

## **Title Page**

Building legal literacy in organisations that support people experiencing multiple disadvantage

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Wordcount – 7,739

## **Building legal literacy in organisations that support people experiencing multiple disadvantage**

We present a case study of specialist welfare advice and advocacy for people experiencing multiple disadvantage (i.e., a combination of homelessness, contact with the criminal justice system, substance misuse, mental ill health). Drawing primarily on qualitative interviews with staff and stakeholders, **we demonstrate the need for, and success of, specialist benefits advice for this customer group. It led to substantial financial gains, providing a greater level of security and stability, which also increased the housing options available to customers. We highlight an ongoing need for greater recognition across organisations that work with customers experiencing multiple disadvantage, and that benefits (and backdated payments) are a legal entitlement of customers. Implications for policy and practice are discussed for those developing similar models with pre-existing partner organisations, including the importance of: developing confidence and a different ‘law informed’ mindset in front-line staff; advisors building relationships with staff to achieve this; preparatory work with partner organisations to develop a shared understanding of what is involved and expected of specialist advisors and partner organisations. Ultimately, a culture of legal literacy must be cultivated at the individual level (front-line staff) and the organisational level (partner host). This is particularly pertinent to progress for this customer group given the current UK cost of living crisis. Stakeholders had concerns about the future of such initiatives in the context of further funding cuts; there is a risk that legal literacy development programmes become marginalised at a time when they are most needed.**

**Keywords:** welfare benefits; specialist welfare advice; multiple disadvantage; legal literacy; qualitative study.

### **Introduction**

Multiple disadvantage has been defined as experience of two or more of homelessness, contact with the criminal justice system, substance misuse and mental ill health (Lamb *et al.* 2019). It is one of several terms used to describe those at the extreme margins of social disadvantage (Bramley *et al.* 2015) who experience some of the poorest health

and quality of life. Such disadvantage not only comes at considerable personal cost, but also substantial cost to the state through disproportionate use of certain public services (e.g., emergency health care, criminal justice system). The welfare system exists to stop people falling into, or to help them to escape from, such circumstances (Alston 2018). Enabling individuals with limited means to claim the financial support to which they are entitled is critical for the prevention of poor health and related crises (Genn 2019; Marmot *et al.* 2020). Yet, claiming the benefits can be challenging, especially for those experiencing multiple disadvantage who are often marginalised from mainstream support services (Harland *et al.* 2022).

It has long been acknowledged that welfare rights advisers play a crucial role in helping vulnerable claimants pursue welfare benefit claims (Wiggan and Talbot 2006; Moffatt *et al.* 2010). For example, claimants with mental health needs, for whom income from welfare benefits is crucial (Cooper and Stewart 2015; Machin and McCormack 2021), have emphasised the importance of professional advice and advocacy from independent welfare rights advisers (Genn 2019).

In this paper, we present a case study of specialist welfare advice and advocacy for people experiencing multiple disadvantage. Based primarily on qualitative interviews conducted with staff and stakeholders involved in the project, we consider implications for policy and practice, particularly around developing a culture of legal literacy. We draw on Braye and Preston-Shoot's (2016) conceptualisation of legal literacy (i.e., the ability to connect relevant legal rules with the professional priorities and objectives of ethical practice) and the three principles of: knowledge of legal rules and how they relate to practice; strong engagement with professional ethics; and respect for the principles of human rights, equality, and social justice.

## Study setting

The setting for this study was a deprived area in the West Midlands of England – one of the 20% most deprived in England, where almost 24% of children live in low-income families (Public Health England, 2019). The health of the local population is generally worse than the national average across a wide range of indicators, including life expectancy and rates of statutory homelessness (Public Health England, 2019). Marmot *et al.* (2020) evidence that, although the previous 10 years saw large funding cuts throughout England, these were most severe in deprived areas and outside London and the South East, which undermined their capacity to invest in the social determinants of health (i.e., the conditions in which people are born, grow, live, work and age).

