

Professional Accountability and Community Control in Legal Services Provision: A Study of Community Law Centres in England

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Abstract

This thesis is about the organization of Community Law Centres (CLCs). They are established to provide legal services for those unable to pay for them in areas of legal practice of particular importance to those whose social and economic situations prevent them from exercising their rights. They were founded on the belief that their resources, human and material, should be managed and controlled by management committees made up of representatives of those who would use them, their “client community”. This study aims to explore how this has been done.

The context for this study is set out in Chapters One and Two. Chapter One explores the historical, theoretical and conceptual roots of CLCs, identifies operational dilemmas and challenges discussed in the literature, and establishes a conceptual framework and the research question. The review of the literature revealed that the principal organizational dilemmas facing CLCs might be conceptualized as “professional accountability” and “community control”. These twin concepts have focused this research. Chapter Two discusses the methodological issues associated with the conduct of qualitative case study research. It establishes the research framework and approach for the field work and data analysis in this study. It also explains the basis for the selection of the four case organizations.

Chapters Three to Seven report and discuss the data. Chapter Three discusses the manifest organizational features of the cases, observing their similarities and differences, and is mainly based on data from documents.

Chapters Four to Seven address the organizational issues emerging from the data from interviews with organizational participants. Chapter Four focuses on the perceived roles and relationships of management committees. Chapters Five and Six are concerned with the roles and relationships of paid staff and volunteers respectively. Chapter Seven identifies specific environmental factors and examines their impact on the cases.

Finally, Chapter Eight reconsiders the data in light of the conceptual framework – “professional accountability” and “community control” – and proposes a new conceptualization of organizational relationships in CLCs. It also identifies some implications of the study for practitioners and makes some suggestions for further research.

TABLE OF CONTENTS

<u>Abstract</u>	2
<u>Acknowledgements</u>	8
<u>Introduction to Thesis</u>	10
<u>Chapter One: The Roots of CLCs: History, Theory, and Operational Dilemmas</u>	24
<u>Part One: Historical Roots of Community Law Centres</u>	24
Lawyers as Philanthropists	24
Legal Aid.....	26
Mutual Aid	28
Local Authority Advice Provision	29
Community Development Projects	31
Summary of Historical Roots.....	34
<u>Part Two: Theoretical and Conceptual Roots</u>	34
Philosophy of Law	34
Administration of Justice.....	37
Community and Community Work	39
Theories of Professions	43
Summary of Theoretical and Conceptual Roots	50
<u>Part Three: Operational Dilemmas of CLCs</u>	50
Relationship with the “community”	51
Case Work and Group Work	54
Organization and Management of Work	57
Control and Direction by Management Committee.....	59
Funding.....	60
Summary of Operational and Practical Dilemmas	62
<u>Part Four: Conceptual Framework for the Study</u>	63
Summary of Conceptual Framework	68
<u>Part Five: The Research Question</u>	69
Summary of Research Question	72
<u>Chapter Two: Research Framework and Approach to Fieldwork and Analysis</u>	74
<u>Part One: The Research Approach</u>	74
Case Studies	74
A Qualitative Approach	78
<u>Part Two: Fieldwork Process</u>	82
Pilot.....	82
Selection of Case Organizations	83
Selection of Interviewees	85
Documents	85
Access	86
Confidentiality	91
Conduct of Interviews	93
Data Organization and Analysis	96
Reflections on Fieldwork	98

Chapter Summary	104
<u>Chapter Three: Case Organizations: Four CLCs Described</u>	105
<u>Introduction</u>	105
<u>Case Organizations: Origins and History</u>	106
<u>Alpha CLC</u>	106
<u>Beta CLC</u>	108
<u>Gamma CLC</u>	112
<u>Delta CLC</u>	117
<u>Case Organizations: Organizational Features</u>	120
<u>Organizational Structure</u>	120
<u>Goals</u>	127
<u>Technology</u>	130
<u>Participants</u>	134
<u>Management committee: elected members</u>	136
<u>Management committee: nominated and coopted members</u>	139
<u>Management committee: staff representation</u>	140
<u>Staff</u>	140
<u>Service delivery volunteers</u>	142
<u>Inequality</u>	143
<u>Organizational Environment</u>	146
<u>The Policy Environment</u>	147
<u>Funding Environment</u>	149
<u>The Role of the LCF</u>	152
<u>Discussion</u>	154
<u>Chapter Four: Management Committees – Roles and Relationships ...</u>	160
<u>Introduction</u>	160
<u>Management Committees: Roles and Functions in Practice</u>	163
<u>Alpha</u>	163
<u>Beta</u>	165
<u>Gamma</u>	169
<u>Delta</u>	173
<u>Discussion of Management Committee Roles and Functions</u>	177
<u>Management Committees and Community Representation</u>	179
<u>Alpha</u>	179
<u>Beta</u>	183
<u>Gamma</u>	189
<u>Delta</u>	194
<u>Discussion of Community Representation on Management Committees ...</u>	199
<u>Management Committees: Participation in Agenda Setting and Meetings</u>	202
<u>Alpha</u>	202
<u>Beta</u>	204
<u>Gamma</u>	207
<u>Delta</u>	211
<u>Discussion of Management Committees: Participation in Agenda Setting and Meetings</u>	214
<u>Relationship between Management Committee and Staff</u>	215
<u>Alpha</u>	216

<u>Beta</u>	218
<u>Gamma</u>	221
<u>Delta</u>	224
<u>Discussion of Relationship between Management Committee and Staff</u>	228
Discussion of Management Committees Roles and Relationships	229
 <u>Chapter Five: The Roles and Relationships of Paid Staff</u>	236
Introduction	236
Collective Working and Community Work	238
Collective Working: Equal and Shared Authority	241
Successful Dimensions to Collective Working	244
Disadvantages of Collective Working	249
Professional Conflict	252
<u>Dominance of Lawyers</u>	252
<u>Differences between Lawyers</u>	253
<u>Divisions between Differently Qualified Professionals</u>	254
<u>Community Work v Case Work</u>	256
Other Sources of Conflict	257
<u>Opposition to Collective</u>	258
<u>Social Challenges to Collective Working</u>	259
Discussion	262
 <u>Chapter Six: The Roles and Relationships of Volunteers</u>	268
Introduction	268
Motivation of Volunteers	272
<u>Reasons for Joining</u>	272
<u>Reasons for Staying and Going</u>	284
Paid Staff Views of Volunteering and Volunteers	289
Ambiguity and Tension in Volunteering	296
Discussion	301
 <u>Chapter Seven: Key Environmental Factors: Their Influence on Organizational Behaviour and Relationships</u>	309
Introduction	309
The Impact of the Need for Funding	311
The Impact of Public Policy	321
<u>Impact of NHS Reorganization</u>	322
<u>Impact of Relationships with Local Authorities</u>	326
<u>Impact of the Community Legal Service</u>	331
<u>Impact of Advocacy on Public Authorities</u>	336
The Role of the LCF	341
<u>The Influence and Effectiveness of the LCF</u>	341
<u>The Influence of Other CLCs</u>	348
<u>Impact of the "law centre movement"</u>	352
Discussion	359
 <u>Chapter Eight: Review of Original Conceptualization and Policy</u> <u>Implications</u>	365
<u>Part One: Conceptualization of CLCs</u>	366
Community Representation and Community Control	367

Decision Making and Community Control	371
Staff Structures and Community Control	374
Volunteering as Community Representation	378
Community Work and Community Control	380
Environmental Influences and Community Control	381
<u>Community Embeddedness</u>	382
<u>The Role of the LCF</u>	383
<u>Impact of Funding</u>	384
<u>Public Policy</u>	386
<u>Law, Legal Ethos, and Legal Authority</u>	387
Revised Conceptualization of CLCs	389
Summary of Part One	393
<u>Part Two: Implications for Practice</u>	393
Governance and Founding Values	394
Community Work	397
Discrimination	399
Voluntarism and Social Policy	401
The Role of the LCF	402
CLCs and Public Policy	403
Summary of Part Two	404
<u>Part Three: Suggestions for Further Research</u>	404
Summary of Part Three	409
<u>Part Four: Reappraisal of Research Question</u>	410
 <u>Glossary</u>	 414
 <u>Bibliography</u>	 417

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Julia Burdett

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Introduction to Thesis

This study investigates the organizational phenomenon known as “community law centres” (CLCs) which developed in the 1970s. These organizations grew up as an expression of the desire among radical lawyers, and other professionals engaged in addressing poverty, predominantly in urban areas. They felt that the weight of “the law” and the skills of lawyers could be used to reverse the social and economic conditions which contributed to creating and sustaining poverty and inequality. They also helped to make the laws and policies that had been promulgated to protect the interests of the poor and disenfranchised, work better. In 2004 there are fifty-three CLCs in the UK. This study is concerned with those in England.

The data contained in this Introduction are taken from “Towards Equal Justice” (LCWG, 1975), which sets out the founding values and aspirations of CLCs; a range of annual and other reports of the Law Centres’ Working Group (LCWG), the Law Centres Federation (LCF), and CLCs; from the annual LCF survey of members; and from discussions with LCF staff and CLCs. (Please see the Glossary for fuller explanations of these initials.)

The national organization of CLCs

Those involved in the establishment of the first CLCs formed the “Law Centres’ Working Group” (LCWG) between 1970 and 1973 for mutual support, to strengthen their relationships with policy makers and funders, and to develop the principles which would become the foundations of the “community law centre”. Between 1970 and 1976 the growth

of CLCs was rapid. It became necessary to create a more formalized organization and the Law Centres Federation (LCF) was established. By the late 1970s the LCF had received a grant from the Lord Chancellor's Office to set up a national office to service the work of the Federation and to be a point of contact with LCF members, other organizations, and government.

Since the inception of the LCF its role has developed and may now be compared with that of a trade association. Although each CLC has developed as an independent, autonomous body with its own local history and relationships, it is required to fulfil the conditions of LCF membership before it is able to describe itself as a CLC and to operate. The LCF has defined what a CLC is, and its criteria for membership specify the minimum number and type of staff a CLC must have before it may be designated as such and admitted to membership. It has negotiated on behalf of CLCs with the Law Society and the General Council of the Bar for their Practice Rules to be amended to allow both branches of the profession to be employed in CLCs. It has represented the interests of CLCs to policy makers and funders such as Members of Parliament, the Lord Chancellor's Department, the Legal Aid Board, the Home Office, other government departments and agencies; and to local authorities. It has also provided a forum for CLCs to address common problems, offer support to each other, and develop policy and practice on both the work they do and matters which affect the well being of CLCs generally.

Values and aspirations of CLCs

In 1975 the Law Centres' Working Group submitted evidence to the Lord Chancellor's Advisory Committee which was later published under the title of "Towards Equal Justice". It set out in the broadest terms the reasons for CLCs, and the principles and values which underpin them. It is the most explicit statement by CLCs of their aims and origins. "Towards Equal Justice" (LCWG, 1975) makes three explicit statements about the character of CLCs that are critical to this study. These statements describe the character of the legal service that would be provided, the staff, and how the organization would be managed. The character of a CLC is described in the opening paragraph of the introduction in the following way:

"There exist at this time about a dozen organisations known as "Community" or "Neighbourhood" Law Centres. They are all engaged in various ways in providing free or very cheap legal services to the so called "deprived", "underprivileged", "poor", "working class", "inner urban stress" neighbourhoods in cities. Some of them were started under the assumption that the provision of free casework was their main and, indeed, their only purpose. All have come to recognize that, while casework for individual members of a community in the traditional style of (the) legal profession is of great help to those individual clients, if lawyers, or, at least, groups of lawyers, are to use their skills to the full to help those communities in their efforts to end their "deprivation" they will have to change their manner of working" (LCWG, 1975: 1).

Having established the type of service that should be provided, "Towards Equal Justice" (LCWG, 1975: 14) goes on to describe the staff that would be necessary to serve such a provision in the following terms:

"In particular Law Centres are and should be employing personnel with a wider range of skills than are traditional in the case of lawyers' offices. In addition to

lawyers Law Centres will employ community workers, research and development workers and, from time to time, a range of other personnel with other skills eg town planners, public health inspectors, surveyors, accountants and the like."

In this way the foundation for a multi-disciplinary approach to problem solving in poor communities was established.

"Towards Equal Justice" (1975: 15) then describes the management of a CLC, which will be undertaken by representatives of those who will use its services.

"It will be seen from what we have said that Law Centres regard themselves as an instrument and a resource which can be used by the inhabitants of "deprived areas" to further their collective interests. For the Law Centres as nearly as possible to represent those interests, policy decisions should as far as is possible be made by representatives of the communities in which they work rather than by representatives of professional bodies, local authorities, or even other agencies in the area established to provide aid and assistance to the community."

The principle of "community control" for CLCs was here established.

Taken together these three characteristics (of service, staffing and management) have become the primary distinguishing features of CLCs. Their current operation and implications are the focus of this study.

Staffing and operational structure of CLCs

Before they are allowed to operate CLCs must be admitted to membership of the LCF. This requires a minimum staff of six, two of whom must be lawyers, at least one a solicitor holding a practising certificate for three years. The largest CLC currently employs twenty staff. In addition to solicitors and barristers CLCs have also employed professional staff

who have training or disciplines other than the law. They have employed social and community workers, teachers and lecturers, journalists, shop stewards and trades unions officials, midwives and nurses, environmental health officers and engineers. In addition to professionals, CLCs have also employed clerical and administrative staff as office and practice managers, administrators, receptionists and franchise clerks. CLCs tend to treat both professional and administrative staff as of equal value both in terms of the work they are employed to do and their contribution to decision-making.

In almost all CLCs staff are organized as collectives, and those that are hierarchies have tended to be flatter rather than more highly structured. Management committees are regarded as the ultimate seat of legal authority in CLCs and do not normally engage in day-to-day management activities. In some CLCs some management committee members also work as volunteers in service provision activities.

In smaller CLCs of up to ten staff, staff members, each specializing in a particular area of legal practice, tend to work co-operatively to provide generalist advice, a reception and telephone service, and to share the running of the Centre. Larger CLCs may be divided into specialist units (such as housing, employment, sexual and racial harassment), each unit consisting of both case workers and community workers with the appropriate specialism. In larger CLCs there may be more functional differentiation between administrative and professional staff, with their administration overseen by an administrator or practice manager and with receptionists signposting, referring and making appointments for callers.

Since there is no standardization of job descriptions and no central system of job evaluation among CLCs, the technical detail of each kind of administrative or clerical post and working practices are established individually in each CLC depending on the overall personnel resources and the demands made on them. In the interests of equality and efficiency all staff tend to be self-servicing within their specific portfolio, and professionals are expected, along with other staff, to type their own correspondence and documents, maintain their own files, and answer their own telephone. Case loads tend to be personal but where CLCs are divided into practice units there may be more sharing of cases.

The principal co-ordinating mechanism within a CLC is the staff meeting. The style and frequency of these meetings differ in each CLC. In general, the tendency is for a staff meeting to be held weekly. Where CLCs are divided into practice units there are unit staff meetings as well as CLC staff meetings. These meetings are critical for sharing information, making organizational decisions, planning, and for staff accountability, especially where staff have discrete organizational responsibility, eg for funding applications, budgeting, or liaising with the Legal Aid Board.

Scope of CLC work

The range of CLC work is determined by the objects set out in their governing instruments. These aim to provide appropriate legal services to those who cannot afford to pay for them, those who are socially and economically disadvantaged and excluded, and in areas of legal practice not provided for by private practice.

CLCs do not undertake any form of commercial work, conveyancing or probate; nor, as a general rule, case work in divorce matters, large personal injury claims, or for adults accused of a criminal offence. A limited exception may be made if an existing client seeks help in these areas, and a CLC faced with this situation might offer more help before making an appropriate referral. In all other instances if CLCs are approached on any of these matters a referral is made to solicitors in private practice.

However a CLC has chosen to operate, it should be capable of giving general advice on any matter to those who are likely to approach it. A distinction is made between general advice, which gives basic information to an inquirer and points them in the right direction for further appropriate assistance, and ongoing case work, which may include representation in appropriate forms. In addition it will make decisions about the priority areas in which it will undertake case work, and offer development and training resources to groups and organizations. The most common areas of specialist practice are housing which includes landlord and tenant disputes, and claims for social housing; employment including unfair and wrongful dismissal, and redundancy; immigration and nationality, including applications for asylum; welfare rights; education rights; disability rights; juvenile crime; sexual and racial harassment; environmental and planning actions; and matters concerned with criminal injuries compensation. CLCs also operate emergency services. New priorities are continually identified to take account of changes in, and the effects of, new legislation and public policy.

Most CLC clients are those who cannot pay for legal services and for whom legal aid is not available. They are principally homeless people or tenants or licensees; employees or claimants; disabled people, women, children and young people; prisoners or those subject to restrictions under mental health legislation; black and minority ethnic people; those separated from their families by immigration regulations; refugees; and those subject to domestic, racial, and sexual violence because of their gender, race, or sexuality.

CLCs do not only undertake case work. Relevant community work is undertaken in different ways. A community worker may make contact with local groups and organizations which themselves, or whose members or users, may benefit from knowing about the CLC, to give talks or deliver leaflets. A community worker or solicitor may discover a problem such as racial harassment on an housing estate, and using their specialist skills, may work with tenants and others on the estate to change its allocations policy, help the tenants' association to restore active participation and recruit black tenants into membership, and secure a conviction against the perpetrators of the harassment and an eviction or transfer if they live on the estate. Solicitors and advice workers may visit a youth club regularly or help organize activities with young people to increase the accessibility and credibility of the CLC, and give informal advice and information.

Legal status of a CLC and its membership

To date most CLCs have become incorporated associations as companies limited by guarantee registered under the Companies Act 1985; or through registration under the

Friendly Societies Acts 1974 and 1992 or the Industrial and Provident Societies Acts 1965 to 1975. Some CLCs also have charitable or exempt charitable status.

Each CLC has its own constitutional definition of those entitled to become members. The most usual categories include individual users of the CLC; tenants associations, trades unions or trades councils. Other organized community interests such as local women's centres and groups, young peoples' advice and counselling agencies; groups and organizations run by and providing services to local minority ethnic communities, disabled people, and elderly people, may be admitted into membership under a general organizational or "community" category, or under a more specific designation. Specific categories, such as "women" and "black and minority ethnic" are usually aimed at encouraging representation from community groups which designate themselves in this way. This means that certain categories of people, groups and organizations may be entitled to become members of a CLC and to stand at an annual meeting to be elected to the management committee. Membership of sub-committees, working parties, and special interest groups may be invited from the membership of the CLC. The associational nature of a CLC is intended to allow local people, their organizations and others working in local communities to be involved in the planning, development and control of the CLC's services to the community; and the planning and development of advice and legal services in their area.

Funding

Despite formal government recognition of the existence of CLCs, the undoubted benefits of their work, their influence in the development of legal services and in areas of substantive law, and their value for money (Royal Commission, 1979; Prior, 1984), there have been no long-term policy initiatives to support their continuation and development. Since their inception in 1970 there have been periods of growth and decline which seem to have been caused more by changes in the political and economic environment than by any judgment about their social value. Most CLCs are funded by local authorities. A small number have been funded by the Lord Chancellor's Office. Since the creation of the Legal Aid Board in 1989 this source of grant aid direct to CLCs has ceased, although the LCF has received some specific funding to enable the development of new CLCs. Some CLCs house specialist projects, for example on the environment, which sometimes attract charitable funding. Some opportunities are offered for individual CLCs through the Community Legal Service, which plans local advice services, disburses legal aid through contracts, and funds innovative partnerships which extend access to information, advice, and training. Such funding, however, does not amount to a dedicated national policy for funding CLCs.

The absence of a discrete national public policy for CLCs has created two areas of difficulty for them in relation to funding: periodic uncertainty about their future (Byles and Morris, 1977; Stevens, 1983; Prior, 1984; Stephens, 1990); and an increasing reliance on Legal Aid funding, which tends to skew CLCs' work in favour of individual case work and away from the complementary activities of community education and development (Stephens, 1990).

This compels them to participate in a system which stigmatizes their users by means testing them (Partington, 1978); and causes them to falter in the aim of providing a free, non-stigmatizing service (Stephens, 1990).

Researcher Interest

My own interest and involvement in CLCs dates back to the early 1970s, first as an active member of a Claimants' Union representing welfare benefits claimants to the Social Security Commissioners, and then as a volunteer to a CLC. Finally as a founding employee of a CLC which had its local authority funding withdrawn, I saw users and management committee members continue to run a volunteer advice service until funding could be found again to open a new CLC. In each of those guises I was struck by the tensions and dilemmas facing those trying to implement the complex mix of concepts set out in "Towards Equal Justice" (LCWG, 1975). "Community control" of paid professional staff and work, by unpaid lay communities made wary of professionals by poverty and disadvantage, was difficult to achieve. Multi-disciplinary team work was both advantaged and disadvantaged by professional training which developed skills for different and sometimes conflicting purposes. These dilemmas were balanced by the commitment of both community and paid staff to implementing the ideals inherent in the conceptualization of CLCs in the face of opposition.

My continuing interest in these problems of implementation has coincided in recent years with CLCs becoming an explicit instrument of public policy in a restructured administration

of Legal Aid. While not explicitly aimed at CLCs, the establishment of the Community Legal Service (CLS) (see Glossary) structure and the changes in the administration of Legal Aid have brought both threats and opportunities for CLCs, especially in relation to the role of the “lay” management committee and the notion of “community control”. The CLS has two principal purposes: first, to develop policy for publicly funded legal services; and second, to work with local providers to audit local services with the aim of filling gaps in service by recommending contracts for the provision of those services. The local committees set up for these purposes consist of representatives of providers but not of users. Changes in the administration of Legal Aid similarly create dilemmas for management committee members. Legal Aid is now disbursed through contracts.

These changes have raised questions about the extent to which those on management committees of CLCs without technical knowledge can really be involved first in deciding the pros and cons of a contract with the Legal Aid Board, and then in monitoring it without the technical assistance of staff.

A gap in knowledge

Voluntary organizations generally, and CLCs in particular, have been an instrument of public policy; and also have had influence over the development and execution of government policy (Barrett and Fudge, 1981; Ham and Hill, 1993). CLCs have also been given a central place in the establishment of the Community Legal Service, a contemporary public policy initiative. Yet “community law centres” are a relatively unresearched topic

within the field of social policy and administration. One consequence of the lack of research into CLCs is that there is very little published or scholarly literature. The specialist literature on CLCs is very scant. It consists of three published evaluations; one study into the profile of staff; one critical analysis which examines the role of CLCs in promoting citizenship; a number of published and unpublished papers written by the Law Centres Federation, the umbrella body of CLCs; and a number of annual reports of CLCs.

The role of voluntary organizations in provision of social services has been examined (Beveridge, 1948; Brown, 1969; Morris, 1969; Titmuss, 1976; Billis and Harris, 1986). The respective social services roles of the English courts, law, and legal institutions have been explored (Abel-Smith and Stevens, 1968; Carrier and Kendall, 1992). The behaviour, training and competence of lawyers and judges in a public policy context have also been investigated (Titmuss and Zander, 1968; Abel-Smith, Zander, and Brooke, 1973; Zander, 1976). However, there has not yet been published scholarship within social policy and administration which examines the role and operation of Community Law Centres (CLCs).

Thus, there are three overall aims of this study: first, to generate descriptive and analytic material about the role and operation of CLCs; second, to fill a gap in knowledge within social policy and administration about the role and operation of CLCs, examining specifically two underpinning concepts of “community control” and “professional accountability”; and third, to explain how the bodies of theory associated with these concepts are or are not brought together in practice in CLCs.

Both the concept of “community control” and the concept of “professional accountability” appear to underpin the establishment of CLCs, and yet to present contradictions in terms of practical implementation. The specialist literature on CLCs seems to suggest that a central dilemma facing them is the competing authorities of lay management committees, empowered by the governing instruments; and professionals and paid staff, empowered by their training, specialist knowledge, and, in the case of lawyers, accountability to higher authority than a management committee. This conceptualization of a problematic relationship is strengthened by both literature on organizations, which suggests that employed professionals are difficult to manage; and the literature on community organization, which discusses the skills professionals should have to enable communities to organize and become empowered. The principal objective of the CLC enterprise, running counter to the literature, seems to be to create a relationship of equality between professionals and community, for the benefit of the community. This study will examine the problems and issues that arise for practitioners in implementing the concepts of ‘professional accountability’ and ‘community control’ within a CLC organizational context.

Chapter One: The Roots of CLCs: History, Theory, and Operational Dilemmas

This chapter sets out the context within which CLCs developed. It looks at the historical and theoretical roots of CLCs and the operational dilemmas they face. Finally it sets out a conceptual framework for their study and explicitly states the research question and aims.

Part One: Historical Roots of Community Law Centres

While it is common to associate the establishment of CLCs with the War On Poverty programme in the United States in the 1960s, which had an immediate impact on the imagination of English lawyers (Brooke, 1972; Zander, 1978), it would be a mistake not to take account of a number of other indigenous initiatives aimed at extending access to justice to those who could not pay for it. The literature suggests five historical “roots” of CLCs: lawyers as philanthropists; the development of Legal Aid; mutual aid; the development of local authority advice provision; and the influence of the Community Development Projects of the 1960s.

Lawyers as Philanthropists

There is a long tradition among lawyers of undertaking unpaid work for indigent clients, which developed in the late nineteenth century in a systematic way all over England and Wales (Mervyn Jones, 1939). The “Poor Man’s Lawyers” were barristers and solicitors who were prepared to represent impecunious litigants in the County, and for a time the Police, Courts. Towards the end of the nineteenth century they began to form themselves

into Associations, Committees, and Societies, and to be bound by written rules. These bodies were usually geographically based, eg in Bolton, Manchester, Birmingham. In London there were several Poor Man's Lawyer Centres: in 1939 fifty-five in all. In 1931 these Poor Man's Lawyer Centres affiliated to the Bentham Committee which co-ordinated the work of the Poor Man's Lawyers in London (Mervyn Jones, 1939).

The development of these associations coincided with the founding of university residential settlements in impoverished areas of cities notably London, and the opening of legal advice centres staffed by volunteer lawyers at specified times. The most famous, and oldest, of these are at Toynbee Hall and Cambridge House, both in East London. Outside of London there were a wide variety of organizations which ran legal advice centres or sessions with the assistance of the Poor Man's Lawyer Association in their area. These included Councils of Social Service, Guilds of Help, Welfare Committees, Central Aid Councils, and free Legal Dispensaries.

There were many different types of arrangements between the Poor Man's Lawyer and these organizations, but from the point of view of their influence as forerunners of CLCs a number of points are of interest. First, they were concerned with those who lived in poverty. In London alone there are now CLCs in a number of areas where there were Poor Man's Lawyers Centres, eg Brent, North Kensington, Islington, Tower Hamlets, Camden, although the law centres did not spring directly from them. Second, they were a partnership between the private and voluntary sectors to fill a gap in the private sector. Today legal services are still predominantly provided by private sector lawyers, who become involved with CLCs, both by sitting on their management committees and by volunteering their professional services. Third, although not explicitly stated in their rules,

many of the associations, notably the Bentham Committee, recognized a wider function and gave evidence to government committees investigating poverty (Mervyn Jones, 1939).

Legal Aid

“Legal Aid” is a process whereby, provided certain conditions are fulfilled, a party to a judicial action may have the costs of seeking legal advice, employing legal representation, and of taking or defending such an action, met, partly or fully, by the State. Since it was brought in in 1949 Legal Aid has been available for actions in both the civil and criminal courts, but not for all civil actions. Although its operational rules have changed periodically since its inception and have attracted criticism, it was a systematic response to social injustice, which had hitherto relied on the goodwill of judges and practising lawyers, and the knowledge and determination of impecunious litigants for redress.

The process known as “in forma pauperis” for civil matters existed before 1914 for poor litigants with assets of less than a certain sum (at one time £5, at another £25) for actions in the High Court, the Court of Appeal, the House of Lords and the Privy Council. An application had to be made to the Court to use this procedure, and if successful, solicitors and barristers would be assigned to the litigant. In 1914 the High Court instituted the “Poor Person’s Procedure” and “Poor Person’s Rules” but poor litigants in the higher courts still had to apply to use “in forma pauperis”, while those in the Police and County Courts had to rely on the services of the Poor Man’s Lawyer. Under both the Poor Person’s Procedure and “in forma pauperis” litigants still incurred costs which they

may not have been able to meet, such as compensation for earnings to witnesses and the preparation of documents for court.

Before 1930 the system known as “dock briefs” existed in the Assizes whereby, if a prisoner had a certain sum of money, they could ask any barrister in the Court to act for them; or, if the prisoner had no money, a barrister could be requested by a presiding judge to undertake the defence of the accused for no payment. Between 1926 and 1949 various pieces of legislation were passed, including the Poor Prisoners Defence Act 1930, granting both civil and criminal legal aid in certain circumstances. These were means tested and applications had to be made to the Court within whose jurisdiction the action lay.

In 1949, as a result of the Report of the Committee on Legal Aid and Advice in England and Wales (Rushcliffe, 1945), the Legal Aid and Advice Act was passed. Part II of the Act provided for the direct employment of salaried solicitors by the Law Society, the regulatory body for solicitors. The Act itself was implemented in stages but Part II never came into effect. Between 1949 and 1976 only one solicitor was appointed under its provisions. The existence of Part II shows that there was general agreement between legal practitioners and legislators that the establishment of a systematic procedure for means-tested funding of litigation would not be sufficient on its own to remove the barriers which prevented those who could not pay from “going to law” or defending themselves in court.

The failings of Legal Aid and the system used to administer it were the single most frequently cited argument in favour of the development of CLCs. By the 1970s there was

accumulating evidence that poor people were still being effectively barred from accessing judicial processes and that some other form of organization was needed to enable them to do so. Numerous commentators (Kempson, 1989; Partington, 1978; Zander, 1978; Abel-Smith, Zander, Brooke, 1973) have pointed to issues of eligibility, means-testing, and lack of public knowledge as principal reasons why, despite the increase in the money allocated for Legal Aid, large numbers of people who may be entitled to apply for it, fail to do so. The fact that Legal Aid was not available for representation at Tribunals was seen to be a major impediment to accessing the rights they dispense. Zander (1976), giving an account of research undertaken in Scotland and the North of England, reported that the success rate of appellants who were represented was greater than those who were not, whether that representative was a friend, relation or lawyer. Morris, White, and Lewis (1973) were concerned that lack of representation resulted in bad law and unjust decisions. It is still the case that Legal Aid is not available for representation at Tribunals, which play an important role in the lives of people who are unemployed, homeless, victimized or harassed at work, or seeking asylum, or who are disabled or chronically sick.

Mutual Aid

Another historical thread in the development of CLCs was the development of mutual aid and benefit clubs. During the nineteenth century, subscription societies developed. These were open to prescribed classes of people who by “clubbing” together would enable both themselves and others to be financially supported if in need of a lawyer or in the event of litigation (Mervyn Jones, 1939). These organizations were mainly “Approved Societies” and Trades Unions. Beveridge (1948) records the growth of these kinds of

organizations and their critical importance to those who participated in them before the introduction of National Assistance in 1948.

Legal assistance, especially that provided by Trades Unions, has been important in enforcing contracts of employment, health and safety regulations and making claims for industrial injury and sickness. When CLCs first began to be established, they met opposition from some local branches of Trades Unions which thought they might undermine the role of shop stewards or local convenors.

In their annual reports a number of CLCs have recognized the value of Trades Unions in bringing together people with common concerns. There remains a strong “mutual aid” element in CLC work, whereby people in groups are encouraged to work together for mutual benefit with the assistance of a professional lawyer or community worker.

Local Authority Advice Provision

The fourth historical strand in the development of CLCs is rooted in twentieth century attempts of local authorities to make a systematic response at a local level to the need for advice of those in poverty. Local authorities’ role in advice provision has been of two kinds: direct services; and the funding of independent advice offered by voluntary organizations including CLCs.

Mervyn Jones, writing in 1939 before the inception of Legal Aid, described the Poor Person’s Procedure as “a part of the social welfare system of this country” and “indispensable”; and pointed to the need for this kind of systematic response. Some local

authorities, in an attempt to make this response, made their Town Clerks or solicitors in the Town Clerks' Departments available for advice to the public. During the 1939-45 War local authorities ran information bureaux which were a source of government information mainly concerned with civilian survival of the war. This period also saw the rise and extension of the role of the Citizen's Advice Bureaux (CABx), most of which were funded by local authorities.

In 1945 the National Association of Local Government Officers (NALGO) published an influential paper, based on the experience of the previous five years, urging that an information bureau should be a permanent feature of local authority provision (Brooke, 1972). This paper suggested that, to avoid conflict of interest, a clear distinction should be drawn between information about an authority's statutory duties and advice about personal matters. During the 1960s a number of Parliamentary Committees were succeeded by legislation extending local authorities' activities in advice giving. Notable among these were the Family Advice Centres (some run by CABx), and Tenancy Relations Officers. Local authorities' role in advice giving was further developed in 1971, after the establishment of the first CLC. Urban Aid grants were made to Housing Aid Centres, which were located in "housing action areas", to advise on slum clearance, public housing, landlord and tenant matters, improvement grants and house purchase. Since the 1970s local authorities have developed other advice initiatives such as for welfare rights and debt; and have continued to fund to varying degrees CLCs, CABx, and other forms of independent advice.

The relationship between CLCs and local authorities has been an ambiguous and complex one. On one hand they have shared a concern that those in need of advice and

legal services should be able to receive them. On the other hand CLCs have been in conflict with local authorities when challenging their decisions, policies, and practices.

From the annual reports of CLCs it is possible to see that, despite this arena of conflict, the work done by CLCs has reflected a general identification with public policy concerns of local authorities. Historically, CLCs captured the imagination of local authorities which, in funding them, have continued to exercise an influence on their development.

Community Development Projects

The fifth historical influence on the development of CLCs derives from the findings of the British anti-poverty programmes of the 1960s, some of which coincided with the American experience of the same period. Both included the use of community work methods to combat the effects of poverty. Although the debate about the legal needs of the poor, and whether lawyers were the best people to address them was unresolved at the inception of the CLCs in 1970 (Morris, White, Lewis, 1973), there was a strongly held view among some social work and legal practitioners, that poor people should be able to access the service of professionals and other specialists (Abel-Smith, Zander, Brooke, 1973; Specht, 1976; Zander, 1978). The integration of community work methods into the ethos and working style of CLCs therefore had two principal routes: from the practical lessons of the anti-poverty programmes manifest in the work of the Community Development Projects (CDPs) of the 1970s; and from the critical analyses of the operation of those programmes which were disseminated through practice and national networks.

The CDPs, set up in 1969 in twelve areas of Great Britain (ten in England, and one each in Wales and Scotland) as part of a strategy of addressing poverty in small localities or neighbourhoods, found operating information and advice centres to be useful for a variety of reasons (Specht, 1976). Not only did they provide direct services to people of the area both as individuals and as groups, but they also provided the CDPs with continuing access to the problems and concerns of localities in which they operated. This enabled them to make more comprehensively informed analyses about the nature of poverty and devise appropriate strategies to address it. Over the lifetime of the CDPs some of these advice centres developed into independent voluntary organizations. In eight of the twelve CDP areas CLCs were established. Some developed directly from the advice centres; others were established after CDPs were disbanded.

The more far-reaching legacy of the CDPs for CLCs was linked to the debate about how to tackle poverty at a local level or whether it was possible to do so. In CLCs this manifested itself in 'open' versus 'closed door' and individual versus group work debates (Byles and Morris, 1977; Stephens, 1990). These debates challenged the efficacy of the traditional model of legal service provision in which individual lawyers represented individual clients, treating their problems as personal rather than as a manifestation of social and economic conditions which might be more successfully addressed collectively, or through political rather than legal means. CLCs appear to have learnt from this debate that the traditional approach of lawyers, detached from the environment in which their assistance was sought, could be inappropriate (LCWG, 1975). They also built on the idea that the law should be used as an instrument with which to alleviate poverty and enforce rights for the largest number of people affected by a particular injustice (LCWG, 1975).

O'Malley (1977), in her account of community work and community action in Notting Hill during the early 1970s, shows the extent to which local community organizations were involved in setting up the North Kensington Law Centre, and the degree of linkage that existed, before its establishment, between local community interests and those who would later establish and run the CLC. Because of the level of community involvement, the CLC replaced pre-existing advice centres and surgeries of MPs and local Councillors over whom local people thought they had no real control. Community workers recognized CLCs as a critical support and source of resources for local organizations (Mayo, 1974; O'Malley, 1977); and for pressure groups "bargaining" over small scale and parochial but important reforms on behalf of working class people (Ginsburg, 1979).

Community workers from the CDPs and other community projects came together locally and nationally, and with those involved in establishing CLCs, through the "Community Workshops". These were established in different areas of the country, eg in Camden and Notting Hill where CLCs were being initiated, aiming to provide some organization for those experimenting with new forms of "political work". There was interchange between Workshops and papers were written. Two national conferences were organized and the London Edinburgh Return Group was one result of this. This form of activity and organization was part of the prevailing community work orthodoxy. Leonard (1977) suggests that community workers needed to move from theory to formulation of strategies for action. The Workshops offered an area in which strategies could be formulated, analyzed during implementation, and reviewed. The influence of contemporary community development debates on the growth of CLCs was strong and founders of CLCs were actively engaged with those debates.

Summary of Historical Roots

This Part has sought to show that although CLCs were not established as a direct result of public policy intervention, their advent was consistent with the work of philanthropic lawyers before the passage of the Legal Aid and Advice Act 1949; and the work of “Approved Societies” and Trades Unions. It has also pointed to the failure of the Legal Aid and Advice Act 1949 which acted as a catalyst in generating arguments in favour of CLCs, and the contribution played by local authorities in attempting to make a systematic policy response to local need for advice. Finally, the significance of the lessons from the Community Development Projects of the 1960s and the role of community action on the creation and the development of CLCs were also shown.

Part Two: Theoretical and Conceptual Roots

Part One described and explained five practical responses to the need for advice for those who could not afford to pay for it; responses which provided the historical roots of CLCs. This Part will explore conceptual threads that influenced CLCs at their inception and during their early development. These included the philosophy of law; debates about the administration of justice; community work theory; and theories of professions.

Philosophy of Law

From the annual reports of the LCF it is possible to observe the extent to which the work of CLCs reflects the discourse between traditional jurisprudence and its radical critique.

In discussing a role for CLCs, the 1979 Report of the Royal Commission on Legal Services reflects on the “moral responsibility” of government to ensure that rights and obligations created by legislation are made known (LCF, 1983).

