uploads/2020/02/Supporting-System-Changers.pdf>
 4. Kinghan, J. & Vanhala, L. (2021) *Access to Judicial Review in Wales – Internal Report* (London: The Public Law Project).
 5. Kinghan, J. & Vanhala, L. (2021) *Against Persons Unknown: A case study on the use of law by self-organised groups* (London: Public Law Project). Available at: <https://publiclawproject.org.uk/resources/against-persons-unknown/>

2. Background to the partnership

The establishment of the PLP and Lankelly Chase Foundation partnership reflected a shift towards collaboration amongst civil society organisations and their funders in the mid-2010s. Over time, the Lankelly Chase Foundation had refined the best way of achieving their mission from ‘funding what works’ to ‘spreading the preconditions of what works’. Focused on combatting multiple disadvantage, the organisation had learned that most successful change projects tend to have the same fundamental principles in common which they describe as ‘system conditions’ (see Box 2).

This model placed emphasis on what can be achieved when individuals, communities and organisations work together to achieve systemic change.⁶ It also recognised that grantees (in this case, the Lankelly Chase funded partner organisations) should be equal partners in developing strategies and learning from their work. It was clear that to tackle discrimination and disadvantage in the public law context and in the justice system, a co-ordinated, systems-level effort would be required. The collaborative approach was alive to the need for individuals and organisations to work across boundaries to tackle the interconnected nature of complex systemic justice issues.

Box 2: Lankelly Chase Foundation’s ‘system conditions’

- People see themselves as part of an interconnected whole
- There is shared purpose and vision
- Feedback and collective learning drive adaptation
- People are viewed as resourceful and bringing strengths
- Leadership is collaborative and promoted at every level
- Power is shared and equality of voice is actively promoted
- Decision making is devolved
- Open, trusting relationships enable effective dialogue
- Accountability is mutual

Given PLP’s expertise in public law generally and bringing judicial review challenges in particular, litigation and the use of public law knowledge and approaches was a particular focus of the partnership. As noted in our 2018 literature review, collaboration has a key role to play in public interest litigation:

Given the scale of problems they are typically addressing, public interest legal initiatives stand to benefit from extensive consultation and strategic alliances to help produce significant changes. This can help at all stages of the litigation process from pre-litigation research, through to preparing the litigation strategy, campaigns and communication work and the “legacy phase” of litigation including implementation and further lobbying and/or legal enforcement.⁷

However, at the outset of the partnership, it was not necessarily clear how expert legal organisations like PLP should best approach collaborative working to maximise impact. The learning partnership was established in view of the need to develop learning on what works in the context of using the law to facilitate systems change.

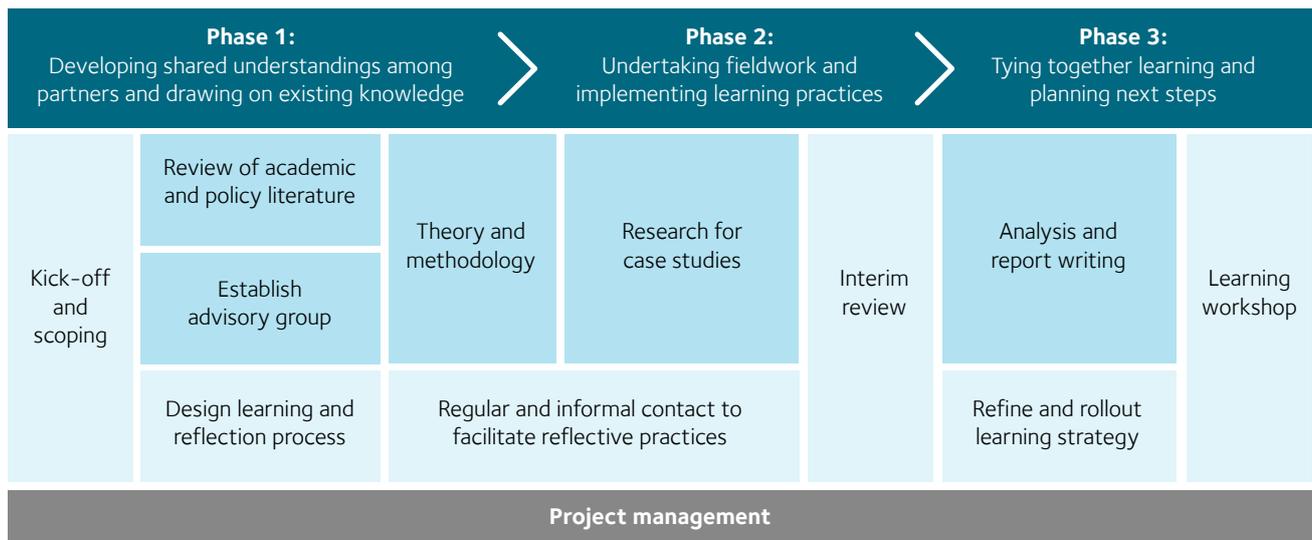
6. See e.g. Collaborate for Social Change (2020) *Manifesto for a Collaborative Society* (Birmingham: Collaborate). Available at <https://collaboratecic.com/wp-content/uploads/2023/09/CollaborateCICManifestoForACollaborativeSociety.pdf>

7. Vanhala & Kinghan (n 1).

3. Our approach

The first phase of the project (2017 to 2019) involved careful co-creation of the alliance between Lankelly Chase, PLP and the partner organisations and work with the learning partners to shape the questions driving the learning component of the partnership.

Figure 1: Approach to the pilot phase of the learning partnership



The first substantive stream of activity, informed by our advisory group (see Appendix I), involved generating a theoretical framework on effective use of law through a systematic review of academic and policy literature.⁸ We distilled the following primary research question:

How best can legal advice and assistance be deployed to achieve or facilitate systemic (rather than symptomatic) change in relation to people facing severe and multiple disadvantage?

We considered several secondary research questions including:

- What are the various causal pathways through which systems change can occur through the deployment of legal approaches?
- What are the barriers that prevent organisations from using litigation or deploying public law tools?
- What are the opportunities and tensions in collaborative use of the law?

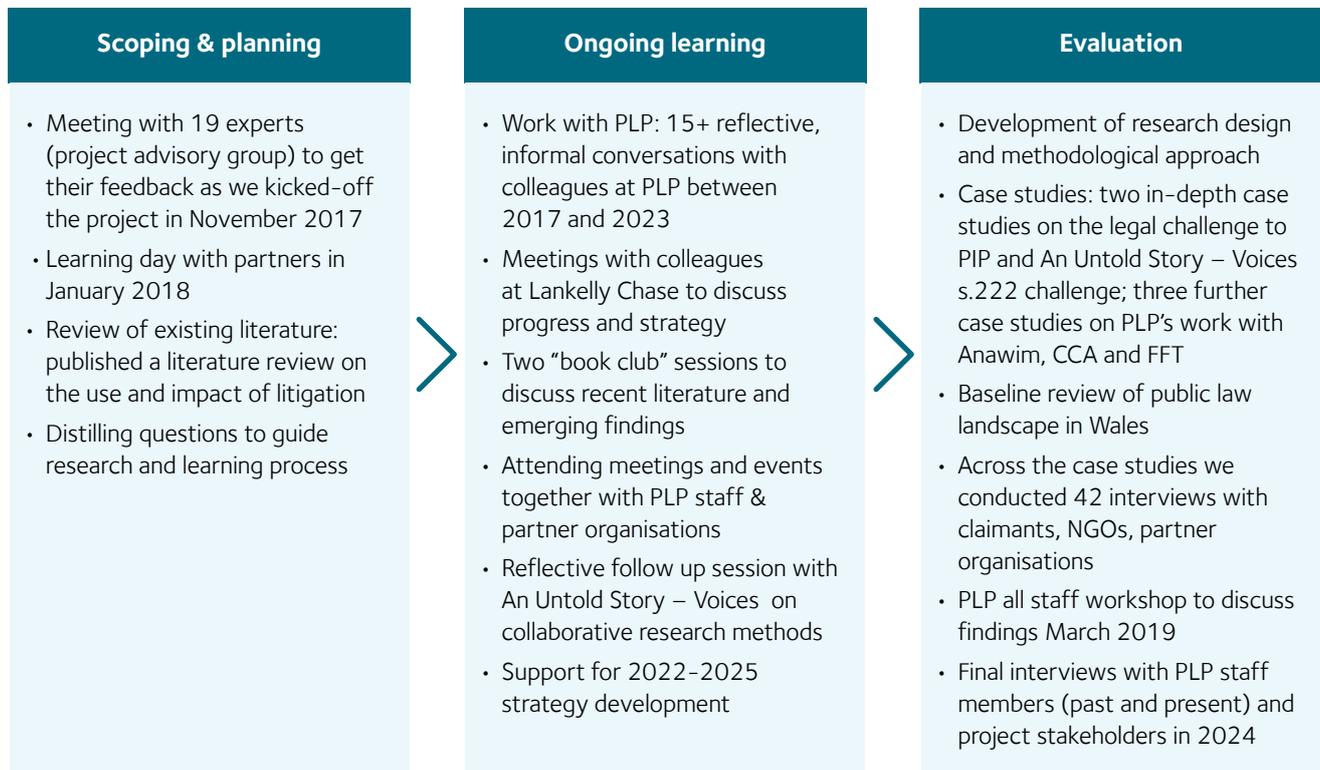
After the initial 18-month phase of work the partnership was renewed for a second and third phase.