The context for this study was VOICES, one of 12 local partnerships in England, funded by the National Lottery Community Fund's Fulfilling Lives programme, to provide support and change systems to improve the lives of people experiencing multiple disadvantage. Of the Fulfilling Lives beneficiaries nationally, 52% had experience of all four of the 'multiple needs' (described above), and 90% had experience of a combination of substance misuse and mental ill-health (Lamb *et al.* 2019). VOICES ran from April 2014-March 2022. At the outset of VOICES, a Citizens Advice adviser was embedded in the VOICES team, working with staff to provide specialist welfare advice and advocacy for customers (VOICES and the wider Fulfilling Lives programme describe the people they work with as 'customers', therefore, we have used this term when referring to those supported). Following the success of that initiative (Pollard and Rice 2018), from April 2019, the model was applied to additional partner organisations as the Welfare Benefits: Leading and Learning (WBLL, pronounced 'Wobble') model. **The evaluation of the legacy of VOICES identified a pattern that, despite being eligible and entitled to support, people experiencing multiple**

disadvantage have been excluded from social, health and financial services; a lack of legal literacy and misinterpretation of legislation played an important role in that exclusion, which VOICES tried to address through projects such as the WBL (Spyropoulos *et al.* 2022).

### ***Context – the Welfare Benefits: Leading and Learning model***

Fundamentally, the WBL project focuses on delivering a legacy of legal knowledge and skills on welfare benefits within agencies that support customers with multiple needs. WBL aimed to embed a specialist adviser from Citizen's Advice within different organisations that support this population group. The specialist adviser had two main functions: to provide front line advice, support and advocacy, including direct case work with customers and supporting staff in the organisation to advise their customers. Coaching, mentoring and supervising staff to increase their legal literacy for effective benefits advocacy to foster learning, capacity building and policy work was key.

Initially, WBL was implemented within three organisations, two housing providers (including hostels and supported housing) and an alcohol and drug service. Barriers encountered during implementation in the latter, led to a replacement fourth organisation being recruited (an offender management service).

We present findings from the three initial services that provided data on benefits claimed during the first 24 months of WBL. From April 2019 to March 2021, welfare advice was provided to 56 customers, resulting in payments totalling £565,629 (an average of £10,101 per customer). This included one-off payments to 44 customers totalling £217,198 (average of £4,936 per customer), and recurrent monthly or weekly payments totalling £348,431 (average of £6,222 per customer). This equated to a minimum weekly ongoing income increase of £59.83 per customer. The most common

benefits claimed were Personal Independence Payment (PIP) and Employment Support Allowance (ESA), which accounted for approximately 80% of total financial gains.

The period of WBLL included in this evaluation (April 2019 – August 2021) began before and lasted throughout the first national lockdown, as part of the UK Government's response to the COVID 19 pandemic; this had a major impact on implementation and delivery (detailed below).

## **Methods**

### ***Participants and recruitment***

Seven interviews were undertaken with staff and wider stakeholders with relevant, expert knowledge of the project identified by WBLL advisers and the wider Citizens Advice and VOICES team. Eighteen potential participants were invited by email, of whom nine responded, and seven were able to take part: WBLL advisers (n=2), wider team involved with the project from Citizens Advice and the funder (n=3), and staff from the partner organisations involved (n=2).

### ***Data collection***

Data collection took place in July and August 2021. Interviews were semi-structured to ensure key topics were covered whilst allowing participants to focus on their own experiences and reflections. Topics included background information about their organisation and role, implementation of the WBLL model, comparisons with previous practice, perceptions around outcomes and processes including perceived benefits and areas for improvement. Due to COVID-19 restrictions, all interviews were conducted over the phone or through Microsoft Teams. The researcher obtained informed consent from all participants before the interview. Interviews were audio-recorded and transcribed, in preparation for data analysis.

Analysis was guided by Braun and Clarke's (2006, 2021) phases of (reflexive) thematic analysis and focused on identifying patterns of meaning across the dataset. This involved: data familiarisation, inductively coding the data in a systematic way (using QSR NVivo), developing and reviewing themes, refining, defining and naming themes, and producing the write up. The two researchers that conducted interviews also conducted the analysis (1st and 3rd authors). Ethical approval was gained from the University's ethics committee.