The traditional viewpoints within the field of jurisprudence have been concerned with how law is made and the extent to which it is “moral” or enforces “morality”; and the notion of how rights and responsibilities should be expressed in the Courts (Dworkin, 1986; Hart, 1994). This debate highlights the question of whether the law should be obeyed because it is the law, or whether it may be disobeyed if it is “immoral”. Contradictory views are expressed on the role of judges in making law: on the one hand, that injustices may occur where it is thought there are no right answers to a legal problem, only a series of different ones (Dworkin, 1986); and on the other, that judges have a responsibility to question the form and content of law and legal process, and not simply to accept the promulgated “law” because it is backed by the authority of the State (Cotterell, 1989). A more prosaic argument may be put that whether or not laws are moral or just, at the point of enforcement their operation merits attention because of their effects on those involved (Hart, 1994). Hart also points out that the existence and content of law can be identified by reference to its “social sources (eg legislation, judicial decisions, social customs) without reference to morality”.

Radical legal thought on the other hand, has been concerned with challenging “accepted notions of universality, objectivity, and neutrality” (Smart, 1991: 133). It is concerned to show that “law is ideologically constructed and is itself a significant ...bearer of ideology” (Hunt, 1991: 115); and exposes the “ideological nature of jurisprudence’s ‘truth’ about law” (Thomson, 1991: 68). Law, influenced by ideology, is seen to reproduce the

structural inequalities of class, race, and gender (Hunt, 1991). The notions of injustice, inequality, and inadequate civil rights are critical dimensions to the radical critique of the philosophy of law. Radical legal thought argues that “The content, procedures and practice of law constitute an arena of struggle within which the relative positions and advantages of social class are changed over time as a result of the interplay of struggles within the legal arena and those outside it” (Hunt, 1991: 125). It also recognizes the role of lawyers as crucial in these struggles (Smart, 1991).

This debate between traditional and radical thinking about the role of law in society and the effects of legal process is fundamental to understanding the conceptual approach which CLCs have to their work: to the types of cases they originate and defend; to the kinds of arguments they deploy in challenging established legal opinion; and to the legal processes they utilize. In accounts of CLCs the LCF say that they perceive their work as affecting social and public policy when they challenge the decision of public bodies eg housing departments’ duties to house homeless people; when they pioneer new areas of law eg on environmental matters; when they help to create new law by challenging traditional interpretations eg on the pension rights of women; or when they use legal expertise to enhance the effectiveness of campaigns for the extension of rights eg for disabled people (LCF, 1992). In undertaking this type of work, in representing the interests of weaker members of society, CLCs challenge dominant social and theoretical norms within which the legal system operates. In this way CLCs contribute to the radical critiques of the philosophy of law.

Administration of Justice

During the period of inception and early development of CLCs, in the early 1970s, there were three aspects of the legal system that were of particular interest to scholars concerned with access to justice for those who could not pay for it. They were the deficiencies in the operation of legal aid; the social and economic distance between lawyers and most of their clients; and the inaccessibility of Courts and Tribunals to the poor and vulnerable. These aspects of the administration of justice had also had an early influence on the direction in which CLCs were to develop.

Although hailed as a reform when brought in in 1949, the deficiencies in the administration of Legal Aid became more obvious towards the beginning of the 1970s when a cogent body of literature uncovered problems in its operation. Civil Legal Aid was, and still is, not available for representation before the Tribunals which directly affect the lives of poor and working class people eg welfare benefits, rent and industrial tribunals (Titmuss and Zander, 1968; Zander, 1976). Legal Aid was only available by going to a solicitor's office and its availability was not very well advertized (Brooke, 1972; Zander, 1976). Its bureaucratic procedures were very intrusive into the personal lives of those applying and were found to be both stigmatizing and a deterrent to uptake (Partington, 1978). It was only available for individual case work (Partington, 1978) and where groups of people were affected by the same problem, Legal Aid often discouraged collective action by individualizing problems (Morris, White, and Lewis, 1973).

Access to justice was also seen to be made more difficult because of the class background and training of lawyers, neither of which equipped them to deal with those

areas of law most affecting poor and vulnerable people. Research in the USA to examine client satisfaction found that lawyers appeared to score very highly on general client care and honesty; but that the satisfaction of clients diminished when assessed in relation to the nature of the problem on which help was sought (Zander, 1978). Lawyers were not trained in those areas of the law for which Legal Aid was being claimed, and had no real interest in practising in them. Further findings showed that social class and race affected the quality of advice and the treatment of users (Abel-Smith, Zander and Brooke, 1973), and could also dictate whether users were able to access the services of a solicitor competent or willing to practise in the area of the law in which advice was sought (Zander, 1976). Morris, White, and Lewis (1973) suggested that, while lawyers may have acted more independently than social workers, they were in general ignorant of the laws affecting the poor. Both the training of lawyers and their social class are factors which nurtured their social isolation and “conservatism” (Abel-Smith and Stevens, 1968), and inculcated a narrow view of “the law” separate from its sociological context (Morris, White, and Lewis, 1973).

The third aspect of the critique of the administration of justice concerned the accessibility to poor and vulnerable people of Courts and Tribunals. A body of critical thought was developed, based on the research into the relationship between the poor, and Courts and Tribunals, which some found to be inaccessible, unpredictable, and costly (Zander, 1976). Others asked whether Court proceedings were “the best way of enforcing a right or solving a problem” for the poor (Morris, White, and Lewis, 1973).

There was particular concern about the impacts of Tribunals’ operation on those who sought their protection. During the 1960s and early 1970s the number of Tribunals

increased and their scope extended as part of an expansion of the “welfare state”. They, more than the Courts, touched the daily lives of the most vulnerable in society since they were part of a system of administration of services, eg in dispensing social security, and adjudicating in appeals against administrative decisions. The location of a “tribunal” within an administrative system created an environment where rules and conventions developed that were unknown to those seeking redress (Morris, White, and Lewis, 1973); and there was a very strong view, expressed by Titmuss and others, that an inherent conflict of interest existed in that situation (Morris, White, and Lewis, 1973). Cofer (1982), examining the effects of changes made in substantive and procedural law in the USA in 1969 in the way in which the Courts treated welfare benefits, asserted that the right to due process was as much a right as the explicit right to a welfare benefit. Zander (1976) also emphasized the importance of procedures as a necessary element in enforcing rights by pointing to those countries with written constitutions which have codified citizens’ rights but fail to prescribe the judicial process by which they may be obtained. The expansion of Tribunal jurisdiction increased the need for advocacy and representation for the most socially and economically vulnerable, both to clarify the rules governing administrative decision making and appeals, and to appeal against a substantive decision.

Community and Community Work

The third influential thread concerns CLCs’ conceptualization of “community” and “client community”. This conceptualization is itself rooted in community work theory associated with development and empowerment of communities.

The term “client community” is in common usage and refers to individuals and groups living, working or operating within the catchment area of a CLC, and at whom its policy objectives are aimed (BCLC, 1979). “Towards Equal Justice” (LCWG, 1975), and a plethora of CLCs’ Annual Reports, describe “client communities” as “poor”, “working class”, “deprived”, and “disenfranchised”. They identify the groups and organizations that represent and promote interests of client communities such as tenants’ associations, claimants unions, trades councils and shop steward committees, unemployed people’s centres; and a range of groups concerned with the rights of black and minority ethnic people, women, disabled people, and young people. These individuals, groups, and organizations form the “client community” of a CLC and are entitled to use it. Diagram 1 below depicts the conceptualization of “client community” which emerges from CLC literature.

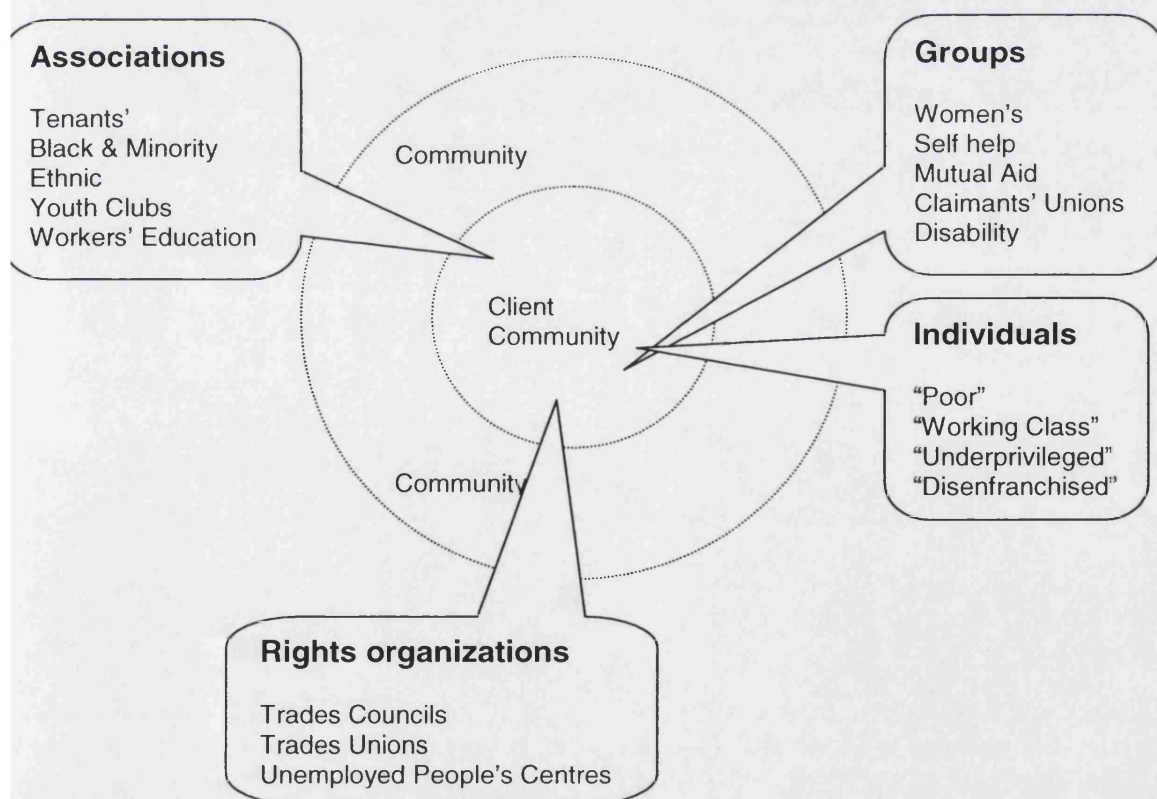


Diagram 1. CLC conceptualization of a “client community”

Although sociologists have found that “Community is one of the most notorious concepts in sociology ...” (Wild, 1981: 17) to define, the specialist literature on CLCs suggests that, for them the concept of “client community” may “have three distinct meanings: a sense of belonging (affective, intrinsically-valued social relationships); locality (as in neighbourhood); and a particular target group that might serve as a vehicle for social change” (Stephens, 1990). This definition contains the principal elements identified as intrinsic or fundamental in the sociological literature: locality, (Hillery, 1955; Worsley, 1987); and social ties and relationships which may lead to solidarity, social action, and change (Sussman, 1959; Stacey, 1969; Neuwirth, 1969). The specialist literature on CLCs suggests that the object of community work by CLCs reflects this meaning, that is, the development of groups and inter-related networks which generate solidarity and social action.

The community work methods adopted by CLCs have a complex theoretical pedigree. It has been recognized that the premises underpinning both community work and community action during the 1970s spanned “conservative, liberal / social democratic, Marxist and anarchist positions” (Mayo, 1983: 89-95). It was however “the liberal / pluralist approaches” that were used to justify a range of government sponsored community programmes with a variety of objectives, which included both the “socialization of the disorganized poor” and the “promotion of more cost-effective social service provision through citizen participation”. CLCs were a part of this approach (Mayo, 1983: 89-95).

Pluralist theories argue that power in democratic societies is not located in any single group or type of group. They also recognize the structural nature of poverty, deprivation,

and disempowerment. They have been linked historically with the concerns of mainstream academic “social administration” for reform and amelioration of social problems (Popple, 1995). The principal aim of community work in this theoretical framework is to assist formal and informal groups to overcome the problems they face in their neighbourhoods or community by “mutual support, sharing activities, and by attempting to secure better services for their members” (Popple, 1995: 33). Waddington (1994: 5) developed this idea further when he observed that community work’s “particular mission is with the empowerment of dispossessed and excluded groups – the working class, women, black people, older people, disabled. It follows, therefore, that community workers have to take sides and be partisan.” Dominelli (1994) and Sondhi (1994) both refer to the discrimination inherent not just in society, but also in specific government policies which make community work with women’s groups and black groups more difficult.

These approaches to community work have in turn informed the community development approach developed by the CDPs, which have had a profound effect on the style, work, and organization of CLCs. Community work undertaken by CLCs within this theoretical framework has also been linked to the strong opposition to CLCs by those who either do not agree with it or do not understand it. Prior (1984), in a leaflet from the Society of Conservative Lawyers, observed that “The staff of Law Centres would appear, from the very beginning, to have been largely drawn from idealistic members of student and other youth bodies of left-wing political persuasion. Therein lies the strength of the Law Centre Movement, the seed bed of some of its problems, and now inevitably, its weakness when seeking financial support from the present Government.”

The concept of “client community” purposefully refines the concept of “community”, and is useful to CLCs in two ways. First, they are able to target their services in line with their organizational goals. Second, being geographically located and therefore accessible in principle to all within that catchment area, they are able to identify and work with those who will control the resources of the organization and guide its work. The specialist literature on CLCs, community work, and community development characterize “community” as heterogeneous, powerless, and pauperized, and suggest that the object of professional work within this framework is to create and strengthen groups, and solidarity between them, for social action and change.

Theories of Professions

Critiques of the concepts of professions and professionalism also underpin the establishment and work of CLCs.

Professionalism, based on specialist training and bodies of knowledge, is central to the identity of lawyers. The specialist literature on CLCs characterizes the traditional lawyer as socially and economically remote from those who are eligible to claim Legal Aid.

There is a debate in the literature about what constitutes a profession (Johnson, 1972: 22), and definitions have developed within different analytic traditions (Abel, 1988).

Within the sociology of occupations, law and medicine are generally regarded as the “older” professions, offering classic examples of professionalism and the behaviour of professionals in organizations. Laffin (1986: 20) sums up the attributes of a ‘professional’ as “the possession of an established body of systematic knowledge; a commitment to

altruistic service to the client; the existence of an occupational association, the membership of which it licences to practice; a high level of educational achievement among practitioners; and a considerable autonomy at work.” Membership of professional associations and adherence to the ethics of their profession underpin the autonomous and independent character of professionals (Marshall, 1939). Their autonomy and independence are said to create points of conflict between them and organizations in which they are employed on such issues as assignment of work, participation in policy formulation, and participation in professional activities: and some writers say professionals are “unmanageable” (Lansbury, 1978).

Some theorists assert that professions are value based and altruistic occupations (Parsons, 1954; Laffin, 1986), and others contradict this view (Rueschemeyer, 1983). Larson (1977) identifies the characteristics of professions as “occupations with special power and prestige” which are granted by society because professions have “special competence in esoteric bodies of knowledge linked to central needs and values of the social system, and because professions are devoted to the public above and beyond material incentives” (1977: x). These characterizations of professionals suggest strong commitment to service for the public good, and the occupation of a powerful and conservative position in society. Indeed, Carr-Saunders and Wilson (1933) regarded the professions as the most stable elements in society, which rendered them “centres of resistance to crude forces which threaten steady and peaceful evolution” (1933: 497). This perception of professionals suggests CLCs embody a contradiction between their explicitly stated goals, of bringing about radical change in the relationship between lawyers and clients and in providing more appropriate legal services for disempowered communities, and the ascribed characteristics of those employed to achieve these goals.

Freidson (1994) suggests that, in addressing the problem of defining the characteristics of “profession”, it is necessary to distinguish two different usages. He observes that in the first usage the concept often “refers to a broad stratum of relatively prestigious but quite varied occupations whose members have all had some kind of higher education and who are identified more by their educational status than by their specific occupational skills” (1994: 16). The second usage refers to “a limited number of occupations which have particular institutional and ideological traits more or less in common” (1994: 16). This second meaning appears to represent much more than a status since it produces “distinctive occupational identities and exclusionary market shelters” (Freidson, 1994: 16 - 17) and “exclusive prerogatives to operate” (Mosher, 1982: 118).

These distinctions are useful when discussing CLCs for three reasons. First, although predominantly they employ lawyers, they also employ others whose professional identities might not be as strong as that of legal professionals. Second, CLCs also employ a large body of formally educated legal practitioners, skilled and trained in particular areas of law, who are neither solicitors nor barristers and therefore not entitled to call themselves lawyers. Third, contrary to professional norms described here, CLCs are committed to multi-disciplinary approaches to problem solving, to skill-sharing, and to demystification of legal knowledge. These characteristics create two social dilemmas in organizations: first, a drive for other occupations to be granted professional status; and second, the potential for conflict between professionals in organizations.

The claim of exclusivity also implies that professionals must have exclusive jurisdiction and operational autonomy (Wilensky, 1964; Laffin, 1986; Stein, 1991). This claim also

suggests that professionals in organizations would find supervision and management by non professionals and professionals of other disciplines difficult. Caplow (1954), Larson (1977), and Mintzberg (1979) found that the concept of “exclusivity” extends also to the judgment of professional merit, and the concept of collegial control whereby a professional may only be assessed by a fellow professional. Laffin (1986) also found “conflict” in public service organizations between such professions as social work, teaching, and planning, and the “techno-bureaucratic professions which have no client base” (1986: 23). Thompson (1967) found that professionals in organizations tend to insist that they have primacy in setting the framework within which decisions are made. These theories of the way professionals behave in organizations appear to run counter to the egalitarian structure of relationships on which CLCs are founded, and to suggest dilemmas in the multi-disciplinary approach to problem solving and in attaining professional accountability to community.

Some theorists have also suggested that there is not necessarily a contradiction between the independence and autonomy of professionals and the need for organizations to administer and manage their resources. A large number of studies offer empirical confirmation for the suggestion that bureaucracy and professionalism should be seen as complementary forms of social control (Miller, 1968; Hastings and Hinings, 1970; Davies, 1983). Aiken and Hage’s (1966) study of professionals in social welfare organizations found that participation in decision making appeared to be the strongest determinant of specific work satisfaction, while the single best predictor of unsatisfactory work relations was the bureaucratic codification and enforcement of rules. These findings reinforce Stinchcombe’s (1959) hypothesis that bureaucracy and professionalism are two subtypes of a larger category of rational administration, and therefore not necessarily in

contradiction with each other. They also suggest that under highly specified circumstances organizational dilemmas predicted by other theorists may be circumvented or accommodated.

Other theorists go further in suggesting specific circumstances in which professionals work well in organizations. Blau and Scott (1963: 247) argue that “when overall responsibility of the organisation cannot be broken down into fairly routine specialised tasks ... expert judgements of professions rather than disciplined compliance with the commands of superiors must govern operations in the interest of efficiency.” Mintzberg (1979) proposes that where professionals organize themselves into a “professional bureaucracy” the organization’s dilemmas created by their employment would be addressed. Others recognize that, although professionals exercise a powerful influence on their environment and in organizations, they are also capable of working flexibly in highly complex organizational environments (Scott, 1966; Stinchcombe, 1990); and in public service (Flexner, 1910; Parsons, 1964a). Thus, within a framework which requires the use of professional discretion and expert judgement, in which they manage themselves and can work flexibly, professionals may function well in an organizational setting. CLCs appear to offer an ideal working environment for professionals since their everyday lives are collectively organized and self-managed, and their relationship with management committees is remote and relatively formalized.

As far as lawyers specifically, rather than professionals generally, are concerned, seemingly contradictory views are offered. Abel (1988), looking at the position of the legal profession in England and Wales, found that it is as much a privileged enclave as other professions. He also found that there are increasing numbers of salaried solicitors

in organizations in all sectors, and that they are subject to ever more specialization and specification of task. He suggests that lawyers might avoid this creeping proletarianization “by embracing ideological proletarianisation. They retain autonomy in the selection of means, but the price they pay is allowing others to determine goals” (1988: 24). However, Handy (1988: 92) points out that lawyers tend to work in organizations that put the goals of the individual before those of the organization, which provides “resources for the individual’s talents”; and that they may develop collectives, as in CLCs, to “experiment with pay parity, self-servicing, and group policy-making” (1988: 93).

These descriptions of the ideal organizational states in which professionals generally, and lawyers specifically, may exist in professional contentment, are useful for understanding some of the theoretical arguments which influenced the founders of CLCs. In addition to aiming to create a state of equality between lay management committees and professionals, CLCs also aim to extend the concept of equality to the structure of staff relationships. They foster modes of collective working, which are intended to avoid the problems associated with hierarchical management, supervision, and vertical accountability.

The issue of professional accountability is a very special one for lawyers. In most transactions between lawyers and others the relationship is one of specialist legal professional and client (Griffiths-Baker, 2002). This client – lawyer relationship is regulated by statute and reinforced by ethics instilled by training and practice, and places the lawyer in the role of adviser and protector of the interests of the client to whom is owed an unconditional duty of care. Lawyers owe statutory duty to the Courts, their

professional associations which regulate their behaviour, and their clients; and this duty is absolute (The Law Society, 1999; The Bar Council, 2000). Any other legal duties they may assume in the course of their professional life, such as to an employer, is secondary. This conceptualization of legal professionalism posits the professional in a semi-detached relationship with an employer. Diagram 2 below is an exposition of this conceptualization.

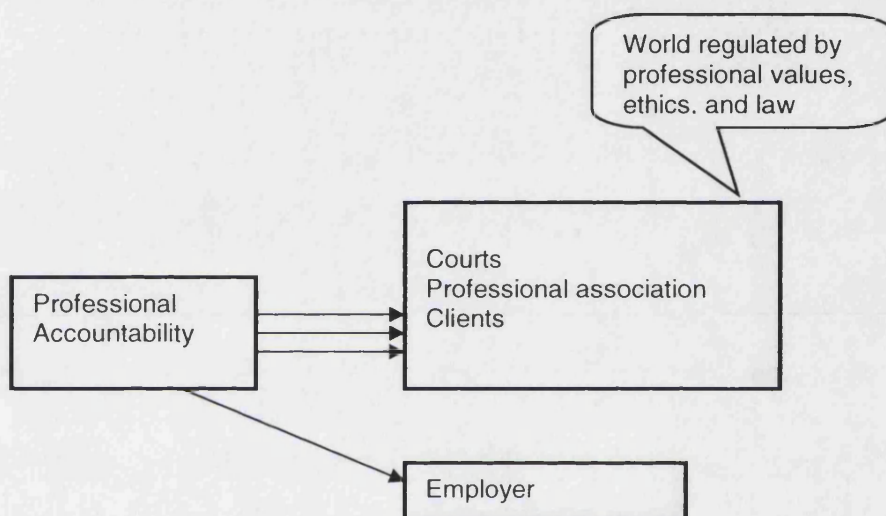


Diagram 2. Semi-detached relationship between lawyers and employers

CLCs constitute a critique of this traditional conceptualization of the relationship between lawyers and their employers.

The literature on professions reviewed here suggests that, while no profession presents an homogenous profile of characteristics, professionals, such as lawyers, are likely to exhibit

- a) a tradition of public service
- b) adherence to professional values and ethics

- c) commitment to client interests
- d) self-regulation and peer supervision
- e) exclusivity based on training, development of a body of knowledge, and skills
- f) tendency to conflict with other professionals and bureaucratic supervision
- g) elevated social status, professional privilege, and conservatism

Summary of Theoretical and Conceptual Roots

The establishment of CLCs challenged traditional legal practice in a number of ways: by operating in poor / working-class neighbourhoods; by focusing on areas of the law which affect the lives of the client communities in which they are located; by applying the full range of legal skills and processes to enable client communities to influence and control the environments in which they live and work; and by creating voluntary organizations on whose governing bodies representatives of client communities sit.

The literature also suggests that CLCs are attempting to reconcile in practice some potentially conflicting ideas: for example, by giving client communities control over employed professionals; by employing lawyers and staff with other professional skills and training to work alongside each other; and by undertaking together case work and community work, which require different styles of work from each other.

Part Three: Operational Dilemmas of CLCs

The aim of this Part of this chapter is to identify some of the operational dilemmas which face CLCs. Some of these are explicitly referred to in the literature, while others are

implied. Four areas are addressed: a CLC's relationship with its "community"; the dilemmas surrounding "case work" and "group work"; the organization and management of work; and the problem of funding.

Relationship with the "community"

The specialist literature on CLCs suggests that, while they seek to root themselves in the "community", how this is done in practice may create conflict, or exacerbate existing differences, between the organization and the community, or between professionals involved in the CLC and the community. The "community" described in the specialist and theoretical literature is distinguished by its poverty, vulnerability, and disenfranchisement.

CLCs reflect commitment to client communities in the arrangements they make for voices to be heard at both the policy making and executive levels of the Centre (LCF, 1993).

Reliance on structural representation of the community through the management committee is reflected in a joint publication by the Lord Chancellor's Department and the Law Centres Federation which reported that

"Each Law Centre has a management committee made up of representatives from the local community. Local knowledge, skill and expertise are fed back in to each Law Centre through their management committee. Decisions are taken and priorities set according to needs as identified by the locally representative management committee. Through these management structures, Law Centres should be accountable to the community they serve. Work priorities are dictated by local need. In this way, the service as a whole is based on the priorities and needs of the local communities" (LCD and LCF, 2001: 43 - 44).

Despite explicit statements such as this, there appears to be little clarity from CLCs on such matters as the processes by which decisions are taken; how disputes between opposing views are settled; what part in practice the "community" plays in influencing the

CLC's agenda; or indeed how community representation on, for example, a management committee, is made accountable and to whom.

The literature suggests that potentially difficult relationships between “community” and “professionals” manifest themselves in the relationships between management committees and staff in the governance of CLCs, and between professionals and clients in the course of their work.

The problematic nature of the relationship between a community and a CLC is demonstrated in the evaluation report on North Kensington Law Centre (Byles and Morris (1977)). At its inception North Kensington Law Centre intended to ensure that the work it did reflected the legal needs of the community by four means: first, the presence of representatives of local voluntary organizations on its management committee; second, the establishment of an Advisory Council of clients and client groups with whom it would meet at regular pre-determined times; third, by the employment of a community worker; and fourth, by requiring that all the employees of the Centre lived locally (Byles and Morris, 1977). Of the four strategies used by North Kensington Law Centre to create and sustain a relationship with its client community, three failed to work as they were intended. These three were the formalized structural mechanisms intended to facilitate community access and influence to decision making in the Centre. There was conflict between legally and non-legally qualified members of the management committee over the appointment of the community worker, which the local representatives wanted, and the community worker was not appointed. The structure of meetings with the Advisory Council collapsed after the first meeting because their significance to decision making was questioned by those attending. The fact that the staff of the Centre lived locally was

seen to have been an advantage in raising its credibility and making local people aware of it, but it did not deliver community participation in the Advisory Council.

It is also the case that local “communities” differ in terms of their history; their degree of social, political, and economic integration; and therefore their participation in local institutions. The early history of North Kensington Law Centre is closely tied to the social and political development of the area; and the conflict between the lawyers and non-legally qualified representatives of the community on the management committee can be seen as reflecting a class conflict played out in the political fora of the neighbourhood at that time (O’Malley, 1977).

Difficult relationships between “community” and “professionals” may also be apparent in the professional interaction between staff and clients. The literature suggests that the root of this dissonance seems to be more complex than the simple failure of organizational strategies. Community workers as professionals may be in conflict with the groups with which they work in the same way as lawyers may be (Bryant and Bryant, 1982), although lawyers appear to have a particular predisposition for conflict with non-lawyers and clients where decisions are jointly made (Besharov, 1990). In addition neither individual clients, taken as a category, nor local organizations, are an homogenous mass. There is evidence that the views of both local organizations and individual clients of a CLC, and their support for its work, depend on what they think the role of a lawyer is (Byles and Morris, 1977). The conflict at the North Kensington Law Centre also highlights the difficulties professionals have in striking a balance between loyalty to self and profession, and to client and community (Marshall, 1939).

Case Work and Group Work

The literature suggests that CLCs experience ongoing debates about conducting case work and group work alongside each other. These debates reflect the conflicts described in the previous section between community and lawyers, and between lawyers and other professionals, in that case work is associated with lawyers and group work with community workers. Second, the terms reflect tension between tradition and innovation: between providing legal services in a style that is generally accepted as the norm, and using more innovative methods which attract suspicion and disapproval.

The dilemmas surrounding case and group work are in part evidenced by the history of North Kensington Law Centre (Byles and Morris, 1977). The original proposal for the Law Centre was for three full-time solicitors and one community worker. In the event, because of the difficulty of obtaining funding, it started work with one solicitor, one secretary / receptionist, and an articled clerk, initially taking up only individual cases. During the period of evaluation, the staff complement rose to three solicitors, an articled clerk, one full-time and one part-time receptionist, one research and development officer, one book-keeper, three full-time and one part-time secretaries. Opposition to the appointment of a community worker came from the legally qualified members of the management committee who saw the work of the Centre as case work following in the mode of a solicitor in private practice, and feared that such an appointment would lead to the Centre's involvement in political activities such as "trade union membership, participation in demonstrations or strikes, and public involvement in controversy with the local council" (Byles and Morris, 1977: 16).

The literature on CLCs also indicates that while the problems at North Kensington Law Centre suggest an inherent incompatibility between these two approaches to delivering legal services, Newham Rights Centre tried to address operational dilemmas associated with them by devising a practice model. Newham Rights Centre, which initially took individual cases in order to develop its credibility in the local community, offers a classification of “cases” which refines the meanings assigned to the terms “case work” and “group work”.

*“ The Test Case – any case of any kind likely to establish a beneficial precedent
The Group Case – any case which involves a number of people whether formed into an organization or not
Community Development – involves helping local organizations to get off the ground, advising them on possible courses of action, representing them where required
Community Education – involves informing people of their rights and how to obtain them
Community Research – involves researching issues affecting sections of the community and making the results available
The Individual Case – any case which has no significance for anyone other than the individual involved “ (NRC, 1975: 9).*

This classification may be seen as an attempt to bridge the difference between lawyers and community workers, and the difference in service delivery suggested by the terms.

The 1979 annual report of the Brent Community Law Centre illustrates the conceptual link between the six categories of work identified by Newham Rights Centre and refers especially to the need for “legal information” to be made available “in the community itself”, the importance of helping group formation, and the advantages of group over individual case work. Neither Centre comments on the role of lawyers or community workers in carrying out any of the tasks involved in the work.

In “The Case for Law Centres” the LCF describe the range and type of work CLCs may do, and the style in which it is done. In explaining the areas of legal practice in which CLCs specialize the LCF explains that

“Much of Law Centre work is aimed at community education....By working for and with community groups a Law Centre is able to use its resources for the benefit of far more people than if it just carries on with case work for as many individuals as it can” (LCWG, 1983: no page numbering).

Scholarly research supports the view of the innovatory lobby within CLCs that different forms of group work are necessary if CLCs are to benefit those in need of their services. That “Lawyers serve too limited a class of client on too narrow a range of problems” was found by the first survey ever to be done in the United Kingdom into how solicitors are used by different social classes (Abel-Smith, Zander and Brooke, 1973: 110). The findings also revealed that solicitors were not trained or experienced in those areas of most concern to those who would be entitled to Legal Aid, and that fifty per cent of respondents did not know that they could seek this form of financial assistance. Eleven per cent of those interviewed in socio-economic Class V said they would never go to a solicitor for anything, while none of the respondents associated solicitors with any matter concerning social security benefits. These findings suggest that, since the view of lawyers common among the socio-economic classes most likely to be in need of CLC services was that lawyers and their services were largely irrelevant to them, CLCs would have to operate in ways which were relevant and accessible to their users.

Progressing the discussion, Zander (1978) thought that lawyers should use their varied “lawyering” skills to the benefit of the community. These skills were said to make them “advisers, negotiators, draughtsmen, litigators, advocates, referral agents, arrangers of finance and other accommodations as well as general aides and comforters”. This view

is reiterated in part by the LCWG (1975) but with a condition that where “lawyers are to use their skills to the full to help those communities in their efforts to end their “deprivation” they will have to change their manner of working”. It goes on to suggest that the nature of a solicitor’s work in serving poor and working-class communities is twofold: first, to enable those with similar interests to form groups eg tenants’ associations and shop stewards’ committees; and second, to use their legal skills to enable them to deal with those outside the group with whom they have business eg landlords and employers.

Organization and Management of Work

The organization of work in CLCs, and its day-to-day management, is a principal area of discussion in the specialist literature, and concerns the notion of “collective working”.

In a statement both normative and explanatory, the LCF (1991: 3) defines collective working as “parity of pay, working collectively, self-servicing and skill-sharing”; and continues to explain that

“Although not all law centres have all of these, many will have some, law centres are therefore less likely to have formal hierarchies and wide differentials in pay, which in turn lead to a more cohesive and involved staff team.”

Stevens’s (1983) study uses five indicators of collective working indicated by the literature: pay parity, self-servicing, joint working, skill-sharing, and joint decision making. The categories of “joint working” and “joint decision making” are deduced from the LCF’s category of “working collectively”, which refers to the practice of sharing out organizational work among all staff and making decisions together at staff meetings, which Stevens describes as “collective decision making”.

There is explicit recognition in the literature of the relationship between collective working and the work of the CLC.

“Collective working has contributed to an ethos which has fostered a close identification between law centres and the communities they serve. Moreover by emphasizing that the provision of legal services involves more than conventional, black letter skills collective working has underpinned the broader concepts that law centres operate” (Stevens, 1983: 21).

This view is reiterated in different terms by the London Edinburgh Weekend Return Group (1979) and by Stephens (1990), both of whom point to the collective approach to tackling local problems, such as those associated with housing disputes, as a reflection of the collective organization of staff of CLCs.

The positive effects of collective working are said to be reflected in the style and range of work the staff of a CLC are able to undertake and in the absence of organizational dysfunction usually associated with the employment of professionals in bureaucracies.

Two studies have found a very high degree of job satisfaction among previous and current professional staff of CLCs, who are also said not to seek to subvert the main goals of the CLC in which they work (Stevens, 1983; Stephens, 1990).

Pay parity, which is an element of collective organization in CLCs, was mentioned only by Stevens (1983) in his survey of CLC staff. Stevens (1983: 13) reported that

“the policy of pay parity as such does not appear to have caused many problems, though a number of both lawyers and non lawyers observed that systems of pay parity ought to reflect parity of responsibility and work load.”

The negative effects of collective working are said to be manifest in three areas of conflict: first, between management committees and staff (Byles and Morris, 1977; Prior, 1984); second, in the organizational relationships between legally qualified and non-

legally qualified staff, and the lack of opportunity for the latter to increase their economic and social status (Stevens, 1983; Stephens, 1990); and third, in seeking funding for the CLC (Prior, 1984).

Control and Direction by Management Committee

Although the specialist literature on CLCs does not address the control and direction of work and staff by management committees, other organizational studies suggest that this aspect of a management committee's role is problematic.

Whereas collective working produces nominal equality between staff, all staff of a CLC are subject to the authority of a management committee, the majority of whom will be lay people from the community. This raises dilemmas for management committees about how to acquire, retain, and enforce managerial authority over lawyers and other professionals while allowing them the "autonomy" necessary "to the integrity of professional practice and work"; the freedom to exercise their skills in line with their professional training and ethics; and to maintain control over all aspects of their work (Derber, 1982).

This dilemma for management committees in exercising their managerial functions is compounded by their distance from the day-to-day work and decision making of the CLC; and by the respect and social status accorded professionals by lay people, some of whom may receive services from lawyers and other professionals employed in the Centre and on whom they may rely for those services and access to others (Parsons, 1964; Wilding, 1982; Wilson, 1995).

The managerial relationship between management committees and professional staff may be made more complex by the objective of CLCs, intrinsic in their espousal of collective working, to work in solidarity with the community and their clients. This implies a relationship of equality and reciprocity rather than of hierarchy and control (ATD Fourth World, 1996), and appears to contradict the concept of “community control” discussed in Part Two.

Funding

Despite official recognition of the existence of CLCs, the undoubted benefits of their work, their influence in the development of legal services and in areas of substantive law, and their value for money (Royal Commission, 1979; Prior, 1984), there have been no long-term policy initiatives to support their continuation and development. Since their inception in 1970 there have been periods of growth and decline which seem to have been caused more by changes in the political and economic environment than by a diminution of their value. Most CLCs are funded by local authorities. A small number have been funded by the Lord Chancellor’s Office but since the creation of the Legal Aid Board in 1989 this source of direct grant aid has ceased. Some CLCs house specialist projects, for example on the environment, which sometimes attract charitable funding. The Community Legal Service, which plans local advice services, disburses Legal Aid through contracts, and funds innovative partnerships which extend access to information, advice, and training. Although this provides some opportunities for individual CLCs, it does not amount to a dedicated national policy for funding CLCs.

The absence of a discrete national policy for CLCs has created two areas of difficulty for them in relation to funding: periodic uncertainty about their future (Byles and Morris, 1977; Stevens, 1983; Prior, 1984; Stephens, 1990); and an increasing reliance on Legal Aid, which tends to skew CLCs' work in favour of individual case work and away from the complementary activities of community education and development (Stephens, 1990). This compels them to participate in a system which stigmatizes their users by means testing them (Partington, 1978); and causes them to falter in the aim of providing a free, non-stigmatizing service (Stephens, 1990).

In "Towards Equal Justice" (LCWG, 1975), CLCs predicted the difficulty which would be caused by continued funding by local authorities, and since then have been calling for an independent national agency, initially a Commission, which would have the remit to encourage the development of CLCs, and to fund them. Prior (1984) also called for responsibility for CLCs to be located in one government department and funding to be put on a permanent footing with a number of contingent conditions to ensure accountability and management control.

There appears to be a direct relationship between political perceptions of CLCs and their work, and their ability to attract and sustain funding. The North Kensington Law Centre came into conflict with the Royal Borough of Kensington and Chelsea by representing clients with grievances against the borough. It was subsequently refused a direct grant by the borough and failed to gain support for its application for Urban Aid, thereby nearly bringing about its demise (Byles and Morris, 1977). CLCs which have their grant reduced or cut are unable to recruit and retain solicitors; and have to make staff redundant or not fill posts (Stephens, 1990). The London Edinburgh Weekend Return Group (1979) shows

how grant conditions imposed by local authorities have had the effect of hampering the scope of CLCs to the extent of proscribing work with certain categories of client such as “squatters, anti-racists, and strikers”.

Reliance on Legal Aid is seen to have some of the same effects as the imposition of conditions of local authority grant aid. It challenges the ethos of CLCs when poor and working class people are afraid to call on the services of a solicitor because they cannot afford to pay and because they will be asked a number of personal questions unrelated to the problem on which help was being sought (Titmuss and Zander, 1968; Partington, 1978). Legal Aid, and the style of work it engenders, inhibits “proactive” work (Stephens, 1990).