8. Vanhala & Kinghan (n 1).

Learning partnership methodology

We designed a structured and learning-focused reflection process in collaboration with partners and deployed a variety of data gathering methods around PLP's overall approach and developing casework. These included semi-structured qualitative interviews, reflective interviews,⁹ focus groups and learning events as summarised in Figure 2.

Figure 2: Process and evidence for the learning partnership



In synthesising the learning to date, the aims of this report are to:

1. Explore the key changes in the wider socio-political and legal landscape;
2. Synthesise developments and findings from the learning partnership; and
3. Consider opportunities and potential models of collaboration for PLP (and similarly-situated and stakeholder organisations) in future.

For this report, we have analysed data collected as part of the learning partnership over the last seven years. We have also reviewed the most recent literature including socio-legal academic journals and 'grey' literature (e.g. policy papers, reports and consultation documents) in order to summarise key changes and trends in the landscape. We have also conducted 6 further semi-structured qualitative interviews with members of PLP staff (past and present) to offer final reflections and responses to the research questions.

9. Nardon, L. et al. (2021) 'Reflective Interviewing – Increasing Social Impact through Research' 20(1) *International Journal of Qualitative Methods* 1-12.

4. PLP in a changing landscape

This section sets out the key changes in the wider socio-political and legal landscape since the beginning of the learning partnership. It identifies the changing role of PLP amidst access to justice pressures in the civil and criminal justice systems, as well as the shrinking space for civil society organisations (CSOs) working on human rights and related social justice issues. This section helps with understanding the broader “opportunity structure” for using public law approaches – that is, the set of institutions, rules and norms that facilitate or constrain the use of legal approaches – as well as the societal factors that shape legal need over time. This helps us to situate the findings of the learning partnership within the broader context.

Foundation of partnership: 2017–2019

At the beginning of the partnership PLP was evolving as an organisation and sat within a rapidly changing landscape. The organisation was set up to navigate state issues from the outset, particularly in light of growing concerns about privatisation and the offloading of legal duties that accompanied that process. Yet over the course of the 2010s, in the wake of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LAPSO) and Brexit, the purpose and mission of the organisation had changed.¹⁰ This was also influenced by the expansion of the legal teams in a number of specialist organisations, for example, CPAG, Liberty, Just for Kids Law, Friends of the Earth and ClientEarth, that had developed their capabilities over the course of the 2000s.¹¹ This coincided with the growth of public law teams in private law firms, many of which started to take on casework under legal aid contracts.¹² One interviewee noted that in light of this “The need for one organisation that had all of that [public law] expertise to an extent went.”¹³

The early years of the partnership were set against the background of austerity politics. Successive cuts to local authority budgets had a profound effect on the services people received and increasing numbers of people were living in poverty.¹⁴ The impact of austerity was most profound on those experiencing discrimination and disadvantage, for example, women, single parents and disabled people. The UN’s special rapporteur on extreme poverty and human rights also noted that austerity inflicted ‘great misery’ and highlighted the related rise in rates of child poverty.¹⁵ A large proportion of PLP’s casework at the time involved the enforcement of rights and access to entitlements in relation to welfare benefits, education and social care provision. In order to achieve wider systemic change, this tended to involve challenges to central government, rather than local authorities.

Following the referendum held in June 2016, there was considerable uncertainty in relation to citizenship following Brexit (which took effect from January 2020). A general fear of retrogression of human rights and equality protections overshadowed the work of CSOs. Many predicted that Brexit would adversely impact those already experiencing poverty and disadvantage.¹⁶ Research at the time also indicated that the effective delivery of vital public services such as health and social care would be likely to decline.¹⁷

10. Interview 6, 20th August 2024.

11. Interview 6.

12. For example: Leigh Day; Bindmans; Deighton Pierce Glynn; Irwin Mitchell; Simpson Millar; and Duncan Lewis.

13. Interview 6.

14. Hastings, A. et al. (2015) *The cost of the cuts: the impact on local government and poorer communities* (York: Joseph Rowntree Foundation).

15. Alston, P. (2018) Statement on the Visit to the UK, UN Special Rapporteur on Extreme Poverty and Human Rights (New York: UN OHCHR).

16. Ibid.

17. Stewart, K. et al. (2019) *What does Brexit mean for social policy in the UK? An exploration of the 2016 referendum for public services, inequalities and social rights* (London: LSE).

From 2017, PLP provided wide ranging advice to organisations in the partnership about potential Brexit related issues relevant to their service users (e.g. Gypsy Roma Traveller communities; women with unsettled status in the criminal justice system).

In the legal landscape, civil access to justice was adversely impacted by cuts to legal aid in the LASPO. Legal aid was no longer available in areas including welfare benefits, employment and family law. Those with protected characteristics were more likely to face multiple barriers to access to justice.¹⁸ PLP played a critical role working responsively to LASPO and was involved from an early stage in challenging different aspects of reform, for example, the residence test for legal aid; the lack of availability of Exceptional Case Funding (ECF); and the scope of legal aid for victims of domestic violence.¹⁹ Building upon this casework, PLP also brought a challenge in 2018 on behalf of the Law Centres Network to the Lord Chancellor's proposed changes to the procurement of the Housing Possession Court Duty.²⁰ Wider issues such as legal aid advice deserts and the uncertainty of digital court reform posed further challenges within the civil justice system. Consistent with their strategy, PLP began work at the intersection of these areas during the foundation phase of the partnership.

The criminal justice system was also said to be 'close to breaking point' after years of delays, inefficiencies and budget cuts.²¹ The Criminal Cases Review Commission was struggling to cope with an increased workload due to low resource levels. Research demonstrated that court closures were aggravating the problems that already existed including low morale of criminal defence professionals, poor courtroom accessibility and disengagement from the judicial system.²² Through the work of the partnership, PLP began to better equip those working in the criminal justice system with public law tools in order to overcome traditionally siloed working across these areas of law.