## **Findings and Discussion**

Three key themes are presented and discussed using illustrative quotations (anonymised using numeric participant identifiers, P01-P07): (1) **"It's so important to try and get it right in the first instance" for this customer group;** (2) Building confidence and growing a different, 'law informed' mindset **in front-line staff;** (3) **The importance of preparatory work with partner host organisations.**

### ***"It's so important to try and get it right in the first instance" for this customer group***

**This theme emphasises that improvements are needed to ensure that people experiencing multiple disadvantage receive their correct benefits in a timely manner, and that specialist advice has an important role to play.**

Prior to receiving welfare advice support through the WBLL, most customers were not receiving all the benefits to which they were entitled; as mentioned earlier, 44 of the 56 customers supported by WBLL received one-off payments, averaging at £4,936 per customer. **Interviewees noted that, whilst many in this customer group are entitled to various benefits (and at a higher rate), often they do not receive them:**

*a lot of people, without the support [from WBLL], who we first pick up aren't on the correct benefits, they're just on like a Universal Credit, so I think from that*

*point of view is, it's not the correct benefit if they have got a physical need or a mental health need. So we have to make sure that we maximise their benefit, look at PIP referral and things like that. (P03)*

As well as being their legal right, maximising customer benefits was perceived to have a positive impact on the health and wellbeing of customers. Having this greater level of financial security and stability was framed as helping with housing options available to customers:

*I think it means their tenancies are more affordable. You know one issue is that it can be quite challenging to find suitable one-bedroomed properties, so in Social Housing if you are in a two-bedroomed flat, and you are a single person, you have to contribute a bit towards the rent and it means that people are more able to afford that top-up... so it really increases their choice of housing, that they have got all of their Benefit entitlements maximised. (P06)*

This project and others have highlighted the positive financial, health and wellbeing impact of benefit maximisation (Hernanz *et al.* 2004; Moffatt and Scambler 2008; Finn and Goodship 2014), leading to improved security and accommodation for customers.

As participants pointed out, benefits are assessed based on their level of need. If people are not receiving them, there are obvious implications for the life they are able to lead:

*I think there is something about the level of chaos in their lives. You know, people who are not accessing the income they require to lead a basic lifestyle will inevitably have crises, debts that can't be paid, rent arrears, fuel debts, borrowing from loan sharks and all those things. Those things will happen and at different points in their lives that will be crises that they are probably not equipped to cope with and then they will go downhill very quickly. And I think, I think it has a significant role, has played a significant role in preventing homelessness (P07).*



*they [WBWLL advisors] are able to help people to access a wider range of benefits for which they are entitled, including disability benefits, which has helped people to increase their income and then logically, you know, that has increased their financial stability and reduced the need for people to take part in other income generating activities such as begging etc and providing them with a more kind of stable financial platform from which to gain a foothold in accommodation for example (P05)*

Relatedly, ensuring that people with experience of multiple disadvantage receive the correct benefits promptly helps to prevent the accumulation of considerable backdated payments of social security benefits:

*It is so important to try and get it (benefits applications) right in the first instance... If people get their benefits early on, they are never in that situation where they have to wait a year for an appeal and when it comes through, they get thousands and thousands and thousands of pounds. So, I think it's about making sure that people are learning how to do this right at the very beginning. (P07)*

Backdating is often connected to the successful appeal of a disability benefits decision, either through a Mandatory Reconsideration or at the First-tier Tribunal (Social Security and Child Support). Backdated payments of social security benefits should be pursued as a legal entitlement. With the arrears of benefits received by customers often amounting to thousands of pounds, interviewees with experience of support work with customers highlighted specific and important considerations about how such a large amount of money would be managed. Some participants highlighted that, for customers

with complex needs (e.g., alcohol or drug addiction, mental health problems) this can be particularly difficult to manage or could make them vulnerable to financial exploitation.