Summary of Operational and Practical Dilemmas

Part Three of this chapter has identified from the literature some of the operational dilemmas facing CLCs within five areas of their operation: relationship with the community; the conflicts inherent in the case work and group work debate; the organizational dilemmas associated with “collective working”; the difficulty for the management committee in controlling and directing work; and the problems of the funding environment. In each of these five areas, core dilemmas, associated with the operationalization of the concepts of “community control” and “professional accountability”, are reflected.

Part Four: Conceptual Framework for the Study

Parts One, Two, and Three of this chapter described the historical and conceptual influences on the development of CLCs, reviewed the very small body of specialist literature on CLCs, and identified organizational issues from the literature. This Part of the chapter builds on the previous three to propose a conceptual framework for the current study.

Taken together, the literature discussed in the previous Parts of this chapter establishes a number of characteristics of CLCs which on the face of it suggest dilemmas in implementing key principles. The review of the historical roots of CLCs seems to suggest that their principal purposes were to empower the powerless in the communities in which they were located; and to break down the traditional barrier that has existed between professionals and their clients.

There were three principal methods that would be used to address powerlessness. First, client communities would have control over the CLC and would be able to disburse its resources and direct its work. Second, the areas of law covered by the CLC would be relevant to those communities, and community work would be undertaken which would assist client groups to become more effective in making their voices heard. Third, lawyers and other professionals would share their knowledge with clients both as individuals and as groups, and with each other. In these ways clients and client communities would be empowered and professionals would work together in a collective endeavour. The link between collectivism and community was made through the notion of empowerment.

Literature reviewed in Part Two described how the client community was constituted and was depicted at Diagram 1. This depiction shows the “client community” as developing from an amorphous mass of unorganized heterogeneous interests into identifiable groups and constituencies of interest capable of acting together. The client community can be seen as being able to control the CLC by forming an “associational world” around it. The associational world of the CLC is represented in Diagram 3 below.

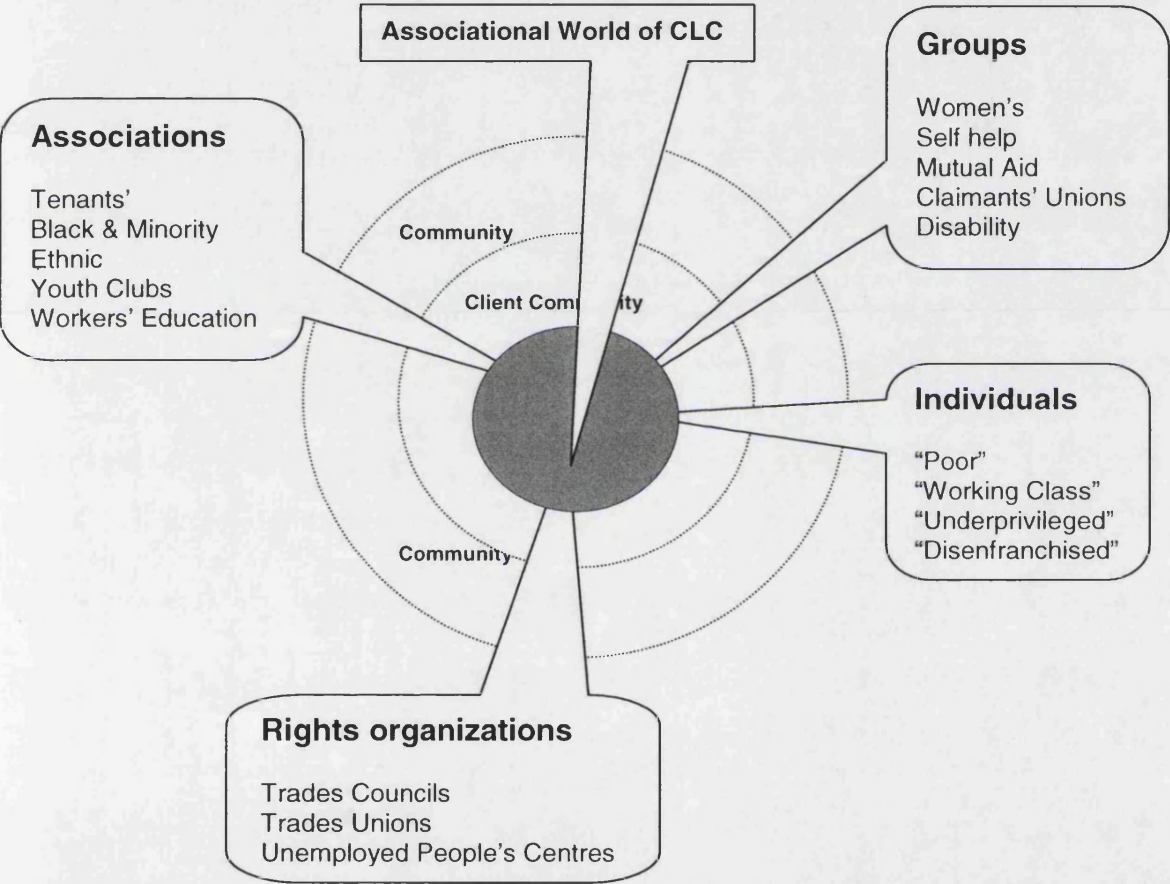


Diagram 3. Associational World of CLCs

This conceptualization of the associational world of the CLC shows the CLC as embedded in the client community, and its membership made up of individuals and representative organizations previously anonymous in the amorphous mass of “community”, largely unidentified and unrelated to each other. This depiction also

indicates the unformalized character of “community” and the ad hoc texture of its relationships. This contrasts with the ordered and rule bound character of professional relationships depicted in Diagram 2 in Part Two.

The conceptualization of a CLC, expressed in *Towards Equal Justice* (LCWG, 1975), replaces the traditional semi-detached relationship between the legal professional and employer, as shown in Diagram 2, with one in which the “client community” becomes not just an employer but a superior decision making authority. It may also be seen as an attempt to replace traditional professional dominance with the authority of the client community through the mechanism of community control. This new relationship may be represented by the configuration in Diagram 4 below.

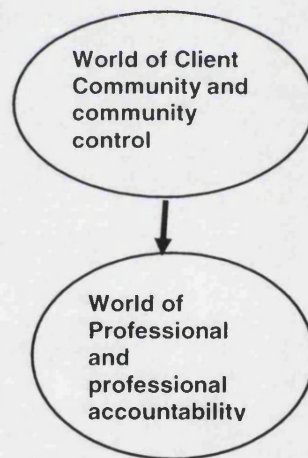


Diagram 4. Client community control of professionals

This depiction of community control and professional accountability not only places the “client community” in authority over professionals, it also brings together the very different Worlds of “Community” and “Professional”, juxtaposing the associational character of “client community” with the formulaic and rule bound qualities of the professional. These worlds might also be seen to act on, and influence, each other.

Using Billis's (1989) Theory of the Voluntary Sector, which conceptualizes sectoral relationships as worlds that create ambiguous zones and hybrid organizations at points at which they overlap or meet, Diagram 5 illustrates an emergent conceptualization of a CLC in which the client community and professionals constitute an ambiguous zone in which CLC work and activities take place.



Diagram 5. Ambiguous zone of CLC work

The professional world consists of multiple accountabilities, rules, and ethics; and the world of community is constituted of solidaristic relationships, heterogeneous interests, and social action.

The literature reviewed in this chapter suggests that the conceptualization expressed in Diagram 5 gives rise to organizational dilemmas in implementation. Not only do legal professionals become paid staff and acquire accountability to an employer, but also management committee members act as service delivery volunteers alongside professional staff. There are other paid staff of different professional status, community

organizations representing different client interests on the management committee, and professionals from other organizations sit on the management committee. This complex mix of apparently contradictory interests contains the potential for organizational dissonance and tension. Diagram 6 below attempts to plot the relationships between organizational actors that may give rise to tensions in the exercise of differing states of authority and competition for control. The shadowed lines represent areas of possible tension.

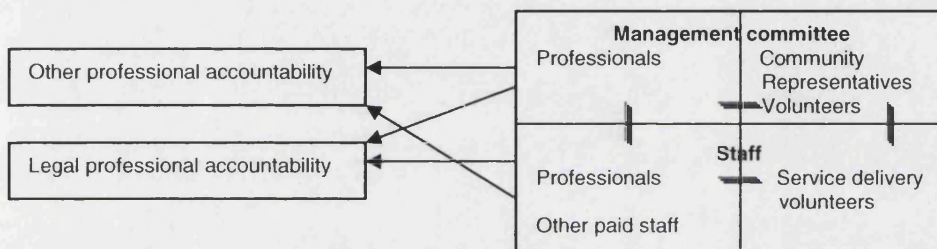


Diagram 6. Tensions between organizational actors

These points of tension indicate the loci of operational dilemmas suggested by the literature, and seem to suggest inquiry at three levels of organizational endeavour, namely

- in the relationships between management committee members;
- between them and staff; and
- in the relationships between staff, and between them and service delivery volunteers.

The puzzle at the heart of this study is how these tensions, which the literature suggests are the result of competition for control, are mediated in practice.

Summary of Conceptual Framework

Part Four of this chapter has conceptualized CLCs as organizations. It has posited the notion of CLCs combining the principles of “professional accountability” alongside that of “community control”, and observed critical organizational challenges and contradictions at all levels of the organization. It has stated that at the heart of this study is an investigation to identify and understand how these are worked out in practice.

The conceptualizations of CLCs discussed in this Part are based on the literature presented in the previous Parts of this Chapter. The theoretical literature suggests that CLCs can be seen as an attempt to subvert the traditional relationship between professionals and employers with the concept of community control. However, the empirically based literature suggests that in practice professional accountability is not overturned or replaced with community control but that both exist alongside each other. This tension is reflected in organizational problems and dilemmas, such as, how to balance case work and group work, which may be seen as proxies for professional accountability and community control; how the management committee controls the professional staff of the CLC; and how legally qualified and other staff relate to each other. This study examines the operation of CLCs to explore these dilemmas and to test and develop the conceptual framework.

Part Five: The Research Question

The first four Parts of this chapter described historical and theoretical influences on the development of CLCs; reviewed the very small body of specialist literature on CLCs; identified organizational dilemmas raised by the literature; and proposed a conceptual framework for this study. This final Part sets out the research question.

What kinds of relationships exist between organizational participants in the implementation of the twin notions of “community control” and “professional accountability” in CLCs; how are these relationships established and sustained; and why? These are the principal questions at the core of this study.

The conceptual framework reflects the themes that emerge from the review of historical and theoretical influences, the specialist literature on CLCs, and the organizational dilemmas identified from that literature. This review also suggests two key reasons for this study. First, there is a paucity of research and theoretical literature on CLCs. The specialist literature suggests that CLCs in England emerged from a deliberate plan on the part of the founders to pioneer a new relationship between lawyers and their clients and to create a different kind of legal services organization from those which existed in the past and contemporaneously. Nonetheless there have been no studies, other than those which form part of the review of literature in previous Parts of this chapter, which explain how they work in practice. Second, the literature revealed that

organizational dilemmas arose in operationalizing the twin notions of “community control” and “professional accountability”. Diagram 6 in Part Four illustrates the points of tension that the literature suggests may arise in CLCs: between members of the management committee; between staff of different professional statuses, and between paid staff and service delivery volunteers; and between the management committee and staff both paid and unpaid. These points of tension raise questions about how these organizational relationships work in practice, and why.

Management committees are said to be principally constituted of client community interests which should control and steer management committee decisions and the resources of the CLC. In addition management committees may also have a minority of other interests. These interests suggest that management committees may be pulled in different directions, depending on the balance of power among their members. How these interests are played out is of concern to this study. How are relationships between management committee members held together and conducted in the world outside the CLC? How is “community control” achieved? How do management committee members balance CLC interests with those they represent on the management committee? How does a management committee respond to environmental influences in managing the CLC?

The conceptualization set out in Part Four also suggests tensions between staff of differing professional statuses, and between them and service delivery volunteers. These tensions raise questions for this study about the nature of the

relationships between staff. What is the nature of these relationships? How do legal professionals negotiate their relationships with other professional staff and service delivery volunteers? How do joint decision making, skill-sharing, and teamwork operate in practice? How are staff decisions made; and organizational dilemmas, which suggest different approaches, addressed?

The organizational structure suggested by this conceptualization of CLCs also suggests a complex relationship between management committee and staff, and indicates the most likely place in the organization for the apparently differing tensions associated with professional accountability and community control to become manifest. What is the nature of this relationship and how are the tensions resolved in practice?

These sets of core and subsidiary questions suggest a study which explores organizational processes, behaviours, and relationships, and explains their meaning; and identifies the aims of this study. The first is to generate descriptive and analytic material, to fill a gap in knowledge within the field of social policy and administration, about the role and operation of CLCs. Second, it is hoped to develop explanatory insights and theory about the role and operation of CLCs, which will be of use to those who set up and run CLCs, and for further study of CLCs.

Summary of Research Question

Part Five of this chapter builds on the previous four Parts to develop the principal questions, which are the focus of this research. The previous four Parts of this Chapter established the historical and theoretical roots of CLCs, identified their operational dilemmas, and devised a conceptual framework within which the study's data will be focused and analyzed.

This Chapter has identified CLCs as an innovation in the provision of publicly funded legal services in England. They grew out of an acknowledgement by radical lawyers and other professionals of the lack of access to appropriate legal services of those living in poverty and deprivation. The experience of CDPs of forms of community self-help influenced the structure of CLCs to enable collective management by those who would use their services and to promote a new approach to the relationship between clients and lawyers and other professionals. These influences and experiences led to the development of the notions of “community control” and “collective working” which reflected the experience and egalitarian ethos of the founders of CLCs and their desire to create a new kind of publicly funded legal service. When put into practice, these ideas also caused operational dilemmas which have been identified in this Chapter.

The literature discussed in this Chapter suggests that some organizational dilemmas would flow from the apparently antithetical juxtaposition of “community control” (specifically by the client community) and employed professionals, expressed in this study as “professional accountability”. By specifying community control as a fundamental characteristic of CLCs, founders privilege these “stakeholders” above others. The conceptual framework therefore depicts these two elements, client community and employed professionals, as forming the principal relationship in CLCs and therefore a useful lens through which to view all other organizational relationships. This study therefore seeks to explore and examine how and why that relationship is sustained.

The focus of this research is an exploration of how, and why, the seemingly contradictory tendencies of “community control” and “professional accountability” reside together in the same organization.

The aims of this study are to

- generate descriptive and analytic material about the role and operation of CLCs;
- fill a gap in knowledge within the field of social policy and administration about CLCs;
- develop explanatory insights and theory about the role and operation of CLCs.

Chapter Two: Research Framework and Approach to Fieldwork and Analysis

The previous chapter discussed the historical and theoretical influences on CLCs, the organizational dilemmas they are known to face, and the conceptual framework for the study. Finally it stated the focus and aims of the research. This chapter will explain the approach taken to conducting the study. It is divided into two Parts. Part One discusses the research approach; and Part Two reports on the fieldwork process.

Part One: The Research Approach

This Part of this chapter describes and explains the choice of the case study as the research strategy; and the choice of methodology.

Case Studies

Given the aims and objectives of the study it was decided that the case study strategy was the most appropriate to collecting data about CLCs in that it fits both the “exploratory” and “explanatory” nature of the research objectives (Bresnen, 1988; Yin, 1994). It was also decided that the study would be enhanced by studying more than one case. Yin (1994: 45) advises that evidence from multiple case studies is often considered to be “compelling”, the overall study “more robust”, and the possibility of generalization increased, than with a single case. Burgess, Pole, Evans, and Priestly (1994: 143)

emphasize the potential for comparisons to be made between cases, where data collection and analysis would be common to all cases, and the singularity of each case would be simultaneously exposed. Miles (1979: 598) observes that while the “idiosyncratic aspects” of each case could be seen in perspective, the conceptual framework would allow cross validation and checking of generalizations. Since a principal aim of this study was to fill a gap in knowledge it was important for sufficient detail and participants’ perceptions to emerge to enable both the singularity of each case study and their commonalties to be uncovered.

In discussing the usefulness of the case study approach Dunkerley (1988: 91) has observed that even “at the level of straightforward discovery the case study comes into its own”; and although this may lead to description, he concedes that “important insights can often arise from description” which may lead to the formulation of hypotheses and further study. Robson’s definition of case study has been especially useful in assessing its relevance to this project. He describes it as “a strategy for doing research which involves an empirical investigation of particular contemporary phenomenon within its real life context using multiple sources of evidence” (Robson, 1993: 52). This study took account of data derived from interviews, documents, and observation.

A case study strategy is especially well suited to this research because so little is known about CLCs and because the research questions seek to reveal both how organizational relationships and processes are construed, and why.

Case studies enable data to be collected to provide “an analysis of the context and processes involved in the phenomenon under study” (Hartley, 1994: 208 - 209); and “how” and “why” questions to be addressed “because they deal with operational links needing to be traced over time” (Yin, 1994: 6).

Case studies are thought to be useful and appropriate for exploring organizational processes and behaviours which are little understood; and for understanding behaviours “in the context of the wider forces operating within the organization, whether these are contemporary or historical” (Hartley, 1994: 212); and when the issues under investigation are “complex multifaceted, nonrepetitive, and highly contextual” (Powell and Friedkin, 1987: 183). The literature reviewed in Chapter One, and the conceptual framework, suggest that CLCs are structurally complex organizations.

The choice of a case study strategy was reinforced by Bulmer (1988: 157), who pointed out that community and organizational studies are analogous because they share common problems of “how to trace the relationships which exist between different parts of the system and demonstrate the influence of different parts on each other.” The specialist literature on CLCs suggests that the concept of community is central to the conceptualization of CLCs, and that their prescribed structure is an attempt to create an organization in which the character and voice of community are both distinct and integral to the organization.

This research is an organizational study within the field of social policy and

administration, and other authors within this tradition have used case studies. Case studies have been used to investigate issues in social policy and administration. They have also been used in organizational studies to explore organizational relationships, especially those involving professionals; to examine the effects of environmental factors including public policy initiatives; and to explain organizational puzzles and dilemmas. Previous examples of such research sought to investigate the role of social workers in social services departments (Donnison, 1975); to examine the impact of policy on the implementation of community care in five local authorities (Lewis and Glennerster, 1996); and to research three white collar organizations (Crompton and Jones, 1988). Case studies have also been used in research into forms of voluntary action, for example, to create a model with which to explore the “roots” of four voluntary agencies (Billis, 1991); and to explore the organizational challenges facing churches and synagogues (Harris, 1998). Scott, Alcock, Russell, and Macmillan (2000: 1) emphasize the usefulness of case study research in assisting an “understanding of the dynamic and contradictory processes at work in voluntary associations and organisations... it confronts and explores difference and complexity in ways which move beyond normative description.”

The second aim of the study was to develop theory. It is thought that the case study approach is particularly useful for this purpose (Glaser and Strauss, 1967; Crompton and Jones, 1988). Two critical features of the case study design seem to fit with this study’s aim of developing theory. First, case studies are especially appropriate for an empirical investigation into a living

phenomenon within its context, where the boundaries between the context and the phenomenon are not clearly defined but are inter-related. Second, they are suitable for assisting the development of empirically grounded theory when dealing with multiple sources of data, and “more variables of interest than data points” (Yin, 1994: 13).

Overall, case studies seemed to offer the most appropriate means of exploring complex relationships in organizations about which little is known. Multiple case studies provide the opportunity to discern patterns of behaviour across organizations; and to generate generalizable data capable of theoretical analysis.

A Qualitative Approach

This section argues that a qualitative approach to this study was more appropriate than a quantitative one.

The literature review and conceptual framework seemed to suggest that addressing the gap in knowledge about CLCs and building theory might be better achieved by a research approach which explored organizational relationships and processes, and explained them, than by an approach which charted them and measured their frequency and intensity.

Although “case studies can be based on any mix of qualitative and quantitative evidence” (Yin, 1994:14), a qualitative approach was considered

to be the more appropriate to this study, given its objectives which were “exploratory” and “explanatory”. This approach contrasts with what is perceived as the objects of quantitative research which are to produce numerical results which allow analysis on the basis of percentages and proportions. As Bulmer (1988:115) has said “Good qualitative research in organizations should not produce ‘telephone directory’ accounts of organizational behaviour....”

The qualitative approach also enables value and significance to be placed on what subjects themselves say (Bryman, 1989). In view of the study objectives, and the desire to give primacy to what interviewees themselves said, the “meaning” rather than the “frequency” of events and utterances was of interest to this study (de Vaus, 1993). In addition data collected by techniques associated with the qualitative approach have the characteristic of focusing on “naturally occurring ordinary events in natural settings”, containing “richness and holism” “with a strong potential for revealing complexity” (Miles and Huberman, 1994: 10). This view is echoed by Cresswell (1994: 1 - 2). Since very little earlier research has been conducted in CLCs it was felt that this approach would reveal insights into how those who involved with their work understand them as organizations.

The traditional formulation of the debate between “qualitative” and “quantitative” approaches to social research is to assign incompatible characteristics to each approach. On one hand qualitative research “can be freeranging, designed to follow leads that look promising”; while on the other

the quantitative approach “can be scientific, trying to reduce the effects of extraneous factors” (Shipman, 1997: 5).

Shipman’s approach (1997) to the traditional argument between “qualitative” and “quantitative” approaches to research in the social sciences has been useful in explicating the critical features this study should contain to achieve “validity”, “reliability”, and “generalizability”. The question of “how one knows” is of crucial importance to social science researchers, and a particular challenge to those using a qualitative approach. Miles and Huberman (1994: 41), discussing this problem, have said that “In a deeper sense ... the issue is not quantitative - qualitative at all, but whether we are taking an “analytic” approach to understanding the interaction of variables in a complex environment.”

An analytic approach in the search for meaning and patterns within a case study strategy entails beginning the study with a theoretical or conceptual framework which informs data collection and analysis. Establishing such a framework is a crucial element in the research process in that it shapes both the method and content of data collection and analysis (Miles, 1979; Van Maanen, 1979, Mitchell, 1983; and Morrow 1994). Miles (1979: 593) advises that “meaning” is arrived at in a systematic way which begins with a “preliminary analysis, which refines, iterates, and revises frameworks”, suggests new leads and makes more data available for collection and assembly into studies. Morrow (1994: 251) suggests that analytic case studies enable systematic observation and interviewing; and contends that (1994:

212) the “theoretically driven task of articulating underlying generative structures of social orders requires two distinct yet interdependent research logics: intensive explication and comparative generalization.” These twin approaches reveal underlying “semantic, socio cultural, and structural relations” which allow comparisons of “patterns ... across a finite set of historically comparable cases”. This process may enable a limited generalization about identifiable patterns across several cases at a single point in time, and seems to offer the opportunity in this study of understanding and drawing out the meaning of the data in each case, and of comparing them.

The qualitative approach to data collection has implications for analysis, and underpins the aim of this study of theory building. Qualitative data, even collected within the boundaries of a theoretical and interpretive framework, have been variously described as “rich, full, earthy, holistic”, “real” (Miles, 1979: 590); and “symbolic, contextually embedded, cryptic, and reflexive, standing for nothing so much as their readiness or stubbornness to yield to meaningful interpretation and response” (Van Maanen, 1979: 521). While a qualitative approach utilizes various techniques for data collection this study has used mainly semi-structured interviews, supplemented by document analysis and some non-participant observation. The process of analysis has therefore been principally concerned with analysis of interview transcripts, and deriving meanings and patterns from speech-based narrative. In the process of data analysis, this study has adjusted the classic process of moving between the data and the field enunciated by Glaser and Strauss (1967).

Some researchers, such as Turner (1988), also report such adaptation. In this study the data were interrogated in relation to the conceptual framework and the literature.

Part Two: Fieldwork Process

The fieldwork fell into two parts. The first part consisted of the selection of CLCs for the study, negotiation of access, and the preparation and piloting of interview schedules. The second part consisted of document analysis, and the fifty-seven interviews with paid and unpaid staff, and members of governing bodies.

Pilot

There were two schedules of questions and topics: one for members of governing bodies; and one for staff. These were both piloted. There was also a shorter one for service delivery volunteers, which was not piloted.

Two members of governing bodies and two staff members were interviewed. One staff member and one governing body member were from the same CLC: one male and one female. The remaining two were from different CLCs and were both women. They had varying lengths of involvement with CLCs. They were all “white”.

The pilot interviews were instructive in two particular respects: first in

emphasizing the extent to which confidentiality was a critical issue; and second in testing the sensitivity of certain topics and questions. Even at the pilot stage the researcher was asked to confirm confidentiality and indeed took no notes of responses except to note where the language of questions should be adjusted. It was also noticed that the lawyers interviewed during the pilot were sometimes more disconcerted by questions about personal history than non lawyers, and more hesitant generally to answer any question. One lawyer said that she would have preferred to have been given written notice of questions beforehand.

The pilot interviews also helped to decide on an appropriate sequence of questions and topics.

Selection of Case Organizations

Four case organizations were studied. As a means of maintaining their anonymity these have been called “Alpha”, “Beta”, “Gamma”, and “Delta”.

The specialist literature on CLCs seemed to indicate that the characteristics of client communities might be related to geographical locations and size of population served. It also seemed to suggest that CLCs might be structured in different ways depending on the number of staff they employed, which in turn depended on their income. On this basis it was hypothesized that these features of geographical location, size of population, size of staff, and size of income would be useful indicators on which to base a choice of cases that

would give a range of CLCs. These characteristics of the CLCs chosen are set out in the Summary Table below. The high degree of sameness among CLCs, achieved by the requirements of the LCF membership rules, was expected to be varied by these organizational features. It was hoped that the distinctiveness of the organizational features in each case organization would produce sufficient differences and similarities to make a multiple case study interesting.

The selection of the case organizations was not, however, a straightforward process. At the beginning of the research when the LCF was approached for information on CLCs it did not have up-to-date data, which it usually collected annually. A postal questionnaire, to which there was a 96% response, was therefore sent to all fifty-three members of the LCF. It co-operated in the survey, using the results to inform its annual report. It was intended that the results of this survey would influence the choice of CLCs to be approached to take part in the study. In fact, although the results of the survey were useful to the LCF, they were of little help in choosing case organizations. The purpose of helping the LCF with this survey was so that a selection could be made on the basis of the most up-to-date information of the four characteristics (location, and size of population, staff, and income). In the event the newest data varied little from the previous year's and a choice of cases that differed on the four characteristics could have been made on the previous year's data. Overall however, assisting with this survey was a useful exercise as it helped to establish helpful contact with LCF and the CLCs specifically for this study.

Summary Table: geographical location; size of catchment area, income, and staff including service delivery volunteers

	Alpha	Beta	Gamma	Delta
Location	London	North Midlands Town Urban / Rural	South West City	East Midlands City
Population Size	Hospital users, in and out patients	200,000	106,000	290,000
Income	£119,517	£153, 921	£231, 739	£328, 800
Staff Size	4 part time, paid 2 service delivery volunteers	6 full time, paid 1 part time, paid 10 service delivery volunteers	5 full time, paid 3 part time, paid 10 service delivery volunteers	13 full time, paid 8 service delivery volunteers

Once the organizational features were applied to the responses a short-list of six CLCs was drawn up. The final choice of case organizations was largely determined by the CLCs themselves and their desire to participate.

Selection of Interviewees

Those who were interviewed in this study were members of management committees, staff, and service delivery volunteers. Once the CLCs were chosen the aim was to interview all organizational participants. Since the size of management committees and staff varied between the case organizations it was important to the study to interview as many of these as possible, and in this way to include the widest range of “subjects”. Some were not available or could not be contacted while the field work was being carried out, so not all organizational participants were interviewed.

Documents

At the time of making arrangements to interview, all CLCs were asked for copies of documents that would give information about such matters as their legal status; the role and function of their governing bodies; terms and conditions under which staff worked; and which explained any operational policies they might have or work under. They were also asked for their most recent annual reports. Where these documents existed they were given to me, and they provided important data about operational matters and the formal structure of organizational relationships.

Access

As Bulmer (1988: 151) has observed “Organizations are bounded institutions to which one must seek, negotiate and gain access.” The problems of gaining access for research purposes have been identified by social scientists and some advice has been given on how to avoid, or reduce the likelihood of, problems. Many accounts of researchers trying to gain access are bound up with accounts of researchers’ lives (Brown, De Monthoux, and McCullough, 1976; Pettigrew, 1981), which seems inevitable if access is gained mainly through personal contacts.

Different views are expressed about the degree to which a researcher has control over access to an organization. Pugh (1988: 127) has observed that a “...’sample’ is usually a euphemism for an assorted group of firms who have agreed to cooperate.” Crompton and Jones (1988: 68), who describe their experience as “long and unsuccessful vetting by suspicious managers”, nonetheless advise that a research project should be carefully prepared and presented at every level of the organization where access is sought. On the other hand, Buchanan, Body, and McCalman (1988: 56) describe negotiating for access as a “game of chance not of skill”, and offer some advice on diplomacy.

Benyon (1988: 21) has pointed out that research is not a neutral exercise and negotiating access might involve “mediating power relationships”; and Bryman

(1988: 16) has recounted instances in which researchers were regarded as spies. Wax (1978: 258 – 262) perceives gaining access as a continuous and “joint process, involving numerous accommodations and adjustments” both by the researcher and the research participants which eventually leads to a “negotiated status” for the researcher. The fact that there have been so few studies of CLCs might be in part because they are especially difficult organizations to access for research purposes. The concept of negotiation seemed an interesting and useful one with which to underpin approaches for access in this study.

After the results of the survey had been analyzed a tentative list of six CLCs was drawn up. It was decided not to approach all at once because it had become clear at the pilot stage that CLCs were reluctant to make commitments too far in advance and that a researcher would have to fit their availability. Of the original short list of six, two denied access because they said they were in a process of change which would be affected by a study such as this. It was decided not to approach the other when four others agreed to take part in the study.

I knew both from the literature and from knowledge of CLCs that how they were approached might affect the progress of negotiation for access and possibly also the development of the study. It was decided not to try to use personal contacts as a way in, but to write a formal letter setting out what was intend and what the implications of the study would be for them while it was being carried out. My sense was that an open, honest approach would be

more favourably received than one that could be construed as covert and underhand. It was hoped that my name would be recognized and that my reputation among CLCs would encourage a favourable response. I intended to telephone the CLCs a week or so after sending the letter. In fact this process only happened in this way with Alpha, where I had an acquaintance, and Delta where I knew no one. In the process of undertaking some other unconnected research I had contact with staff at Beta and Gamma and took the opportunity to discuss my plans with them informally. They advised me whom to write to, what information to include in the letter, and how my request would be dealt with.

At Alpha, Beta and Gamma, the request was first considered and agreed by the staff meeting and then reported to the management committee for final discussion and agreement. In the case of Delta the letter had to be written to the manager whose decision it was to agree or refuse. There was an exchange of correspondence between the manager and me, and I was invited to visit the manager for a discussion. He also wanted a copy of the management manual I had written and some other information to which I had access. He subsequently agreed and reported his decision to the management committee, who also agreed. All the case organizations agreed to interviews with all available staff, including service delivery volunteers, and management committee members.

The letters had set out the aims of the study; the sorts of topics to be asked about; the conditions of confidentiality; and proposals for dates on which the

interviews might be conducted. Once the initial access was agreed the next step was to organize interviews. This was done in slightly different ways with each case organization. At Alpha I was invited to have an initial meeting with staff to discuss the study and the ethical and practical details of interviewing; to attend an annual general meeting, where I would be able to meet members of the management committee; and to make appointments to carry out the interviews with both members of staff and the management committee. At Beta and Gamma I was asked to create an “appointments diary” for the days I would be interviewing, for staff to write in their availability; and to contact members of the management committee direct. I did this by both letter and telephone. At Delta the process of making appointments was disrupted by the departure of the manager. After some further negotiation, I also created an “appointments diary” for the staff acting as managers to make appointments for staff, while I approached members of the management committee direct by telephone and letter.

In keeping with the concept of negotiated access (Wax, 1978), there was a very high degree of co-operation from the CLCs which became case organizations. There were, however, three difficult events: two at Alpha and one at Delta. At Alpha I was informed by one of the management committee members he would only agree to be interviewed if he were paid. He was a man with multiple disabilities who was frequently asked by media organizations for interviews. Since I was unable to pay him he was not interviewed.

The second difficulty at Alpha arose around my request to interview another member of the management committee who was not at the annual general meeting to which I had been invited. I asked on three separate occasions for his contact information, which in the end I was denied. This situation challenged my values because during two interviews, and in the course of informal conversation, it was revealed that he was a black professional man who was not liked by another member of the management committee who claimed that he did not attend management committee meetings regularly. There appeared to be a general and genuinely-held view among some staff and management committee members that he only joined the management committee to enhance his curriculum vitae. It seemed that access to him was being deliberately denied because of fear of what he might reveal about the organization. I was torn between insisting on seeing him with the risk of creating a difficult atmosphere, which might hinder the agreed interviews, and accepting the denial. I did the latter.

The third event, which was curious rather than difficult, was of being denied an interview by a member of staff at Delta simply because he did not want to be troubled by vexing questions. I discovered from discussion with the acting managers that he tended not to speak much to anyone unless he had to, and that I had not been singled out for special treatment.

I also understood that, with the exception of Gamma where I was subsequently contracted to conduct an organizational review, while the case organizations were happy to facilitate access for the study to be done, I

would not be able to keep coming back for further discussion. I therefore had to make the most of the time I spent with them. Although two CLCs declined the request to be studied, access to CLCs was not experienced as a difficulty. This experience was at variance with those widely discussed in the organizational literature and reported in Bryman (1989: 2) where gatekeepers may act as a block to access.

In most accounts of access to research sites the hierarchical nature of the organizations to be studied, and the inherent disparity of power between organizational participants, is reflected in the problems experienced by researchers, eg “workers” and “unions” feeling “spied on” by “management” and “bosses” through the medium of the research. In some reported studies where access is negotiated at a level of organizational authority remote from the study site, where there is more knowledge of the details of failure, the fear of exposure might contribute to potential study participants blocking the progress of research. In this study the collectivist approach of CLCs, even at Delta which was hierarchically structured, appeared to mitigate against the feelings of fear and powerlessness that seemed to have impeded some organizational research. There was an overall feeling among CLCs which participated in this study that they were “doing something for Law Centres” by contributing to knowledge about them.

Confidentiality

Preserving the anonymity of research participants and confidentiality of their

contributions are significant ethical issues for social science researchers.

Punch (1994: 84), confirming the findings of Guba and Lincoln (1989), observed that “to a greater or lesser extent politics suffuses all social scientific research”. Participants in CLCs in this study, which were in the forefront of challenging public policy on behalf of their clients, and engaged in relationships with local and national government both as funders and policy makers, were acutely aware that this study could have political implications for them. Thus issues of confidentiality and anonymity (Nachmias and Nachmias, 1981) of both participants and CLCs had to be addressed at the beginning of the project.

Although no “contractual” documents such as have been suggested by Miles and Huberman (1994: 47) were drawn up, the researcher, mindful of the issues raised by them and Homan (1991), undertook to

- (a) preserve the anonymity of individual interviewees by not acknowledging them individually or attributing their contributions in the text;

- (b) maintain confidentiality during the interview process by not referring in subsequent interviews to what others had said in previous interviews; and

- (c) disguise the identity of the case organizations by giving them pseudonyms.

In the literature reporting research there are two approaches taken to preserving the anonymity of participants. They are either given pseudonyms or numbers. In this study the names of Greek numerals have provided their pseudonyms, namely: Alpha, Beta, Gamma, Delta. Interviewees are not identified by name but referred to by job title in the case of staff or “management committee member” in the case of management committees; and the pseudonym of the case organization.

Conduct of Interviews

The interviews were semi-structured in that questions were asked from a schedule and subsidiary questions and topics pursued on the basis of responses and statements made in each interview. Prior to the interviews a schedule of topics had been devised. As a prompt to myself I had drafted lead questions under each topic so that there was a point of reference for the responses received. Each question was given a number. Interviewees were not asked identical questions but they were asked questions on the same topics. Further questions were asked depending on the responses given.

There were three sources of interview questions and topics. The conceptual framework was a significant tool in developing the topics and questions to be asked as it pointed to the loci of tension in CLCs. The specialist literature on CLCs was also an important source of data in pointing to the problems in practice. The schedule of questions were also refined after they were piloted.

While there was some overlap in the topics raised with staff and governing bodies they were asked different questions. In those instances where there was some overlap in the topics raised these were approached from different perspectives. The schedules were designed to begin with personal questions and move outward towards the wider environment within which the case organizations operated. Interviewees seemed reassured that what was being sought was their own perspective and that they were not being asked to speak on behalf of the group in which they were located in the study. Personal questions at the beginning of the interviews appeared to establish this intention.

All interviews with staff were conducted on site and in each case organization a private room was set aside for this purpose. Most interviews with management committee members were also undertaken on site but some were conducted in members' homes, places of work, and one in a café. All the locations used were chosen for their preservation of confidentiality.

Prior knowledge of CLCs led me to decide to approach the interview process in a form familiar to those being interviewed, that is, as if I were taking legal statements. For this reason I did not use a tape recorder, but instead used a counsel's notebook, familiar to those involved in legal practice, to record answers to questions, and this was wholly acceptable to interviewees. As far as possible I wrote sentences as they were said. Sometimes I contracted these to phrases, which conveyed the meaning of what was being said. As a code to myself when I came to transcribe the interviews and analyze the data,

I noted continuity in utterances by separating phrases and sentences with a colon, rather than commas or full stops. This enabled me to capture the flow and meaning of what was being said.

All the interviewees were informed at the start of each interview about the form the interview would take and that I would be taking notes throughout. There was only one instance in which it became impossible to take notes: when an interviewee became upset and distressed by the memory of a painful incident she was recounting. It seemed a callous imposition to continue to take notes. That interview had to be discontinued for a short time.

During some interviews with members of governing bodies a great deal of interest was shown in CLCs generally and interviewees used the opportunity to fill gaps in their knowledge. They asked me questions about matters about which they wished more information. In three instances I undertook to do things for interviewees after the interviews: by reading and commenting on a play written by an interviewee; and by sending information in one instance to enable contact with other CLCs undertaking advice and representation in specific areas of legal practice, and in the other to enable contact with certain kinds of advice groups.

Letters of thanks were sent to all the CLCs and to those members of governing bodies who had invited the researcher into their homes.

Data Organization and Analysis

Bryman (1989: 25) has said that “the two most prominent methods of data collection associated with the qualitative approach to organizational research are participant observation and unstructured or semi-structured interviewing” supplemented with document analysis. This study has utilized semi-structured interview, document analysis, and some non-participant observation.