Embedding the partnership: 2020-2023

Covid-19 had a profound impact on the landscape in terms of deepening poverty and creating a more generalised cost-of-living crisis; adding pressure on an already stretched healthcare system; creating economic instability; increasing the use of emergency powers; and exacerbating the backlog and pressure in courts, prisons and immigration detention centres. Working across both the research and legal casework teams, PLP continued to play an important role in raising awareness of the 'tsunami of delegated legislation' post Brexit.²³

18. Organ, J. and Sigafos, J. (2018) *The impact of LASPO on routes to justice* (Manchester: EHRC).

19. *R (Public Law Project) v Lord Chancellor* [2014] EWHC 2365 (Admin) and [2015] EWCA Civ 1193 [2016] UKSC 39;

R (Gudanaviciene & Others) v Director of Legal Aid Casework & Lord Chancellor [2014] EWCA Civ 162;

R (Rights of Women) v The Lord Chancellor & Secretary of State for Justice [2016] EWCA Civ 91.

20. *R (on the application of Law Centres Federation Ltd) v Lord Chancellor* [2018] EWHC 1588 (Admin).

21. UK Government, Public Accounts Committee Report (2018).

22. Adisa, O. (2018) *Access to justice: assessing the impact of the magistrates' courts closures in Suffolk* (Ipswich: Institute for Social and Economic Research).

23. Alexandra Sinclair & Joe Tomlinson (2020) *Plus ça change ? Brexit and the flaws of the delegated legislation system* (London: The Public Law Project). Available at <https://publiclawproject.org.uk/content/uploads/2020/10/201013-Plus-ca-change-Brexit-SIs.pdf>

The living and working conditions for the most marginalised and disadvantaged individuals and communities increased the risk of poor health outcomes and, for a time, the unequal impacts of the pandemic raised consciousness of social justice issues.²⁴ The Black Lives Matter movement gained international attention in 2020 following the murder of George Floyd. However, this period also saw backlash by way of increased polarisation between progressive and far right politics, and related negative portrayal of (so called) ‘activist’ lawyers in the public sphere. This was especially prominent in relation to immigration and the continuing hostile environment for asylum seekers and refugees, where even government actors criticised lawyers working in these areas.²⁵

The backlash against lawyers was exacerbated by increasing opposition more generally to human rights. The UK Government launched the Independent Human Rights Act Review in 2020, which led to the Bill of Rights Bill. Although the Bill was eventually scrapped (in June 2023) many argued it would diminish the level of protection given to human rights, and weaken the ability to enforce rights in UK courts.²⁶ Similarly, the Independent Review of Administrative Law launched in 2020 led to a number of changes, which restrict the remedies available in judicial review cases and limit the availability of judicial review against decisions of the Upper Tribunal.²⁷

The pandemic also brought about significant changes in service delivery both for PLP and partner organisations. Recent years can be characterised by increased use of digital platforms and remote working (including digital court hearings), as well as an increase in the use of AI and automated administrative public decision making. Many of these changes have been positive, while others represent cost-cutting rather than enhanced service provision for those relying on administrative systems.

By 2021 the international watchdog CIVICUS had placed the UK on its watchlist of countries where civic freedoms were quickly deteriorating.²⁸ The Sheila McKechnie Foundation reported that 90% of CSOs considered that the “negative view of politicians on civil society campaigning” together with “negative media coverage” created a particularly challenging environment for their work.²⁹ The threat to the independence of CSOs had been identified several years previously and arguably relates to the contracting of public services:

Successive governments have started to see the voluntary sector primarily as a sub-contractor, interchangeable with the private sector, acting merely as an arm of the state when publicly funded, without an independent mission of its own. However, as the democratic mandate of governments has declined, the potential of civil society to express the views of the public has grown. This very power appears to be pushing politicians on to the defensive.³⁰

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24. Connie McNeely & Laurie Schintler, The Pandemic Challenge: Reflections on the Social Justice Dynamic (2020) 12(4) *World Med Health Policy* 344-346.
 25. Venis, J. (2021) UK government ministers condemned for anti-lawyer rhetoric (International Bar Association, 4th February).
 26. See e.g. The Law Society of England and Wales (2024), *Human Rights Act reforms the Bill of Rights Bill* (London: The Law Society). Available at <https://www.lawsociety.org.uk/topics/human-rights/human-rights-act-reforms#:~:text=Impact%20on%20access%20to%20justice,accountable%20for%20human%20rights%20violations>.
 27. Changes brought about by the Judicial Review and Courts Act 2022.
 28. CIVICUS (2021) Civicus monitor: Tracking civic space. Available at: <https://civicus.org/index.php/what-we-do/innovate/civicus-monitor>
 29. Sheila McKechnie Foundation (2020) SMK Campaigner Survey 2020: Results. Available at: <https://smk.org.uk/wp-content/uploads/2021/01/SMK-Campaigner-Survey-2020-results-FINAL-1-2.pdf>
 30. The Baring Foundation (2015) An independent mission: The voluntary sector in 2015 (London, The Baring Foundation) 6. Available at: <https://baringfoundation.org.uk/resource/fourth-and-final-annual-report-of-the-panel-on-the-independence-of-the-voluntary-sector/>

More recently, scholars have noted the frontlash / backlash dynamics of those working the civil society space. In the current context, Hadjievaska observes: “In the age of populism and polarisation, the civil society space, often thought of as a space of inclusion and integration, turns into a political battlefield of values and ideas.”³¹

The negative public space for public interest and legal aid lawyering in the UK has exacerbated issues with recruitment and retention. As with many public services, especially those where the risk of vicarious trauma and burnout is high and rates of pay are comparatively low, many CSOs have struggled to retain experienced members of staff. This has especially been the case at the mid-career level, which is especially problematic given the need for expertise to supervise new trainees and manage legal aid contracts.³²

We note that PLP has not been immune from problems of staff retention in recent years. During the embedding phase of this work, several lawyers from the legal team (including our lead partner) moved on to pursue roles in other organisations. While this movement is to be expected, it raises questions about the longevity of partnerships which often rely on individual relationships and institutional memory, which we discuss further below.

Future focus: 2024 – onwards

Some of PLP’s most recent casework has continued to address restrictive legislation still in place in areas including immigration and the right to protest,³³ as well as, for example, multiple challenges to the EU Settlement Scheme. It is anticipated that there will be a continuing rise in radical right-wing populism, fuelled by exclusionary rhetoric and the ongoing impacts of the hostile environment. The climate crisis persists, which will require concerted collective action and reliance on legal tools. It is also anticipated that the next phase of work for PLP will take place against a backdrop of even greater reliance on AI and automation in administrative decision making.

The new Labour Government has stressed the precarity of the UK’s finances. As such, entitlements related to health, education, social welfare, housing and social care will continue to be constrained and it seems unlikely that there might be any reversal of austerity provisions. However, some commentators predict better working relationships between government and the voluntary sector on issues related to poverty, inequality and climate action.³⁴ Others note the commitment to human rights and the rule of law evidenced by some ministerial appointments.³⁵

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31. Milka Hadjievaska, Civil Society Elites Challengers in the UK: A frontlash / backlash perspective’ (2024) 26(1) *The British Journal of Politics and International Relations* 114–130, 126.
 32. Kinghan, J. (2023) *Recruitment and retention of lawyers: addressing the challenge of recruitment and retention of mid-career lawyers in civil society organisations* (London: The Baring Foundation).
 33. *National Council for Civil Liberties v Secretary of State for the Home Department* [2024] EWHC 1181 Admin (PLP as intervener); Safety of Rwanda Act 2024 test case challenge.
 34. Saskia Konynenburg (5th July, 2024) General Election 2024: What charities can expect from a Labour Government (London: NCVO). Available at <https://www.ncvo.org.uk/news-and-insights/news-index/general-election-2024-what-charities-can-expect-from-a-labour-government/>
 35. Monidpa Fouzder, *Human rights champion Hermer is attorney general* (Law Society Gazette, 8th July 2024).