*Getting a big chunk of money all in one go is a really high risk thing to happen, where people you know are either at risk of financial exploitation, or where they are at risk of theft, or whether at risk of overdose, if they use a lot of substances, and it's really hard, and really rare for people to actually use that money in any sort of meaningful way (P06).*

One positive example cited was a customer who, with a considerable backdated payment, was able to privately fund therapy to address “very deep rooted and difficult problems” (P02). Crucially, the sum of money was also described as helping the individual to feel “strong enough mentally” to pursue therapy (P02).

Another participant suggested that, where **substantial** backdated payments do **accrue, potential risks could be** mitigated through payment in instalments, which had been achieved in one case.

*I think it would be worthwhile looking [at]...what more could be done in the case of customers getting significant back payments. I think there has been a bit of progress being made around getting those back payments paid in instalments which I think is a good idea (P05)*

Elsewhere, two recent cases have further increased the potential for welfare benefits advocates to pursue significant backdated gains for clients with complex needs. **This underlines the importance of processes to help people manage gains in ways most appropriate for them.** Following the first Personal Independence Case to be heard in the Supreme Court (Secretary of State for Work and Pensions (Appellant) v MM (Respondent), Scotland), the Department for Work and Pensions announced a review of

up to 340,00 claims. Backdated payments of up to £16,000 may be awarded to claimants with mental health problems following instruction that a wider interpretation of social support must be adopted. In January 2022, the High Court judged in favour of two disabled claimants who were not fully compensated for the loss of £180 per month when they transitioned from legacy benefits to Universal Credit (TP & Anor, R (On the Application Of) v Secretary of State for Work and Pensions [2022] EWHC 123 (Admin)). It was held that the Secretary of State for Work and Pensions was unable to demonstrate ‘objective and reasonable justification’ for the differential treatment of the appellants and that this amounted to unlawful discrimination under the Human Rights Act 1998. Over the next six years, the ruling is expected to affect 50,000 claimants at a cost of £150 million to the Department for Work and Pensions.

A recent development in this regard is that, from October 2021, the Social Security Benefits (Claims and Payments) (Amendment) Regulations 2021, SI 2021 No 1065, Regulations 2 and 3, allow the Secretary of State to pay benefit arrears in instalments (rather than as a lump sum), where a claimant gives their consent, and a decision maker believes that it protects the claimant’s interests. Previous options for payment of benefit arrears only allowed for lump sum or third-party payments. These regulations cover Universal Credit, Personal Independence Payment, Job Seeker’s Allowance, Employment Support Allowance, and legacy benefits.

Ultimately, as explored below, knowledge acquisition in frontline workers was considered the best way to prevent complications related to backdated payments awarded to customers. However, in light of the aforementioned changes to regulations, **the potential for customers to receive backdated payments remains. These changes also demonstrate** the need for those supporting people experiencing multiple disadvantage to remain up to date with their legal entitlements, this supporting the case to invest in

models such as the WBLL (as advocated by our participants). Yet, **there was an underlying concern about whether such investment would be available in the context of further funding cuts:**

*What we can do is just shrinking all the time because there is no money to do it and without money, with the best will in the world, you cannot do specialist and legal advice. There's no way (P07)*

***The need to build confidence and grow a different, 'law informed' mindset in frontline staff – individual level***

Against the backdrop outlined above, interviewees considered that there was a pressing need to build confidence and cultivate a 'law informed' mindset at the individual level of frontline staff working with people experiencing multiple disadvantage. The WBLL adviser provides support and guidance to staff with all aspects of the benefits system. A key element of the project is a training package, delivered by a WBLL adviser to share 'their understanding, confidence and knowledge around benefits issues' (P06):

*The Support Workers and Service Coordinators that we work with, might have a general idea of what they are doing. They might know, yes there is a problem with this person's PIP... but they're not sure how to get to the answer ... So it is about showing them and guiding them to how to get that answer. (P01)*

Examples of training cited included Universal Credit eligibility criteria, migration from legacy benefits, and deductions. Ultimately, **the specialist advisor seeks to facilitate a shift in mindset amongst staff at the partner organisations to recognise and apply the legal frameworks:**

*But really trying to develop in many ways a different mindset amongst the Service Coordinators and move them from a sort of negotiating what is best for the*

*customer sort of approach, to enforcing customers rights approach, and that is linked very much into this thing of legal literacy. (P04)*