Few qualitative researchers have been explicit about the detail of their data analysis processes. For most it seems to have been an iterative process which includes forms of “coding” or categorization, “editing” and “revising”. Crabtree and Miller (1992: 20), in describing contrasting analytic techniques, have described “editing” as “searching for meaningful segments, cutting, pasting, and rearranging until the reduced summary reveals interpretive truth in the text”. Wolcott (1990: 21) also suggests that revising and editing are part of the same process, both essential to analysis and writing; and claims that “writing is a form of thinking”.

Golden-Biddle and Locke (1997:24) also explain that “storylines” emerge from “an iterative meaning-making process in which authors simultaneously consider the learnings discovered in the fieldwork, literature-based conversations, and reader suggestions.” Lofland (1971: 4 – 5) conceptualizes movement between data and theory as “movement between the twin aspects of sociological study: the humanistic feature which allows participants to

represent themselves, and scientific endeavour which interprets and draws meaning from what is said”.

The analytic approach taken in this study is designed to uncover and reveal meaning, enhance insight, and facilitate generalizability. It is also an attempt to tame and guide the messiness of the research arena. While the conceptual framework, set out in Chapter One – Part Four, guided my organization and analysis of data, I was also looking for insights not anticipated by the conceptual framework.

After interviewing I typed up the interviews as I had written them, and kept a file of these transcripts by case organization. I also created separate files by interview topic so all the data from the four case organizations on each topic were filed together. This latter system became the basis of the main analytical exercise. These topics more or less formed the basis of each of the interview data chapters and suggested the focus of these chapters.

Although the literature on social science methodology discusses “grounded theory” as a constant movement between the data and the field, I found that analysis developed most fruitfully when I moved between the data and the literature; writing and rewriting in an attempt to understand what was being said in terms of the conceptual framework of the study. This exercise enabled me to move closer to establishing the meaning of what was being said.

Reading also prompted new ideas, links and connections, which were noted

mainly on post-it notes stuck to chapter plans, drafts, revised drafts, and edited manuscripts.

In keeping with an approach that attempted to give primacy to interviewees' perceptions and words, the most challenging aspect of the analysis has been writing in such a way that moved evenly but clearly between data and interpretation. This meant both that some interpretation appears banal, and that some evocative data has to be lost to achieve focus.

Reflections on Fieldwork

The role and influence of the researcher in social research are thought to be critical at all stages of the research process and especially critical in a qualitative case study where the researcher engages with the "subjects" or "participants" in the field. Bulmer (1988), in reflecting on the problems in organizational research, draws a distinction between the personal characteristics of the researcher and the structural dilemmas likely to arise in the field. As far as personal characteristics are concerned, he mentions especially the effects of gender, race, and culture on the research field. Feminist researchers such as Roberts (1981) and Pettigrew (1981) also highlight this aspect of social research.

Bulmer's (1988) concern with the problems associated with gaining and maintaining access, and those associated with the interpretation and analysis of research data not derived from standardized sources, are shared by others.

Sayer (1984:16) has observed that in the production of knowledge “science is not a thing but a social activity”, implying an interaction between the researcher and participants in the field.

The “social” nature of research and the role and influence of the researcher are especially significant where interviewing is part of the research process. Portelli (1980: 103 – 104) reflects that while an interview is a joint process between a researcher and the “informant”, the boundaries of the interview are usually set by the researcher to whose questions and agenda informants respond. Dunkerley (1988: 90) also indicates that regardless of the approach it is “virtually inevitable” that the researcher will influence the response of an interviewee “to a greater or lesser extent”. Crabtree and Miller (1992: 16) also have described the semi-structured interviews as “co-created” by the “investigator and interviewee(s)”.

At the stage of analysis of interview data the influence of the researcher may also be found. Both Dunkerley and Portelli have pointed to the problems of transcriptions of oral evidence or interviews. Dunkerley (1988: 90) indicates that a principal problem for the researcher is the extent to which the researcher intervenes with interpretation in the presentation of data. Portelli (1980:98), on the other hand, explains that even in the transcription process “natural language” is changed. He points out that apart from the content of interviews “language is also composed of another set of traits which cannot be reduced within a single segment, but are also bearers of meaning” (Portelli, 1980: 98). Since discovering and exploring meaning are critical

elements of the analytical process, the presentation of interview data presents a dilemma for the researcher who wishes to preserve the quality of the original utterances as well as to derive meaning from them.

Becker (1967) and Gubrium and Silverman (1989) contend that no social research is value-free but influenced by a researcher's own moral and political perspectives. These observations reflect a demand (Gouldner, 1971) for social scientists to be more reflexive in their accounts of fieldwork: to be more aware of how researchers influence the course, the findings, and the accounts of research; and how these accounts may in turn reproduce or transform those social situations to which they refer.

In recognition of the methodological issues raised by the notion of reflexivity I should like to give an account of my own perception of the research process.

The literature has raised the effects of the personal characteristics and status in the field of the researcher both on the field processes and on the analytical process of a study. It is clear that my previous involvement with CLCs enabled me to express myself in an idiom acceptable to those being interviewed; and my reputation in the field enhanced their responsiveness to me overall.

Having previous knowledge of CLCs, while giving me an acceptable idiom in which to conduct interviews and negotiate my way around the field, has also given me an overall understanding of the meaning of what has been said, and enhanced my observations in the field and my understanding of documents.

However, prior knowledge may be both an advantage and a disadvantage, as

it may also have prevented me from seeing things other than those which confirmed my own pre-conceptions and prior understandings.

My personal experience was critical to my choice of topics and questions. I was myself actively involved in the early development of the idea of the “community law centre”; in the establishment of some of the earlier CLCs in the 1970s; and in attempting to address some of the organizational problems they experienced. I had more recently written a management manual for CLCs. The excitement of involvement in an innovation allowed no room for dispassionate examination at the time of my early involvement. This study was an opportunity to develop greater insight and understanding into the phenomenon and to understand the changes that had taken place since the inception of CLCs. However, despite the length of time between my original involvement with CLCs and the conduct of this research, I sometimes found it difficult to examine the phenomena I was observing “impartially” in the four cases. This meant that I had to work harder at the iterative process of analysis than if I had had no prior involvement or commitment to their founding ideals.

The view I took of my subject was also important in my research design and choice of methods. I had maintained a distant professional relationship with the national body for CLCs, the Law Centres Federation, and was aware of changes in the operational environment of CLCs, government investigation into the operation of CLCs, and CLCs’ reactions both to the changing environment and to the investigations. Apart from the scholarly justifications for choosing a qualitative case study approach, I also felt that participants in

the CLCs would respond more positively to a research process designed to take account of their perceptions of their organizational relationships and processes, and the changing world within which they worked, than to a quantitative model which treated them as objects.

Additionally, my experience was influential in designing three schedules of topics and questions for the semi-structured interviews and for interrogation of documents. Experience gave me an insight into the appropriate language in which my questions might be couched, and possible responses of interviewees. At the time of commencing this study I had been employed as a social policy researcher examining the operational development problems of advice agencies and CLCs. In that capacity I had day-to-day contact with both practitioners and members of governing bodies, and from that perspective was familiar with a range of contemporary preoccupations, problems, and responses to those problems.

Both the research process and the people I interviewed had a profound and unexpected effect on me and on my perceptions of those who work in and give time to running CLCs.

Some personal characteristics evoked special responses: being a woman and being black. An interesting discovery in undertaking the interviews was that all interviewees regarded their involvement with the case organizations as an expression of personal values, and their motivations as part of their personal life histories. Talking to me tapped reservoirs of deep feeling, which

sometimes evoked grief, anger, and resentment. These feelings were sometimes related to the reasons or events which led to their involvement in the case organization; and sometimes because of events that had taken place in the organization or in relation to it. Although both male and female interviewees spoke openly to me it was particularly women who shared their deepest feelings, frequently by crying and exhibiting their anger at treatment they had received.

Being black also had an effect on black interviewees both women and men, and those with disabilities who related to my perceived minority status. They discussed instances of discrimination that helped to shape their political perspectives that led them to become involved with the CLCs generally, and feel some solidarity with users. In two outstanding instances, women, one white one black, expressed their views and feelings about their contemporary environments that they had clearly not told anyone else. These two moments have presented difficulties of presentation for me because of the need to pare down utterances to meaningful segments, when in some ways what they were expressing was the essence of their commitment to the work they were doing and the dilemmas that commitment presented for them.

My view of my political self was also challenged during the fieldwork. I regret not following up my repeated requests for a meeting with the black management committee member of Alpha because I believed that my insistence would have soured relationships there, thereby taking a pragmatic rather than a principled decision. I also found it very difficult to argue with the

management committee member with multiple disabilities, because I agreed in principle with his position that he should be paid for his time. Nevertheless, in discussion with him, I drew a distinction between research undertaken in the interests of scholarship, and interviews conducted by commercial organizations which would benefit from such interviews. Nonetheless, I felt I should have found a more positive way of addressing his request.

In some ways these personal challenges reflect a certain powerlessness I felt as a student researcher, which I had not experienced as a “professional” researcher. In relation to the case organizations and the participants I was in the position of a supplicant seeking their aid in what was essentially my own project with only the resources of my skills, experience, and personality.

Chapter Summary

This chapter has discussed and established a framework for research and the approach to fieldwork. In Part One it has argued that a qualitative approach within a case work design offers the most appropriate fit with the aims and objectives of this study. Part Two gave an account of the fieldwork, recounting the processes and dilemmas of piloting the interview questions and topics; of selecting the case organizations and interviewees; of obtaining access and preserving confidentiality; and of organizing and analyzing the data. Finally it reflected on the fieldwork process.

Chapter Three: The Case Organizations: Four CLCs Described

Introduction

This chapter begins the report of findings of the field work by introducing the key features of the four case organizations. Its twofold purpose is to present the organizational characteristics of the four case organizations as they are formally described; and to discuss these in light of the conceptual framework. The data reported and discussed in this chapter are principally the result of document analysis, illuminated by the researcher's observations and formal and informal conversations in the field, as well as from interviews. Brown (1971: 48) observes that the formal statements made about organizations, which he describes as "manifest", may not accord with the "assumed" descriptions which organizational participants give. Thus, the analysis in this chapter recognizes that there may be a distinction to be drawn between the official statements which describe the case organizations and their practice.

Since the "roots" of voluntary agencies have important implications for their development (Billis, 1991), the case organizations will first be described and discussed individually in relation to their respective origins and history (Pugh and Hickson, 1976). Following Leavitt's (1965) conceptualization of organizational elements and Scott's (1998) adaptation of Leavitt's model, their organizational features will also be described in terms of their structure, goals, technology, participants, and environment.

Case Organizations: Origins and History

Alpha CLC

Alpha CLC was unique among community law centres in that, in addition to serving a defined catchment area, it also provided services to a defined group, namely users of specific mental health services. It was located in a psychiatric hospital and the CLC's users were its in- and out-patients. At inception it was funded by the health authority for the area.

Alpha was established in the early 1980s. The initiative to set it up came from other CLCs within the catchment area of the psychiatric hospital, supported by other professionals who saw a need for access to legal advice and representation for users of the hospital's services. The need was demonstrated by the success of an advice and representation project which was effectively the forerunner of the CLC.

The CLC occupied two rooms in the admissions block of the hospital to signify its accessibility and for it to be immediately visible to patients and their visitors. It also had shared space of another room with a desk, and of two meeting rooms which it could book when needed. Work and storage space were a constant problem for the CLC. There was no discrete interview space and clients were interviewed at the desks of staff unless the shared rooms were free. Storage space for files and reference materials was also limited and recurred as a standard item on the agenda for the meetings of the

management committee. At the time of the study the hospital's administration had agreed, after lengthy negotiations, to make over a room for the CLC to store closed case files, to give them permission to secure the room and to hold the keys to the locks of the room.

The staff complement of the CLC varied according to funding. At the time of the study it had funding for two and a half full-time posts which were shared between three members of staff. The staff group consisted of two solicitors and one adviser qualified by experience and training. It operated as a collective with pay parity, making decisions together and sharing tasks. All staff undertook the administrative and clerical tasks to support their work as well as for the organization as a whole, and held regular weekly staff meetings. There were two or three regular volunteers, who helped with on-going, time-consuming tasks such as keeping legal manuals up to date; and who were joined by others from time to time, notably to help with the mailings for the annual general meeting.

Alpha's constitution provided for a management committee of a minimum of five and a maximum of ten members, elected from the membership of the CLC. The founding interest of other professionals and organizations was reflected in the provision of the constitution affecting the composition of the management committee; individual members could not outnumber representatives of organizations (even though those representatives held membership personally rather than on behalf of the organizations from which they were sent). Most of the individual members were users of the CLC and

representatives of the Patients Council which the CLC had helped to form. In addition the constitution provided for one voting representative from the Health Trust, and Alpha also invited as a matter of courtesy administrative and clinical staff of the hospital to attend the business part of the management committee meetings.

Alpha CLC had been directly affected by changes to policies on health and social services. First, the decentralization of the corporate duties of health authorities had resulted in the funding of the CLC being moved to the hospital trust in whose catchment area it was located. This created an immediate conflict of interest for the hospital trust as it was the decisions of its clinical staff that were challenged by the CLC on behalf of users. This in turn made the CLC more vulnerable to the withdrawal of funding. Second, implementation of community care policies had resulted in an increase both in the numbers of users of the CLC and in the number of locations at which users might be seen. At the time of the study the CLC was just beginning to address the implications of these policies for its operation, and, according to all the staff, its future seemed uncertain.

Beta CLC

Beta CLC was set up at the beginning of the 1990s in a small town in a regenerated coal mining community in the North Midlands. The area has a long tradition of an active labour movement, initially well organized around the trades unions in the area and, on closure of the mines, around associations of

unemployed and those claiming social welfare benefits. These roots in activism have supported the growth of other non-union based groups and organizations, and enhanced links between them. While the wider labour movement has consisted of a variety of political opinion, a Labour Member of Parliament has been maintained for as long as the constituency has been in existence. The local authorities with responsibility for the catchment area of the CLC had Labour majorities.

The initiative to establish Beta was jointly taken by the wider labour movement, and other social welfare and advice organizations; and supported by both the Member of Parliament, and local authority councillors who remained involved and sat on the management committee. The local authorities to which these councillors were elected were the main funders of the CLC. These roots in the labour movement and local community, and their close links with the local holders of political and economic power, had given Beta CLC a measure of financial stability that had been denied to the other case organizations in this study from their inception.

The CLC had a large and active management committee. The maximum membership permitted by the constitution was twenty three, consisting of four councillors of two specified local authorities, funders of the CLC; fourteen electees from the membership of the organization; and a maximum of five co-optees to address any social imbalance that might have occurred among the existing membership of the management committee. At the time of the study one co-opted place was the only vacancy on the management committee.

The governing instruments provide for both individual and organizational members, without specifying their relative proportions.

There were seven paid staff and nine volunteers. Of the paid staff, two were solicitors; two advisers qualified by training and experience; one co-ordinator; one co-ordinator / development worker; and a part-time librarian. Of the volunteers, two gave advice and the remainder undertook reception and other administrative tasks.

Overall, staff were committed to collective decision making carried out especially at weekly staff meetings; self-servicing; and joint work between staff specializing in different areas of legal practice and methods of work. Each member of the advice staff had responsibility for a discrete area of advice and project work; and for specific management tasks, such as supporting the work of specified sub-committees of the management committee, ensuring the good repair of office equipment, and ordering professional journals and other reference materials staff decided were necessary to their work. The co-ordinators were jointly responsible for core administration such as drawing up budgets and managing finances, payment of salaries, production of annual reports, and provision of clerical and administrative backup to the meetings of the management committee.

Alongside the staff commitment to collective decision making, the salary structure imposed a formal hierarchy among staff which was not reflected in the authority structure of the organization. Solicitors were paid on a higher

range grade than other staff, who were paid on the range grade below. The notion of the range grade was introduced by the management committee to accommodate a recognition of the special skills of lawyers within an egalitarian structure. Although staff did not allow these differentials to interfere with good working relationships and the execution of work tasks, there was a feeling of low-level resentment, expressed during interviews, among non-legally qualified staff about this, especially, but not exclusively, those who had been in post since the inception of the CLC. Staffing and pay structures were not mentioned in any of the interviews with members of the management committee, and all members of staff seemed to be valued equally by them.

The most notable change Beta experienced since it began was the move from a small “portacabin” to premises newly refurbished to the requirements of the CLC. This move enhanced the CLC’s public profile and did not affect access and usage since the building had been specifically adapted for their use and was centrally situated in the town. It was a measure of community support for the case organization that representatives of other less well funded organizations expressed pride in its existence rather than envy.

Beta CLC was an active member of the LCF, attending the federation’s quarterly meetings and contributing to working parties. In years prior to this study one of its solicitors had been Chair of the LCF. The LCF often used Beta CLC as a good example of a CLC in its publicity to lobby government.

Gamma CLC

Gamma CLC was established in the mid 1980s in a southern city in which light industry had once thrived and which now had significant homelessness and unemployment. Its establishment was the result of an initiative taken by a number of individuals in the city working in the social welfare field, involved in community organizations and in political parties. Among those involved were lecturers, teachers and solicitors, actively supported by the local Labour Party.

At its inception and for ten years after, the CLC was housed in a disused school building in the heart of a deprived inner city area with a large black and minority ethnic community. At the time of the study it had just moved to the third floor of premises the funding local authority had vacated in the middle of the city. This move took it away from those perceived in most need of CLC services but it was part of an exercise by the funding local authority to increase its range of users to cover the whole of the city. This change was not welcomed by users, who objected through their community organizations; by the majority of staff; and by some members of the management committee. It was thought that unless users came into the heart of the city for another reason it was unlikely that they would come in on a bus to use the services of a CLC. Its location on a third floor, and the need to use a lift in order to reach it, was seen as adding to its inaccessibility to those who most needed it.

The constitution required that the management committee be no more than twenty four, twenty of whom should be elected from the membership, and no

fewer than six. Of the seventeen elected members ten places were allocated to ensure representation from racial and ethnic minorities, women, the disabled, and young people under twenty one. In addition the local authority in whose administrative area the CLC was located was entitled to nominate three councillors, which it interpreted as one each of the three main political parties, who would be “observers”. Staff were allowed to elect one representative who had voting rights; and the LCF were allowed to send an observer. These intricate attempts to ensure fair representation across social groups in the client community were not successful and the CLC experienced consistent difficulty in achieving the desired membership of the management committee.

These difficulties of effecting community representation were compounded by different interpretations of the constitutional provisions as to who was eligible for membership of the CLC. Although the constitution allowed both individuals and organizations to become members of the CLC, representatives of organizations held their membership, of both the association and management committee if they were elected, as individuals not as representatives of the organization from which their eligibility derived. Also, when interviewed during the study, both staff and management committees were unsure about whether organizational membership was allowed by the constitution. Some elected members of the management committee reported that they had been told that “organizations could not be members”. This ambiguity created difficult relationships with community groups and

organizations because they wanted to become members of the case organization.

There were nine paid staff: three solicitors, four advisers qualified by training and experience, one administrator, and one clerk devoted to the administration of the Legal Aid franchise. Of the four case organizations the staffing structure of Gamma was the most affected by the changes in the administration of Legal Aid and the institution of franchises and block contracting. Effectively two parallel staff structures existed at the time of the study: one in which the majority of staff were located, and which operated as a collective. The other, created in response to the requirements of Legal Aid franchising, operated as an hierarchy, and consisted of two members of staff, one of whom was also located in the collective. Collective decision making was the dominant ethos at the CLC espoused by staff and most of the management committee. The staff group, except the franchise clerk, met weekly to make management and policy decisions, were self-servicing, and were paid on the same range grade as each other. The franchise clerk was paid on a different scale and lower grade, originated no work of her own, and serviced the administration of the franchise co-ordinator who was "a member of the collective". Staff said that the CLC had responded in this way because they wanted to be sure that the administration for processing bills under the franchise was carried out without the hindrance of other work, and because they could only afford to pay this post at the rate set by the LAB (see Glossary).

The organization of work was also complex. There were four main areas of legal practice: welfare rights, employment, immigration and nationality, and housing. The cases in two of these areas were shared between most of the professional staff. In two other areas discrete posts were established and the post holders had sole responsibility for the cases generated in those areas. One of these posts was vacant at the time of the study. The administrator was responsible for day-to-day administrative tasks; the franchise clerk for clerical tasks in relation to the franchise; and other administrative and management tasks were shared among the professional staff.

In addition to paid staff the CLC also had a number of service delivery volunteers, one of whom gave advice in an area of specialist knowledge. Three of the service delivery volunteers were members of the management committee, two being the Chair and Vice-chair who was also the company secretary. In addition to giving specialist advice, she also undertook a substantial amount of administration and policy development to support the work of the management committee, attending the CLC regularly twice a week. One other volunteer who was also a member of the management committee attended the CLC regularly each week. All the volunteers, except the specialist adviser, carried out a variety of administrative and servicing tasks including receiving callers when the CLC was open to clients, answering the telephone, and making tea.

A critical feature of Gamma's environment was its close historical and contemporary links with the local Labour Party. Members of the Labour Party,

who subsequently became prominent councillors, two becoming leaders of the council, were involved in the establishment of the CLC. During the 1980s, soon after its inception, when central government's policies were leading to diminished revenue support, the Council, by then held by the Conservative Party, withdrew its funding to the CLC. In response to this the Labour Party led a successful campaign to mobilize community support for the CLC to have the funding restored. The Labour Party also pledged continued support of the CLC.

When in the 1990s the Labour Party won a majority on the Council, the CLC's public links with it, through funding, were reinforced by more covert ones. One member of staff stood down from the Council but retained strong social links with councillors. Another member of staff was a Labour councillor at the time of the study; and yet another was the partner of a prominent Labour councillor who was also Leader of the Council. There was one other active member of the Labour Party among the staff. These relationships, combined with the enforced move from its base in a client community to a central location in the city, generated suspicion among the client community and other organizations. This resulted in a loss of credibility among the client community, whose organizations lobbied the Council to review the operation of the CLC and to even consider closing it down. The study took place while the CLC was preparing for the review.

Delta CLC

Delta CLC was established in the second half of the 1990s, a merger of two CLCs which had previously served different neighbourhoods and legal needs in a large industrial East Midlands city. One of the closed CLCs had been located in a working class community with a significant black and minority ethnic population. The other had been situated in the city centre. It worked with other advice organizations, community and specialist groups, and trades unions. Both had operated at staff level as a collective.

The closure and merger of these CLCs to produce Delta was carried out by the funding local authority, which, it was reported by management committee members and staff, exercised a powerful influence on its governance and management structures and ethos, as well as the early focus of its work. The steering group which oversaw the merger subsequently became the first management committee. Although it included a few members from the two previous management committees, it was mostly made up of other advice organizations operating in the city, and a solicitor who practised in the city and who had been a volunteer at the neighbourhood CLC. Among the staff about a half had come from the previous CLCs and the remainder were newly recruited.

According to the constitution those eligible for membership of the CLC were representative of groups and agencies which supported the objects of the

CLC, and individuals provided they did not outnumber the organization representatives. The management committee should have been made up of a maximum of two legally qualified people and two local individuals interested in the CLC and committed to its objects and values; a maximum of eight and a minimum of four each of representatives of advice agencies and community organizations; a maximum of three co-optees; and one nominee from the funding local authority. The maximum number on the management committee was set at twenty and the minimum at twelve. At the time of the study there were no representatives of community organizations on the management committee; and, when interviewed, the Chair expressed doubts about the efficacy of community representation on the management committee.

The staffing and salary structures at Delta CLC were highly differentiated and there was a clear hierarchy with a manager at the apex, and, in descending order, solicitors, non-legally qualified case workers, and at the bottom three legal secretaries, a bookkeeper and receptionist. After the departure of the manager there were eleven staff: two solicitors; four advisers qualified by training and experience; one trainee solicitor; three legal secretaries; and one bookkeeper. The management apex was shared by the two solicitors while recruitment for a manager took place.

The organization of work was highly specified and strictly hierarchical. The two solicitors between them were responsible for the areas of legal practice covered by the CLC, and formally supervised the work of the non-legally qualified case workers. All the professional staff carried their own case loads

and had their own clients. To a limited extent the advisers were self-servicing. The legal secretaries undertook most of the clerical tasks and all the typing for the solicitors, and some typing for the advisers. The financial administrator kept the books and worked closely with the manager on budget plans. During the course of the study the position of receptionist became vacant and this role was filled partly by a regular volunteer, who was an unemployed solicitor, and partly by a rota of the legal secretaries. In addition to the volunteer receptionist there were four other regular volunteers, three of whom were young trainee solicitors in the private sector and a member of the management committee who had been on the management committee of one of the previous CLCs and a volunteer. They all gave advice in specialist areas, three under the direct supervision of the solicitors. No non case work activities or community work were done or encouraged. Therefore ways of encouraging and promoting community involvement other than through the management committee were not developed.

While its legal structure was similar to the other three case organizations, Delta's staff structure and organizational culture were quite different from theirs. Among the staff the solicitors, non-legally qualified case workers and legal secretaries, who espoused the egalitarian collectivist approach they associated with CLCs, felt powerless to initiate change until the departure of the manager. It was reported by the staff and some members of the management committee that the manager had only held sporadic staff meetings to inform staff of management committee and other managerial decisions, but not to allow discussion or participation in decision making; nor

did he allow them to be held. He consulted the solicitors on some issues but not on all. The absence of the staff meeting contrasts starkly with the other case organizations where the staff meeting was a very important symbol of collectivism and accountability among staff, and hub of decision making.

The premises occupied by Delta were perceived by staff and some management committee members to present problems of access to users. Not only were they situated in the city centre, necessitating a bus ride for users, but they were also on the first floor of an office building with no lift. Although one of the closed CLCs had been located in the city centre, it had been accessible from the street and did not work with individual users but with other organizations. Its location was therefore a bar neither to usage nor community recognition and ownership.

Case Organizations: Organizational Features

Following Leavitt (1965) and Scott (1998), the data in this section will describe the case organizations in relation to their structure, goals, technology, participants, and environment.

Organizational Structure

All four cases were autonomous organizations, whose management committees were elected from the membership and whose legal structures were the same. They were incorporated as companies limited by guarantee

and registered as charities. Incorporation as a limited guarantee company was regarded by most voluntary organizations as a wise precaution as it had the effect of limiting their liability, while charitable status allowed them to benefit from various fiscal measures which maximized their income.

The legal status adopted by the case organizations invested the management committees with decision making authority. Effectively it was regarded by management committee members and staff as the final seat of authority and public accountability in the organization. In addition to their legal requirements the composition of the management committees was also a significant statement of the networks and communities with which they were allied and linked. As has been seen in the previous section, the case organizations went to varying lengths to effect community representation on their management committees. The Table of Features sets out the manifest composition of management committees as required by the constitutions.

The differences in size and composition of management committees between the case organizations reflected the aspirations of founders and differing perceptions of rootedness in client communities. The constitutions at Alpha, Beta, and Gamma aimed to create management committees that were predominantly representative of client communities. The aim at Delta, on the other hand, was to minimize the influence of the client community.

The primacy given by legal status to the management committee as the instrument of government in the organizations diminished the role and

TABLE OF FEATURES

Manifest composition of management committees

CLC	No on management committee	Elected	Nominated	Co-opted	Voting rights
Alpha	Maximum 14 Minimum 5	Maximum 10 Minimum 5 Individuals not to outnumber organizations	None	1 from Health Trust Maximum of 3 others not necessarily from membership of CLC	All
Beta	Maximum 23 Minimum 3	Maximum 14 both individuals and organizations	4 Councillors from two funding local authorities	Maximum 5 to ensure representation of minority interests	All
Gamma	Maximum 24 Minimum 6	20 from CLC membership of which 10 black, 4 women, 1 disabled, 1 under twenty one 1 from staff by staff	3 Councillors from funding local authority	1 from LCF as Observer Maximum of 2 others as Observers	Only those elected from CLC membership and staff
Delta	Maximum 24 Minimum 12	Maximum 20 Minimum 12 to include a maximum of 2 legally qualified & 2 individuals, maximum of 8 & minimum of 4 each of community groups and advice agencies	1 from funding local authority (Councillor or staff)	Maximum 3	All

significance of the associational membership as representatives of the client community and as participants in governance. Legally, management committees were required to make a report to the associational membership at the annual general meeting, and they in turn were empowered to ask for special and extraordinary meetings in different circumstances. The associational membership, as a result of their meetings, were also legally entitled to ask management committees to carry out any lawful activities on behalf of the organization. In practice, however, the voice of associational members appeared to have been diminished in relation to that of management committees in the case organizations.

Election from the associational membership was the principal means by which client community representation was achieved on management committees. Election was a meaningful process where, as at Alpha and Beta, case organizations had deep roots in client communities, where there were active associational and management committee members, and where the constitutional provisions were unambiguously drafted and easily understood. Gamma's lack of roots in the client community and the complex requirements of its constitution, which set out to target specific social groups and ensure their representation on the management committee, had the effect of defeating that purpose. Gamma had difficulty filling management committee places despite its practice of recruiting from its bank of service delivery volunteers.

Meetings of the management committee were of supreme importance in all the case organizations, as were meetings of staff at Alpha, Beta, and Gamma. Since staff at Delta did not meet collectively, the manager, holding delegated authority from the management committee, was the link between it and the staff. Sub-committees of all the management committees were set up to enable more in-depth discussion. Matters addressed by sub-committees were either confidential, such as those concerned with personnel and employment problems, or too detailed or complex to be easily discussed by a whole committee. Sub-committees held delegated authority from the management committees and the scope of that authority was specified for each sub-committee. Those hearing disciplinary and grievance matters took decisions on behalf of the management committee, to which they were required to report back. Those considering other kinds of issues were generally required to give a detailed report to the management committee to facilitate its discussion and decisions. Delta did not have sub-committees, but instead the officers of the management committee met between management committee meetings to discuss and arrange the agenda and to deal with any difficult matters. In principle sub-committees were a way of involving the widest possible membership in the work of the management committee, but whether they achieved this depended on the level of goodwill, trust, and co-operation developed between management committee members, and between them and staff.

Although constitutions were drafted to ensure majority client community representation in management committees in three out of the four cases, they

also provided for other nominated or co-opted individuals; and in the case of Gamma for an elected staff representative. Except in Gamma, where nominees and co-optees were not given a vote, all members of the management committee were given voting rights.

Except at Delta, where the management committee appeared to control the administration and conduct of its meetings, at the other case organizations management committee members relied on the active assistance of staff to deal with the administration of all management committee meetings, including sub-committees. In addition, except at Delta where only the manager was required and indeed permitted to attend, staff were expected to attend the meetings, principally to report on matters delegated to them and to give information. At Gamma the situation was more complex in that staff held a voting position by right on the management committee which meant that their role on the management committee was the same as any other member of the committee. There were no rules which prevented them from participating in decision taking on the management committee and this situation created an ambiguity which questioned the extent to which the management committee could credibly call staff to account for the exercise of their delegated authority.

The case studies also show a difference of approach to the representation of funding local authorities. Beta and Gamma both had elected members of local authorities on their management committees. At Beta they had the right to vote but not at Gamma. At Delta, in contrast, the representative from the funding local authority was an employee of that authority, who was also the

liaison officer between it and the authority and who monitored the funding contract. In addition, her work overlapped with an area of advice in which the CLC also worked. Her dual role on the management committee created ambivalence and uncertainty among management committee members, and in principle raises the question of the extent of Delta's independence and autonomy. That this situation was allowed to develop by the management committee is also indicative of the distance this case organization had moved from its client community roots.

In the three case organizations which had collective staff structures decision making and accountability were effected through the same structures and processes. The staff meetings at Alpha, Beta, and Gamma were vitally important for formalizing communication between staff, and between them and the management committee. Staff meetings oversaw both professional and managerial matters, and prepared for management committee meetings by ensuring that documents, papers, and other sources of information needed and asked for by the management committee were available for them. Staff in these case organizations supervised and organized their own work, so most of the matters referred to the management committee were concerned with its accountability to funders and relationships with other groups and organizations. Since there were no written rules, this system depended on trust and co-operation between management committee and staff and the exercise of their judgement. At Delta the practice was for the manager to take decisions, sometimes in consultation with the solicitors, about what was to be taken to the management committee meetings. The manager alone attended

those meetings. After his departure the solicitors divided the management responsibilities between them and attended the management committee meetings.

The formal structures, although important in giving shape to organizational relationships, were not the only means by which these relationships were developed and cemented. Informal communication from the management committee to the staff was conducted in different ways at each case organization and reflected and contributed to their characteristic ethos and culture. At Alpha all the staff were equally informed about current organizational matters and members of the management committee telephoning or visiting were able to discuss whatever they wanted with whichever staff were present. At Beta the co-ordinator was responsible for general communication with the management committee, and members of staff for specific sub-committees. Members of management committees would communicate directly with the appropriate members of staff. In addition the Chair, Vice-chair, and Treasurer held regular meetings with the administrator / co-ordinator about management matters. At Gamma the Vice-chair visited twice a week as an advice volunteer, and was therefore able to discuss any matter with staff. The Chair of Gamma was also in regular telephone contact with the administrator and longest serving solicitor; and for specific periods also visited the CLC to carry out servicing tasks for the staff. Other members of the management committee spoke to members of staff convening sub-committees. At Delta the point of contact for members of the management committee was the manager, and after he left, the two solicitors. The only

other informal contact between staff and management committee occurred when the only service delivery volunteer on the management committee attended the CLC for his weekly advice session.

Goals

Central to this study, and the conceptual framework which underpins it, is the idea that organizational participants may have different goals from each other and from the organization, or differing interpretations of organizational goals. Specifically the conceptual framework suggests a tension between the goals of employed professionals and the interests of the client community. The idea of multiple goals is recognized in the literature on organizations.

Simon (1957: 199) declares that "Organization theory is centrally concerned with identifying and studying those limits to achievement of goals, that are, in fact, limits on individuals and groups of individuals themselves." Scott (1998:2) points out that the concept of organizational goals is the most controversial element in the study of organizations.

Organizational analysts approach the concept of goals from different perspectives. Simon (1964; 1976) suggests that goals assist organizations to make appropriate decisions about courses of action. This rational view of decision making and goal attainment is a contested view. Mintzberg (1987) distinguishes between "intended" (planned), "emergent" (unplanned), and "realized" (actual) behaviour; and Burgelman and Sayles (1986) indicate that

“goals” might be acknowledged as such after they had been achieved and ratified.

Clark and Wilson (1961) propose that goals help organizational participants to identify with the organization and may act as a motivator. It is further suggested that organizational participants might see goals differently at different levels of an organization (Barnard, 1938; Selznick, 1957; Peters and Waterman, 1982). They may also be a source of conflict (Cyert and March, 1963; Pfeffer and Salancik, 1978); and personal and organizational goals might be in conflict with each other (Simon, 1964; 1976). They may also be used to evaluate the behaviour of organizational participants (Scott, 1977); and act as a symbol of an organization’s values for public audiences, thereby affecting its “ability to acquire legitimacy, allies, resources, and personnel” (Scott, 1998: 286). The specialist literature on CLCs discusses the specific conflict between case and community work and the competition for resources that might ensue as a result (Byles and Morris, 1977). As far as the case organizations were concerned, although there were similarities in the way goals were expressed in documents (manifest statements), the ways in which they were explained by organizational participants were often different (assumed statements).

The governing instruments of all four case organizations stated their objectives as the provision of legal advice, assistance, and representation to those unable to pay for legal services; and the advancement of public education. The objectives at Alpha were focused on people with mental illness

or disorder; and Beta, Gamma, and Delta were able to promote any other charitable objectives. These formal statements in the governing instruments were worded to fulfil the requirements of English Charity Law. The general objectives were given more substance by the LCF membership requirements and by values expressed by members of management committees and staff interviewed in this study.

The LCF membership requirements expresses the values set out in “Towards Equal Justice” (LCWG, 1975). They suggest three categories of organizational goals: the fulfilment of manifest objectives as set out in the governing instruments of CLCs; the realization of values such as empowerment and participation, sometimes expressed as “community development”; and the maintenance of organizational integrity and legitimacy, which was concerned with meeting organizational needs for independence, accountability and the avoidance of conflict of interest, and maintaining roots in client communities and links with funders. These goals were set for all CLCs by the conditions of membership of the LCF, and were to varying degrees recognized by the strategies adopted to fulfil them by Alpha and Beta. At Gamma staff expressed their awareness of the organizational dilemmas that could result from trying to undertake both case and community work at the same time. Although Delta was accepted as a member of the LCF, it is not clear that at the time of this study it fulfilled the membership requirements with respect to its declared goals.

All the case organizations were required by their constitutions and LCF membership to ensure they were properly funded and held adequate resources to provide their services. For at least three of the case organizations this goal was sometimes in contradiction with others which required them to provide legal services in particular ways. At the time of the study the LAB was implementing its franchise scheme. During interviews management committee members and staff at Alpha, Beta, and Gamma, and staff at Delta, expressed concern that the franchise conditions, which were seen to be both time-consuming and prohibitive, would interfere with their ability to provide the same level of service to those currently eligible for it.

Technology

Robbins (1990: 176) suggests that “technology” refers to the “information, equipment, techniques, and processes required to transform inputs into outputs in the organization.” Dawson (1986: 65) defines technology as “the materials and processes used in transforming inputs and outputs, as well as the skills, knowledge and labour that are part of their present operations.....”

Perrow (1967), examining knowledge rather than production technology, defined technology as “the action that an individual performs upon an object, with or without the aid of tools or mechanical devices, in order to make some change in that object.” Perrow proposed the twin notions of “task variability” and “problem analyzability” as a means of determining the level at which work is done, the extent of routinization, and the division of labour. Woodward

(1958; 1965) and Thompson and Bates (1957) suggest that technology is a critical determinant of organizational structure.

The concept of “division of labour” has been applied both to social stratification (Durkheim, 1893; Barron and Norris, 1976); and to the fragmentation and specialization of the work process (Marx, 1963 trans; Braverman, 1974). In the case organizations the notion of the “division of labour” is especially apposite because work was carried out by both employees and non employees: paid staff, who were professionals; management committees members, who were mainly non professionals and unpaid; and service delivery volunteers, who were both professionals and non professionals, and were unpaid.

The work undertaken in the case organizations fell broadly into two categories: first, that undertaken to manage and administer the organization; and second, that carried out to fulfil their substantive goals of advice, assistance, representation, and education. While management activities were undertaken by both management committees and staff, the substantive work of the four CLCs was undertaken almost exclusively by paid staff, assisted by some service delivery volunteers, some of whom were management committee members, supervised by paid staff. In all the case organizations the professional work was firmly in the hands of the paid staff, and while service delivery volunteers carried out “real” work they were accountable for it to the paid staff. Where service delivery volunteers were also management

committee members, this situation created the possibility of conflicts of interest for those who performed both roles.