Table 1: Summary of context and strategy of the partnership

	2017-2019	2020-2023	2024-ONWARDS
SOCIO-POLITICAL LANDSCAPE	<p>Impact of Austerity measures</p> <p>Sense of alienation in the regions and devolved nations</p> <p>Uncertainty posed by Brexit</p>	<p>Hostile environment</p> <p>Black Lives Matter</p> <p>Levelling Up</p> <p>Impacts of COVID-19</p> <p>Cost of living crisis</p> <p>Climate crisis</p>	<p>Increased reliance on AI and automation</p> <p>Climate crisis</p> <p>Threat of far right</p> <p>Instability of health and social care</p> <p>Ongoing cost-of-living crisis</p> <p>Pay settlements for public sector workers</p>
ACCESS TO JUSTICE AND CHANGING LEGAL NEEDS	<p>Advice Deserts</p> <p>Continuing impact of cuts to legal aid</p> <p>Court backlogs</p> <p>Low morale in legal aid workforce</p>	<p>COVID-19 pressures</p> <p>Increased reliance on digital tools</p> <p>Recruitment and retention issues in legal aid workforce</p> <p>Continuing racial injustice in criminal justice system</p>	<p>Reduction in prison population</p> <p>Tackling court backlogs</p> <p>Sexual offences courts</p>
PUBLIC LAW LANDSCAPE	<p>Access to JR in Wales</p> <p>Changes to legal aid: restrictions on role of third-party interveners</p> <p>Proposed digital court reform</p>	<p>Expansion of public law provision in local law centres</p> <p>Sharp increase in the use of emergency powers and secondary legislation</p>	<p>Potential increase in challenges to local rather than central government in areas, including e.g. social care, education, disability</p>
CIVIL SOCIETY & FUNDING LANDSCAPE	<p>Maturation of other expert legal organisations in the landscape</p> <p>Funding for collaboration and partnership</p> <p>Core funding provision</p> <p>Shrinking space for civil society</p>	<p>Focus on EDI & anti-racism</p> <p>Community-led approaches</p> <p>Increase in short term COVID-19 related funding</p> <p>Negative perception of CSOs</p>	<p>Pauses on funding / spend-out</p> <p>Difficulty getting core funding</p> <p>More positive relationship between Government and CSOs</p>
PLP STRATEGY	<p>Promoting and safeguarding the rule of law</p> <p>Working to ensure fair systems for the exercise of public law duties</p> <p>Improving practical access to public law remedies</p> <p>Strengthening infrastructure, capacity and effectiveness as an organisation</p>	<p>Constitution that promotes accountability</p> <p>Government use of new technologies is transparent and fair</p> <p>Fair and humane immigration system</p> <p>Just welfare system</p> <p>Effective and accessible legal aid scheme</p>	<p><i>In progress</i></p>

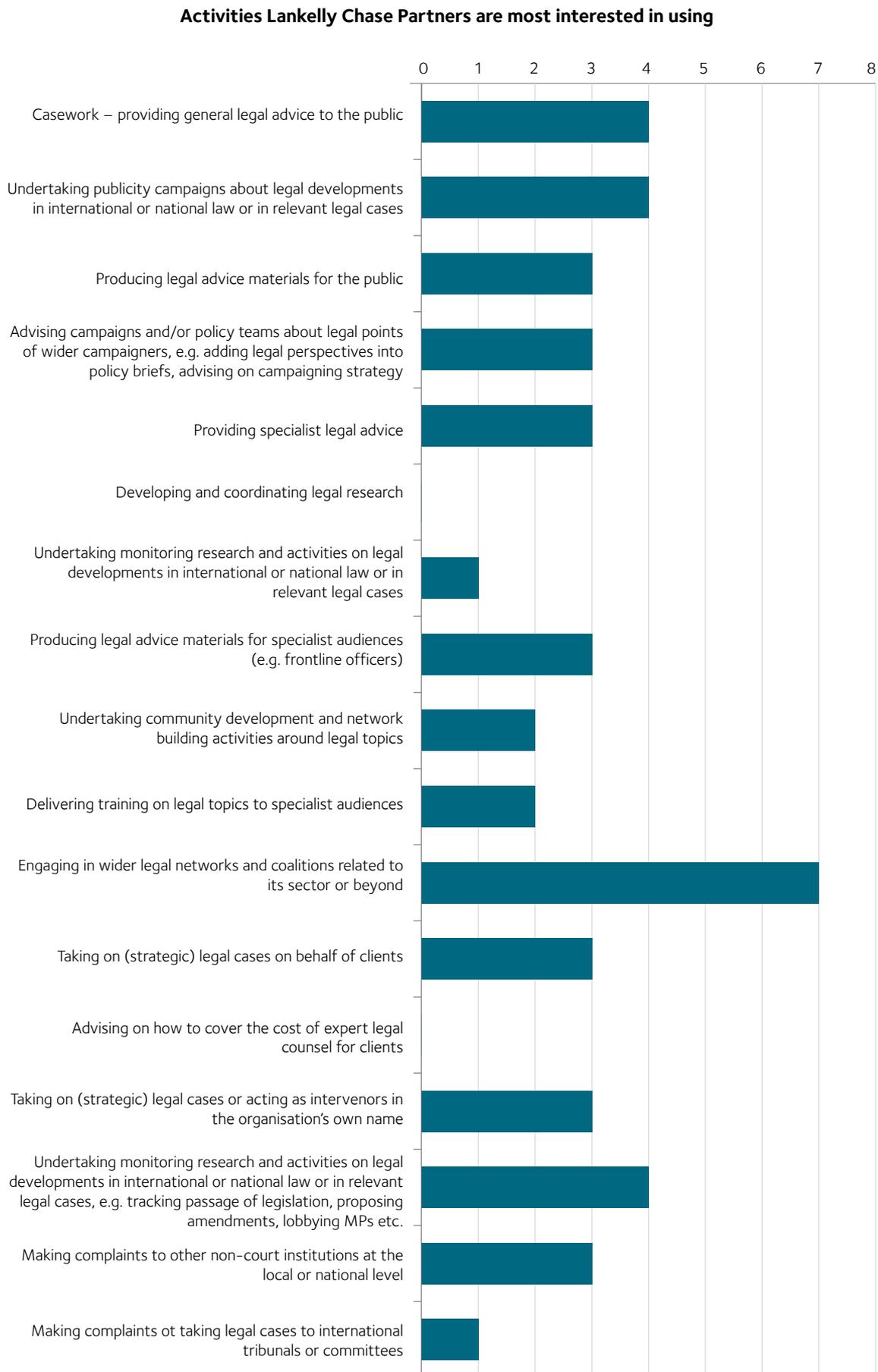
5. Collaboration: findings, challenges and opportunities

This section highlights the key findings of the learning partnership synthesising existing research and sharing insights from the original data-gathering and analysis undertaken for this report.

The partnership involved wide ranging activities and demonstrates the breadth of advice, information and representation relevant to substantive public law that PLP can provide, as well as its strengths in convening and sharing legal research. At the first meeting of the partners in 2018 we surveyed representatives of partner organisations to understand what organisations working with marginalised communities needed most in terms of advice, support and representation (see Figure 3). The trajectory of the learning partnership showed that different organisations had varying needs – depending on their existing experiences with the use of legal approaches, whether they had lawyers in-house or existing relationships with external lawyers – and levels of appetite for the use of public law tools.



Figure 3: Original partner organisations needs for public law support (2018)



As set out in Table 2, the most common types of work in the partnership were the provision of legal information, legal capacity and network building. Several collaborations also involved supporting with frontline casework and representing both organisations and individuals in strategic legal casework.