Here, legal literacy was equated with promoting a ‘law informed’ mindset in staff who are not welfare benefits specialists. This aligns with the three principles of legal literacy as defined by Braye and Preston-Shoot (2016): knowledge of legal rules and how they relate to practice, strong engagement with professional ethics, and respect for the principles of human rights, equality, and social justice. These principles emphasise the complementary and interdependent nature of legal rules, rights-based decision making, and an ethical duty of care. In the context of WBL, it was evident that professionals work to pursue the best interest of people with multiple needs but can lack the awareness that the duty of care also extends to the identification and protection of legal rights. The correlative nature of promoting rights and challenging discrimination and social exclusion has been widely recognised in academic literature (Greasley and Small 2005; de Wolfe 2012; Forbess and James 2014; McGrath *et al.* 2016; Galloway *et al.* 2018).

Participants were clear that the model had led to some successes in working towards this end goal:

*The long-term goal of the model is to create a whole population of front- line staff and volunteers etc. within the homelessness sector who understand about what we call a law-informed approach to welfare benefits, to housing as well... and to become at the very minimum, benefit aware and hopefully what we like to call benefits advocates, so actually being able to do it themselves well. (P07)*

Indeed, participants talked about being able to see progress in staff who became able to handle some cases themselves, only seeking advice from the specialist adviser for more complex cases. As in the quote below, the benefits system was described as a

‘minefield’ (P03). Therefore, learning from a specialist instilled in staff a confidence that they could and, perhaps more importantly, should challenge the DWP when there are grounds to do so, rather than just accepting decisions. WBLI advisers provided advice and support with appealing DWP decisions (e.g., Mandatory Reconsiderations). An example of the process of helping and guiding staff through their first appeal is described below:

*If somebody has come across the first Mandatory Reconsideration, they have never had to do one before, the chances are if I just say ‘right I am going to support through this’ they are going to really panic. So that first one I will do it. I will send it to them, and I will say, “have a look through it, see what your understanding of where this information has come from, how we have put it together”. (P01)*

*They (WBLI advisers) are a Godsend... when you aren’t confident, you don’t challenge decisions, but they give you that confidence by saying, “you know, by right they have got to do this, they have got to do that” ... I think it is useful for organisations like ourselves to have that expert advice because like I said it’s a minefield, the benefit system is. And so many changes happen, you can’t keep up. (P03)*

This acquisition of a ‘law informed’ mindset was linked to knowledge building and confidence. Where a reluctance to engage with legal principles was observed this was often connected to an anxiety about ‘making a mistake’ and the legal complexities of a quickly changing welfare benefits system. This underscored the importance of the WBLI adviser providing training (as mentioned above) and ongoing support, particularly helping to break down complex legal processes into manageable steps and for successful outcomes to be recognised.

Newly acquired legal literacy fostered a confidence and willingness to pursue legal challenges against DWP decisions. WBLI advisers were also successful in

working with front-line staff to apply the law and regulations to challenge DWP decisions, for example:

*What [the adviser] managed to do was get a decision that was made by the DWP that this individual was fit for work when the individual clearly wasn't, within the benefits rules, so we challenged that decision and that decision got changed. So the individual was put back into what we call the support group of the particular benefit and that increased that individual's income by 33%. (P02)*

It was recognised that enforcing legal rights is a fundamental element of upholding the best interest of a client (McDermont 2013); and that understanding the law is essential during negotiation (Freshman 2012).

The supportive role of the WBLL adviser allowed non-specialist staff to become 'benefit advocates'. They were able to recognise that supporting people with experience of multiple disadvantage demands a holistic approach that not only supports clients with their immediate presenting needs, but promotes longer-term wellbeing by holding the social welfare system to account (Allmark *et al.* 2013). This was application of the legal literacy principle of linking legal provisions to one's own professional practice (Braye and Preston-Shoot, 2016).