The means by which work was undertaken in the case organizations fell into several categories. These were formal, informal, and ad hoc meetings; advice giving to individuals and groups in their presence, by telephone, or in writing; training; discussion papers; information giving; and advocacy and representation in court and tribunal, and by reports and campaigns.

Management work carried out by management committees mainly took the form of decision making at meetings of the management committees and their sub-committees. Sometimes management committee members were asked to read material before a meeting and sometimes they typed and sent out agenda and minutes for their meetings. Management committee members, at Alpha and Beta particularly, and Gamma to a certain extent, also became very involved in the preparation of the annual reports and their mailing to associational members and others.

The skills and expertise needed by the management committee members of these case organizations were sometimes of the same breadth and depth as those of the staff they employed. While at Alpha, Beta, and Gamma management committee members relied on staff for information and guidance through technical matters, and their own good sense to arrive at some decisions, there were some instances when they had to rely entirely on their own resources. These situations arose mainly in the work of sub-committees. Some of those, set up under grievance and disciplinary procedures, had

quasi-judicial functions and required management committee members to exercise their authority as employers in a lawful manner. To discipline a professional member of staff would be the ultimate exercise of community control over employed professionals. Against lawyers this would be a daunting prospect.

In line with the prevailing ethos of collectivism, the case organizations tended to require all employees to carry out all administrative and clerical tasks that supported their professional work. In Alpha and Beta all staff were “self-servicing”, and in Gamma all staff except the franchise co-ordinator were self-servicing. At Delta the legal secretaries routinely undertook typing and clerical tasks for the professional staff, and also carried out general administrative duties such as ordering stationery, answering the telephone, and taking a turn on reception. Some professional staff undertook some of their own typing and administration. In all four CLCs staff maintained their own case and project files, including the completion of file records and application forms for legal aid.

The advice process, while also including meetings, was based essentially on the application of specialist knowledge and legal precedent to legal and social problems of individual clients; and in the case of Alpha and Beta, also to the wider client community. Diagnosis of a problem included the utilization of expertise in different branches of law; knowledge of where to find relevant legislation, judicial decisions, and other appropriate material; and discussion of more unusual cases, changes in law and practice with colleagues.

Discussion among staff of cases happened daily and as the need arose, although at Delta the trainee solicitor and volunteers discussed cases only with their supervisors. The library was an essential resource for all staff whether they were undertaking advice, community development, information dissemination, or community education.

Alpha, Beta, and Gamma also assisted other groups and organizations such as the patients' council, tenants' associations, disability and women's groups to achieve their objectives. In undertaking this work professional staff used a range of skills, expertise, and knowledge. In addition to specialist knowledge and library materials staff were also required to utilize knowledge of local institutions and their processes; and to display organizing, negotiating, lobbying, and writing skills. In undertaking this work staff in all the case organizations appeared to espouse the notions of "demystification" and "empowerment", and to involve their clients in problem solving rather than treating them with the traditional remoteness associated with professionals. They also relied on the clients and client community for local information to enable them to carry out their work.

Participants

The conceptual framework indicates the possibility of difficult relationships between management committees and staff, especially in calling staff to account. While organizational relationships are shaped by the structures

within which they occur, they are also influenced by the personal characteristics of those involved.

Scott (1998:19) describes those who become involved in organizations as “social actors”. The concept underpinning this term acknowledges that people involved in organizations bring to them a complex mix of attributes, including social status, class, professional values, personal ethics and values (Dawson, 1986); and that the gender and race of the participants contribute to organizational relationships (Reed, 1992). Scott (1998: 325 – 327) also identifies organizational inequity, and suggests that it is the cause of sexual and racial discrimination.

The “social actors”, participants, in the case organizations were members of management committees, made up of representatives of client communities and professional organizations, elected from the associational membership of the case organizations, and a mix of local authority nominees, and co-optees with special contributions to make; paid staff; and service delivery volunteers.

Since this study is concerned to explore the relationship between community and professionals, this section of this chapter will look more closely at the key characteristics of those who made up the management committee, staff, and volunteers in the case organizations.

Management committee: elected members

The membership of the management committees of each of the case organizations differed in relation to the requirements of their respective constitutions, the activism of their client communities, and the length of members' involvement with the CLC. They were similar in that management committee members tended to be committed to notions of "social justice".

In the earlier section of this chapter which describes the histories and origins of the case organizations, it is suggested that the ways in which Alpha and Beta started gave them strong foundations and deep roots in their client communities. This profile is enhanced by the personal characteristics and commitment of their management committees. Alpha's most active members were those who were founders and those who were representatives of the client community. These had also been on the management committee for between six and ten years. The client community representatives extended their commitment to assisting staff in service delivery.

The management committee at Beta was large. Members attended meetings regularly, and were active. The three remaining founders were elected management committee members; and two of them, the Chair and Treasurer, were also prominent Labour councillors and the funders' nominees. As far as length of service on the management committee was concerned, the shortest serving members were of one and three years. Most had held their places for

between five and ten years, the Vice-chair sitting for six years. She was Chair of the association she represented. These elected members came from a range of labour movement and community organizations whose members and users were actual and potential clients of the case organizations. These labour movement and community organizations included a local unemployed people's organization, a black community association, a local disabled persons organization, and a community information organization. It also included individuals such as a local solicitor promoting women's rights. Most of the elected management committee members of Beta were longstanding members of the associations and organizations they came from, held office on their governing bodies, or were active in their work, and therefore had links with others.

In contrast to Alpha and Beta, the management committees of Gamma and Delta had few long serving members. At Gamma a disciplinary matter had created a rift among members of the management committee which had led to a number of resignations, leaving only two members who had been on it for ten years. Most elected management committee members, including the Chair and Vice Chair, had held their positions for between one and two and a half years. There were no founder members left on the management committee, and because of this case organization's policy of inviting service delivery volunteers to become members of the CLC and stand for election, most of those interviewed were service delivery volunteers as well as management committee members. In keeping with Gamma's interpretation of its constitution, elected management committee members were individuals

without links to other voluntary and community associations or organizations. These included a majority of former clients; a respondent to a newspaper advertisement; and others who had volunteered. Gamma's elected management committee membership differed from Alpha's and Beta's in that the representatives of the client community were former clients and a disparate mix of other individuals, rather than representatives of community associations and voluntary organizations. So that, while their management committee membership provided a client voice within the case organization, it did not also contribute to the realization of a "client community", which would have linked the case organization to networks of voluntary and community associations and organizations, as it did at Alpha and Beta.

All the members of the management committee of Delta were founders. Only four of the eight members of the management committee interviewed had been members of management committees of the previous two CLCs, serving between three and seven years altogether. Newer management committee members had held their seats for fewer than three years. Delta's elected management committee members consisted of individuals and representatives of other voluntary agencies, mainly advice-giving, in the catchment area. Individuals included a solicitor from a local firm, who was also the Chair; a retired trade union official, who was also a service delivery volunteer; and a local businessman. All organizational representatives were employees of the agencies they represented rather than members of their management committees. At the time of the study two of these were in the process of resigning. There was no client or client community representation

elected to the management committee. Apart from those of the retired trade union official, the links which these management committee members brought were to other professional voluntary agencies, rather than to clients or client communities.

Management committee: nominated and coopted members

By their very nature nominated and co-opted members of management committees are not elected to their positions but are appointed. In keeping with their manifest commitment to egalitarian and democratic values, all the management committees of the case organizations were almost entirely elected. Except for Alpha which described the representative of its funders as a “co-option”, the other case organizations regarded these representatives as “nominees”. While nominees are appointed to a particular position by those they represent, co-optees are appointed by the agreement of those present as an addition to the body on which they will sit. Co-options in Alpha, Beta, and Gamma were intended to enhance the representation of the community and the work of the management committee.

Apart from this difference, which set Alpha apart, there were other differences between the case organizations in their approach to these nominated and co-opted positions. Whereas in Alpha, Beta and Delta they could vote as if they had been elected, on the management committee of Gamma they had no voting rights. Nominees to Beta and Gamma were councillors, the political representatives of the funding local authorities; while on Delta it was in

practice a member of the local authority staff. At Beta the councillors were from the majority party only, while at Gamma each was a nominee of one of the three main political parties.

Management committee: staff representation

In keeping with their expressed egalitarianism, as has been reported in the previous section of this chapter, Gamma alone of the case organizations gave one place with full voting rights to staff on the management committee. It seems that the intention of the founders may have been to give symbolic expression to their perception of equality between the management committee and staff, and to formalize the role of staff in governance of the organization. Although in theory each staff member fulfilling this role could have influenced its performance, in practice the management committee agenda was discussed at the staff meetings and the staff representative briefed.

Staff

Looking across the case organizations, paid staff exhibited similar characteristics to each other. The data revealed some key characteristics. Most prominent was the length of time staff remained in the employ of the case organizations and their previous involvement both as paid employees and service delivery volunteers in other CLCs and other kinds of advice agencies. Since there was no formal method of gaining the appropriate

experience for working in a CLC, it was a measure of commitment that staff volunteered to gain that experience or simply left other better paid positions in both the private and public sector to work in the case organizations. A majority were graduates.

The interview data show that personal values, especially commitment to notions of social justice, led many to aspire to work in CLCs. Some were motivated by their personal politics to practise in the areas of law undertaken in CLCs; others were active members of political parties and were Labour councillors. Some were involved in other voluntary organizations, such as by sitting on the management committee of a lesbian and gay community centre, which challenged conventional social norms. One was a mayoress and another the partner of the leader of a funding local authority. They were also noticeably committed to non-hierarchical ways of working. Overall both lawyers and non-lawyers appeared to have been committed to these ideals.

This breadth of experience, activism, and public involvement at a grassroots level should have enhanced staff understanding of the client communities with which they worked and of the needs of their representatives on the management committees. However, as suggested by the interview data to be discussed in forthcoming chapters, this knowledge and understanding did not always contribute to sustaining trustful and co-operative working relationships between management committees and staff, as may be observed at Gamma and Delta; or indeed staff cohesion, as may be seen at Gamma, and to a certain extent also, at Beta.

Service delivery volunteers

In all the case organizations service delivery volunteers were managed, trained and supervised by paid staff. Each case organization had a different approach to the recruitment and use of service delivery volunteers which seemed to indicate a difference in their purpose. Similarities and differences may be discovered between all four case organizations. Although at Alpha, Gamma and Delta there were service delivery volunteers who were management committee members, the reasons for this, and the cultural context within which it took place, differed in each case. While both Alpha and Gamma described service delivery volunteering as useful in acquainting client community representatives with the work and organization of their CLCs, at Alpha it was merely encouraged, whereas at Gamma staff especially saw it as an important strategy for training management committee members. Also service delivery volunteers at these two case organizations were of the client community: at Alpha, formerly of the Patients Council, and at Gamma, former clients. At Delta there was only one service delivery volunteer who was also a management committee member, while other service delivery volunteers were qualified and trainee lawyers, who were not representative of the client community.

Service delivery volunteering was different in all respects at Beta from the other case organizations. No management committee members were also service delivery volunteers. There was no proactive recruitment. If offers of

volunteering were made, they were considered by the staff before specific arrangements were agreed between the CLC and the volunteer about what they would do, when, how frequently, and who would supervise them. Their service delivery volunteers tended to fall into two categories: legally qualified who were not representative of the client community; and those who were not legally qualified, who were representative of the client community, and who were taken on to work on a specific project or to provide reception and other administrative support.

Inequality

In those case organizations where staff collectives operated, gender inequality among staff was not apparent. There were overall equal numbers of women and men, and marginally more male solicitors than female. However, where specific administrative posts existed, as in Beta and Gamma, these were occupied by women. There were more male volunteers than female.

In contrast at Delta, where there was a formal staff hierarchy, the picture was starkly different, especially at the apex and base of the hierarchy. The legal secretaries were all women; and the solicitors, and manager before his departure, all men. The non-legally qualified advisers were mainly women. The trainee solicitor was a woman. Here there were more female than male volunteers.

As far as representation on management committees was concerned, there were significantly more men than women members in Beta, Gamma and Delta. At Alpha there were almost the same number of both genders.

As regards racial diversity, a solicitor at Beta was the only black legally qualified member of staff in all the cases studied. At Alpha the only non-legally qualified adviser was black. At Delta one legal secretary, the bookkeeper, and two non-legally qualified advisers were black. As far as volunteers were concerned, two at Delta were black.

The contrasting case organization was Gamma, where the administrator was black. Both she and members of the management committee complained of discrimination against, and victimization of, her. These complaints, while formally settled, had never been fully resolved and continued to affect the pattern of relationships within the case organization, among staff, between staff and management committee, and among members of the management committee. Since most management committee members were service delivery volunteers and members of the client community, and the administrator was a member of a local minority ethnic community, which used the CLC, the bad feeling that resulted from a lack of resolution seeped out of the confines of the CLC, affecting some external relationships. One result of this was that Gamma had difficulty filling and keeping places on the management committee, especially black and minority ethnic members, even though their governing instruments set aside specific places for this purpose.

As far as black and minority ethnic representation on management committees was concerned, Alpha and Beta had one each from community associations concerned with a specific black community. At Beta that member was the Vice-chair. At Gamma, although five black members had been elected they rarely attended the management committee meetings and two of them had ceased to volunteer regularly. At Delta there were four black members of the management committee, all male, two of whom were representatives from other advice organizations, and two from the two closed CLCs.

Of the four case organizations the only one where the issue of discrimination against disabled people was raised was Beta. A member of staff, who worked with disabled clients to enforce and advocate their rights and who was herself disabled, perceived that her views of how to promote and defend disabled clients were not given consideration when this matter was being discussed among the staff. Beta and Alpha both had disabled members on their management committees. As far as Gamma and Delta were concerned both of them were inaccessible to physically disabled users, and Delta was also inaccessible to physically disabled staff since there was no lift access.

Although there was a lift to the floor on which Gamma was located, wheelchair users found it difficult to access. Gamma and Delta were located on higher floors of buildings that belonged to their funding local authorities.

The data in this section seem to suggest that even organizations that are nominally committed to diversity and equality may institutionally replicate

social inequality, both in respect of their treatment of organizational participants and in service delivery. They also show the ways in which environmental factors, such as relationships with funders, can foster that inequality; and the ways in which organizational behaviour, such as the treatment of staff, impacts on the environment, in this case the relationship with the client community.

Organizational Environment

The previous sections of this chapter have described the case organizations in terms of their origins and history, structure, goals, technologies, and participants. Reference has been made to a number of elements in their organizational environment which have had significant influence on organizational structures and behaviour. Most organizational literature acknowledges the impact of the external environment and agrees with Scott's (1998: 21) observation that "No organization is self sufficient; all depend for survival on the types of relations they establish with larger systems of which they are a part."

Theories which point to the influence of environmental factors on organizations suggest that professional training and perceptions (Larson, 1977; Abbott, 1988); regulatory conditions and systems (DiMaggio and Powell, 1983); type and content of work and technology (Woodward, 1965); values and beliefs (Meyer and Rowan, 1977); social and political networks (Noble, 1984; Bijker, Hughes and Pinch, 1987); and the demands and

behaviour of other organizations or agents in the field (Friedlander and Pickle, 1968) are factors which influence the structure and behaviour of organizations. The foregoing sections of this chapter have pointed to the influence of the conditions of membership of the LCF on the structure and staffing of the case organizations; the professional training and values of staff; and the political beliefs and affiliations of staff and management committee members. It has also indicated the effects of the imposition of new funding regimes.

This section will describe the policy and funding environment in which the case organizations operated, and the role of the LCF.

The Policy Environment

This sub-section will give an account specifically of the policy environment in which the case organizations operated and to which they had a complex relationship. The case organizations were linked to the social and public policy environment by the work they did, as recipients of public funding, and by their membership of the LCF.

As has been described in Chapter One and earlier sections of this chapter, the principal manifest purpose of the case organizations was to provide information, legal advice and representation, and other necessary legal services to individuals and groups within a defined catchment area. In addition to general information and advice in all aspects of law and legal process, they

also specialized in all areas of law which particularly affected those who were in poverty, discriminated against, or vulnerable.

All changes in public policy, whether of central or local government or their agents, which affected the clients or potential clients of the case organizations also affected the advice they must give those clients, and therefore had an impact on the content of their work and how it was managed and structured in the organization. Changes in legislation and legal process also had the same effect. Advisers had to keep abreast of those changes and be clear whether, or to what extent, they affected their clients, and what advice they must give in consequence to protect their clients' interests. The staff of the case organizations adhered to the requirements of their professions by taking and reading all the relevant journals, and by attending courses as part of their commitment to continuing education. Where they produced leaflets or provided training and materials for other organizations, or hosted public meetings (which Alpha, Beta and Gamma did periodically), these had to be up-dated and re-issued.

Government, government agencies and local government often consulted on changes in public policy and legislation which affected clients and client communities. Where this occurred, Alpha and Beta especially contributed to these consultations, either individually or with other CLCs under the auspices of LCF. Contributions mainly took the form of providing dossiers of case studies showing how proposed changes would affect clients or client

communities. It also entailed drafting briefing notes for decision-makers or legislators when this was necessary.

Sometimes changes in public policy and legislation came about as a result of the pro-active collection and submission of relevant case studies to the appropriate bodies, rather than as a response to initiatives by government. This was especially the case in relation to the development of rights for disabled people in which Beta was involved. In some instances the changes being sought affected the treatment of the case organizations' clients in a particular legal or quasi-legal process, such as under a section of the mental health legislation. Alpha was especially instrumental in influencing changes in such processes for users of mental health services.

Funding Environment

All the case organizations were publicly funded by both central and local government; and they all earned Legal Aid income. Beta, Gamma, and Delta first received grant aid, then payments under contract from local authorities. Alpha received grant aid with conditions from the Health Trust on whose hospital premises they were located.

It has been mentioned earlier in this chapter that, as part of the contractual agreement with their funding local authorities, Gamma and Delta were required to occupy specific premises in buildings belonging to their funders. The location and visibility of the case organizations were important factors in

their accessibility so that, by attaching premises conditions to funding, funders were able to determine the case organization's client community, and to manipulate the latter's relationship with the case organization. This was the outcome of the funders' demands on Gamma and Delta. Beta's financial support from the appropriate local authorities was enhanced by strong institutional ties between those local authorities and the client community, which empowered Beta to negotiate its relationship with its funders. Many of Beta's founders were both long-standing activists in the local community and councillors on the funding authorities.

While Beta, Gamma and Delta were subject to the vagaries of local government contractual arrangements, changes in health policy affected the funding of Alpha. At the time of the study the Health Trust was unsure of its continued ability to grant aid Alpha or allow it to occupy rooms on the hospital site. The dominant focus of health policy towards returning hospital in-patients to the community also resulted in Alpha acquiring more non-resident clients relocated to different parts of the Health Authority catchment area. This was a significant strain on their resources, since previously the majority of their clients had been hospital-based and located mainly on the site from which Alpha operated.

All the case organizations earned essential income from Legal Aid, which is administered by the LAB for the Lord Chancellor's Office. Changes (made in 1988) in the availability and administration of Legal Aid were a matter of public policy and legislation. These changes required Legal Aid to be administered

by contractual arrangements, namely franchises and block contracts, which in turn demanded changes in internal administrative processes to accommodate monitoring and checking regimes by the LAB. All the case organizations were affected by these conditions. While Alpha, Beta and Delta tried to integrate these new systems and processes with their existing ones, Gamma created a separate new system with new personnel, thus adding to existing organizational complexity. Whether the case organizations integrated the new systems or created new ones, there was additional bureaucracy for each adviser on each file, so time spent on administration increased substantially.

At the same time as the institution of the franchises and block contracts, the conditions under which Legal Aid was claimable were also changed, so the case organizations were able to claim for fewer clients and fewer actions in preparation of a case for hearing. Under the block contract, case organizations received payments for a notional number of cases in the areas of law for which they were franchised eg housing, employment, welfare rights. So they had to ensure they met their targets in order to be paid. For all the case organizations this was a challenge, since there was an inherent contradiction in a situation which required client targets to be met at the same time as client eligibility for Legal Aid was reduced.

An additional challenge for all four case organizations was that the new contractual regime also meant that, if they were not awarded or let a franchise in a particular area of law, they could not claim Legal Aid for work undertaken in this area of law. This meant that they were all dependent on their other

sources of income or funding. This situation threatened the achievement of their organizational goals.

The Role of the LCF

In the initial stages of their existence, as has been described in Chapter One, all CLCs had to conform to the membership conditions of the LCF before they could describe themselves as a CLC, and the case organizations were no exception. Their membership entitled them to participate in all the activities organized by the LCF, to receive its support and that of other CLCs, and to call on the services of its specialist development staff and other resources. The LCF distributed a monthly newsletter and other briefings, and convened sub-committees and working parties to address a range of matters from funding issues and changes in policy, which affected funding of CLCs, to changes in public policy and legislation concerned with areas of law in which CLCs practised, such as disability rights and the position of asylum seekers. As has been reported in an earlier section of this chapter, membership also entitled them to send two representatives, one from the management committee and one from staff, to the Quarterly General Meeting and the Annual General Meeting. To this extent all the case organizations were influenced by the LCF and had an opportunity both to influence its policies, and to participate in its sub-committees and working parties which sought to influence public policy or the public policy agenda.

In addition to these links, which were shared by all CLCs, each case organization had a different formal and informal relationship with LCF. At Alpha one staff member had volunteered at the LCF secretariat and had been very involved in some of its work in the distant past. While this enabled her to make contact with LCF staff when the case organization needed help this contact remained sporadic, and as an organization the CLC played little part in the work of the LCF. In contrast Beta took an active part in the work of the LCF, contributed formally and informally to policy making, and one of its solicitors had been the Chair of the LCF for three years. It was very involved in LCF sponsored committees on funding and the negotiations with the LAB on funding for CLCs; and on the working party for rights for disabled people. On the other hand, while Gamma had a place for an LCF representative on its management committee, and regularly used the LCF training and development staff for management committee training, it took little part in the work of LCF and had very little informal contact with it. There was no formal or informal contact between Delta and LCF, and it seemed that the LCF had had little influence on the structure and problems of Delta.

Although it could be said that client communities were represented in the LCF by the management committee representatives from the case organizations, in practice these places were not taken up. This lack of contact contributed to the isolation of Gamma and Delta, which faced their organizational challenges without the support or guidance of other CLCs or the LCF.

Discussion

Although the data in this chapter reveal similarities between the case organizations, they also exhibit differences. An account has been given of the histories and origins of the case organizations, and their key organizational features. These suggest that from their inception, alongside their shared characteristics, there were also marked differences between them.

First, the way in which their constitutions defined and operationalized their membership provisions seemed to symbolize the ways in which the case organizations defined their client communities and their relationship with them. All the constitutions of the case organizations provided for both individual and organizational membership. The difference between individual and organizational membership was both symbolic and actual. The “manifest” view, expressed by staff of the case organizations and the LCF, was that individuals represented their own interests, and, because they were not attached to an organization, indeed represented no constituency; whereas organizations spoke for a body of interests and also had formal links in the client community. While Alpha and Beta’s constitutions were drafted to include the widest possible client community involvement, Gamma’s was aimed at targeting specific social groups. Delta, taking some account of the client community, nonetheless effectively excluded their influence by giving them a minimal number of places on the management committee.

In addition the data seem to suggest that the profile of elected membership of the management committee was affected by these differing approaches to interpreting and operationalizing constitutional provisions. The most long-serving members were found on the management committees of Alpha and Beta, which also exhibited the widest range of community interests, experience and skills. No founder members remained on Gamma's management committee, which was mainly constituted of service delivery volunteers, many of whom were former clients whose membership was as individuals. The narrowest range of interests was found on the management committee of Delta, whose membership consisted predominantly of advice agencies. These differing profiles appear to reflect organizational approaches to implementing community control.

The dual character of the case organizations was also reported. While they were incorporated as companies limited by guarantee they could also be conceptualized as membership associations, from whose membership the majority of the management committee was elected. This associative state would also have been their legal state before incorporation, and remains a strong element in their constitutions.

The importance of embeddedness¹ in their respective client communities, and its impact on stable relationships with funders appear also to have been

¹ I am greatly indebted to Professor Carl Milofsky for his advice on the use of this term. Although it seems not to appear in the literature on community associations, Professor Milofsky has used the term in seminars and correspondence to describe the situation where "small community organizations ... are by-products of community life ...and their activities and their survival is contingent on community approval, legitimacy, and support."

established at the inception of these organizations. In these accounts of their history and origins the case organizations begin to exhibit their responses to dilemmas created by funding decisions. This was especially noted in relation to the location and accessibility of premises and their influence on defining catchment areas and client communities. In the instances in which case organizations developed roots in client communities, which contributed to stable relationships with funders, the premises they occupied were appropriate for their purposes or suitably adapted. Where these relationships were absent, funders were able to use the financial leverage that funding gave them to insist that case organizations occupied premises of their choice, and in so doing, also fulfil other funding objectives, such as serving a different and wider catchment area.

In addition, this historical and organizational profile also points to similarities and differences between the case organizations in their development of the role of service delivery volunteers. In none of the case organizations were they regarded as part of the staff establishment. Again it seems from its earliest days that Gamma stood out from the other case organizations in using service delivery volunteering as a means of recruiting management committee members, thus blurring the boundaries between management committee and staff.

The data also portray Delta as a very different kind of organization from the other case organizations. The provisions of its constitution did not permit client community influence. The staff structure and the ethos of the

organization were strictly hierarchical. Whereas the conceptual framework suggested that the study would encounter dilemmas between “professionals” as employees, and the “community” as management committee members, in Delta the professionals who were excluding the influence of the client community were management committee members in alliance with the funding local authority. The staff influence was similarly excluded from the management committee. So the profile of community control and professional accountability took a different form.

Formally the structure of the case organizations created an hierarchy of authority between the management committee and staff, except in the case of Gamma where staff had a place by right on the management committee, thus suggesting a measure of equality. However, except in Delta, in practice the boundary between management committee and staff authority was blurred. In Alpha and Beta this blurring appeared to have been accepted and legitimized by the management committees as part of the co-operative relationship established between management committee and staff. At Gamma, on the other hand, the practice of recruiting management committee members via apprenticeship as service delivery volunteers and the constitutional right of staff to sit on the management committee contributed to organizational complexity and suggested the possibility of organizational dilemmas.

Collective working appears to have had both symbolic significance and practical implications for the organization of work and relationships between staff. Collective working had the effect of giving all staff within the collective an

equal level of authority and accountability to each other, at the same time making them both individually and jointly accountable to the management committee for the exercise of the authority delegated to them. The staff meeting was therefore a crucial mechanism for accountability, decision making, and co-ordination. The manifest position in Alpha, Beta and Gamma that all staff reports to management committees were agreed by staff meeting was to ensure that all formal contact with the management committee was sanctioned by the staff group. Staff meeting thereby became the means by which staff were accountable to each other.

While the goals of the case organizations were reflected in their governing instruments, they were capable of different interpretation and implementation. The proportion of case to community work and the nature of community work undertaken were different in each case organization. It reflected each case's aim of offering a range of legal services, and was an expression of its values and approach to client community. The data in this chapter also show, that by the conditions they impose, funders also influence the goals of organizations thereby undermining community control, and in so far as their demands affect clients, professional autonomy also.

In profiling organizational participants, the data in this chapter have shown the range of experience, skill, and interests that came together to pursue the goals of these organizations. The data show the extent of client community representation on the management committees and among service delivery

volunteers, and the commitment of staff to the manifest ideals intended to engender solidarity with client communities.

This chapter has also identified the organizational environment of these case organizations and the extent to which it affects the ability of client communities to control organizational behaviour and relationships, and the extent to which it affects staff in pursuance of their professional remit. The data suggest that funding authorities can exercise substantial influence on the ability of organizations to fulfil their own manifest goals. They also show that the policy environment has consequences for client communities, and the role that professionals play in influencing policy development and negotiating its implementation on behalf of client communities. Finally, the data in this chapter have shown that, while the relationship between case organizations and the LCF is a fundamentally important one, and that client communities and staff may become involved in it through participation in meetings, in practice the relationship is weak.

Chapter Four: Management Committees – Roles and Relationships

Introduction

This is the second of five data chapters, and the first of four devoted exclusively to discussing data collected from interviews with participants in the case organizations. The aim of this chapter is to examine the role and functions of the management committees of the case organizations and how they are carried out.

Previous chapters have first, examined specialist literature on CLCs, and more general organizational and voluntary sector literature; and second, described the history, origins, and organizational features of the case organizations. The specialist literature and the description of the case organizations have established that “the community” and “professionals” are participants in CLCs and that they share in their management. The specialist studies discussed in Chapter One have described the theoretical and practical dilemmas associated with the roles and relationships of management committees, especially in relation to staff.

Chapter One also developed a conceptual framework for this study, informed by the generic organization and voluntary sector literature and the specialist CLC literature. This chapter explores the extent to which the central tension between

community control and professional accountability is reflected in the work of CLC management committees.

The specialist literature on CLCs and the literature on voluntary organizations discuss the relationship between management committees and staff. It is clear from 'Towards Equal Justice' (LCWG, 1975) that CLCs were envisaged as membership associations of community organizations, and that, in order to ensure community control, the management committee was to be elected from the membership of the association. Byles and Morris (1977) found that in practice, although this governance structure could foster a more participatory style of management, the overall policy direction of the CLC they studied remained in the hands of the lawyers of the management committee. They also found that relationships between management committee and staff were very difficult principally because management committee members, mainly the lawyers, held a different perception from staff about what the goals of the organization and the staffing structure should be. Staff, as well as non-legally qualified management committee members and community representatives experienced difficulty participating in meetings because of the dominance of lawyers and the formality with which meetings were conducted.

The voluntary sector literature discusses the complexity of governance in voluntary agencies and the dilemmas surrounding governing bodies. Billis (1989), in proposing his Theory of the Voluntary Sector, argues that voluntary

agencies occupy the ambiguous zones between the unambiguous worlds of “government” and “business” bureaucracies and the associational world. Leaning more towards government or business, a voluntary agency would exhibit greater or fewer characteristics of those worlds. Some voluntary agencies occupy the ambiguous zone created by the intersection of all three worlds and would therefore share some of their characteristics. According to Billis’s proposition, these organizations would demonstrate their associational roots by being membership organizations; their bureaucratic roots by employing staff to carry out their business; and their business roots by exhibiting entrepreneurial features such as earning income by contracts.

Billis also suggests that organizational ambiguity creates a “genuine management complexity” for voluntary agencies where

“Elected leaders and paid staff must appreciate that bureaucratic organisation means paying attention to issues of managerial authority and accountability, conditions of service, explicit policy-making and all other essential accoutrements of modern bureaucracies. At the same time agencies must absorb the essential concepts of the association: membership, mission, informality and democracy” (Billis, 1989: 25).

Harris (1996), reviewing both the UK and US literature and considering both management manuals and scholarly research, reports that it indicates five key

manifest functions for voluntary sector governing bodies. These five functions are to (a) act as a 'link and buffer' between the organization and its environment (p 153); (b) formulate policy; (c) 'secure and safeguard necessary resources' (p 152); (d) be accountable on behalf of the organization for its financial probity and well-being; and (e) fulfil the legal responsibilities of employer in relation to staff of the organization.

Taken together, Billis's and Harris's work suggest that an examination of the role and functions of management committees of the case organizations might include how the "community" was represented on management committees; how management committees mediated the influence of the environment on the organization; the relationship between management committee and staff; and how responsibility for policy, staff and other resources, fundraising, and public accountability were addressed. The findings will be reported case by case and then compared and contrasted across all four case organizations.

Management Committees: Roles and Functions in Practice

Alpha

Both management committee and staff identified two functions expected of a management committee: monitoring of staff, and making policy and strategic decisions. It seemed that some management committee members were unsure of both their role and function, and that although staff were agreed in principle on

these, they were somewhat sceptical of the management committee's ability to perform the role expected of its members.

Management committee members in Alpha seemed unsure about what was expected of them and diffident about their ability to carry out management tasks.

... I don't take on any duties from the management committee ... I have not been told in so many words what my duties are on the management committee ... and I have not really formed an opinion of this ... (management committee, Alpha)

... I don't have any particular training except experience of organizational management matters ... I just do my best... (management committee, Alpha)

As another member pointed out, individuals interpreted their roles in their own way.

The role of the management committee depends on the quality of people involved ... it is to ensure quality control of the Law Centre - monitoring and checking that things are done ... (management committee, Alpha)

On the other hand, staff seemed clear what was to be expected of a

management committee and were in broad agreement.

... the management committee ultimately has the responsibility for the policy and direction of the Law Centre ... and will delegate to staff.

(solicitor, Alpha)

There is a role in relation to policy and strategy. This may be the function of a management committee but not necessarily this Law Centre's management committee. (solicitor, Alpha)

Beta

Some members of the management committee thought that their role was to decide on policy, to fulfill their functions as employers, to maintain a financial overview and to provide a means of accountability and contact with funders and other organizations.

The management committee runs the Law Centre deciding on policy ... they are the employer ...the arbiter in the case of problems ... oversee project and other funding ... no large sums of money can be spent without management committee say so ... the management committee is important in contact with funders ... I do presentations to funders and speak to outside groups ...(management committee, Beta)

... the role of the management committee is to make policy, uphold policy, and support internal policy ...a supporting role ... to give protection for the Law Centre from funders especially the local authority ... especially in situations of conflict ...(management committee, Beta)

Some management committee members also recognized the role played by the management committee in representing the community interest, and the role of staff in the management of the organization.

... to represent community interest but also to act as strategic managers
... to give a framework for workers to manage...(management committee, Beta)

These views contrasted with others which suggested that the management committee role was one of helper and guide to the staff, especially in control of expenditure for operational matters.

... the management committee should help the Law Centre ... not tell them what to do but give them guidance ... if workers are not quite sure they ask the management committee for example whether they can spend money on law books, redecorating, and everyday running of the place ... (management committee, Beta)

The staff at Beta were in broad agreement with those management committee members who saw their role as a complex mix of employer, policy maker, fundraiser, buffer against local authority predation, and face of public accountability.

... one of its most important roles is in staffing and personnel ... (solicitor, Beta)

... its principal role is public accountability ... (librarian, Beta)

... the management committee is there to shape the Law Centre and be a checking mechanism ... certainly around finance ... (co-ordinator / administrator, Beta)

That the community was well represented on the management committee was generally accepted by staff, who saw this as the source of their authority to make policy.

... in this Law Centre it sets the policies ...and this is fair if they are representatives of the community ... (non solicitor case worker, Beta)

These clearly expressed views were also overlaid with other perceptions which underlined the role staff should play, and did, in enabling the management

committee to perform its complex role and many functions.

... but staff should empower the management committee ...they need more information of issues in order to make good decisions ...(solicitor, Beta)

... staff invest a lot of resources in the management committee in being briefed and writing papers ... (co-ordinator / administrator, Beta)

Despite general agreement that the management committee had wide community representation, there were some questions about the extent to which the views expressed on the management committee by community representatives were their own or those of the community they represented.

... I wonder how they report back and are mandated. I think the management committee becomes part of the Law Centre. (non solicitor case worker, Beta)

This staff perception suggests that, in becoming part of the case organization, management committee members had become remote from the community. This comment, in raising the process of representation, also questions whose interests were represented on the management committee.

There was general agreement between management committee and staff about what the role and functions of the management committee should be, and that they were carried out. They were identified as policy making, fundraising and protecting the interests of Beta from threatening funding decisions, financial accountability, being an employer, and being the representative of community interests. The role of staff in enabling the management committee to perform its role and tasks was also recognized.

Gamma

Although members of staff and management committee in Gamma were struggling to implement community representation on their management committee, they had clear views about its role and function. As has been described previously, staff at this case organization had a right of representation on the management committee.

Members of the management committee held broadly similar views about the role of the management committee, namely to take policy decisions, to oversee the smooth running of the organization, and to ensure the well-being of the staff.

... [the role is] to manage the Law Centre in non day-to-day functions ...
with full referral back to staff ... (management committee, Gamma)

... the management committee is responsible for policies ... day-to-day

running is the staff's responsibility in a co-operative manner

...(management committee, Gamma)

... [the role is] basically to manage the Law Centre and make sure that the staff are happy and well cared for ... and the organization runs smoothly

...(management committee, Gamma)

These management committee comments convey vagueness and lack of precision about their role and are in contrast to the comments made by staff who identified specific functions which they suggested belonged to the management committee.

... there is a hierarchy of accountability from staff through the management committee to funders and others ... and there should be a significant element of policy making at the management committee ...
(solicitor, Gamma)

... the management committee should do all the personnel stuff ... in theory it is responsible for the funding but I couldn't trust them to do it ...
(non solicitor case worker, Gamma)

Other staff reiterated this caveat on the management committee's performance of its role.

... I do think in theory the management committee should make the policy decisions but not in practice ... (solicitor, Gamma)

Staff generally identified this range of functions which made up the management committee role of this case organization but distinguished between what should have happened and what appeared to happen.

... the management committee is where the bucks stops officially although from the outside the staff may be assumed to be responsible ... (clerk, Gamma)

This view was confirmed by members of the management committee who also explained the limits on their exercise of their role and the extent of staff involvement in the overall management of the case organization.

... the Law Centre is more managed by staff than by management committee ... most ideas come from staff ... (management committee, Gamma)

... the role is about managing ... here again there is a problem because we only know so much, that is only what staff tell us ... if there were a different relationship between staff and management committee the

[industrial tribunal] stuff could have been nipped in the bud ... I've only found out what the management committee is about as I've gone along but the training has got better ... (management committee, Gamma)

These comments seem to suggest that the management committee did not control the reins of management because staff retained information, and because management committee members were not sure about their role. The lack of control over staff felt by management committee members was also expressed.

... a lot of the management committee are not aware of what the Law Centre does ... no one is monitoring staff or identifying their training needs ... staff are running the Law Centre much more than managers ... (management committee, Gamma)

These comments seem to highlight an emerging problem in Gamma about defining and acknowledging boundaries between different levels of authority and the limits to the exercise of authority between the management committee and staff. They also reveal differing perceptions between management committee members and staff about the role of the management committee who thought it included involvement with day-to-day "management". Apart from consensus that a management committee should be responsible for policy making, there was little common ground between the management committee and staff about their role and functions. There was a strong feeling from staff that whatever role might

be prescribed for them, the management committee would not be able to perform it.

Delta

The management of this case organization differed from the other three in that it employed a manager to manage staff and its day-to-day operation, and to be the accountable link between staff and management committee.

The Chair of the management committee, who was a solicitor, set out his view of its role, which he saw principally as legal and financial accountability, and policy and strategic decision making.