Table 2: Types of work in the partnership by organisation

PLP activity	LANKELLY CHASE PARTNER ORGANISATIONS									
	Agenda	Anawim	BTEG	FFT	CCA*	FRG	Leeds Gate	Revolving Doors	An Untold Story – Voices	
Provision of legal information	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Provision of legal advice to organisations or individuals		✓		✓	✓		✓			
Training on public law		✓			✓					
Legal capacity building	✓	✓		✓	✓	✓	✓	✓	✓	✓
Provision of legal research	✓	✓		✓	✓		✓			
Supporting organisations in their frontline/casework		✓		✓	✓	✓		✓		
Representing clients (individuals or organisations) or involving organisations in (strategic) legal cases					✓			✓	✓	
Legal network building		✓	✓	✓	✓		✓	✓		

* CCA subsequently changed its name to 'Appeal'.

We set out below some of the key lessons from the collaborations.

1. The capacity and appetite of partner organisations is key

What became clear over the course of the partnership is that organisational factors – capacity, resources including time, financial support and a board that was supportive of the use of legal approaches – are all critical in accounting for the degree of interest in the partnership and in the types of tools that can be used.

In our case studies of the legal approach taken in collaboration with An Untold Story – Voices and the Personal Independence Payments Case Study of the *RF* case we highlight how working with self-organised groups or individuals who have been marginalised by existing systems can require a less hierarchical and

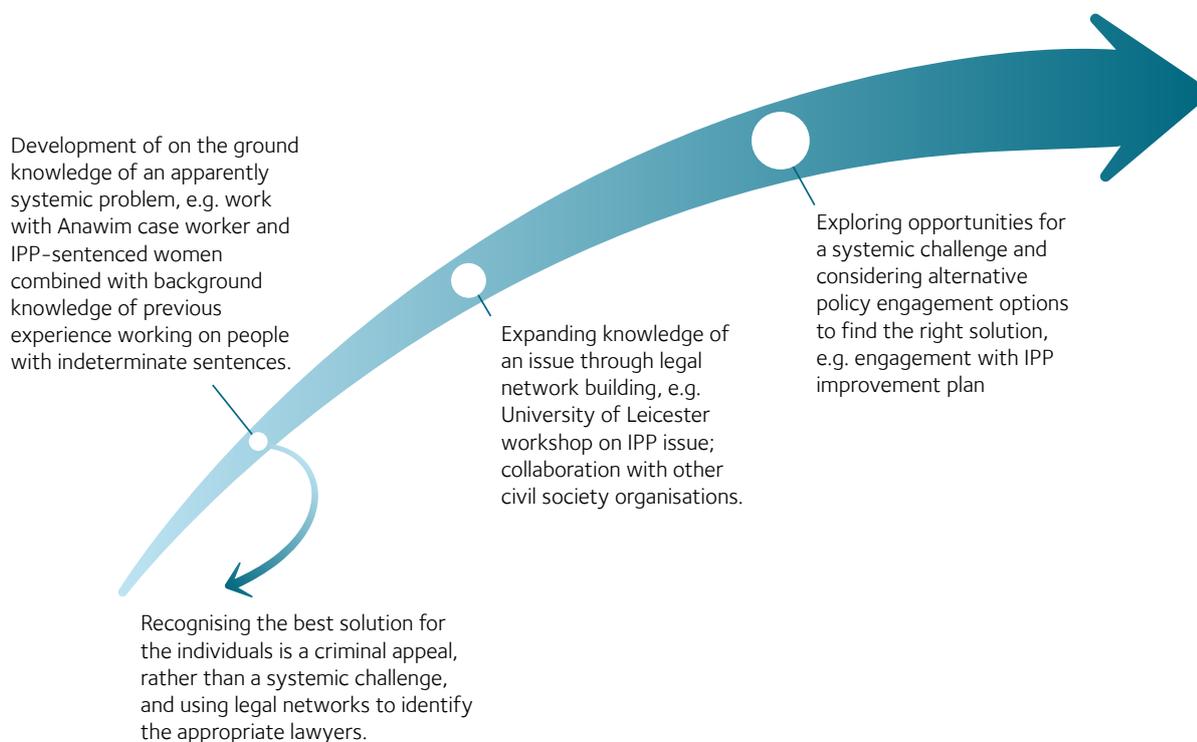
potentially slower approach to using public law.³⁶ Issues around who in a group acts as a gatekeeper and/or representative, who is in a position to litigate, whether any potential conflicts may arise and how they might be dealt with, how decisions are taken and how instructions and advice can be exchanged, are all in question and require additional attention and thought from the outset. Attention also needs to be paid by the client and the group to navigating the potentially varied interests within a group. It will help everyone if clear lines of communication and good decision making systems exist within the group.

This is also well evidenced by the work developed in Wales. Our baseline study demonstrated that most frontline organisations had little experience of judicial review and a general hesitancy in pursuing legal challenges. The hesitance related to close working relationships with government, especially with respect to local authority service provision in areas such as housing and education, and a reluctance to risk relationships with decision makers.³⁷ It has taken time to work closely with individuals in local charities and frontline service providers to consider together whether decision making is lawful in practice and, if not, what the potential and appropriate routes to challenge might be.

2. Strategic public law interventions take time

Evidence from the case studies in the learning partnership suggested that it takes between 18 and 24 months of groundwork to move from identification of a systemic problem on the ground to a potential strategic legal intervention. One interviewee recently noted, "...even if you spot an issue it takes a while for it to crystallise... there can be huge amounts of time and collaboration going on." For example, Figure 4 below demonstrates how the work on women with indeterminate sentences of imprisonment for public protection (IPP) followed this path.

Figure 4: 18-to-24-month timeframe for partnership building to identify legal issues



36. Kinghan & Vanhala (n 5).

37. Kinghan & Vanhala (n 4).

38. Interview 2, 18th July 2023.

A similar pathway, but a slightly longer timeframe, is demonstrated by PLP's work with the organisation Appeal. As we observed in our *Supporting Systems Changers* report in 2020. At that time, England remained the only part of the UK where imprisonment was lawful for failure to pay council tax. Appeal continued to campaign on the issue and an Appeal staff member commented that PLP helped identify where the law was "taking a wrong turn" both regarding the response to the failure to pay council tax and the related problem of prosecutions for individuals (disproportionately women) who fail to pay TV licences. The Appeal staff member noted that PLP's expertise was critical: "It's helpful to have an outside perspective – it helps us to stop running down the rabbit hole on an issue that might not go anywhere."

Since the publication of that report PLP continued to engage directly with the BBC to raise the issue of discrimination and to make them aware of growing evidence showing the adverse impact on women.³⁹

This early work later led to PLP acting on behalf of an Appeal client in a judicial review challenge to an unfair prosecution for failure to pay her TV licence. The case settled with the BBC agreeing to conduct an independent review of gender disparity in relation to TV license prosecutions, overseen by Baroness Young of Hornsey OBE.⁴⁰ In 2023, the review found that societal factors adversely impacted women; that more needed to be done to mitigate the risk of the impact on enforcement outcomes and prosecution decisions; and set out a comprehensive ten-point action plan to improve enforcement practices.⁴¹ Many changes have already been implemented and Appeal continues to monitor progress.