The relationship between the WBLL adviser and professionals with which they work was key to the model's success. Successfully embedding legal literacy principles relied on building trust, confidence, and legal knowledge. When front-line staff understood and witnessed the benefit of WBLL adviser's support, relationships could be formed which allowed the adviser time to share their knowledge and 'upskill' staff:

*You know there was initially one member of staff that ... she sort of said to me, I have been doing this for four years now, my success rate is 100%, I don't need you... By the end we had a fantastic relationship ... as soon as she opened up and she accepted that I did know what I was talking about, it made a world of difference. (P01)*

Exploring why some staff may be resistant to working with the WBLL adviser, this participant explained:

*If they feel, I think, that they are overworked, and they don't have the capacity to take on something extra... they are understandably reluctant. (P04)*

When staff at the partner organisation 'chose not to engage' (P02), the model faltered, showing that 'it's very, very, very dependent on the goodwill of the individual involved' (P02).

Part of the WBLL advisors' role, at least initially, appeared to be winning over front-line staff and almost convincing them of the positive difference it could make to them, their work and their customers' lives. To try and achieve this position sooner in the process would be beneficial to future projects and underlines the importance of preparation work with organisations and staff at all levels, as discussed more in the next theme.

### ***The importance of preparatory work with partner host organisations – organisational level***

Key learning here centres around the importance of **growing a law-informed culture with partner** organisations. Participants identified various challenges with implementing the model in partner organisations, many of which stemmed from lack of 'buy-in from the partner agency' (P02) front-line staff (as above) and management. The model's potential was often acknowledged, but barriers were encountered when it came to implementation **within the partner organisations**.

There appears to be an ongoing need for greater recognition across organisations that work with customers experiencing multiple disadvantage, that benefits (and



backdated payments) are a legal entitlement of customers. There were differences in how participants responded to the issue of backdated payments for customers - there seemed to be a tension between pursuing legal entitlements and perceived risks and vulnerability to customers receiving a lump sum. Other participants felt it was 'not helpful [when] the organisations see it (backdated payments) as a problem' because:

*It is people's entitlements, it is our job to support them with it and it's your job to talk to them about the fact they may get it and what they are going to do' (P07).*

It is, therefore, important that this potential point of contention is discussed with partner organisations that might wish to adopt a similar model of welfare benefits advice (it is not just specific to the present case study).

There were examples of initial 'push back' (P01) when trying to communicate with members of staff, which emphasises the need to develop a law informed mindset (theme 2) at the strategic level, as well as in front-line staff:

*[when] people didn't understand what we are doing because even though we may have created more law-informed frontline staff, people high up in organisations don't understand it (P07).*

**Our data highlighted the need for organisations to be prepared to work with the WBLL team in ways that might diverge from how they have traditionally worked with staff from Citizens Advice:**

*it's definitely about buy-in, and you know, and it is about buying into a different model. So it's about trying to explain to people why you know 'this is different, this isn't how it always used to be'. They have got to park their preconceptions about CAB services and be open to working in a new way; but I think over a long enough period of time, we have been able to demonstrate that it works, and it has real value. (P04)*

Some resistance to this change was noted, and an expectation that the WBLI adviser would take cases off staff and work directly with customers (as previously) remained, rather than supporting frontline staff to develop their own practice around 'ensuring that the correct information and correct regulations are being applied' (P05).

*It has been very, very difficult to get this across to people... There is a mismatch between the management of these organisations and frontline staff... The management doesn't really understand what their staff do. (P07)*

Poor communication between management and frontline staff regarding the purpose of the model and pre-existing workloads of frontline workers meant the model could not be applied well in some organisations.

Having welfare benefits advice (and required skills or training) as a core part of staff roles was suggested as a way to improve future applications of the WBLI model, so that engagement with the model is:

*written into their job description because I think inevitably what we are doing is, we are asking a partner agency's staff to do more work and to do work of a nature that they're really not familiar with (P02)*

Ultimately, due to variation in how partner organisations appeared to understand and work to implement the WBLI model, a stricter agreement was recommended to remove any ambiguity:

*Maybe a kind of Service Level Agreement...with the organisation, so it made it absolutely plain what we would do, and what they had to do. (P07)*

Participants also highlighted the need for such agreements to be tailored to the specific organisation involved, to take into account their own processes and procedures. Thus, the preparatory work would also allow WBLI staff to learn more about the partner organisation, their role and relationships with customers and to set out how they could

realistically collaborate to implement WBLL with the partner organisation. For example, an important distinction was made when working with housing providers (compared to other organisations) due to the ongoing nature of the relationships with customers and the additional incentive to ensure benefits are maximised as it could help customers to pay their rent to housing providers.