... there are a few roles ... firstly, a legal one to run the company and the service level agreement ... there are no funding arrangements that would allow money to be given to the workers ... secondly, to steer the organization with benefit of being a step away from work which gives a different perspective ... and thirdly, being a step away, allows decisions to be made which staff wouldn't make on their own, for example prioritizing employment issues ... most of our role is to enable that ... (management committee, Delta)

This view was echoed by other management committee members.

... the management committee is to ensure they [the staff] make a satisfactory running of the project ... accountability is an issue ... at the end of the day the management committee is the boss ... (management committee, Delta)

... supervisory with power of decision making ... to guide ... (management committee, Delta)

While these views tended to see the role of the management committee in terms of its legal duties and accountability, some members had a wider perception of their role, namely one of leadership and of the position of the case organization in relation to other actors in the field.

... the management committee is about leadership, accountability, guidance, clear aims and objectives versus strategic planning, openness, financial accountability ... (management committee, Delta)

... to look at the Law Centre within the voluntary sector as a whole and as a practitioner in a related field ... (management committee, Delta)

While many of the functions mentioned by these management committee members fit with those identified in the literature for governing bodies, the last comment seemed to suggest that there might be some conflict of interest on the

part of management committee members who were practitioners in the same or a related field. Other members of the management committee pointed to specific problems which seemed to interfere with the exercise of its authority: the conflict of interest arising from the position of the representative of the funding authority on the management committee, and its inability to manage its relationship with the manager.

... the role is to manage the project ...we have responsibility for its financial well-being but there are grey areas of management in relation to the manager and city council [the funding authority]... such as conflict of interest ... (management committee, Delta)

... we have responsibility for strategy and direction ... what was a shame was that we couldn't get on with the manager ... (management committee, Delta)

It seems from these contributions that even if there were agreement among management committee members on their role and function, they seemed unable to mediate the emerging conflict of interest of the representative of the funding authority with the case organization. They seemed also unable to address the problematic relationship between them and the manager.

Staff at Delta held a range of views about the role of the management committee.

... the management committee is the locus of accountability ... it has a role in developing policy ... developing business plan in pursuit of policy ... monitoring programmes, the budget and so on ... reviewing and setting up plans for next year ... (solicitor, Delta)

... it is the locus of accountability ... they are the employer ... (non solicitor case worker, Delta)

While staff mainly agreed with the broad spectrum of functions which made up the management committee role and that these were carried out, some suggested that there were limits to their performance.

... the management committee should be our connection to the community and that's important ... (non solicitor case worker, Delta)

This comment suggests that the management committee were failing to represent the community. Another staff member suggested that that role was hedged with legal specifications which diminished it, and that the law determined the organizational behaviour of the management committee.

... fundamentally we have to operate as a company ... it is disingenuous to say that the management committee is the locus of authority when we

have limited liability ...(solicitor, Delta)

Apart from the lack of community involvement on the management committee, there was general agreement between management committee members and staff about the role of the management committee. The dominant approach expressed by the Chair of the management committee and a staff member, both solicitors, was a very legalistic one which viewed the case organization in terms of its legal status as a limited company. Some management committee members also thought they had a role in overseeing the position of the CLC in relation to the voluntary sector as a whole, and, since they were practitioners in the same field, this perception suggests a potential for conflict of interest. Conflict of interest was also identified in relation to the role of the funding authority's representative on the management committee. Ambivalence was also expressed by management committee members about the role of the manager.

Discussion of Management Committee Roles and Functions

These data suggest that the management committee members of these case organizations tended to have differing perceptions from each other, and from staff, of their roles and functions, both what they should have been (manifest) and what they thought they were in practice (assumed). The extent of consensus and difference between management committee members and staff about

management committees' roles and functions also tended to reflect the general nature of the relationships between them in each organization.

Apart from at Gamma, where both management committee and staff experienced difficulty in defining boundaries between the exercise of different levels of authority, there appeared to be general agreement between management committee members and staff about the role of management committees. Again, except at Gamma where a distinction was made, management committee members tended not to distinguish between what was expected of them and what they actually did. Staff, however, tended to make this distinction, and did so especially in relation to management committees' competence to make policy, to fundraise, and represent community interests.

Staff also called into question the management committee's assumed role as the seat of authority in the organization when the case organization was ultimately governed by company and other law in the same way as any other business might be. This tendency towards "legalism" was most apparent at Delta where the limited company status of the organization was taken to define the roles and functions of the management committee and to effectively exclude the representation of community interests.

Except at Delta, management committee members and staff, to varying degrees, recognized the role of staff in enabling the management committees to carry out

their duties and perform their roles. Staff tended to perceive this management committee dependence on them in various ways according to their confidence in the management committee to perform their roles, and ranged from empowerment at Beta, through scepticism at Alpha, to complete lack of trust at Gamma. At Delta management committee members appeared to have an unsatisfactory relationship with the manager, and, since other staff were not allowed to attend management committee meetings, they appeared to receive little actual support from other staff in the performance of their roles.

Management Committees and Community Representation

As described in Chapter Three, all the management committees were required by their governing instruments to have a majority of elected members from their membership association, a maximum of three nominees from funders, and a maximum of three co-optees to fulfil specific purposes. In practice, each case organization fulfilled these requirements in different ways.

Alpha

The “community” of this case organization were the users of the mental health services of the hospital in which it was based and the other local organizations which also provided services to these users.

This broad representation was acknowledged and valued by staff who said

... community involvement is helpful for the Law Centre as it is largely hospital-based and it is difficult to know everything that's going on ... also, for example, where the Law Centre should provide services from feedback from people not operating in a hospital environment. (solicitor, Alpha)

... Law Centres should be demand-led ...users would raise issues relating to services ... (non solicitor case worker, Alpha)

The views of these staff members, interested in the feedback from users and other service providers as a contribution to planning of services, were in contrast to the Chair of the management committee who observed it was

... important for it to be a user-led organization but this can be difficult for staff... the Law Centre strives for a balance ... staff are more committed than the management committee and it is important that staff feel comfortable. (management committee, Alpha)

While another member of staff emphasized the democratic aspect to community accountability.

... the point of community accountability is that it is an end in itself...
(solicitor, Alpha)

Although this case organization had a full complement of elected members, including representation from the Patients Council and from users of its services, attendance at meetings seemed to be a problem.

This [non attendance] is a problem here - at one meeting the management committee considered getting someone on the telephone but decided it was not appropriate. If a meeting is inquorate or decisions have to be taken between meetings these are taken by the Chair and ratified at the next meeting. (management committee, Alpha)

... one problem is attendance - there need to be inducements for people to attend - meetings are sometimes inquorate ... (management committee, Alpha)

Non attendance was also commented on by staff, not just in relation to management committee meetings but also to the work of sub-committees.

... meetings of the sub-committees are the place where things break down a bit ... (solicitor, Alpha)

Both staff and management committee tried to find rational explanations, such as conflicting commitments , for non attendance.

... the difficulty with the management committee is that they are all volunteers so have different time commitments ...(solicitor, Alpha)

... non attendance is sometimes down to clogged diaries or drift
...(management committee, Alpha)

Although busy lives were thought to be the reason for non attendance, members of the management committee also said that

... one member of the management committee rarely attends and is there only so he can put it on his CV ... (management committee, Alpha)

The implication of this comment was that some management committee members were not committed to the case organization and were only there to further their careers despite nominally being a community representative.

Staff described community representation in terms of “involvement” and “accountability”, rather than community control. It seemed that, although the places on the management committee had been filled, there was a problem of non attendance at full and sub-committee meetings of the management committee, and therefore of inquorate meetings. This meant that decisions could

not lawfully be taken at meetings unless ratified at a subsequent meeting, and that the Chair had to take decisions by himself outside of meetings.

It was also suggested that lack of commitment to the case organization, induced by self-centred motives for joining the management committee, might have been a reason, rather than a busy diary, for non attendance at meetings. This highlights a dilemma in effecting community representation, in that personal motivations might not coincide with organizational expectations.

Beta

There seemed to be consensus between members of the management committee and staff that Beta's client community were largely represented on the management committee. Members of the management committee expressed their perception of this in different ways.

I think that a management committee of a Law Centre is different from other organizations, for example this one [the one in which he worked] ... it [the CLC's management committee] is made up of other factors than those who fund it ... the management committee of the Law Centre is more in the hands of the community ... (management committee, Beta)

... the management committee itself is representative of the [XX catchment area] ... some sections of the community are not represented ... (management committee, Beta)

... there are fifteen to twenty people with the widest representation overseeing the whole of the Law Centre ... I even tried to get a rep from the gypsies ... (management committee, Beta)

Although management committee members tended to see community representation in terms of who was and was not represented, it was also identified as a significant element in the Law Centre's independence.

... being in the hands of the community gives the Law Centre a degree of independence ... which is an advantage in establishing priorities for areas of work ... (management committee, Beta)

Staff had a more complex view of community representation.

... defining community is difficult ... the management committee is made up of people from different backgrounds, for example the Law Society ... black and minority ethnic people, disabled, pensioners ... you can't say "community" so much as separate sections ... the Law Centre is for the community that has less of a voice, not for middle class groups who can

use solicitors in private practice ... (solicitor, Beta)

This comment seems to suggest that there were two elements to the concept of community as practised. The first was the community of interests in which the case organization was located which included professional interests; and the second consisted of those social groups within its catchment area who had need of its services and used them, in other words its “client community”. Staff also described other problems which contributed to inhibiting community representation. They pointed to the possibility that those who were chosen to represent community interests may be those who are most active, not necessarily those who are most representative of the particular interests. They also suggest that there may be gaps in representation.

... there is a problem with the make-up of the management committee ...
how representation happens depends on how active individuals are, or
representative ... (co-ordinator / administrator, Beta)

... our management committee is quite broad-based ... various parts of
the community are represented ... although it needs more young people
... there are no major gaps in membership ... (non solicitor adviser, Beta)

From these comments, there seems to be general perception that the community includes both the “client community” and the professional community concerned

with the problems of users of the case organization. They also seem to suggest that although there may be gaps in representation, filling them may be a dynamic process. These differing and complex views of community representation extended to the notion of community accountability.

Members of the management committee expressed different views of community accountability.

[Beta] Law Centre is and should be accountable to the local community ... the community should set the agenda for what the Law Centre should provide. (management committee, Beta)

... community accountability happens in Beta ... the Law Centre is funded by community and this is right ... and the management committee is strongly representative of the community ... (management committee, Beta)

Embodied also in this last observation is an acknowledgement of the deeply rooted association between the community and the funders of the case organization, the local authority, and the benefits these relationships brought to the case organization.

Contrary views were put by other management committee members of Beta which suggest that some management committee members, although representing community interests, also saw themselves in a closely allied relationship with the case organization.

I am not sure about community accountability ... I don't think I would want the community to influence the Law Centre... most of the community don't know much about the law so why should they put their views down our throats. (management committee, Beta)

... if the Law Centre is to belong to the community the community needs to be educated in their role and what is involved with this ... (management committee, Beta)

Community accountability seemed to be a taken-for-granted assumption in the comments made by staff about community representation. Apart from the following comment, no other staff member in this case organization explicitly mentioned community accountability. She distinguishes between community groups which have a general interest in Beta and individual users, and suggests that the latter should not have a place on the management committee.

... to the extent possible law centres should be accountable to the community ... this was intended here ... I don't think the Law Centre

should be accountable to those they serve ... the Law Centre goes out of its way to encourage groups with an interest in the Law Centre to become members ... (co-ordinator / administrator, Beta)

Although agreeing that community accountability was necessary, this comment raises a question about what that “accountability”, and its corollary “community representation”, might mean in practice.

Management committee and staff drew attention to operational dilemmas in relation to community representation. They agreed with each other that they actively encouraged the widest group membership, and that, within the proviso that sometimes those chosen by the groups they represented may have been the most vocal rather than the most representative, the community was well represented on the management committee. Staff also emphasized that representation should be by client community rather than by clients themselves. Staff also crucially distinguished between the wider community and the client community and pointed out that they were there for the “voiceless”. This juxtaposition of the notions of “voicelessness” and “vocality” highlights a potential difficulty in practice of effecting community representation since the most “voiceless” might be overshadowed by the most “vocal”.

On the question of “community accountability” there was less accord. Management committee members were divided on whether the case

organization should be accountable to the community, or whether this was achievable in practice.

Gamma

As discussed in Chapter Three, the provisions of the governing instruments concerning the composition of the management committee were capable of differing interpretations. The result of this was that those elected from the membership were unsure whether their seat on the management committee was taken in an individual capacity or as a representative of the organization which they represented in the membership of the case organization.

Management committee members had very little to say about community representation on the management committee. This member came closest to referring to it when she discussed the way a recent employment matter had been dealt with at the CLC, which highlighted for her its remoteness from the community.

... I never thought of the Law Centre as part of the community ... but on the [recent employment tribunal matter] it becomes a community issue - wasting public money ... I didn't even know there was a management committee that could be joined because you're not told ...(management committee, Gamma)

Gamma's distance from the community was reinforced by another management committee member who commented on how management committee members join, namely by invitation rather than election.

... management committee members are just invited on ...(management committee, Gamma)

Staff also pointed to the practice of encouraging individuals into service delivery volunteering with a view to sitting on the management committee.

... one of main problems is that most local people who volunteer on the management committee have been encouraged to do so ...it is more important to the Law Centre to fill places on the management committee but what's in it for them? (non solicitor case worker, Gamma)

Staff also admit to undermining the objective of community representation and by-passing the electoral process by inviting those with professional skills to join the management committee directly.

... the management committee is open to manipulation ... to avoid this we have decided to have quite senior people with high level skills and have head hunted-people who are for example specialist in Personnel, a Business Studies Lecturer ... (non solicitor case worker, Gamma)

Taken together, these comments reinforce the difficulty of defining the status of management committee members in Gamma, and of distinguishing whether they were elected or co-opted. While the management committee had the power to co-opt, unless it were possible to define the status of each member of the management committee it would not be possible to assert who had been elected from the client community and who had been co-opted. The practice, discussed here of inviting individuals into membership of the management committee, rather than inviting them to join the association and then be elected from the membership, had the effect of blurring the status of each member of the management committee and diminishing the impact of community representation.

Although staff recounted the reasons for community representation, they had difficulty asserting that it occurred at the case organization.

... the community should play an important role because they may be users and they should have a say in how it is run otherwise the Law Centre couldn't cater for their needs ... this is crucial ... by community we mean all local people living in the county as well as users and potential users ... (administrator, Gamma)

Staff recognized some of the reasons why the community they served did not

find it easy to sit on the management committee, but pointed out that the problem was compounded by the interference of the funders who insisted on their move away from a discrete neighbourhood, where they had a close relationship with the community, to a more central location in the City, where they had no similar community base.

... we always say we are led by the community but only so long as they say what we want to do ... people are knackered, overworked, short of money, then they are excluded ... we should try to make their voices heard but should not be worried when they are ... “the community” here is the people of the City ... the move has had an impact on us ... I don’t know what the community is any more ... (solicitor, Gamma)

This comment expresses the conundrum staff faced in trying to effect community representation at this case organization, and raises the problem, as others had done in Beta, about giving voice to the voiceless. Commenting on community accountability, the contradiction between aspiration and reality was clearly explained by the Chair.

... the Law Centre is accountable to the wider community because they paid our money ... I do not represent any community ... (management committee, Gamma)

Another member of the management committee simply said that

... the Law Centre is not accountable to the community ... it should be the servant of the community but it isn't ... (management committee, Gamma)

This comment suggests that if Gamma was not accountable to the community, it was not controlled by it either.

The complexity of the governing instruments' provisions, with regard to community representation on the management committee of this case organization [identified in Chapter Three], was highlighted by both management committee and staff. They thought that the management committee was not representative of the community. They also pointed to possible reasons for this. These were the move away from their base in their client community; the practice of filling management committee places by invitation rather than by election; and the lack of public knowledge about the CLC.

Management committee members also observed that, although they felt community accountability to be desirable, this did not occur because there was no community representation on the management committee.

Delta

This case organization's governing instruments were described in detail in Chapter Three. It had a majority of representation from advice and professional organizations in the catchment area. Although there was provision in the governing instruments for representation from community groups and organizations there were none on the management committee. This seemed to be a deliberate strategy by the founders explained by the Chair.

... [Delta] Law Centre has predominantly professionals on the management committee ... more personally I feel it's important to have a Law Centre that sees people who need help and worked well than is representative of the community ...there is a principle at stake here but no principle is beyond price ... (management committee, Delta)

Some members of the management committee seemed to accept this view but also raised some contradictions.

... the Law Centre must serve community needs ... it needs to have a barometer of what's happening ... I don't think that the community is represented on the management committee ... there are only professionals on the management committee but not the sort of people from, for example, tenants' associations ... (management committee, Delta)

Other members of the management committee did not accept this view of how the management committee should be constituted.

... advice workers bring professionals but the management committee needs to be opened up to the wider community ... (management committee, Delta)

Other members of the management committee did not see the issue of community representation and accountability as manifestations of democratic organization and community control, and therefore involving a matter of principle. They mainly perceived involvement of community as a means of providing information for the provision of an appropriate service, which could be assessed using the right professional tools in the absence of community voice.

... the Law Centre is there to serve the community and should look at need and knowing how to prioritize is important ... we need to do research, outreach, and publications ... referrals from other agencies need to be systematized ...(management committee, Delta)

Some views of the need for community representation were informed by views of Delta's role in relation to other advice agencies in the catchment area. Some management committee members thought Delta should only have been seeing

clients on referral, and should be undertaking higher levels of advocacy and representation, and training. Their current management committee composition of professionals from other advice agencies would then make more sense.

... neighbourhoods need their own centres ... the Law Centre should be a second tier centre and should be doing training rather than outreach ... should the community know about the Law Centre anyway ? ... if they need the services of the Law Centre first tier workers will know about the Law Centre services and their appropriateness to a prospective user ... I haven't thought about who is represented at [Delta] Law Centre ...
(management committee, Delta)

On the other hand, staff tended to think that community representation and accountability were important ingredients of a CLC which were missing.

... the management committee is now made up of agencies in different areas of different communities wanting services for users ... but the Law Centre needs a relationship with the community and could get this through representation ... (legal secretary, Delta)

... Law Centres belong to the community and they should know that they can have an input ... (non solicitor case worker, Delta)

Other members of staff emphasized the democratic dimension to community representation.

... representation on the management committee is about giving voice to constituencies of interest ... (non solicitor case worker, Delta)

... the relationship between the local community and the Law Centre is quite crucial ... the Law Centre should be there as a resource for the community as well as client advice... (non solicitor case worker, Delta)

Inherent in this latter comment is the perception that, if the community did not properly control the resources of the case organization by sitting on the management committee, they would have no influence over how they were used. This observation reflected a feeling among staff that the absence of community control, a fundamental characteristic of a CLC, called into question their status.

... the whole concept of the Law Centre is not being utilized here... (non solicitor case worker, Delta)

Beyond the question of the desirability of community control staff also pointed to the potential for conflict between management committee and staff when the management committee was made up of staff from other organizations.

... management committee at [XX closed down CLC] was very supportive ... different ethos on this management committee ... a bit of a power game – since they are all workers in other agencies ... this has been most apparent in the negotiation over employment contracts ... (non solicitor case worker, Delta)

It was thought that staff in other organizations, rather than supporting staff in Delta, were trying to exercise as much power over them as possible. It was felt that the management committee did not wish the staff of Delta to enjoy terms and conditions of employment as good as they themselves did. Inherent in this comment is the implication that community representatives would not have treated this negotiation as competition between their interests and those of staff. To this extent it was perceived that community control had practical as well as symbolic value.

Since it was clear that there was no community representation on Delta's management committee, comments from management committee members and staff focused on whether there should be. The views expressed by management committee members were not homogeneous. The professional composition of the management committee was reflected in their view of Delta as a service providing agency; that community representation was synonymous with consumer voice; and that since it was possible to use other mechanisms to discover consumer need, then community representation was unnecessary.

Others saw community representation as adding another dimension to the management committee, which enabled it to have more grassroots input than it currently possessed. Staff emphasized the democratic dimension to community representation and suggested that, if the community were not represented on the management committee, it could not control the resources of the case organization and influence how they were used.

As at Beta, the view that community representation and community accountability were part of the same notion was expressed here. Staff also suggested that their absence questioned the status of Delta as a bona fide CLC and, by constituting the management committee with a majority of professionals from other agencies, created an inherently conflictual relationship between management committee and staff.

Discussion of Community Representation on Management Committees

Different views were expressed between and within the four case studies about the value of community representation and the extent to which it was achieved. These differing perceptions raised a number of theoretical and practical problems.

Community representation was a manifest aim in three of the four cases, for whom the problems of implementation were different from those observed by the staff in the fourth, Delta. The problems associated with operationalizing community representation were identified in the data. They ranged from the practical difficulty of interpreting the provisions of Gamma's governing instruments, and the problems caused by non-attendance at Alpha's management committee meetings even when all the management committee places were taken, to the persistent challenge of ensuring that the client community was comprehensively represented to include not only the most "vocal" groups but also the most "voiceless". Management committee members and staff at Alpha and Beta fully endorsed community representation, whereas the data express some ambivalence on the part of organizational participants at Gamma towards community representation. At Delta, where there was no community representation on the management committee, staff felt that the role was missing from the list of manifest responsibilities of the management committee.

These data on community representation also raise the question of how this notion plays out in terms of "community accountability", and whether it is the same as "involvement", and indeed "control". The data in this section suggest that while it may be possible to take a common sense approach to community representation, the idea of representatives reporting back to the groups, associations, and organizations whose interests they nominally represent, and

seeking a mandate from them on issues brought before a CLC's management committee, is seen as unrealistic. It seems that some community representatives do not view their role as a delegated or mandated one but as one in which they are given a wide degree of autonomy within the framework of the interests they represent. The term "community involvement", used by some interviewees in preference to "community control", seems to capture this looser relationship more closely.

The idea of community control through community representation was also called into question by some interviewees at Delta who saw community representation as an exercise in extending consumer rights rather than democratic participation. Conceptualizing community representation as consumer rights allows professionals to retain control of the organization, as indeed was the case at Delta. Additionally, it denies the role of the client community in embedding the organization and giving it weight and security.

Data in this section also reveal that, in addition to enjoying some autonomy in their representative role, community representatives were also motivated by their own interests, which sometimes clashed with the expectations of the case organizations on whose management committees they sat. This sometimes meant that they did not attend CLC meetings.

Management Committees: Participation in Agenda Setting and Meetings

Community control implies that representatives on the management committee take full part in all aspects of its decision making. Participation in agenda setting and meetings are the important aspects of exercising the power of representation and contributing to decision making.

Alpha

To counter the problems of non attendance and to give management committee member some control over the decision making process, the meetings for the whole year were fixed by the management committee to fall alternately on Tuesdays and Wednesdays at intervals of four to six weeks. Members of the management committee were asked to place items on the agenda but had different responses to this. Some have never wanted to set down an item.

I am invited to put forward items on the management committee agenda ... sometimes I have wanted to but have never done so ... (management committee member, Alpha)

Staff set the agenda ... staff depend on the management committee to ensure issues are on the agenda ... I am usually asked what issues I want on the agenda ... (management committee member, Alpha)

Although the agenda for meetings seemed to be in the hands of the management committee, they nonetheless expressed unhappiness about the range of matters discussed at meetings. A dilemma for the management committee was the need to balance the limited time available between practical matters and those of values and principles.

there are many philosophical issues coming into the issues coming to the management committee meeting but not the time to discuss them ... the business takes over and philosophical issues fall by the wayside ... the agenda is mainly to do with the work of the Law Centre ... I think it is on such occasions that other issues should be brought up ... (management committee, Alpha)

In addition, management committee members of Alpha seemed to experience some difficulty in taking part in discussion, and to feel particularly diffident when they felt that staff knew more than they did about the issues under discussion, and may have been able to make decisions without them.

Members of the management committee may be a bit reserved about putting forward a view ... management committee do not have enough knowledge of issues on the ground to have views ... the staff and management committee must have a common purpose in running the

organization ... staff here are very able ... (management committee, Alpha)

These views expressed the extent to which Alpha's management committee were dependent on staff in the management function and the extent to which staff were trusted.

It was clear from what was said by Alpha's management committee members that every effort was made to structure the decision making process to enable their maximum participation. It was also clear that their trust in staff and their faith in the staff's abilities made them more relaxed about using those opportunities than they might otherwise have been. There were also real problems about agenda being dominated by practical business to the exclusion of other more philosophical value-laden issues.

Beta

At this case organization there was a system for creating the agenda for management committee meetings which was explained by the Chair and endorsed by other members of the management committee.

... the agenda is made up from reports from sub-committees, from previous meetings, from correspondence, from workers' group ... then specific [items] ... for example funding, the concept goes to the

management committee to see whether it should be applied for ... we do not get many requests from individual management committee members any more ... issues are brought out anyway ... today they are mostly national for example block contracting is an issue which should be explained and discussed ... (management committee, Beta)

There was a feeling among management committee members that, even if they did not know the process for making the agenda, they would be able to put their issues and views at the meeting.

I have wanted to raise one or two things for the agenda but not known who to get in touch with ... but I have spoken about them at the meeting... (management committee, Beta)

I never wanted to get any issues on to the agenda ... but I can't see that I wouldn't if I wanted ... I am not one for formality or correctness ... (management committee, Beta)

The feeling of inclusiveness generated by having a set process for setting the agenda and a liberal approach to members adding new issues was commented on by another member.

The agenda is sent out two weeks before meeting so items could be

added ... it is put together by the co-ordinator / administrator and Chair ... and stuff could be minuted under any other business ... sometimes the Chair is too accommodating ... (management committee, Beta)

The perception of inclusiveness and accommodation apparent in the setting of the agenda seemed to extend to the conduct of the meetings.

I have not really got any experience of the management committee not working effectively .. it is well attended ... and about half would contribute ... we had an in-house discussion about participation ... one member who said very little in meetings made the point that the meeting took account of the issues which were important to her ... the Law Centre's management committee works as well as any ... (management committee, Beta)

... I would hate to think this [people not feeling able to participate in meetings] happens at this Law Centre ... what we have done is to break into small groups to have informal chat ... no criteria is made of contributions that are made ... we let people finish speaking ... people very comfortable at the Law Centre... the councillors have had a lot of in-house training especially in such things as meeting behaviour ... (management committee, Beta)

Non attendance of management committee members seemed not to be a problem at Beta. One member recounted how the meetings were arranged to accommodate her.

... one meeting used to fall on the second Tuesday and when that happened I had to give my apologies because I had to attend my own organization's meeting held on that day ... the sequence of meetings at the Law Centre was changed to allow me to attend ...everybody has a voice ...it is not dominated by anyone or group ...(management committee, Beta)

In addition to putting in place a structure for decision making that allowed maximum participation by management committee members, it seemed also to be a matter of pride that they acted with sensitivity and inclusiveness to ensure that all the represented interests were given equal opportunity to take part. Meetings were well chaired and thought and planning were devoted to allowing full participation.

Gamma

In Gamma it seemed that the agenda for the management committee meetings were not only put together by staff but that the items were also chosen by staff and discussed with the Chair before the meeting.

... issues come up from staff ... the Chair has a meeting with the staff representative before the management committee meeting to prepare for the meeting ... only the Chair and staff attend this pre meeting ...
(management committee, Gamma)

... staff normally get the agenda together ...they set the agenda with some additions from the management committee ... for example through Personnel sub-group I have reported to the management committee ...
(management committee, Gamma)

Some members of the management committee had no idea how the agenda was put together and had never been asked whether they had items for it.

... I haven't got a clue how the agenda was made up ... the agenda was just put in my tray without my being asked about my issues ...
(management committee, Gamma)

... I don't know how the agenda was made up ... I think staff tell the Chair or make the agenda themselves ... (management committee, Gamma)

As far as speaking at management committee meetings was concerned, there seemed to be mixed views about their opportunities to contribute to discussion.

... at each item staff talk ... and there is no discussion... I have tried to get matters discussed ... the Chair is overpowering and dominant ... some people are outspoken ... the role of a Chair is to bring people out but he doesn't do that ...he should not be interrupting when people are speaking ... he should explain terms being used ... (management committee, Gamma)

... some don't say much ... it is the Chair's responsibility to draw out quiet people ... (management committee, Gamma)

On the other hand, one member said that

... everyone is heard ... (management committee, Gamma)

It seems from what has been said about putting together the agenda for management committee meetings and their conduct at this case organization that some people knew how to make their views known and did, and others did not. There appeared to be no consistent system of information exchange and no attempt to include the more reticent. Attendance at the management committee meetings was also seen as problematic by some.

... the Law Centre has lost direction and lost the cooperative ethos ... there seems to be more cliquiness ... an in-group and an out-group ...

and this is reflected in the management committee ... meetings now involve the core and no others ... (management committee, Gamma)

... there is a bit of a little group running [the Law Centre] ... the Chair is very opinionated and he could be doing the job better to involve more people in it [the meetings]... five members resigned after a vote of no confidence in the Chair ... (management committee, Gamma)

There was also the perception that those management committee members who continued to attend meetings were used to participating in meetings and simply did so.

... attendance is not wonderful ... the people that left were all committee people ... (management committee, Gamma)

It seemed that a small group had assumed a dominant position on the management committee and were excluding others from participating in the meetings, not necessarily intentionally but by the way information was withheld and the meetings conducted. It also seemed that lack of confidence in the Chair prompted the resignation of five members of the management committee, who had been consistent attendees.

The data suggest that lack of transparency of structures and processes

exacerbated the staff's dominance, thus further excluding all but a small group of management committee members from participating in decision making.

Delta

The Chair explained the system for setting the agenda which was reiterated by other members of the management committee.

... the agenda is drafted by the manager, and officers meet ... a week before to set the agenda ... any member of the management committee can contribute an agenda item ... normally items are raised at one meeting and discussed at the next ... but there is nothing to stop any member of the management committee ringing the manager and having an item put on ... there are standard headings with specific items under each ... (management committee, Delta)

Management committee members seemed generally happy with the conduct of the meetings, and it seemed that those who wanted to, spoke.

... to be honest I quite like the way it's run ... the issues run logically with the interests of the Centre currently ... (management committee, Delta)

... there is no real communication problem ... there isn't a person who would be reluctant to voice an opinion: ... (management committee, Delta)

... usually meetings last between one and a half and two hours ...the majority of management committee members are professionals used to attending meetings ... (management committee, Delta)

Although having short well-chaired meetings exhibited a business-like approach to running the organization, brevity could also be a problem if there were important issues to discuss and might result in stopping contributions from those participating.

... it is a bit of a problem that the meetings are of one and a half hours which is a mad rush ... (management committee, Delta)

Other management committee members identified other difficulties. Some management committee members commented on the behaviour of the Officer of the funding Council at meetings.

... the [funding] Council's rep is the biggest problem ... she is speaking all the time and really wanting to manage the Law Centre via the manager... (management committee, Delta)

One management committee member even described one of his special contributions to the case organization as

... to pull away from influence of Council's Project Officer ... (management committee, Delta)

Many management committee members expressed dissatisfaction that they had no contact with staff and conveyed this in different ways.

... no workers' reports are done so the management committee don't know what is done ... I'd like to get to the point where workers attend to give presentations about their work ... (management committee, Delta)

... I want the management committee to meet with staff ... I am not keen on remoteness from staff ...(management committee, Delta)

As at Beta, this case organization had a clear system for fixing meetings and setting their agenda, and some management committee members thought that the meetings were well-chaired because they were kept short. However, whereas at Beta there was a recognition that management committee members had different experiences of participating in meetings and a policy of inclusiveness in the way meetings were run, at Delta it seemed that similar sensitivity or techniques to enable participation in the meetings were unnecessary because, with one exception, all members of the management committee were professionals in advice agencies or the funding authority.

Three main problems with meetings of the management committee at Delta were described. Meetings felt rushed. The funding authority's representative on the management committee dominated the meetings and tried to influence its decisions through the manager. Since staff were not allowed to attend the meetings, the management committee did not know them or know what work they did.

Discussion of Management Committee: Participation in Agenda Setting and Meetings

The data in this section suggest that a number of organizational strategies come together to enable management committee members to take full part in decision making processes. Clear open procedures for fixing meetings and agendas are essential to enabling and encouraging participation. However, more crucial than these are good practices, in running meetings, which are inclusive and allow participants to express themselves and to discuss issues in their own way. In addition, practical business should not be allowed to drive out the more esoteric and philosophical, as these seem to be important in sustaining commitment and allowing wider involvement in institutionalizing the values of the organization.

Except at Delta, staff were found to play a pivotal role in facilitating meetings, enabling management committee participation in decision taking, and providing

information. In that role they were extremely powerful, and could be equally obstructive and disempowering when prevailing circumstances created inequality and disequilibrium between them and the management committee, as occurred at Gamma.

Data from Delta also seem to suggest that, while clear transparent structures and well-run meetings might have enabled management committee participation, their link with the day-to-day experience of the organization seemed remote. They also did not address the dominance of the funding authority's representative on the management committee. Nor, despite the very rigid hierarchy, did they facilitate the staff's accountability to the management committee, and the manager seemed not to fulfil that role. To that extent both community control and professional accountability to the management committee seemed to be missing from this case organization.

Relationship between Management Committee and Staff

The conceptual framework that underpins this study identifies a possible point of tension between staff and management committee. The data from previous sections of this chapter suggest that, indeed in practice, the relationship between the management committee and staff is both critical to the management of the case organizations and problematic. This section looks at the perceptions of management committee members and staff of the nature of that relationship.

Alpha

Members of management committee and staff expressed a variety of differing perceptions about the relationship between management committees and staff.

... legally the role of staff is one of servicing the management committee
... (management committee, Alpha)

This comment seems to suggest that the organizational relationship was determined by the legal structure of the case organization. In contrast, other management committee members and staff agreed that the relationship was one of partnership but disagreed about the equality of that partnership.

... the relationship is one of equal partnership ... it leads to problems and frustrations if the relationship is politicized ... (management committee, Alpha)

... the management committee and staff have a partnership but the management committee is clearly the senior partner but the less active partner currently ... (solicitor, Alpha)

In contradiction, another staff member did not perceive the relationship as a partnership and suggested that the servicing role of staff placed them in a

superior position to the management committee.

... I don't think I see the relationship as a partnership ... the management committee is dependent on staff service and feeding them information ... the management committee may only know what they are told ... (non solicitor case worker, Alpha)

Some staff seemed more concerned with the quality of the relationship than its legal or organizational determinants, and perceived a complexity in expressing it in terms of equality.

... the relationship works best where it is cordial and one of mutual respect ... one could debate how equal it is given that the management committee is the employer, though in practice it is fairly equal ... (solicitor, Alpha)

Management committee and staff at Alpha appeared to enjoy a good working relationship but described it differently. While the management committee viewed the relationship as one of partnership, staff held differing views about this and its equality. It seemed that, however it was described, the important element was its quality, which in this case could be described as cordial and mutually respectful. Within this, staff were also aware of the powerful position they occupied in relation to the management committee because of the latter's dependence on them for information.

Beta

The dominant view at Beta among management committee members was that the relationship was simply one of partnership.

I think it's a partnership ... we work together with staff ... unless there is a serious problem we support staff ... (management committee, Beta)

... it should be and is in our case a partnership ... (management committee, Beta)

Others introduced the notion of equality to that of partnership.

I feel we're in a partnership ... a relationship of equality ... (management committee, Beta)

Other members of the management committee thought that the relationship was based on the servicing role of staff.

... workers deliver services ... workers also service the work of the management committee ...it couldn't work any other way ... (management committee, Beta)

The notion of service was developed by other management committee members to point to the accountability of staff to them and the necessary inequality that requirement introduced to the relationship. It was also suggested that the concept of partnership might reflect the cooperative nature of the relationship rather than its form, which was prescribed by law as that of employer and employee.

... staff need to report to the management committee ... to be accountable in the last place to the management committee ... there is no equality in that relationship ... staff service the management committee ... partnership should exist in all successful organizations ... (management committee, Beta)

Some management committee members suggested that the staff and management committee played complementary roles based on respect.

... at Beta workers and management know what they have to do and do it ... management committee do not interfere with workers and vice versa ...there is respect on both sides ... (management committee, Beta)

Some staff saw the relationship in simple terms determined by legally defined boundaries, within which the management committee as employer was entitled to be shown respect.

... I think we are at the service of the management committee ... we're not colleagues and I would probably brush my hair and dress more smartly for meeting them ... (solicitor, Beta)

Mainly staff expressed a complex approach to describing the relationship suggesting that it was both a partnership and based on service, and that its quality was determined by mutual respect and co-operation.

... staff service management committee ... but in another sense the relationship is one of partnership ... we have respect for each other ... (co-ordinator / administrator, Beta)

... to a certain extent the relationship is a partnership ... although the management committee is at the top of the hierarchy ... co-operation is better than conflict ... (non solicitor case worker, Beta)

Others expressed the complexity of the relationship in terms of formality and informality.

... formally staff are at their service ... informally a partnership ... (non solicitor case worker, Beta)

As at Alpha, management committee and staff recognized the legal boundaries

of their relationship, as employer and employee. In addition, within that framework, they also thought that, despite the discrepancy in authority, the essence of their relationship was of partnership based on mutual respect.

Gamma

The relationship between the management committee and staff at Gamma was in crisis.

Management committee members pointed to the breakdown in the relationship between themselves and staff.

... my thinking is that the management committee should manage the Law Centre and staff should do what they are paid to do ... relationships between management committee and staff are not as good as they might be ... (management committee, Gamma)

They even criticized their own skills suggesting that, even where they were aware of the formal or legal relationship, they would not wish to enforce it.

... in an ideal world the management committee would manage staff but would I want to be managed by this management committee? No!
(management committee, Gamma)

Management committee members were also aware of the extent to which they depended on staff for information and technical support and the powerful position in which this placed staff. Their comments also reflect the acute lack of trust that had developed between the parties.

... ideally the relationship should be a partnership ... there are things difficult for the management committee to understand and we have to trust staff to keep management committee informed properly ... (management committee, Gamma)

... certain members of staff would hoodwink the management committee
... some staff can be overbearing to both staff and management committee ... (management committee, Gamma)

Staff also observed the management committee's dependence on them and suggested that the notion of partnership detracted from the role the staff played in enabling the management committee to make decisions.

... partnership is rotten nonsense ... we enable the management committee to engage in the decision making process ... (non solicitor case worker, Gamma)

Mainly, however, staff conceptualized the relationship as a partnership, pointing

out that staff legally held a seat on the management committee.

... the relationship should be a partnership ... some decisions have to be located in the management committee ... at [Gamma] Law Centre staff are delegated to management committee meetings ... (solicitor Gamma)

It was clear also that staff saw that the partnership relationship was more an aspiration than a reality.