Echoing the point about capacity and appetite for the use of legal tools discussed above, our research has shown that for some organisations, their structure or management pathways simply might not facilitate advice and information exchange so it is harder, and more time consuming, to integrate PLP's expertise:

"It's just because of how we're structured, partnerships managers support different areas of the country to adopt our approach, we facilitate it rather than doing it ourselves so it's hard to integrate [PLP support]."⁴² For others, the disconnect between policy and legal approaches to issues takes an effort to unravel:

The disconnect is that when you do policy work it is often quite high level and about principles and when you start getting into the nitty gritty of the law it becomes a lot more granular... for a campaigning organisation we're never going to have the capacity to really hone in on one detail that is potentially quite technical.⁴³

For some organisations using the law is considered a risky option to pursue and requires buy-in. The process of building support at different levels within partner organisations can also be labour intensive and time consuming:

The decision to actually take a legal challenge is quite huge...it's a measure that some organisations would never feel comfortable taking and others would only do it with significant buy-in from their board and from lots of different people.⁴⁴

39. Kinghan & Vanhala (n 3, p. 11–12).

40. Appeal, 'TV Licensing must stop prosecuting people in genuine hardship'. Available at: <https://appeal.org.uk/tv-licensing-2/>

41. BBC, Gender disparity for prosecutions in TV licence evasion (May 2023).

Available at: <https://www.bbc.co.uk/aboutthebbc/documents/gender-disparity-review.pdf>

42. Partner organisation interview, interim learning (20th March 2019).

43. Ibid.

44. Ibid.

Notably, we identified through a series of different case studies (Friends, Families and Travellers Appeal; and Anawim) the importance of legal capacity building and sustaining networks that facilitate innovative approaches and encourage experimentation.⁴⁵ The importance of upfront investment and openness of all partners to engage was identified, as well as the need for funders to consider supporting the piloting and experimentation of different approaches.

3. There are many ways of activating change

The Lankelly Chase Foundation and PLP partnership powerfully demonstrated the role that organisations like PLP can play as a catalyst for change. Over the course of our research we identified many types of impact and multiple pathways to achieving that impact.

PLP has driven change through the embedding of knowledge of public law in partner organisations. For example, our report, *Supporting Systems Changers Through the Use of Collaborative Legal Approaches*, highlighted how PLP organised training for staff at Anawim, a voluntary sector organisation based in Birmingham that exists to support women and their children, on the Care Act 2014 and the Homelessness Reduction Act which came into force in April 2018. This helped to ensure that staff are well placed in terms of their knowledge of the law and the duties of public authorities. One key insight from the training for staff was that service users have rights and entitlements under these pieces of legislation rather than being on the receiving end of good will or charity. Several interviewees noted that this empowered Anawim staff to be bolder in the way they engage with public authorities leading to better outcomes for their service users. One representative noted at the time:

I think they [the local authority] know that we know legally where the clients stand, that we're more likely to challenge it ... That's the impression I've got recently, and they're more willing to accommodate us when we make contact. Whereas sometimes I think they can easily brush you off with a 'well-that's-all-we've-got-so-tough' type attitude. It has made a really big difference to Anawim, receiving that training was excellent.⁴⁶

In some instances, PLP would take the lead in seeking to influence parliamentary processes or litigating cases that it would be difficult for individuals or organisations to pursue on their own. They also offered opportunities to tie into broader legal networks. For example, PLP's legal research for Revolving Doors facilitated some of the organisation's engagement with access to justice issues on digital court reform. PLP provided legal information on digital exclusion and online courts, which helped Revolving Doors to feed into the HMCTS working group on digital exclusion. Another example comes from PLP's work with Agenda: PLP provided background research and identified key issues for Agenda's parliamentary and executive engagement on the Domestic Abuse Bill. We note in this context that the provision of legal information often rested alongside wider network building as PLP helped facilitate organisational engagement with, for example, select committees or working groups. The provision of legal information alongside network building creates potential for longer-term policy impact by, for example, raising awareness of issues for strategic challenges.⁴⁷

In many of the casework examples we have identified over the course of the learning partnership we have articulated the ways in which PLP supports organisations and communities to create and embed their own change. In some cases, PLP facilitates initial accessibility and plays a valuable role guiding partners through unfamiliar processes and new institutions. Lawyers at PLP then step back to allow them to continue independently in those spaces.

45. Kinghan & Vanhala (n 3).

46. Quoted in Kinghan & Vanhala (n 3).

47. Kinghan & Vanhala (n 3).

Examples of these types of processes range from pursuing complaints, issuing FOI requests and data gathering; identifying needs and delivering training; and facilitating access in new forums including providing evidence to parliamentary committees, participating in local council roundtables and meetings with the police and other criminal justice stakeholders. As one interviewee notes: “The litigation was one tiny piece of their work that propelled them into all sorts of other activities and activism ... the litigation ... gave them access to so many other things... [They’re saying] We’ve developed networks. We’ve got a seat at every table, and we have to say no to things now.”⁴⁸ Another interviewee commented on the way in which the partnership built capacity to pursue litigation in future: “I think the work we did with Friends, Families and Travellers (FFT) was impactful in slightly indirect ways. FFT intervened on another case I just did...they were driving the litigation and they have such an understanding of public law.”⁴⁹

A related aspect of activating change comes from the way in which people are empowered to work on related issues having been introduced to the potential of the law to provide a remedy: “You build up a relationship on one issue and then work on other things.”⁵⁰ In time, partners were then themselves “able to identify public law wrongs” and consider how best to collaborate on a legal challenge.⁵¹

4. How to build connection to communities

One of the features of the Lankelly Chase Foundation and PLP Partnership was a focus on working with groups that serve the needs of individuals and communities that are particularly marginalised and/or led by those with lived experience. We note the increased awareness of, and philanthropic support for, community and movement lawyering approaches in the UK in recent years. A community lawyering model is a partnership where the traditional role of lawyers and clients are minimised and community participation is maximised. Community lawyering theory, which has developed particularly in the US, advocates for a problem-solving approach and envisions lawyers becoming a part of the communities in which they work:

[Community lawyering] ...centers on building and sustaining relationships with clients, over time, in context, as a part of and in conjunction with communities. It incorporates a respect for clients that empowers them and assists them in the larger economic, political, and social contexts of their lives, beyond their immediate legal problems.⁵²

Community lawyering approaches aim to centre traditionally excluded voices and often draw together different uses of law such as, for example, public legal education; grassroots community organising; advocacy; and campaigning. Relatedly, movement lawyering is a model of practice in which “lawyers accountable to marginalized constituencies mobilize law to build power to produce enduring social change through deliberate strategies of linked legal and political advocacy.”⁵³

Some of the characteristics of a community lawyering approach were implicit in the way in which PLP lawyers collaboratively engaged with frontline organisations and self-organised groups in their day-to-day work. However, it is important to note that PLP is somewhat constrained – as are many similarly situated civil society organisations – by the distinct features of legal regulation; professional legal ethics; the structure and delivery

48. Interview 2

49. Interview 5, 23rd July 2024.

50. Interview 3.

51. Interview 1, 25th August 2023.

52. Tokarz, K. et al. (2008) ‘Conversations on “Community Lawyering”: The Newest (Oldest) Wave in Clinical Legal Education’ 28 *Washington University Journal of Law and Policy* 359, 364. See also Ancheta, A. (1993) ‘Community Lawyering’ 83 *California Law Review* 1363.

53. Cummings, S. (2017) ‘Movement Lawyering’ *University of Illinois Law Review* 1645, 1645.

of a *judicare*⁵⁴ model of legal aid; and the ‘split’ legal profession which differentiates the role of barristers and solicitors in the UK. Especially in casework that relates to the conduct of litigation, a number of rules determine the relationship between a lawyer and their client and, for PLP, the ‘client’ may be an organisation or community group. For example, ethical rules in relation to client confidentiality, conflict of interest and unsolicited advertising⁵⁵ may place limits on the extent to which a community lawyering strategy can be adopted.⁵⁶

It has also been observed that for some clients experiencing severe vulnerability, disadvantage and associated trauma a community lawyering approach may not always be possible or desirable. Scholars have therefore argued for the need for a “more context-specific attention” in adopting these types of approaches.⁵⁷ In many ways, the partnership offered a unique opportunity to test – in a realistic context – the limits and extent of a community lawyering model for organisations like PLP.

For example, the partnership provided a more structured, ongoing, ‘open-door’ connection to frontline service providers that had arguably been more challenging since PLP’s advice line service (Public Law Specialist Support – PLSS) ended following *LASPO*.⁵⁸ The collaborative model allowed for a more bottom-up approach to identifying and prioritising among public law issues that PLP was being made aware of.