Ultimately, participants reflected that this process of developing relationships and processes in pre-existing partner organisations was more challenging than in the previous model, where the adviser was part of a new organisation (VOICES) from the outset. In this respect, the core function and principles of the host organisation are critical. Understanding the significance of and committing to developing legal literacy was clearer at VOICES where the core function of supporting those experiencing multiple disadvantage required that customers were supported to receive the benefits, care and support to which they were legally entitled. In the partner organisations for the WBLL model (housing providers, alcohol and drug service, and offender management), there was an inertia to adopting this way of working. It demonstrated a need to better articulate the rationale for and value of the approach **during the preparatory phase**, to clearly show the results for customers and to provide comprehensive support.

A major external challenge to the implementation of WBLL in other organisations was government-enforced restrictions related to the COVID-19 pandemic. Progress in some organisations was ‘a bit slower than we anticipated’ (P02) as a result of the pandemic but the largest perceived challenge was the inability to:

*have regular time together, it's all done kind of through virtual meetings now and you know telephone calls and things rather than being able to actually sit alongside somebody and work something through (P06).*

A ‘very key part of [the model] is the staff being physically present in those organisations’ (P07):

*It [was] better when [WBL advisers] are sitting in the office with you because you can just reach out a lot quicker but also they want to see the information... before lockdown they actually went out and met the customer, so help them get a better understanding. (P03)*

The ability to coach organisation staff was thought to have suffered most through remote working, but staff ‘still kept communication going’ (P03) to maximise customer support.

Our data highlighted some best practice principles to promote positive relationships between specialist welfare rights advisers and non-specialist staff. It is important for the welfare rights expert to be seen as a core, not peripheral, part of the team. Meeting new members of staff during the induction process is a key starting point. The welfare rights expert should be involved in key organisational decision-making processes, play an active role in team meetings, and be involved with funding applications. This visibility and embedment within the organisation are critical for the effective communication necessary for timely interventions. In the post-pandemic world, advice services will pursue hybrid delivery patterns (Creutzfeldt and Sechi 2021). Careful consideration of how legal literacy can be promoted in this setting is required. Burton (2018) established the merits of face-to-face dialogue in the social welfare law sector. Although promoting legal literacy and confidence is paramount, it is also necessary to establish protocols so that complex cases can be referred to the specialist. **As customers’ health and needs can change over time, there is also a need to review their benefits to ensure that, as circumstances change, they continue to receive the level of benefits to which they are entitled.**

The ability to clearly identify the financial and health gains associated with upholding legal rights helps to legitimise the role of the specialist adviser. Access to justice for vulnerable groups is complex and necessitates that the approach is tailored to the particular social welfare setting and client group; **organisations should be mindful of**

adopting the social model of disability, which ‘allows us to see the potentially empowering role of litigation in a more nuanced way’ (Vanhala and Kinghan 2022, p.38).

## Implications

The WBLL project emphasised the importance of supporting customers with multiple needs through the application of the law. WBLL was not a unique approach but demonstrated an ongoing need for greater recognition across organisations that work with customers experiencing multiple disadvantage, that benefits (and backdated payments) are a legal entitlement of customers – **this applies both at the individual level (in front line staff) and the organisational or strategic level (host organisations)**. There are parallels with social work, a values-based profession where legal literacy is an important part of training and practice. The British Association of Social Workers (2021) identify both human rights and the challenging of unjust policies and practices as principles which should characterise social work practice. The Professional Capabilities Framework sets out the capabilities expected of social workers and includes the promotion of ‘Rights, Justice and Economic Wellbeing’.