... the relationship should be a partnership with some responsibilities clearly defined ... (non solicitor case worker, Gamma)

... I'd feel more comfortable with a partnership model ... ideally management committee has responsibility for the Law Centre really staff have hidden responsibility for this ... (non solicitor case worker, Gamma)

Staff also pointed to the changing nature of the relationship, suggesting that it was not so much determined by legality as by environmental factors which created greater or lesser stability.

... this should be a partnership, and by and large it is ... (solicitor, Gamma)

... there is not a constant relationship ... it is a partnership at the moment because of the crisis ... but when not in crises then the staff are directing, guiding and so on ... (non solicitor case worker, Gamma)

This latter comment, although recognizing the dynamic nature of social relationships, also suggests that staff held the reins of power in the organization and could change the nature of the relationship with the management committee at will.

The management committee thought the relationship should be one of partnership but seemed to feel powerless in the face of the perceived superior knowledge of staff. Staff expressed differing views about the notion of partnership from complete outrage at the idea to qualified agreement. Essentially, the mutual respect expressed at Alpha and Beta were absent here.

Delta

Unlike the other three case organizations, the relationship between management committee and staff at Delta was mediated by a manager, and there was very little contact, formal or informal, between staff, other than the manager, and the management committee. Their view of the role of staff was mixed. Some thought that the staff serviced the management committee.

... I think I may prefer the servicing model ... there should be a

cooperative aspect ... (management committee, Delta)

Others thought that the role of staff should be given greater value and that they worked for the CLC rather than the management committee.

... if we don't have staff we don't have a management committee ... staff increase esteem of the Law Centre ... so the staff are servicing the Law Centre itself not the management committee ... (management committee, Delta)

Although generally accepting the hierarchical structure of the staff group, management committee members indicated that there needed to be more contact between themselves and staff. They recognized the deficiencies of the current relationship and thought that it should be one of partnership based on cooperation and respect.

... I see the role of staff as partners ... the manager and a member of staff should attend management committee meetings working cooperatively for shared aims with management committee taking final responsibility... (management committee, Delta)

... it must be a mutually respectful relationship and cooperative ... (management committee, Delta)

Some were explicit about the reasons for the barrier between the management committee and staff. The role of the manager appears to have contributed to the ethos of uncooperativeness that pervaded relationships at Delta.

... it is difficult for staff to come to consensus ... the manager used to have individual workers in his office which amounts to divide and rule ... staff would want ... to inculcate a sense of partnership and cooperation ...
(management committee, Delta)

Other management committee members explicitly blamed staff for the barrier between them.

... there was no sense of cooperation from the staff group ... no sense from the staff of solidarity with the management committee ... I don't appreciate it when a member of staff nobbles members of the management committee ... this is childish in the extreme ... (management committee, Delta)

In contrast, among staff there was an overwhelming view that the relationship, however it should have been described at that time, ought at least to be regarded as a partnership. Some just thought it should be a partnership.

... the relationship should be a partnership ... (non solicitor case worker Delta)

... the relationship is partnership or should be ... (legal secretary, Delta)

Others thought that Delta was more likely to achieve its goals if staff and management committee worked in partnership.

... the relationship should be a partnership to achieve goals ... (non solicitor case worker Delta)

... should be a partnership ... there is a degree of staff servicing the management committee but in practice we are part of the team achieving the goals set ... (solicitor, Delta)

Even those who perceived the relationship as one of service on the part of staff nonetheless felt that the relationship had to go beyond that.

... in company law terms the relationship is servicing, but a responsible service needs more than civil servants ... (solicitor, Delta)

We do service the management committee to an extent but it is important we get on together ... they should be approachable ... it is very unclear

whether staff can speak at management committee meetings ... (legal secretary, Delta)

The relationship between management committee and staff was defined and restricted by its legal definition, namely that of employer and employee. While management committee members were divided as to whether the relationship ought to move beyond this definition, staff were very clear that, if the organization were to fulfil its goals, the relationship must move closer to realizing the partnership some thought it should be.

Discussion of Relationship between Management Committee and Staff

The idea common to all the case organizations, which emerges from these data, is that of “partnership”. This was an aspiration for both management committee and staff, sometimes thought to have been achieved, sometimes not.

“Partnership” was generally understood as a relationship of equality based on mutual respect and shared goals.

The data also suggest that limiting understanding of the relationship between the management committee and staff to the one legally defined by employment was insufficient to describe and acknowledge its complexity. While the management committee had legal authority over the organization, it was the staff who understood how that authority should be exercised and whose knowledge and

expertise made it possible for the management committee to function. The professional authority of staff was therefore complementary, and equal in weight, to the legal authority of the management committee.

Discussion of Management Committees Roles and Relationships

This chapter began by identifying five key functions associated with governing bodies of voluntary organizations (Harris, 1996); and a sixth, community representation, expected of CLCs (LCWG, 1975). It also referred to Billis's (1989) Theory of the Voluntary Sector, which recognized "management complexity" in organizations that occupied the ambiguous zones between different organizational "worlds". The data discussed in this chapter have confirmed findings reported in the literature, and have also gone beyond them.

The beginning of this chapter also referred to the conceptual underpinning of this study which proposes that organizational relationships in CLCs may be observed through the lens of the concepts of "community control" and "professional accountability". This conceptual framework suggests that points of tension might be found between management committee members, and between them and staff, which would be highlighted by an examination of the management committees' roles and relationships. This chapter looked at the roles and functions of the management committees, community representation on them,

their participation in decision making processes, and the relationship that subsisted between management committee and staff.

The findings of this chapter build on those of Chapter Three, where an examination of governing instruments revealed that the concept of community control may be given different weight by founders and implemented differently. The data in this chapter suggest that the concept of community control has both a symbolic and a real meaning for those organizations for which it is important, and that the egalitarian and democratic values it symbolizes make it an appealing aspiration. To the extent that it remains a symbol of an ideal state it remains a living idea in the explanations that organizational participants make of themselves.

Inherent in the idea of community control is the notion of “community accountability”, which implies that CLCs create institutional relationships with those organizations from which representatives are sent to the CLC, and that those representatives are responsible, in turn, to their sending organizations for the decisions they make at the CLC, and may be called to account for them. The data in this chapter have shown that, although organizational participants may have accepted the rhetoric of “community control”, they have in practice replaced it with the idea of “community involvement”. So that insofar as community accountability had a meaning to organizational participants, it was purely

symbolic of a more general accountability the organizations owed for the receipt of public funds, rather than one based on associational membership.

In three of the four case organizations the governing instruments were drafted in accordance with the objectives of CLCs' founding document "Towards Equal Justice" (LCWG, 1975), to ensure community representation on management committees, and by this means, also to deliver community control. The data indicate that a place on a management committee in itself was no guarantee of community control, and that practitioners developed other notions such as "community involvement" and "community influence" to describe the role played by community representatives.

"Influence" was gained through "involvement" and the study has identified six levels of community involvement. The data suggest a pyramidal shape to involvement since each level of involvement seems to be a building block to the next, finishing with the apogee of involvement, decision making at the management committee meeting. Diagram 7 below depicts the conceptualization of this Pyramid of Involvement, beginning with associational membership and culminating with participation in decision making on the management committee. From the base of the hierarchy, the levels identified are: associational membership, membership of the management committee, agenda setting for the management committee, attendance at management committee meetings, discussions at management committee meetings, and finally, at the apex,

decision making at management committee meetings. Membership of the management committee might also lead to horizontal involvement in sub-committees and working parties. In this way the influence of community representatives might be dispersed throughout the organization and affect institutional behaviour.

As was discussed in Chapter Three, the concept of community, although given symbolic significance by the case organizations, was given different manifestations in practice. The data in this chapter suggest that the refined concept of “client community” was used by staff especially to identify the social groups for whom the services of the CLCs existed. It is these groups whom they perceived as being represented on their management committees rather than the wider community.

The concept of “partnership” as a desirable way of constructing and understanding the relationship between management committee and staff is also prompted by the data in this chapter. Management committee and staff recognized the role played by staff in enabling management committees to perform their roles and functions. The limited competence of the management committee in some areas of their remit required staff to exercise their professionalism by facilitating the work of the management committee in those areas of their remit in which they needed help. Conceptualizing the relationship as a partnership raises it beyond the confines of the employment relationship,

gives equal weight to management committee and staff contribution, formalizes the reality of the staff's contribution in the governance of the organization, and makes organizational goals the focus of common effort. Further, it recognizes the inherent accountability of employed professionals in the use of their professional authority and skills, not just in the interests of their clients but also on behalf of the organization. It may also address the tendency of both management committees and staff to describe the role of management committees in managerial rather than "governance" terms. Finally, the suggestion of equality underlying the concept of partnership may also help to explain the staff's inability to accept management committee members as professional equals in Gamma; and the management committee's inability to accept staff as equals in Delta.

The data in this chapter reveal a number of dilemmas and challenges in the implementation of the concepts of community control and professional accountability. First, in practice, although using the rhetoric of community control, organizational participants described this objective as "community involvement", which suggests a looser relationship between community and organization than "control" implies. Second, a number of conceptual and practical problems were found in relation to community involvement. One case organization explicitly omitted it as an aim. Another found the provisions of its governing instruments on community representation complex and difficult to implement, and since its organizational processes for facilitating participation of management committee members were not sufficiently transparent and open to allow this, there was little

community involvement in that organization. Of the remaining two cases one had difficulty maintaining attendance at meetings. Third, the data show that management committee members were very reliant on staff for the exercise of their roles and functions. Where the relationship between the two was not good, staff tended to dominate and to exclude and obstruct management committee participation in decision making. Fourth, although both management committee members and staff recognized the role of the management committee as employer, the concept of “partnership” and the dependence of management committee members on staff tended to disguise professional accountability as a distinct element in the relationship between management committee and staff. Even within the context of a strict hierarchy at Delta, staff appeared not to be called upon to give an account of themselves and their work directly to the management committee.

There were, therefore, differences between the case organizations in the relationship between management committee and staff, which resulted in differing degrees of community involvement and influence exercised through the management committee, and differing manifestations of professional accountability and autonomy.

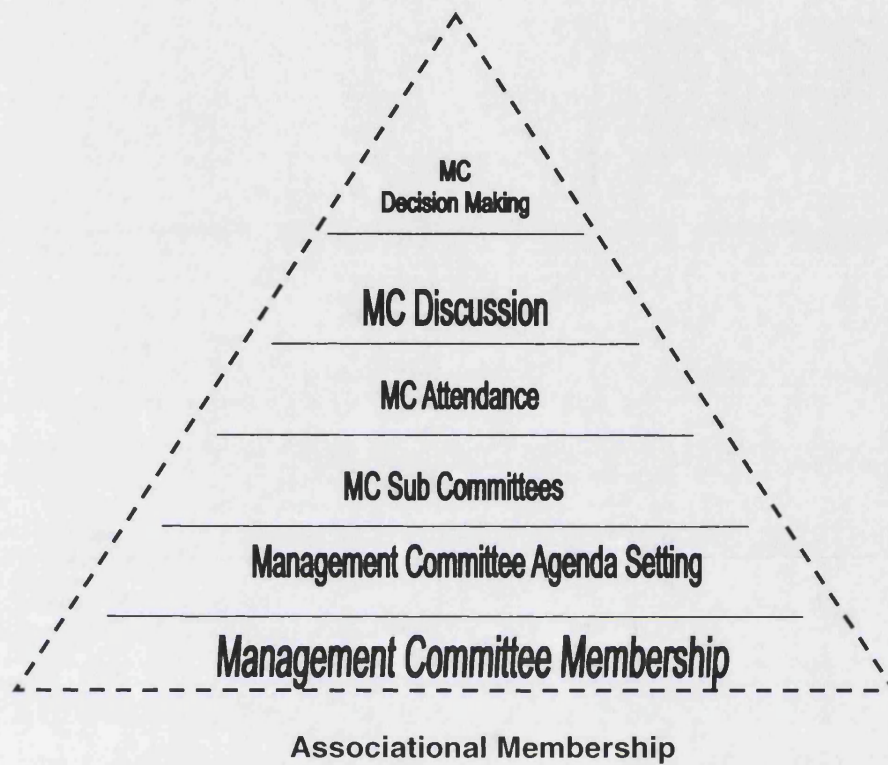


Diagram No 7 Pyramid of Involvement

Chapter Five: Roles and Relationships of Paid Staff

Introduction

This chapter continues the analysis of organizational features of the case organizations as they relate to the twin concepts of community control and professional accountability.

The formal organizational structures of the cases were described in Chapter Three. The dual character of the case organizations was revealed. They were found to be both membership associations and limited guarantee companies with charitable status. In all four their authority and decision making structures were hierarchical between the management committee and staff, and in Delta, among staff also. Alpha, Beta and Gamma operated as staff collectives. The management committees consisted of a majority elected from the associational membership and a minimum of nominees and cooptees. The role of staff meetings as a mechanism for the exercise of delegated authority, accountability, and co-ordination in the three cases of staff collective was found to be extremely important. It was also found that the collective organization of staff gave those staff within the collective an equal level of authority and accountability to each other, and also made them individually and jointly accountable to the management committee for the exercise of delegated authority. This equality was underpinned by pay parity, self-servicing, skill sharing, joint decision making, and joint working.

Simon (1976) emphasized the importance of the behaviour of individuals within organizations when he observed that "...the behavior of individuals is the tool with which organization achieves its purposes" (1976: 108). The conceptual framework which underpins this study suggests that organizational dilemmas might arise in CLCs between all paid staff. The findings of Chapter Three further suggest that in those instances of collective staff organization all staff were treated as "professional" by the organization because they held the same scope of authority as each other. Different definitions of professional have been discussed in Chapter One, where it was proposed that, to take account of the manifest status of staff in collectives, the term could be used to mean both those who have an exclusive prerogative to operate (Mosher, 1982), in this study solicitors and barristers; and those with higher education doing work of a similar status as those in the exclusive category (Freidson, 1984).

The previous chapter found differences between the case organizations in the relationship between the management committee and staff, which resulted in differing degrees of community influence and control exercised through the management committee, and differing manifestations of professional accountability and autonomy. This chapter explores the roles and relationships of paid staff in the case organizations, and the influence of community control and professional accountability on them.

The data in this chapter will be discussed across the cases, rather than sequentially as in the previous chapter, because the data on paid staff roles and relationships

have revealed a greater tendency to homogeneity than those reported in the previous chapter.

Collective Working and Community Work

Staff in all the case organizations, including Gamma and Delta, expressed the view that collective working was a necessary attribute of an organization whose goals included community work. While some pointed to the values common to both, others were also concerned that collective working did not present a confused face to the community.

... collective work enhances understanding of community work ... collectivism has values and attitudes which enable good community work ... as the need to quantify and measure become predominant you enter the “money world” rather than the “people world” ... there seems to be an essential relationship between collective working and community work. (non solicitor case worker, Gamma)

... I would feel more comfortable about its [the CLC's] ability to communicate better with community ... so long as everybody knows who is responsible for things then it is probably a better model for a community - based organization. (solicitor, Delta)

Others emphasized the personal advantages of collective work in enabling staff to add variety to their work and enhance its effects.

... collective working offers the luxury of being able to develop a bit of community work in my own work ... case work usually prevents people working on projects together ... (solicitor, Gamma)

Many suggested that where staff hierarchies existed those with the authority to make decisions about work either did not understand community work and needed to be convinced of its value, or would wish to control it to fit their own agenda and would be able to do so. These comments stress the participative nature of collective decision-making and introduce the idea of staff as advocates of community need. They also hint at a belief that “those in authority” do not have the necessary skills and knowledge to make decisions about what and how community work should be done.

If the policy of the Law Centre can be directed by people with equal input that's great ... it depends how it's done ... some decisions may not need to be made together ... if everyone has an input the community issues can be raised ... in hierarchies those in authority need to be convinced of the need for action on community issues ... (non solicitor case worker, Delta)

While some emphasized the remoteness of hierarchies from communities, others suggested that decisions taken by a single person with authority are not open to scrutiny and may be limited in scope and effect.

I can see that there is a connection between community work and collective working ... there is a strong possibility that someone with authority may be following his or her own agenda ... (non solicitor case worker, Beta)

... if the responsibility for planning was with one person it may develop in a limited way ... (non solicitor case worker, Delta)

The practical implications of isolated and hierarchical decisions were also observed.

This comment further reflects a perception central to community work that it is primarily a process rather than an output to which discussion and the exchange of information and ideas are inherent.

The disadvantage in a hierarchy is that the manager is the point of contact whereas in collectives different people have different contacts in the community ... (legal secretary, Delta)

An association was often made between collectivism and democracy. The development of democratic processes were thought to be an important attribute of community work.

... not sure this Law Centre works with the community in a democratic way in a collective it could work better ... (non solicitor case worker, Delta)

The idea that any structure that took decisions about community work away from those who had contact with the client community was unbelievable to some, who also reiterated the idea of staff as advocates of community need.

... if not working as a collective then how are decisions made about what community work should be done ... decisions need to be made on priorities ... case work and the collective identify issues of relevance to the community ... (non solicitor case worker, Alpha)

Collective Working: Equal and Shared Authority

Details of the internal structure of the four case organizations were reported in Chapter Three. Each organization exhibited differing degrees of internal collectivity when compared with the five indicators of collectivity offered by the literature which were pay parity, joint working, self-servicing, skill-sharing, and joint decision making. As was established in Chapter Three the collective staff structure implied equality of authority and power. Delta was the only hierarchically organized case organization and staff there were as committed to collective working as those of the other three cases.

Commitment to the concept of collectivism and collective organization was strongly expressed by staff in all the case organizations. At the same time as identifying a number of advantages to collective working, staff also emphasized their ability to exercise authority as the source of their commitment to their work. Feeling valued

and trusted added greatly to their feeling of involvement in the work and organization.

... a collective is a very good thing ... it makes everyone feel involved and feel there is no big brother watching ... it allows us to be flexible in the work we do even in approach to problems for example group work ... this work is not being stopped by a manager opposed to particular actions ... a worker can speak with authority and speed ... (non solicitor case worker, Beta)

There is also included in this comment the suggestion that the interests of managers are not be the same as those of the “workers” and that in an hierarchical system managers would have the authority to stop certain work being done.

Some staff felt that there were optimum conditions under which collectivism worked best and suggested that in practice equal authority was best exercised in situations where staff had a similar level of skill.

... I am committed to collective working although I think it works best with a small group who have similar levels of skills ... there is not a problem with the range of skills here ... ultimately there has to be a willingness to forge a common purpose. (solicitor, Alpha)

The most wholehearted and thoughtful comments came from the staff at Delta who felt keenly the deficiencies of the hierarchical system under which they operated.

...this Law Centre does not operate as a collective but I do know of law centres where it has worked ... collectives fit with Law Centre ethos ...problems in collectives are sometimes not addressed but a collective has to have the power to deal with them and it gives more opportunity for people working towards the same goals. (non solicitor case worker, Delta)

Some were concerned that in a collective shared authority might lead to the blurring of roles and the management function.

...provided there is definition of roles within the collective and some people have management responsibility I have no problem with it, and it could be quite advantageous ... if people are right the collective system is better ... (solicitor, Delta)

Other staff emphasized the benefits both to the individual and to the organization stressing that equal treatment was more likely to engender commitment and co-operation than an hierarchical structure.

... the Law Centre staff group should be more collective ... it needs to have more sense of worth ... it will be more supportive and committed when treated as a team ... differentials undermine our sense of worth and lead to resentment ...(non solicitor case worker, Delta)

... working collectively is a good idea ... you need agreement in principle and to help each other ... to work in co-operation with each other ... in a small organization you have to work collectively ... (legal secretary, Delta)

Some staff were more pragmatic in their espousal of the collective ethos, pointing to reasons for its superiority over other forms of internal organization, especially in the management of professionals.

... when a number of professionals come together it is difficult to create a hierarchy and difficult to have a non-solicitor supervising a solicitor ... a participatory style is more appropriate ... (administrator, Beta)

... a good boss might be as good but this is not usual ... skills are important and there is a need for both report back from, and empowerment of, staff ... we can call on the input of each other ... (non solicitor case worker, Beta)

These comments indicate that even if there was no ideological support for a collective staff structure, there were seen to be a number of practical advantages in a small organization dependent on professionals providing services.

Successful Dimensions to Collective Working

At Alpha and Beta staff explained why they thought the staff collective was successful. Staff at both case organizations emphasized the complementarity of different skills. They also underlined the importance for service delivery of

interdependence. They thought this could be engendered by trying to operationalize the notion of “joint work”, which is said to be one of the characteristics of collectives in CLCs.

The collective works quite well here... the way we achieve this is by bouncing things off each other ... X is good on procedure, Y on housing ... relationships are not one-sided ... Y is a Law Centre solicitor and so bounces things off us more frequently than X who is more self-contained and gets on with things himself ... I will work on my own and when there is a problem or I am unsure then I will check my advice or letter or whatever with X or Y... (non solicitor case worker, Alpha)

... what matters more than the collective itself is the individuals within it which may be dominated by a few powerful people... we have a couple of people working on activities together ... one leading the other helping ... people have different skills ... there are no egos ... characters and personalities are important ... so is peer pressure ... the ethos here is about working together ... (solicitor, Beta)

Training was seen to enhance staff skills and to support equality of status. Equal and supportive treatment was seen to foster good relationships.

... we allocate work so people get work they are good at, so we are not giving people things they can't do ... the Law Centre invests in training and values

different tasks ... staffing reception is just as valuable as other work ...

(administrator, Beta)

From what I've seen everyone is treated on an equal basis. It is supportive treatment. (part-time librarian, Beta)

Some staff thought that working jointly on case work and projects enabled staff to learn from each other.

In a collective you can learn from others. (legal secretary, Gamma)

... I can't see why those with a community work background and those who are trained as individual case workers can't work together ... at another Law Centre at which I worked community workers and lawyers worked together on repairs with groups, learning from each other ... it is probably a nobler ideal than worked in practice but it did work without major conflict ... (solicitor, Alpha)

Working together was seen to increase an understanding between staff of different professional demands and to facilitate communication among them. In addition to using complementary skills to solve problems together and learning from each other, working together also sometimes meant sharing roles and tasks with each other.

According to the job descriptions all the workers are managers and the co-ordinators do some case work ... in practice we have the same responsibility

and take responsibility for what others do, so here all staff are communicating and in touch with each other ... (non solicitor case worker, Beta)

The personal qualities and characteristics of staff were seen to be influential in the effective operation of the collective. That all staff shared the same goals; that trust and respect were established and maintained between them; that they resolved differences and abided by decisions were all seen as critical to sustaining collective organization.

... how the collective works depends on the individuals involved ... at this Law Centre everyone has the same goals ... staff meeting is dynamic ... there is a lot of exchange and discussion ... everyone takes part. (non solicitor case worker, Beta)

This Law Centre is not necessarily like others in that there is surprisingly little conflict ... there are differing views about some things which are resolved, and I can't remember any serious personality clashes or anything like that.
(solicitor, Alpha)

Some staff emphasized the personal qualities and intentions of collective members. There is the suggestion in these observations that problems are capable of resolution if there is commitment to do so. Others stressed the high level of personal responsibility involved in the operation of a collective and the very great need for mutual respect and trust. Underpinning these comments is the implication that collective members need to consent to and abide by the established rules.

In the collective everyone has a voice and the collective decides and abides by the decision ... if feelings are so strong that collective members do not abide by the decision in my experience the problem was resolved by that person leaving ... I have worked with people who cannot work in a collective ... that is they are not prepared to give and take ... there has to be a minimal sort of respect for colleagues for a collective to function. (solicitor, Alpha)

While some believed in the establishment and enforcement of rules for the collective and the need for mutual respect, others emphasized the more numinous quality of “trust” as the bonding mechanism of collectivism. In some ways these differing views of how collectives work reflect the characteristics of each of these two case organizations: at Alpha staff tended to take decisions together and work together, whereas at Gamma, although there was collective decision taking, staff also organized their work and time individually. Accountability to the collective and collective accountability could therefore be undermined.

... there had been difficulties because [X] didn't want to work in the way we have worked ... he did not like collective working and refused to do collective tasks ... once things go out of balance in staff group it is difficult to get it back ... (solicitor, Gamma)

...the whole thing about law centres is that relationships are based on trust and very fragile ... you have to have strong trust in each other ... it's down to trust. (solicitor, Gamma)

In addition staff also identified clear goals and values as essential ingredients in successful collective working and the lack of clarity as a cause of conflict.

... you have to have a unifying force which must be the value base ... be clear about the mission ... then recognize that there are a variety of ways of achieving this and that all contribute to the overall aims ... (administrator, Beta)

... sometimes [X] wants to do work which I don't think is in the law centre's brief ... (non solicitor case worker, Gamma)

Disadvantages of Collective Working

Although there was overwhelming support for collective working, staff in all four case organizations pointed to problems and disadvantages they faced in trying to make it work, or, in the case of Delta, had experienced.

... when there is conflict the collective is the worst place to be ...
(administrator, Beta)

... the decision making aspect of the whole thing worries me ... there may be situations where problems may be better addressed by managers. (non solicitor case worker, Delta)

Staff at Delta were in a particularly difficult position in commenting on the possible challenges of collective working in that most of them had previously worked in collectives, and, although Delta was hierarchically organized, its manager, as established in Chapter Four, was thought to have contributed to its organizational problems.

The ambiguity created by the multiple roles played by members of a collective was thought to be a possible problem and to undermine the power of its authority. This solicitor hinted that staff discipline and grievances may be difficult for collectives to enforce or address, and suggests that collectives might not be understood by clients.

... we operate collectively and private practice doesn't ... this may be a problem in disciplinary terms ... it is a double-edged sword ... its disadvantages spring from its advantages ... it must affect the way the community views the Law Centre. (solicitor, Beta)

Misunderstanding by clients was more explicitly stated by others, who also felt that solicitors themselves appeared not to be influenced by this.

... our solicitors make their knowledge available without pulling rank ... prejudice comes from clients a bit ... clients tend to make a distinction between a solicitor and a case worker ... I feel there is always a slight feeling of let down among clients when admitting to not being a solicitor ... (non solicitor case worker, Gamma)

The line between collective responsibility and individual autonomy was also seen to be blurred and vulnerable to transgression. This meant that joint work was not always successfully undertaken.

... you should have broad outline collectively arrived at and the delegated individual should go off and do the work. (administrator, Gamma)

... the law centres should be collectively organized but for me to have the responsibility for planning and implementation of my work ... sometimes with one particular case worker it is difficult ... I think it's fear ... (community worker, Beta)

The difficulty of sustaining the participation of collective members in joint decision making and shared work was highlighted by staff from Gamma and Delta. In the case of the former there was some structural ambiguity about the extent of the collective, and in the case of the latter the collective had been replaced by an hierarchy.

... In theory decisions are made after full and frank discussions to consensus or vote ... then to management committee if still unresolved ... collectives rely on full participation ... (solicitor, Gamma)

In practice the same group of people carry the can for policies and practice and the same people volunteer for work ... collectives are difficult to handle ... (legal secretary, Delta)

Professional Conflict

The conceptual framework underpinning this study indicates possible points of tension between paid staff; and the literature on CLCs suggests that in debates about both professional and organizational priorities the views of lawyers tend to dominate.

Dominance of Lawyers

Non solicitor case workers from Alpha and Beta CLCs explained the perceived supremacy of legally qualified staff in terms of the requirements of professional rules and training, and the fact that those not legally qualified gave in to them.

...I don't think there have been serious difficulties but sometimes Law Society rules have to be taken into account ... (non solicitor case worker, Beta)

... I can't see how the conflict will be solved ... lawyers will always rule the roost in law centres because they are essentially a legal office ... a lot of the time the non lawyers will give way to the lawyers ... (non solicitor case worker, Alpha)

Contained within these views is a tacit acceptance that lawyers are statutorily answerable to the Courts for their professional behaviour and these rules of conduct also inherently apply to all those working alongside them. A non solicitor case

worker from Gamma pointed out that since “advice work” had become more standardized, there should be little difficulty in resolving problems and fewer reasons for disagreement between legally and non-legally qualified staff.

... if people are committed and honest then problems can be sorted out ...
advice work has become more professionalized so the remedies are more
focused and consistent ... (non solicitor case worker, Gamma)

Differences between Lawyers

There were differences between solicitors about approaches to case work as well as about how the CLC should be run.

... I am beginning to notice a difference in approach to case work ... I'm pretty efficient getting Legal Aid, bidding for things, doing my billing ... I anticipate there are law centre people who don't see this as what law centres are about ... I assume we discuss it and people air their opinions, and everyone is given a chance to have their say and be heard. (solicitor, Beta)

... I have different views from others here ... basically I want to help people and am not interested in the organization ... I try to run my case load as a business ... (trainee solicitor, Delta)

These comments express different perspectives between those who believe that the private sector approach to advice-giving can be imported into the CLC, and those

who adhere to the ethics of the CLC approach which is focused on treating the client holistically rather than simply in terms of their need for legal advice. There is also an implication that running a business is a signature of professionalism and the right way of doing things.

These differences were articulated in a slightly different way by others.

... there is usually conflict in two areas (i) how to manage the Law Centre, and (ii) how best to achieve the results of the Law Centre ... as far as management is concerned solicitors come from hierarchical backgrounds and tend to run things accordingly ... but some solicitors prefer to work in collectives ... as far as achieving goals is concerned ... solicitors tend to be client based and think that case work is best ... (non solicitor case worker, Delta)

Divisions between Differently Qualified Professionals

While acknowledging differences and tensions between legally qualified and non legally qualified staff, there was also some ambiguity about how these were resolved. Some comments suggested mutual respect and exchange while others criticized colleagues with different skills.

... there are in-built tensions between staff with different professional backgrounds ... solicitors have specific liabilities and responsibilities, and have a trained way of doing things ... all parties need to be aware of the differences

... I do case work differently and better than before I was qualified ... I have to be conscious of not patronizing case workers ... (solicitor, Delta)

... advice workers [non solicitor case workers] have different ways of working ... not formal and don't cover their backs ... solicitors have a lot to learn from them ... solicitors in law centres are more prepared to accept people with other training and less precious about professionalism ... (solicitor, Beta)

Although these solicitors seemed to be aware of the effects of legal training on the development of their professional skills and the complementarity between their skills and those of other professionals, others were more disparaging.

... less experienced advisers may not be so strict about the basis of taking a case ... for example in the instance of a deaf person with a consumer issue the less experienced adviser may be interested in being an advocate even where there is no legal remedy ... the question has to be "how can leverage be exercised in such a situation?" (solicitor, Beta)

This member of staff experienced this approach as a dismissal and under-valuing of her skills, and a de-prioritizing of her professional remit.

... oppressive behaviour towards me from collective members is coming from attitudes to youth, women, disability and so on ... I can say that if I and a solicitor introduce an idea the solicitor's idea will be accepted ... (administrator / community worker, Beta)

While conflict between professionals was seen by some as part of a relationship based on a structural imbalance of power, others thought that this was caused by personality and the content of work undertaken by different professionals.

... if there is a difference between professionals it is based on personal style and type of work ... (non solicitor case worker, Delta)

Community Work v Case Work

Staff from Gamma CLC, where community work was part of the remit of all staff but where each staff member was allowed to decide whether and what community work they undertook, seemed especially aware of the tension between case and community work.

... community work is one of those phrases that are used a lot ... I am working with groups linked to work we do such as with tenants ... I have used my skills and knowledge to help a group, or in setting up more advice provision ... It is difficult to do case work and community work at the same time ... community work can be undervalued ... (solicitor, Gamma)

The ambivalence towards community work displayed by solicitors at Gamma was reinforced by their view that case work was more pressing and demanding of resources.

... there are different pressures between community work and reactive case work ... there is general acceptance that case work is more pressured ...
(solicitor, Gamma)

As far as non-legally qualified staff were concerned however this ambivalence was perceived as “conflict”, which suggested that there were more influential pressures in favour of case work.

...there is conflict between doing community work and case work ... now the imbalance is moving towards more case work ... (non solicitor case worker, Gamma)

Other Sources of Conflict

The conceptual framework suggested that organizational challenges might be found by examining the professional relationships between staff. However, the data indicate that, in addition, there were other causes of conflict between staff which, although not rooted in their professional relationship and status in the case organizations, nonetheless manifest themselves in that relationship. These conflicts related to the realization of personal beliefs, the influence of traditional views of social relationships, and discriminatory attitudes to minority groups and interests. These findings have not previously been reported in the specialist literature on CLCs.

Opposition to Collective

Although there was overwhelming support for collective organization of staff among the case organizations, there were also notable pockets of opposition. At Delta the manager's actions, which were favoured by some staff, prevented the continuance of collective activities such as staff meetings.

... a collective would not work here ... we need a manager here to steer, guide, push us ... (trainee solicitor, Delta)

The imposition of an hierarchical staff structure was seen by staff as unworkable precisely because of his ideological approach to organizational management and staff accountability. His opposition to any expression of collectivism in the organization was seen as a major organizational problem by staff affecting all aspects of the organization's work.

... the problem with the manager was really a problem of one person having all the contact, which was inappropriate and limited ... his insertion of reception has acted as a barrier to client contact ... his ban on staff meetings has affected communication, discussion and collective work. (legal secretary, Delta)

In addition to his ideological objection to enhancing staff integration by any collectivist mechanism, the manager at Delta appeared to have been regarded by staff as singularly unsuited to the position he was recruited to fill.

... up until the manager came I would have said that all workers had the same aims and objectives as each other ... each had different methods but worked together ... he was asked to manage in a situation he had no idea about ... he didn't understand the ethos or values or personal aspirations of staff ... (legal secretary, Delta)

I expected a more efficient Law Centre because of the manager but it is not ... at the Law Centre before the merger there were conflicts between strong personalities which meant they went on for a while but here the manager was the cause of the problem. (legal secretary, Delta)

While the approach of the manager at Delta was seen as a crucial contribution to organizational tensions, the solicitor at Gamma was reiterating disillusionment with collective working expressed by others in the organization.

... this Law Centre is not working as effectively as it might and possibly not working as a collective ... all staff having to make decisions about everything ... possibly more appropriate for a small group or a single person to decide on some issues for example the day to day operation ... (solicitor, Gamma)

Social Challenges to Collective Working

Staff at Delta, although working in an hierarchical situation, nonetheless continued to see the organizational world through the prism of collectivism from which they criticized their condition.

... previously team meetings were weekly with everyone participating and everyone's opinion was valid ... now the hierarchy has stopped people speaking by undermining their confidence ... I don't know if a merger is the right thing for a Law Centre because it undermines the team spirit ... (non solicitor case worker, Delta)

Staff suggested that tiered systems of work privileged some occupations over others and devalued those that were located lower down the ladder, thus creating a structure which fostered disrespect and conflict.

... all workers should be treated with respect and given worth for example the admin workers should not be called secretaries and separated from the advisers ... there is conflict as a result here... (non solicitor case worker, Delta)

... differentials undermine our sense of worth and lead to resentment ... hierarchy is a huge change ... we are not working together anymore. (non solicitor case worker, Delta)

On the other hand the problems of covert hierarchies (Freeman, 1975) were apparent to staff at Beta and Gamma CLCs. They explained the extent to which minority interests could be ignored, and staff from minority groups, or working on minority issues, could be relegated to a lower status within the collective by other collective members.

... up until now collective work has worked really well ... people involved in campaigns to save the Law Centre had a greater sense of collective ... later recruits didn't have that shared view ... there is an imbalance in power in this Law Centre ... it is a really white organization ... the idea of a collective is that peoples' different skills are valued but people in practice we don't value [X's] skills as an interpreter as highly as representation at tribunal. (non solicitor case worker, Gamma)

Despite the clarity of the formal staff structure, the influence of traditional perceptions of social status sometimes percolated through to influence the behaviour of staff to each other.

... there can't be any collective without a hidden hierarchy ... you can tell at workers' group meetings, conflict can be challenged but there can be a problem with challenging individuals ... every now and then it comes up that I am not respected and I get angry. (community worker, Beta)

Although these comments suggest that minority views may be dismissed or discounted by hidden hierarchies, other views indicate that the discounting of minority views may also be the result of conflicting values. An administrative worker at Gamma related how an issue of principle divided staff along racial lines, and created a rift both between staff, and between staff and community.

... in 1985 the Asian community was well represented [on the management committee] ... there was wide representation from social services, unions, and so on ... we had problems in about 1987 at the Law Centre because certain members of the management committee wanted to reserve places for gays and lesbians ... it was felt by Chinese, Asian, and West Indian communities that as far as black people were concerned this was not on ... I and other black workers told staff meeting that certain communities would be upset ... that this was a taboo subject ... the majority of staff were in favour of the proposal ... the outcome was that the proposal was made to the management committee for action at the AGM and there was a mass walk out of the management committee ... things have not been the same at the Law Centre since ... (administrator, Gamma)

This comment highlights the delicate relationship that can exist between client communities and staff collectives and demonstrates how it can affect the balance of power between staff. It also suggests that staff in collective structures are as capable of ignoring the voice of the client community as any manager in an hierarchical structure might be, and that the role of staff as advocates of client communities is a difficult and delicate one.

Discussion

This chapter has reported the results of interviews with staff at the case organizations about their organizational roles and relationships. As was stated at the beginning of this chapter, the conceptual framework suggested that there would be

tensions between paid staff about how they performed their roles. The literature underpinning the conceptual framework indicated that these tensions were largely due to differing perceptions of the relative merits of case and community work and the ensuing competition for funding; and these tensions would manifest themselves as rivalry between legally qualified and non-legally qualified professionals. In addition the literature also reported that staff in CLCs were mainly collectively structured, thus pointing to the possibility of organizational dilemmas arising from the multiple roles they may be required to play. There was also an implication in the literature that the community work dimension of CLCs' legal service provision was enhanced by collective working.

It was therefore hypothesized that the study would discover competition and rivalry between lawyers and other professionals based on their differing perceptions of the value of community work; that staff in the case organizations would be mainly collectively organized and that this would lead to conflicts of interest in the roles they performed in the organizations. This study found data which confirmed these assumptions and previous findings and data which had not previously been reported.

Considered with data reported in Chapter Three on the five conditions underpinning collective working, the data in this chapter uncovered a critical relationship between the collective organization of staff and client communities. The dominant belief among staff was that community work was enhanced by their collective staff structure, which reflected the egalitarian and democratic values underpinning community work: in other words, their empowerment within the organization would enable empowerment of others. There was an assumption in these beliefs that the

effects of community work would enable the client communities not only to assert their rights and protect their interests, but also to better control the resources of the case organizations. This link between collectivism and community work also assumed that the collective works well and is operating in an egalitarian manner. While this was clearly the case in Alpha, it was less so in Beta, and not at all in Gamma and Delta. These data, together with those reported in Chapter Three, would seem to suggest that collectivism enhances community work where its five conditions – pay parity, self-servicing, skill sharing, joint working, and joint decision making – are found, which enable the exercise of equal authority between staff and the creation of egalitarian relationships with client communities.