This raises questions about how PLP will undertake this identification and prioritisation process going forward. One recent interviewee highlighted this, noting that: “If we don’t have a foot on the ground and don’t have an advice line, how do we know what the issues are?”⁵⁹ As another interviewee observed, public law itself “sits behind so many other issues” and can seem “academic and cerebral.”⁶⁰

PLP occupies a unique role representing individuals while also acting as a ‘second-tier advice’ or ‘infrastructure’ organisation meaning that it serves a critical role within civil society providing specialist advice and public legal education to other civil society organisations. Yet this second-tier role can be challenging in terms of issue spotting and then identifying a client, as summarised in these reflections on the TV licence prosecutions:

The sector identifies a problem that people are having issues with whether that is a front-line or partnership organisation. But the issue is “can we find a client?” [There were] TV licence hearings in the Mags court but 99.9 per cent of the time they didn’t want JR advice or to take a systemic challenge. Issue spotting like that can be really great but can feel like a top-down approach... There’s something very interesting about that horizon scanning [for] issues. There are thousands of women who are being prosecuted. Appeal spoke to quite a few people. Interesting on that dynamic and how you get that right.⁶¹

Another concern in collaborative working is that engagement with community and/or lived experience organisations on legal strategies can become extractive or exploitative.

54. This stems from the US ‘medicare’ system of public health and refers to a model of delivery that inserts a third party – traditionally a legal aid board – into the lawyer-client relationship in the delivery of publicly funded legal services on a case-by-case basis.

55. Solicitors cannot approach individual members of the public or advertise services on a targeted basis. See further, Solicitors Regulation Authority (2019) *Guidance: unsolicited approaches (advertising) to members of the public* (SRA: London). Available at <https://www.sra.org.uk/solicitors/guidance/unsolicited-approaches-advertising/>

56. See further, Marshall, S. (2000) ‘Mission Impossible? Ethical Community Lawyering’ 7 *Clinical Law Review* 147.

57. Carle, S & Cummings, S. (2018) ‘A Reflection on the Ethics of Movement Lawyering.’ 31 *The Georgetown Journal of Legal Ethics* 447.

58. Interview 6.

59. Interview 3.

60. Interview 1.

61. Interview 2.

The danger of that sort of stuff...if you're getting people to share their lived experience it can't be done for free. It can become exploitative – 'we will take your resource and time ...we will do it to tick some boxes for our next funding cycle'...It's a combination of training, recruitment of people who used to work in these organisations so there isn't a gap to bridge and it has to be internally rather than inter-organisation. That is something PLP has been proactive about.⁶²

In this context the need for "payment for participation" has been highlighted, with one interviewee noting that when organisations are giving their time and resource to developing partnerships, that time should be funded.⁶³ Likewise, another interviewee observed the importance of the interplay of PLP's activities, for example research, training and events alongside casework as well as co-producing events.⁶⁴

Similarly, one interviewee noted that "deaf and disabled organisations are very conscious of being picked up and then dropped" and noted that in response to this that the lead lawyer in the partnership "invested time so that ideas for litigation would be steered by them rather than us".⁶⁵ A growing awareness of the risks of behaving in an extractive manner shaped PLP's approach over time. This was largely influenced through the collaboration and the ability of claimants and partner organisations to raise this concern at points. While this speaks to the capacity and courage of those individuals to point out when the relationship veered in this direction it is also possible that the longer-term nature of the relationships fostered by this partnership facilitated the communication of these types of concerns.

On this point, one PLP interviewee considered that the collaborative, longer-term partnership model grants more agency to organisations and communities than one-off interactions:

It was also about giving people the confidence to trust lawyers after having not great interactions with lawyers previously... sometimes there's that dynamic between an organisation and individual claimants.... it was about ensuring they had agency and were not just a prop to satisfy the legal aid agency and being picked because you can get legal aid and you can run a human rights argument.⁶⁶

One interviewee observed the difficulty for PLP if they are not seen to also comprise with representatives from the communities they represent. They observed the importance of "building confidence in communities you want to litigate with" and noted that a number of law firms, as well as PLP, in the public law space have been giving thought to this in their recent recruitment strategies: "PLP has been very mindful of that, there was institutional overhaul of recruitment."⁶⁷

As discussed above, the time spent on foundational work involved in the partnership was seen as important in terms of building trust. Others commented on the continuing connection to frontline and community organisations in day-to-day casework, for example, as part of the Justice Together Initiative (JTI) which has had considerable impacts in the immigration context and helped build capacity for test cases.⁶⁸

Our in-depth case studies explored some of the challenges of partnership working, especially with community led groups or those with lived experience. A number of themes interrelate on this point, especially those related to the foundational work of the partnership and building trust. As discussed above, one of the key learning points from both *RF* and the *An Untold Story – Voices* case studies was the need for a slower

62. Interview 5.

63. Interview 1.

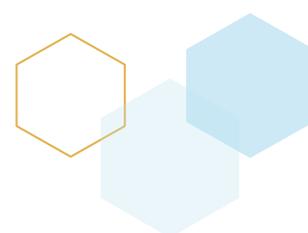
64. Interview 6.

65. Interview 5.

66. Interview 5.

67. Interview 5.

68. Interview 4, 18th July 2024.



approach that works alongside clients with lived experience, even during pressured times in the litigation process. Likewise, the importance of recognising that litigation may not be the most appropriate approach in view of the risk of re-traumatisation.

We note, of course, the need to take a sensitive and nuanced approach to lived and learned experience of vulnerability and disadvantage. Experiences of, for example, sexual violence, mental ill health and childhood trauma are matters that some people (both community partners or members of staff) may want to keep private, which necessitates a highly sensitive and individualised approach. While litigation can be empowering, the case studies at the heart of the learning partnership at the same time identified that the litigation process also has the potential to re-traumatise and exacerbate vulnerability.⁶⁹ Trauma-informed practice centres around six key principles, which were highly relevant to the approach of the learning partnership: safety, trust, choice, collaboration, empowerment and cultural consideration.⁷⁰ The lead lawyer in the partnership aimed to adopt a trauma-informed lawyering approach to the work, which included recognising trauma responses, adjusting to that trauma response in communication and casework strategies, adopting non-coercive and client-centred lawyering practices and avoiding the risk of re-traumatisation.⁷¹

5. PLP – managing organisational capacity and change

The decision to dedicate a senior lawyer's time to building and fostering relationships; and being available on an ad hoc basis for partner organisations had knock-on impacts for PLP. While that time might be covered by grant funding, it is arguably worth more to the organisation when reimbursed for litigation on legal aid rates.⁷² This is especially the case where experienced lawyers with experience of judicial review are needed often at very short notice for casework with tight deadlines, which is challenging when relationship building also requires time. For example, days spent delivering training, at network building events or simply travelling to visit partners and meet individuals in organisations and communities, can be extremely difficult to manage in addition to court hearings and document deadlines.

Relatedly, as discussed above, partner organisations also require time to commit to developing the partnership. As one interviewee notes, when partners are dealing day-to-day with “the crisis that they have on their doorstep, the kind of long-term solution is in itself a lot of work.”⁷³ The model necessitates managing and integrating pathways of information exchange, which requires the dedicated time of appropriate individuals.

We also note that there has been considerable internal change at PLP in the last three to five years including new leadership; reduced capacity in the legal casework team; instability in funding; and staff turnover in terms of management and oversight of the legal team. This has had an impact on PLP's institutional memory and the ability of the legal team to hold relationships with external partners when staff members move on. We note that several interim legal casework managers (who replaced the original lead lawyer on this project) in recent years were unaware of the way in which relationships had been developed and fostered in the past: “I didn't know anything about [the Lankelly partnership]. I heard about a baseline study in relation to Wales. Only more recently that PLP has been acting almost like in-house solicitors for these small organisations. That hadn't been conveyed...”⁷⁴

69. Vanhala, L & Kinghan, J. (2022) ‘The madness of accessing justice: legal mobilisation, welfare benefits and empowerment’ 44(1) *Journal of Social Welfare and Family Law* 22-41.