However, development of a ‘law informed’ mindset could be promoted across a wider range of professionals supporting people experiencing multiple disadvantage, such as housing or drug and alcohol services. Future work should consider how to build on this learning and apply in alternative settings, such as, transitions out of hospital and prison and refuges/services for people fleeing domestic abuse. This would help to widen the provision of ‘benefit advocates’ for this customer group to ensure that legal rights are enforced, and people receive the correct welfare benefits. This has become more important over a decade of austerity policies and welfare reform (Morris and Barr 2013; Barnes *et al.* 2016; Farr and Cressey 2019) and through the COVID-19 pandemic

(Machin 2021), and given the emerging cost of living crisis, in which significantly more people are expected to face severe economic hardship (NIESR 2022). However, there is a competing risk that as pressure on support services and their staff increase, legal literacy approaches become marginalised and seen as an optional extra, at a time when they are most needed.

There are several key strategies required to foster a ‘law informed’ mindset amongst non-specialist professional staff, centring on practical and relational factors. In practical terms, the success of this approach demands careful preparatory work with organisations, making the case for legal literacy at all levels (from executive, to frontline staff). It is possible that management ‘buy-in’ is negated by resistance from customer-facing staff. An important element of the WBL project was the ability of the adviser to break down complex legal processes into manageable steps and for successful outcomes to be clearly recognised. Examples were securing appropriate rates of Personal Independence Payment, ensuring entitlement to the correct type of Employment Support Allowance, and pursuing Mandatory Reconsiderations. Such advantages should be communicated clearly to staff involved at all levels during the preparatory work. Involving customer-facing staff early in this process may help to grow their ‘buy in’ by highlighting the support available to them and clarifying expectations. Ultimately, all those involved need to understand the enhanced service provided to the customer, whilst allowing time in staff workloads for legal knowledge and skill development, and time for additional customer welfare advice. This may require revisions to job descriptions and pay scales.

Learning from the WBL project provides a template for good practice in promoting legal literacy in organisations supporting those facing multiple disadvantage. Working with partner organisations for this customer group identified that financial

capability needs to sit alongside welfare rights; processes should be in place to support customers to manage their finances. Consideration needs to be given as to whether this support can be provided in-house or if external signposting is required. It typically includes budgeting/money management support and providing information about basic bank accounts, saving products and credit unions. Organisations should be aware of potential safeguarding issues relating to mental health or exploitation. These are likely to centre on serious harm or neglect as a consequence of the acquisition of significant sums of backdated benefit, or financial exploitation by people known to a customer from their social network. Safeguarding should not be viewed solely as relating to the protection of vulnerable individuals but should also be understood as a rights-based issue (Whitelock 2009).

## Conclusion

We present a case study of a specialist welfare advice model designed to provide direct support and develop legal literacy around benefit claims in key organisations that support or engage with people experiencing multiple disadvantage. This case study demonstrates a need for specialist benefits advice for customers experiencing multiple disadvantage, and highlighted implementation challenges, **and solutions, when working with pre-existing organisations. Ultimately, a culture of legal literacy needs to be cultivated both at the individual level of front-line staff, and at the organisational level of the partner host; the WBL provides valuable lessons on how to achieve this.** Even where a law-informed mindset is cultivated in a partner organisation, there is a need for ongoing specialist adviser input because of the complexity of cases, changes to the law **(e.g., related to backdated payments)**, new staff in partner organisations, and changing circumstances and/or health of customers. **This requires ongoing** investment in such

models to ensure that customers receive the welfare benefits to which they are **entitled**, **which is even more important in the context of the current cost of living crisis.**

### **Acknowledgements**

This research was made possible by The National Lottery Community Fund through VOICES. We are grateful to Andy Meakin (former Director of VOICES) for his support throughout the process. We are also grateful to the WBL staff and the wider team from VOICES and Citizens Advice Staffordshire North and Stoke on Trent for their assistance throughout.

### **Funder**

This research was funded by The National Lottery Community Fund through VOICES.

### **Declaration of Interest Statement**

One of the authors (*5<sup>th</sup> Author*) managed the service under evaluation, but they did not contribute to qualitative data analysis nor influence interpretation. All other authors report no competing interests to declare.

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