70. UK Government (2002) *Working definition of trauma informed practice* (Office for Health Improvement and Disparities: London). Available at <https://www.gov.uk/government/publications/working-definition-of-trauma-informed-practice/working-definition-of-trauma-informed-practice>

71. See Katz, S. & Halder, D. (2016) ‘The pedagogy of trauma-informed lawyering’ 22 *Clinical Law Review* 359.

72. Interview 1 and 3.

73. Interview 1.

74. Interview 3.

Other interviewees reflected on the need to refine activities and work in fewer priority areas. One staff member commented, “At PLP, there is nothing that limits what we can do, which becomes a problem in itself.”⁷⁵ In some ways the organisation’s work is inherently reactive – such is the nature of legal work more generally – so striking the balance between identifying opportunities in a responsive way and behaving strategically and proactively is particularly challenging for an organisation like PLP. As one interviewee noted: “There needs to be an element of planning, but there is a lot that goes on that is by chance.”⁷⁶ Another observed:

“We’re trying to always think about where we can add value to spaces. In relation to focus areas and the cases we can take on. Cases other people just wouldn’t be able to take on. And where we cannot duplicate or do something distinct ... I don’t know if anyone is exceptionally clear on where it sits. And since we’ve had a new director and changes in the organisation in the past couple of years... it’s a question coming up for people that start in the organisation.”⁷⁷

The issue of staff retention is particularly problematic in short term funding models that prioritise relationships and collaborations. In relation to some activity, longer-term systemic change depends on ensuring work is embedded by individuals with an understanding of the earlier stages of relationship building and ongoing activities. It is challenging when this might be at odds with the model a funder is adopting in terms of the work they want to prioritise and fund, or a ‘start-stop’ approach. As one interviewee noted: “It’s not that I don’t see value in someone external saying ‘why don’t you consider this?’ or ‘we’ve seen this working well here’ but then that is quite different from ‘this is now what we’re funding.’”⁷⁸

Likewise, there has perhaps been less focus on second-tier organisations as compared to previous funding cycles. One interviewee observed that:

There has been a movement amongst funders where if it’s not community led, they’re not interested. Only the communities affected by these problems have the solutions to their problems. That, I think, is probably palpably untrue. When austerity started, the coalition and then Conservative government, talked non-stop about the Big Society, basically saying we’ve run out of money, time for the voluntary sector to take over. Part of that was ‘oh, you’re best suited to find the solutions to your problems’ ... asking someone who is vulnerable to be highly involved in community development for their own benefit is asking a lot of people who need a lot of support.⁷⁹

One interviewee commented on the need for both second-tier and community-led approaches in the landscape:

I think there is still a space for second tier advice that is expert and separate and can be connected to specific issues...I don’t think anyone wants to remove expertise... it just needs to be on the terms of the organisation that needs it rather than the ones providing it. That’s tricky.⁸⁰

We note that, notwithstanding these issues, the future funding landscape will continue to be shaped by ongoing policy and budgeting decisions of the Labour government.

75. Interview 3

76. Interview 3.

77. Interview 2.

78. Interview 3.

79. Interview 6.

80. Interview 5.

6. Looking to the future

At the time of writing PLP is beginning to articulate a new organisational strategy and to re-invigorate its sense of purpose. This process will entail a reflection on what the organisation's strengths are, how it fits within the socio-political landscape and where it can achieve the greatest impact. The relatively recent change in government presented distinctive opportunities, however, many of the most pressing issues in public law, equality and human rights, social care and education are unlikely to be resolved quickly. As one interviewee noted:

I don't think the problems in local authorities are going away any time soon – social care, education, migrant support...it's been a disaster zone for a very long time and needs a massive overhaul of resourcing which isn't going to happen any time soon. The Home Office may get rid of performative cruelty and death by a thousand cuts challenges ... but one of the biggest shifts in the next few years will be a local authority saying, 'I just can't do it'. How do you enforce that and what is the role of the courts in a resource-deprived public sector? They don't mean to subvert the law but they can't comply. That's where the battleground of public law litigation will be... when everything is broken what are the positive obligations on the state to fix it?⁸¹

Further, the cost-of-living crisis, the use of AI and automation in administrative decision making and the threat of misinformation all represent significant challenges that stand to impact those already most marginalised within society.

Operating as a second-tier organisation offers an important opportunity to support individuals often experiencing interrelated issues and challenges related to, for example, mental and physical ill-health, disability, poverty, violence and abuse. However, as the in-depth case studies demonstrate, litigation has both empowering and oppressive potential and it is important to recognise that the subjective needs of claimants in the context of each case. Likewise, it is important to pay attention to strengthening the breadth of public law processes available, including complaints and ombudsman schemes, and increasing their accessibility. As one interviewee noted: “[Can we] help define what a good public law process looks like and work with communities to define the public law processes of the future and not just litigate the failures?”⁸²

It will also be important to consider the interrelationship between PLP's five core activities (litigation, research, policy advocacy, communications, training and events). There are lessons to be learned from the Lankelly Chase and PLP Partnership work which could be characterised as what is termed “enabling” activity and refers to coordination and holding space for others; as well as its relationship to data gathering and sharing research.⁸³ For PLP's purposes this might also be described as ‘activating’ others to create change within their own organisations and communities, and with reference to the systemic issues most affecting them.

81. Interview 5.

82. Interview 6.

83. Mark Riboldi, 'A typology of civil society organisation activities: a multi-grounded theory approach to what CSOs do' (2024) 59(2) *Australian Journal of Political Science* 197–215, 197.

Strategy decisions will need to consider how to navigate a number of trade-offs. This will include the trade-offs between working with individuals on one hand and organisations on the other hand. This will matter in thinking through how PLP identifies issues that need attention, the scale and scope of similarly affected individuals or organisations and the potential for different forms of impact from community empowerment to policy change, to the potential to drive shifts in culture and discourses. It will also include a consideration of the trade-offs of working with different types of organisations; from large professionalised campaigning organisations with wide reach and existing political influence that may benefit from public law support to the types of small, community- or lived-experience-led organisations that were at the heart of the Lankelly Chase and PLP partnership. As has been noted, these organisations represented some of the most marginalised communities within the UK and public law oriented collaborations with these types of organisations benefit significantly from a greater investment of time and deeper relationships. The learning from our partnership suggests that navigating these challenges and trade-offs will be critical in shaping PLP's next chapter.



Appendix 1:

Original advisory group members (2017)

This lists the members of the original advisory group and their organisational affiliations and positions at the time of the first meeting in 2017.

Rob Abercrombie, Director of Research and Consulting at NPC

Dr Jean Boulton, Visiting Fellow, School of Management, Cranfield University

Luke Clements, Professor of Law at University of Leeds

Rosa Curling, Solicitor at Leigh Day

Anna Edmundson, Consultant

Katie Ghose, Author of *Beyond the Courtroom* and CEO of Women's Aid

Anita Hurrell, Solicitor at Coram Children's Legal Centre

Professor Jeff King, UCL Laws

Poonam Joshi, Executive Director of Sigrid Rausing Trust

Svetlana Kotova, Disability Justice Project Manager at Inclusion London

Ravi Low-Ber, Solicitor

Elizabeth Prochaska, Legal Director at the Equality and Human Rights Commission

David Sampson, Deputy Director at the Baring Foundation

Alexander Stevenson, Author of *The Public Sector: Managing the Unmanageable*

Corey Stoughton, Advocacy Director at Liberty

Joe Tomlinson, Research Director at PLP

Louise Whitfield, Deighton Pierce Glynn

David Wolfe QC, Matrix