Staff also believed that community work could not be undertaken by staff in hierarchies. They thought that managers in hierarchical structures would be too remote from client communities to be able to allocate resources to meet their needs, which would be one among many for organizational resources. Whereas a collective structure enabled client communities to retain more influence over the goals of community work, and those who worked with them to respond more directly to them. These beliefs hold a number of implications for professional accountability and community control. Essentially they emphasize the process orientation of community work and the specialist skills and knowledge of the community worker on the ground. They also suggest that these skills and knowledge make community work as professional as case work, and since a manager would not be asked about the conduct of case work, which is a recognized professional domain, then there is no reason to ask about community work. Since managers could not be community workers, they therefore would not have the necessary professional competence to

make these judgements, which it seemed was being suggested, should be left to the professionals.

These data also suggest that staff saw themselves as advocates of community need within the organization both in terms of making decisions about what and how community work should be undertaken and about organizational policy. This role as community advocate adds an element of ambiguity to their status as paid employees and professionals and suggests a dual accountability to client community and collective which could be in conflict. The data suggest that this conflict occurred especially in relation to minority issues and to decisions about the relationship between the case organizations and minority groups. They call into question both the extent to which all staff exercised the same level of authority in their respective organizations and were valued equally, and the extent to which client communities could influence the decisions taken by professionals.

The language of equality and participative democracy clearly had important symbolic and actual meaning for staff in the case organizations. On the whole the data in this chapter indicate that staff, except for those at Delta, felt valued and equally treated, and at Alpha and Beta collective working contributed generally to a sympathetic and flexible environment in which to work. There were, however, different approaches to implementing collectivism, which reflected the differing dominant cultures of the organizations and their effects on staff authority and accountability. Alpha, whose staff believed in establishing the authority of the collective by common goals, adherence to collective decisions, and mutual respect, appeared to experience no difficulty in operating in a system of shared authority and mutual accountability. Their

ability to create an atmosphere of professional interdependence using each other's skills enabled them to learn from each other, and to be accountable to each other and for each other. Beta, whose staff believed in clear goals, equal treatment and equal value of all work and staff, also engendered an ethos of mutual accountability but were unable to live up to the rhetoric of shared authority when it came to taking decisions about work on minority issues. At Gamma, where there was much fragmentation and individualism, staff depended on mutual trust, personal commitment to the idea of collectivism, and full participation to sustain the authority of the collective, and found joint decision making difficult to enforce and joint work difficult to realize. The exercise of shared authority and the demand for mutual accountability they invoked meant that issues were examined in the open, and different professional norms and differing personal beliefs came into play and sometimes into conflict.

At Delta the staff's desire for a more collectivist structure was kept in check by the tiered authority of the hierarchy and their personal forbearance. However, whether the hierarchical system at Delta engendered more or better professional accountability to the organization than the collective systems remains open to question. There is no suggestion in these data that, despite the rigid hierarchy at Delta, staff were as accountable either to each other or to the management committee as were staff at Alpha and Beta.

The literature on professionals characterizes lawyers as both socially conservative and altruistic, and difficult to control in organizations. A principal element in the conceptual framework underpinning this study is the dissident and dominant role

lawyers, in an effort to remain true to their professional ethos and values, are often said to play in organizations in which they are employed. These data suggest greater complexity in their organizational relationships. There seems to have been a general acceptance among non-legally qualified staff of the primacy of the rules that govern the professional behaviour of solicitors and barristers, and the general advisability of adhering to them both in the conduct of cases and the running of the organizations. This general acceptance and predisposition towards rule bound authority made it difficult for them to argue with lawyers when the latter used the argument of professional rules to control the content of work, as occurred at Beta. Within this environment of legalism the language of equality and collectivism assumes a symbolic importance beyond mere rhetoric because it becomes the conceptual basis from which non-legally qualified staff attempt to sustain equitable relationships with, and enforce accountability from, lawyers. Thus, strong organizational cultures, which accept and adapt the rule bound nature of law, may empower staff collectives in CLCs to sustain relationships of equality among staff, from which shared authority is exercised and accountability enforced from all staff, by making the rules of collectivism explicit and unconditional.

These data have uncovered the complex nature of professional accountability and relationships in CLCs, and also indicate that in some instances, where minority issues are concerned, the influence of the client community may be ignored or rejected by professionals.

Chapter Six: The Roles and Relationships of Volunteers

Introduction

The purpose of this chapter is to examine the phenomenon of volunteering in the case organizations, and to investigate especially the influence of volunteers on the relationship between professionals and community. It will look at how and why volunteers both sit on management committees and “help” to provide services; why their commitment is sustained; what link they offer to the community; and the nature of their relationship with paid staff, “professionals”. It also presents data on the effect of previous volunteering on the long-term involvement of paid staff with the case organizations.

The definitions of “volunteer” and “volunteering” in the voluntary sector literature seem to suggest four principal elements: an uncoerced action; for which no payment is made; which benefits or helps others, or the environment; and, is for the “betterment” of society or promotes its general welfare (Knapp et al, 1995; Van Til, 1988; Horton Smith et al, 1972). While these elements convey particular values about voluntary organizations and those who participate in forms of voluntary action, they also contribute to the complexity of organizational relationships and behaviour.

The specialist literature on CLCs and the voluntary sector reveal some problems and contradictions associated with volunteering in service delivery organizations. In their study of a CLC Byles and Morris (1977), for example, gave accounts of both the governance structure (which had links with the local community through voluntary representation) and of “voluntary help” in providing services (1977: 20). Voluntary help consisted of receptionists who attended the CLC in the evenings and at weekends to relieve paid staff; of qualified and trainee lawyers, who gave legal advice one evening a week or on Saturday mornings; and of students, mainly of law, who helped during the day. Byles and Morris (1977) also pointed to some problems in the organization and management of the students, and between the paid staff and legally qualified volunteers. While students complained of the spasmodic flow of work, the staff of the CLC who managed them perceived them as “unreliable” because their first commitment was to their academic work. As far as legally qualified volunteers were concerned some of them complained that they felt “isolated and were not made to feel part of the Centre by the full-time staff” (p 21).

The Law Centres Federation (LCF, 1991), in a pamphlet describing CLCs, brought together the notions of “community control” and the “volunteerism” of the management committee. The pamphlet (1991: 4) advised that

“In order to be called a law centre, an organisation must be constituted in such a way as to have community control. Each law centre has a management committee composed of local people who serve on the management committee as volunteers...”

The broader voluntary sector literature, while confirming some of the findings of Byles and Morris (1977), especially in relation to problems between paid and professional staff and volunteers (Leat, 1996; Hedley and Rampersad, 1992), also goes beyond those findings. The status of volunteers in service provision was found to have become more ambiguous and discounted with the advent of contracts of service (Russell and Scott, 1997); and to have been excluded altogether from the specifications of the contract (Hedley and Davis Smith, 1994). The technical aspects of the contracting process and the management of contracts have led to resignations from management committees (Russell and Scott, 1997; Hedley and Davis Smith, 1994). Lewis (1996) found that contracts had “particular implications for job descriptions of senior members of paid staff, and for the relationships between volunteers and paid workers” (p 105).

The most extensive literature on volunteers is concerned with their motivation. The studies which inform this literature were conducted both from the perspective of volunteers’ connectedness with community and society at large, and from a managerial interest in how that voluntary effort can be best harnessed and managed in an organizational setting. There seems to be general consensus among scholars of volunteering that the motivations of volunteers are “multi-faceted”, “complex”, partly altruistic and partly self-interested; and may differ depending on a number of personal variables including class, race, gender, age, values and needs, and the context within which volunteering takes place or is about to take place (Darvill, 1985; Van Til, 1988; Tihanyi, 1991; Obaze, 1992;

Rochester, 1992; Hedley, 1992; Pearce, 1993). Much of this literature is aimed at offering an understanding of volunteering which would assist managers to recruit, retain and manage volunteers more effectively for service delivery. Davis Smith (1996) found that volunteers “*demand* support and organisation in their work” (p 196).

Specialist CLC and voluntary sector literature seem to suggest that exploring the motivation of volunteers is critical to the understanding of the phenomenon of volunteering. Motivation may also give clues as to why volunteers establish commitment to a cause or organization. Both bodies of literature also suggest that where volunteers are involved in service delivery, problems may arise between themselves and paid staff which are experienced differently by each party; and that the management of volunteers may be a significant factor in retaining them.

The perception that volunteers constitute a critical link between an organization and its community or wider society is common to both specialist CLC and voluntary sector literature. The voluntary sector literature is concerned that service delivery volunteers are invisible and that the work they do is not taken account of when assessments are made of organizational resources for such strategic exercises as bidding for contracts.

Volunteers in CLCs are found both as management committee members and in service delivery alongside paid staff. In both capacities volunteers may be seen as a possible link between community and professionals. However, the conceptual framework underpinning this study indicates possible tension between management committees and paid staff, and between paid staff and service delivery volunteers. In addition, both the specialist CLC and voluntary sector literature suggest that there may sometimes be a mis-match between the motivation of volunteers and the goals of the organizations with which they are involved and which may contribute to organizational dilemmas. This chapter therefore explores the role of volunteers and volunteering in the relationship between “community” and “professionals”. In undertaking this exploration it examines the motivation and on-going commitment of volunteers on management committees and in service delivery; their link to community; their relationship with paid staff; and the effects of previous volunteering on the careers of paid staff. It also explores the ambiguity and tension that might arise from volunteering.

Motivation of Volunteers

Reasons for Joining

Management committee members and service delivery volunteers were asked how they came to be involved with the case organizations. Their responses

reflected the findings of previous studies, but with some variations. While discussions of motivation in the literature suggest that the route to volunteering may be distinguished from the reason, the data reported in this section found that this distinction was not always made in the mind of the volunteer and that the route and the reason were often intertwined.

Being asked was important to some, especially management committee members. They also needed to be sure that their membership of the management committee and contribution to service delivery would make a difference.

...I asked whether this [her membership of the management committee] would make a difference and agreed ... (service delivery volunteer management committee member, Alpha)

In addition to being asked some interviewees, such as this one from Delta, felt that they needed to be confident that they possessed skills that would be useful to the organization they were joining.

... I was on the employment advisory committee chaired by [XX CLC solicitor] ...I then volunteered for redundancy and was invited by [XX CLC solicitor] to the Law Centre as a volunteer ... I was in MSF and was chair and convenor ... didn't only have knowledge of employment law as I had

done a law degree ... (service delivery volunteer and management committee member, Delta)

Even when their involvement was an extension of political activism in the local community some, such as this management committee member at Beta, contributed practical assistance.

... I joined the steering committee which was set up ... helped in trying to find premises ... [XX local authority] chose me to be its representative on the steering committee and I became involved in all the setting up activities ... (management committee, Beta)

Some volunteers seemed to have an historic participation in community organizations, which they expressed as a form of public service. Involvement in the CLC was expressed as an extension of a desire “to serve the community”.

... before merger I was vice chair at [XX closed down CLC] for four years ... quite involved in getting the merger through ... involved in many organizations ... and want to serve the community ... (management committee, Delta)

As has been explained in Chapter Three, co-options were used as a means of increasing the range of skills and community representation on management

committees. Thus it was in the nature of their membership that they would have been asked by the case organization to join its management committee. On this occasion this interviewee had been invited to join because she was operating in an area of legal practice in which Beta had a complementary interest.

... I was co-opted onto the management committee ... when the Law Centre was looking for involvement of solicitors ... I mobilized local solicitors with a leaflet on domestic violence and was invited onto the management committee ... (management committee, Beta)

Friends and colleagues were also a route by which volunteers became involved in the case organizations. Both these interviewees had been introduced by a friend and a colleague.

I don't know actually ... I heard about it from a friend and called up to find out about it ... (management committee, Beta)

[I became involved] through a colleague who was on the [CLC's] management committee for [this organization]... she invited me to the [CLC's] AGM a year ago ... (management committee, Delta)

Sometimes the case organizations had canvassed other organizations for volunteers. This interviewee responded to such a request on behalf of his

organization.

About ten years ago the Law Centre sent a request to [organization for which he works] for volunteers ... [the organization for which he works] is a collective and the request went to the workers meeting ... people take turns to carry out the various jobs that need to be done ... so I went along to the Law Centre meeting ... (management committee, Alpha)

For many volunteers, especially management committee members, their involvement in the case organizations was sparked because of the work of the CLC and the need they saw for that work to be done. Sometimes they became involved from an association representing the interests of a CLC's client community.

... the work of the Patients Council and the Law Centre is inter-related ... there is a need for people to have advice and advocacy in view of the way people are treated, not necessarily only medically, in hospital ... (management committee and service delivery volunteer, Alpha)

At other times their involvement was simply because their aspirations coincided with their perception of the goals of the case organizations they joined.

... working people should have access to law ... (management committee,

Beta)

I got involved because of erosion of rights and wanted to keep a sense of voice and lobbying ... the Law Centre should become more challenging and lobbying as with the Poll Tax in the past ... (management committee, Delta)

Some management committee members expressed their motivation as simply a wish to support and influence their organization of choice.

I want to see the Law Centre continue and serve a useful purpose ... I hope to have an influence on its development ... (management committee, Delta)

The influence of previous service delivery volunteering was also a factor in motivating management committee members, such as this one at Delta, to become involved. This volunteering had brought him enjoyment and a career opportunity, and was expressed as part of his life story.

... I was a volunteer at [XX closed down CLC] in 1987 ... I enjoyed it and did a part time law degree ... in 1992 I started on the management committee of [XX closed down CLC] ... (management committee, Delta)

As did volunteers on management committees, service delivery volunteers tended to explain their motivation to volunteer as expressive or instrumental, in other words partly as a desire to give expression to religious and political values, and partly as useful to their careers.

... I am a solicitor working in pensions ... and am on maternity break and need a transition to work again so came to volunteer ... am an active Christian and see Law Centre involvement as part of that ... (service delivery volunteer, Delta)

... you have to have a political dimension to anything ... I am at the Law Centre for a year ... I am going into a commercial practice ... hopefully going to Nottingham Law School ... (service delivery volunteer, Delta)

Other service delivery volunteers were more forthright about the influence the experience of volunteering, particularly at the CLC, had on their career decisions.

... I prefer the Law Centre ... you have more direct influence on peoples' lives through lobbying ... as well as case work ... done Bar exams but can't get pupillage ... I wish I'd got involved sooner and may have thought twice about doing the Bar immediately ... (service delivery volunteer, Beta)

This comment reflects how for many volunteers volunteering was an important and integral part of their lives and the choices they made. It also mirrors comments, discussed later in this chapter, made by paid staff in the case organizations about the importance of earlier volunteering on their careers in CLCs.

Some management committee members were also employees of other organizations from which they sat as representatives on more than one other service delivery organization, such as the local Citizens Advice Bureau. Often this gave them a broader perspective of the place of the case organization in local service provision and influenced their reasons for being on the management committee of the CLC.

... to make sure there is no competition or duplication ... (management committee, Beta)

In general, management committee members, working in other advice organizations, seemed to put the interests of the case organization before their own. Some, however, such as this management committee member at Delta, seemed to see their membership of the management committee as affording an opportunity to promote their own professional and organizational interests.

... I joined the management committee in 1997 after merger ... my agenda was to push ADR [alternative dispute resolution] and mediation as a way of providing legal services in the future ... (management committee, Delta)

Some volunteers first came into contact with the case organization through using it. Some, such as the management committee member at Beta, were also active members of other organizations in the community, and thought that membership of the CLC would be useful to their community associations.

... some years ago I used the Law Centre as an individual and saw the notices in the portacabin inviting membership ... was involved with [XX association] so thought [it] might be represented at the Law Centre ... (management committee, Beta)

Other volunteers who had been users, did not express their desire to become involved in terms of membership of other organizations, but simply in terms of a desire to repay the CLC for the help it had given him.

... I had an accident at work ... while in hospital was told about various benefits and was referred to the Law Centre ... and then I wanted to repay the Law Centre in some way ... (service delivery volunteer and management committee, Gamma)

Gamma also advertized for volunteers. Volunteers recruited in this manner were expected to be literate and sufficiently competent to undertake quasi-legal work such as completing complicated official forms. This interviewee explained why she responded to Gamma's advertisement and her progression from service delivery to membership of the management committee.

... I finished an Open University degree in social sciences ... wanted something that fitted with that and was flexible ... didn't really know about the Law Centre ... didn't like image of the CAB ... middle class and aged ... saw ad in the Guardian for volunteers ... they were looking for advice support - super volunteers ... filling in DLA forms ... was asked to go on to the management committee and did ... (service delivery volunteer and management committee, Gamma)

This explanation of the reasons for responding to an advertisement seems to contrast with those given by other volunteers for their initial involvement, and suggests that when recruitment of volunteers was by advertisement, those responding may have treated the initial contact as they would have done had they been looking for paid work. The fact that the volunteer knew nothing about the case organization prior to the advertisement appeared neither to deter nor attract her. Her comments suggest that her initial motivation to volunteer was based on her social values, supported by her newly acquired specialist skills, and her feeling of wanting to put them into practice; and that her reason for

responding to the advertisement was that the work seemed to fit with what she was looking for. Her commitment developed over time and, like other interviewees in this chapter, undertook tasks and activities to “make a difference”.

... I have taken on quite a lot of admin jobs ... not regularly but small things that make a difference ... was asked to work out a system for ordering stationery and then was landed with responsibility for this ... if I see something needs doing I do it ... got the donation of a shredder and trained everyone to use it ... (service delivery volunteer and management committee, Gamma)

Distinguishing between her involvement on the management committee and her work in helping the case organization to provide its service, she also undertook some administration from the meetings of the management committee and subcommittees she convened. Some of her attendance during the day was concerned with work from those meetings.

... I became secretary in addition to company secretary so I do agenda and minutes ... in yesterday and today doing management committee stuff ... I had suggested a minute taker but this has fallen through ... also convenor of Personnel sub-committee ... (service delivery volunteer and management committee, Gamma)

Volunteers cited different reasons for becoming involved in the case organizations. The data show that for many volunteers the route and the reason for volunteering were inextricably linked. As in previous studies others exhibited a mix of instrumental and expressive motivations and followed different routes, from being introduced by friends and being invited, to answering an advertisement in a newspaper. Although being asked was an important first step volunteers also needed to be sure that they had the skills to contribute and that their contribution would make a difference. There were also those who had been users and had gained a benefit, either for themselves or their group, who wished to repay a perceived debt or help to continue to make the service available for others. There were also some whose involvement in CLCs was as extension of their participation in local politics and community activities. Amongst these there were those who chose to become involved with the particular CLC because its goals and values fitted with their own or those of their organization. To the extent that both management committee and service delivery volunteers were former users, representatives of other organizations which shared the goals of the case organizations, or were individuals who supported their work, volunteering appeared to offer a means by which greater community involvement might be achieved.

Reasons for Staying and Going

This subsection examines why volunteers stayed and why they left. The data suggest that the continuing motivation of volunteers to be involved reflected the contemporary history of the case organizations in which they were involved and their responses to changes taking place in them.

Once they became management committee members service delivery volunteers at Alpha, who were also users, found enjoyment in attending the meetings, the opportunity to contribute ideas, and the social interaction which also had a therapeutic effect on them.

... I like attending Committee meetings ... contributing ideas especially around mental health ... it's only about the Law Centre but I also have a general social chat which helps relationships with others ... a kind of mental rehabilitation ... (service delivery volunteer and management committee, Alpha).

The unusualness of the case organization was what kept this management committee member involved.

...I stayed because I thought that it was a unique project deserving of

continued support ... (management committee, Alpha)

At Beta, the commitment of staff, a feeling of obligation to the management committee, an opportunity to help people personally by being on the management committee, and the dynamism of the organization seemed to encourage volunteers to remain engaged.

...my involvement has been sustained by the commitment of the workers and the need for continuity through the management committee ... also able to help people personally ... the Law Centre has always been changing ... if it got stuck in a rut I would give up and let someone else take over ... (management committee, Beta)

The work of the organization was an important element in keeping other management committee members involved, especially those who did not know much about its work or the way it was organized before joining.

...the work they do sustains my interest ... (management committee, Beta)

For some management committee members employed in other organizations a close working relationship had been built between themselves and Beta's staff.

... I have worked at [XX organization] for eight years and have had contact with the Law Centre for all of that time ... I refer Industrial Tribunal cases to the Law Centre and refer for Green Form medical reports for Medical Appeal Tribunals ... (management committee, Beta)

These shared roots not only encouraged stable relationships but also harnessed continued commitment underpinned by complementary work. It also generated trust in, and reliance on, management committee members to deal with difficult situations.

... the workers were keen for me to be on the management committee because of my history of involvement in advice and in dealing with the Council ... (management committee, Beta)

On the other hand for those management committee members whose initial motivation was to represent a specific interest on as many committees as possible the mere fact of being on the management committee was sufficient to retain their commitment.

... I am on so many committees ... was nominated by [XX] Disabled Persons League, and am now on as a co-opted individual member ... (management committee, Beta)

In contrast, some, such as this volunteer at Gamma, felt they had to remain involved to ensure that critical issues were dealt with in the way they thought they should.

... I chaired [XX employee's] grievance – a six hour hearing then a report to be written ... I can see all sides ... the management committee is very re-active ... starting off on the wrong point ... (service delivery volunteer and management committee, Gamma)

Some volunteers at Gamma felt deeply responsible for the well-being of the organization, staying through difficult times. After ten years' involvement one management committee member felt his commitment wilt and had just resigned. He pointed to a management committee not functioning as he felt it should, and to loss of compassion and co-operation. As the underpinning values were changing so was his motivation. His comments were echoed by others.

... compassion has gone out the window and I don't like it ... we have lost direction and lost the cooperative ethos ... seems to be more cliquiness - in/out groups ... meetings now involve the core and no others ... need a strong chair who is not a puppet (service delivery volunteer and management committee, Gamma)

Another volunteer expressed his continued frustration at the ambiguity created by

change, which seemed to question the role he thought he could play and therefore the contribution he thought he could make.

... they can't convene a committee to decide whether to dispose of stuff ...

I was told one thing by one person and then contradicted by others ... I was led to believe I would do appeals and now there is ambiguity about whether I could sign things under franchising ... (service delivery volunteer and management committee member, Gamma)

Disillusionment with Delta, and an inability to achieve his express aspirations were also given as a reason for resignation by a management committee member.

... I have been elected chair of [XX organization] ... I also have slight disillusionment with things happening at the Law Centre My agenda was to push ADR [alternative dispute resolution] and mediation as a way of providing legal services in the future ...(management committee member, Delta).

Since with one exception service delivery volunteers at Delta were aspiring law students, these would eventually leave either to return to paid employment or to education. Nevertheless the service delivery volunteer who found the work “rewarding and a challenge” and thought she might “continue to volunteer one

day a week”, was echoing what other student service delivery volunteers said.

Interviewees in this subsection gave a range of reasons for remaining volunteers which did not necessarily reflect their reasons for joining. Some simply enjoyed the experience and the dynamism of the organizations, while others felt that their uniqueness deserved their continued support. Some felt that they could not leave at difficult times and that they still had a contribution to make by providing guidance and direction. Many had become committed to the staff, management committee members, work, and goals of the case organizations. Predictably, those who felt disillusioned or had resigned had done so because they felt the goals of the organization had changed in such a way that they could no longer support them; or that the part they thought they could play was no longer open to them; or because the organization was no longer useful to their professional aspirations. These data show that while volunteers remain engaged with the goals, work, and other organizational participants they will continue to participate. They also show that these case organizations were dependent for the achievement of a characteristic core value, “community involvement”, on the very personal commitment and goodwill of these volunteers.

Paid Staff Views of Volunteering and Volunteers

In this section data from paid staff about volunteers and volunteering will be reported. Some paid staff gave an account of their own previous volunteering

which helped them to access paid positions in the case organizations. Some reflected on their relationships with management committee members, and some on the role of service delivery volunteers.

Like management committee and service delivery volunteers the views of paid staff about volunteering suggest that their own motivations were both instrumental and expressive. The accounts of paid employees reflect both the value of volunteering to those seeking employment in CLCs and the political motivation of both volunteers and paid staff.

... I had been in a firm in Wimbledon and waited to get into Law Centres but needed some experience ... so first volunteered at [XX] Law Centre and then at [XX another] Law Centre ... I had political reasons for wanting to go into Law Centres ... (solicitor, Alpha)

Paid staff whose careers in CLCs were helped by their own volunteering in CLCs seemed to expect a similar commitment to values from service delivery volunteers. Staff at Delta in particular found that commitment to “the Law Centre ideal”, honed through long apprenticeships as volunteers, was a critical element in working in that particular case organization.

... I have been involved as a volunteer from January 1990 in [XX closed down CLC] ... went to Law Centre as volunteer then worked alongside a

paid worker ... when a job came up I got it ... I have closely held beliefs in Law Centres ... (non solicitor case worker, Delta)

Some paid staff pointed to the loss to the case organizations when service delivery volunteers used the experience of working in a CLC to qualify as lawyers and then moved into private practice.

Volunteers in Law Centres go on to qualify as lawyers and then on to private practice and take their experience into private practice ... have been fighting the trend to recruit volunteers from exclusively legal backgrounds ... (solicitor, Delta)

Paid professionals in the case organizations also appreciated the contribution of service delivery volunteers to the diversity of their work, and the suggestions they made about ways of addressing some client problems.

... I meet more interesting people such as the volunteers ... volunteering means contributing something valuable and develops confidence, client skills, negotiating skills ... if you are not legally trained you tend to think of alternatives to legal process which may be more advantageous ... (solicitor, Gamma)

While some paid staff acknowledged the value of service delivery volunteers

working alongside them, others explained the value of their day-to-day knowledge to a management committee. Where management committee members were also service delivery volunteers their knowledge was thought to be useful in carrying out their duties on the management committee.

... it is difficult for the management committee to have a hands-on approach ... so this is the value of users and volunteers ... (non solicitor case worker, Gamma)

This was not a universally held view. Some paid staff pointed to a particular problem of recruiting management committee members and to the fact that they often had to be persuaded to volunteer.

... one of the main problems is that most local people who volunteer on the management committee have been encouraged to do so ... it is more important to the Law Centre to fill places on the management committee but what's in it for them? ... (non solicitor case worker, Gamma)

Paid staff also reported other specific problems of their management committees and implied that these were due to the voluntary nature of their membership. For example, volunteers can lose commitment if there are organizational problems.

... there are potentially problems with volunteers on the management

committee ... meetings of the management committee are not always quorate and the management committee was in danger of being taken over by a vigorous ... man who brought cohorts of his friends all of whom resigned when the [XX] employment problem began ... (non solicitor case worker, Gamma)

At Gamma paid staff thought that trying to instil a greater degree of “professionalism” by better training and the recruitment of management committee members with specific managerial skills might address the difficulties they experienced.

... this Law Centre needs to focus on management committee being volunteers, that is, they are in need of training and induction ... we have decided to have quite senior people with high level skills and have head hunted people such as an expert in Personnel and a Business Studies Lecturer ... (non solicitor case worker, Gamma)

This perception of the deficiencies of the management committee as volunteers seems to contradict the idea of a lay management committee with links with community. Some staff saw the role of service delivery volunteers as a link with the client community.

... policies are based on our perceptions of community need ... we look to

community for volunteers especially receptionists ... (solicitor, Gamma)

While some saw the value of service delivery volunteers as informants about community need, others saw their value to the organization as their presence on the management committee. Users and volunteers were said to be important assets on the management committee.

... it is important to have users and volunteers on management committee
...they have clearer idea of what the Law Centre does ... (non solicitor
case worker, Gamma)

This view of the role of service delivery volunteers from the community was shared by interviewees at Delta.

... there should be close links between the Law Centre and community ...
I would like to see more community involvement on the management
committee to have, say, a place, or as volunteers, for more direct links ...
(non solicitor case worker, Delta)

Despite having professional staff from other advice organizations on their management committee, staff at Delta reported problems very similar to those at Gamma. The time constraints of management committee members were a problem not only in attendance at management committee meetings, but also in

convening and attending the meetings of sub committees and other activities.

“Volunteers” were required from the small pool of management committee members.

... the difficulty with the management committee is that they are all volunteers so have different time commitments ... meetings of the sub-committees are the place where things break down a bit ... if you have no volunteers there are not many extra hands to work on what’s needed ... (solicitor, Delta)

... one major disadvantage is the voluntary management committee ... quite a lot is needed to keep a place like this going ... (non solicitor case worker, Delta)

Greater professionalization of the administration of the case organization’s business and the push away from community work towards more advice giving, exacerbated by funding contracts, were seen to diminish the role of lay volunteers on the management committee.

... now accountable to mega clients the Legal Aid Board and local authority ... the Law Centre is getting more and more geared to professionalism ... a voluntary management committee is largely irrelevant to it ... (solicitor, Delta)

Many staff had volunteered at a CLC prior to their employment the case organizations, and valued that experience. Overall, the data suggest that paid staff also valued the contribution of volunteers, and that they were critical of trainee lawyers who volunteered at the CLC and then went into private practice. The data also suggest that concept of “the volunteer” raised controversial issues in relation to the role of management committees and the adequacy of their skills and knowledge to perform that role. Some paid staff perceived increasing professionalization as a challenge to voluntary management committees and consequently to community involvement in the governance of the case organizations.

Ambiguity and Tension in Volunteering

The previous sections of this chapter have been concerned with the motivation of volunteers both as management committee members and in service delivery. It has also looked at the views of paid staff on volunteering, including the effects of volunteering on their careers. This section examines the ambiguity and tension observed by organizational participants about volunteering.

Ambiguity in role performance arose in those instances, for example at Gamma, where volunteers both sat on the management committee and worked in service delivery. This dual role in the organization created an additional layer of

complexity for volunteers in unravelling the role they should play, particularly when taking management committee decisions.

Service delivery volunteering was claimed by participants in the case organizations to offer another opportunity for community involvement, and in Gamma specifically to enhance the knowledge of prospective management committee members about the CLC. However this was not always the case, and service delivery volunteers found that information to which they might have had access, working alongside staff every day, was still denied them. This volunteer felt that even if information were being shared with her in her capacity as a service delivery volunteer, and nominal colleague of paid staff, she should not have to depend on knowledge gained in that manner to inform her management committee decisions. A high level of professionalism was therefore required of her in managing the ambiguity and in performing both roles.

... here again a problem because we only know so much ... only what staff tell us ... if there were a different relationship between staff and management committee the [XX staff dispute] stuff could have been nipped in the bud ... (service delivery volunteer and management committee, Gamma)

Little information-sharing appeared to be happening in Gamma even though service delivery volunteers were working alongside paid staff.

The ambiguity of being both on the management committee and working in service delivery could also engender conflicts of interest. As a management committee member this volunteer was expected to stand back, take a dispassionate view of the facts, and exercise his authority as an employer. Yet as a service delivery volunteer working alongside the staff in dispute he formed a view, based on other values such as loyalty, about the behaviour of the parties.

... being on both, volunteer and management committee, I feel more staff than management committee and conflict of interest for example on the [XX staff dispute] issue ... an emotional issue which split loyalties ... so it is difficult to stand back... (service delivery volunteer and management committee, Gamma)

Some staff expressed a fundamental reluctance to accept that volunteers, perceived as non professionals and therefore unprofessional, would be able to guide professionals.

... we have volunteers from the community and on the management committee ... but I don't think they should steer us ... (trainee solicitor, Delta)

Others pointed to the unpaid status of management committee members as a

tension, which was a barrier to demanding too much from them.

... management committee members are not paid, staff are, and in some organizations this is a big source of tension ...and this should be borne in mind when making demands on the management committee ... (solicitor, Alpha)

Even given their professional status staff also experienced difficulty in arguing with management committees because they felt that management committee members needed to be shown respect and that argument would be a sign of disrespect.

... when in conflict staff find it difficult to stand up to the management committee ... we collectively stand up if we have to ... management committee are volunteers and for them to be involved they have to be respected ... (administrator / co-ordinator, Beta)

Others were more explicit in their view of the volunteer as in need of facilitation and encouragement, which was perceived to be the role of the professional.

... the management committee are voluntary part-timers and the workers keep them clued up and informed, and encourage them to attend and contribute ... (non solicitor case worker, Beta)

Much literature on volunteers is aimed at offering an understanding of volunteers' motivation which would assist managers to recruit, retain, and manage volunteers effectively. These data have explored volunteering both in service delivery and on management committees and revealed some scepticism about the ability of volunteers to perform the role required of them on management committees. Paid staff views of volunteers as non professional and unprofessional expose a difficult professional challenge for volunteers and professionals in negotiating relationships both as service delivery volunteers supervised by staff, and as management committee members dependent on staff for information and facilitation of their involvement. For service delivery volunteers, who were also management committee members, this dual role also created a conflict of interest and loyalty. In addition the data indicate that, despite the rationale for volunteers being both service delivery and management committee members, this arrangement did not guarantee greater access to information than if volunteers had only sat on management committees. In terms, therefore, of community participation on the management committee, service delivery volunteering did not appear to advance this objective and the view of some paid staff of volunteers as management committee members also contribute to the challenge of its achievement.

Discussion

This chapter has examined volunteering in the case organizations by looking at the motivations of volunteers on management committees and in service delivery, and why they remained committed; at the view of paid staff of volunteers and the effects of their own volunteering on their careers; and at the ambiguities and tensions inherent in volunteering.

The study findings were similar to previous studies in the mix of personal and altruistic motives for volunteering, the general reasons for sustained commitment, and in the range of ambiguities and tensions in the relationships between volunteers and paid staff. There were also findings which extend and develop findings from earlier studies.

Both the voluntary sector and specialist CLC literature referred to management committee members as “volunteers”, management committees as “voluntary”, and reiterated the importance of volunteers as a link with, and means of representation of, the “community”. As stated at the beginning of this chapter, the definition of “volunteer” and “volunteering” contains the implication of uncoerced action and unpaid service. Also the term “volunteering” suggests a high degree of self-actualization, whether for expressive or instrumental reasons. It also seems to exclude a broader remit or consciousness of wider horizons than was

exhibited by management committee members in this study and demanded by the concept of “community control”.

The data seem to suggest, in common with previous studies, that all volunteering in the case organizations was motivated by a desire to express and achieve personal aspirations. Some were motivated by philanthropic impulses. However some volunteering, especially among management committee members already involved in local political and community activity, seemed to be motivated by desire for social change and greater social justice, which they thought would be advanced by their involvement in the case organizations.

Another finding that seems largely unreported in previous studies is that volunteers can become very committed to the organizations they “help”. The data reveal that volunteers in this study developed commitment to other organizational participants, work, and goals, which made leaving difficult. These ties were reinforced by organizational and legal expectations made of them as they became more involved in the case organizations. Management committee members were largely elected from a membership association, and once they moved from associational membership to membership of the management committee their legal status in the association was changed. Although their action in standing for election might have been “uncoerced”, once they were elected and vested with legal authority their actions were governed by law. They also acquired legal responsibilities which required attendance at more than

occasional management committee meetings, and if they became an Officer of the organization these responsibilities increased even further. Although they were in theory free to leave, in fact, as the data revealed, volunteers found it difficult and distressing to do so.

This study found that the relationship between volunteers and the case organizations was more complex than the term “volunteer” appears to allow, and raises questions about the extent to which the terms “volunteer” and “volunteering” adequately describe all management committee members not nominated or co-opted. Some were organizational representatives with a range of professional reasons for wishing to make and sustain links with the case organizations. For many management committee members, especially those from client communities, their position on the management committee enabled them to guide, support, and argue for an organization that they thought was very important for meeting the legal needs, and giving access to greater social justice, of the communities they represented. Their involvement contained an element of public service not adequately conveyed by the term “volunteer” and seemed to go beyond ideas of the “common good”.

How management committee members are described and conceptualized may influence the way they are treated and perceived. A distinction was made by paid staff between the contributions made by service delivery volunteers whose work was appreciated, and those of management committee members where concern

was expressed about the problems they were perceived to bring. Some opinions about management committee members seemed to be based on an association between the terms “volunteer” and “professional” with the very strong suggestion that volunteers were per se “unprofessional”. Some views suggested that problems would not have arisen in the case organizations if management committee members were “professionals” or indeed “professional”.

This perception of management committee members may have contributed to the lack of influence they had on paid staff and to the disdainful and condescending treatment they appeared to receive from paid staff in some instances. It also may have led to training for management committee members. Training was seen by paid staff as both essential for volunteers and a tool to addressing some of the more difficult problems of management. Training for management committee members presents a challenge for voluntary organizations and CLCs whose aim is community involvement or control. The data reveal that management committee members were largely dependent on staff for information, support, and facilitation to enable them to perform their role appropriately. However, the data also reveal this role to be a complex mix of the representation of the interests of client communities and the exercise of legal authority over the work and activities of the case organizations. This dilemma raises questions about the purpose of training and its effect in increasing the professionalization of a community based management committee at the expense of its community voice.

The conceptual framework underpinning this study suggested that tensions might be found particularly between service delivery volunteers and paid staff in the operation of CLCs because of perceived differing goals and commitment. This study found a more complex set of relationships between service delivery volunteers and paid staff than was originally supposed.

In some cases service delivery volunteers also sat on management committees. In those instances the complex relationship between staff and management committee was made more complicated by this, thus creating an ambiguous position for volunteers and contributing to difficult relationships between management committee and paid staff. This ambiguity appeared to have resulted in different dilemmas for service delivery volunteers. It appeared to engender a greater loyalty to, and solidarity with, staff than to management committee, which was exposed at times of crisis and was difficult for them to negotiate. It laid some service delivery volunteers open to influence by staff, which created conflicts of interest, decision making problems on the management committee, and tensions with other management committee members. Finally, in some instances it required service delivery volunteers to exercise professional judgement about how, in their role as management committee members, they used information they may have acquired when working alongside paid staff in the CLC.

However, the data also indicate that the circumstances in which conflicts of

interest and loyalty arose were those in which the dual role was part of a policy of training prospective management committee members and keeping them engaged in the organization. Whereas in other instances, where the dual role occurred by chance, and the service delivery role of volunteers was very peripheral to their main purpose of representing the client community on the management committee, similar problems did not occur.

It was said both in the literature and by informants in this study that a principal reason for having service delivery volunteers was that they brought different skills into the organization; they acted as informants of community need; and they allowed the community another route to influencing professional decisions. However, as far as community influence on professionals was concerned, while service delivery volunteers made real contributions to the output of the case organizations they did so within an environment that was influenced by law and legal ethos, and, increasingly, by the constraints of funding contracts which limited their contributions. Service delivery volunteers had a symbolic importance for paid staff and professionals, but the extent to which they influenced professional decision making or accountability, on behalf of the community they were seen to represent, remains questionable, especially since they were largely supervised by those same professionals. The extent of their influence was therefore largely dependent on the nature of the relationship between themselves, as service delivery volunteers, and the professionals who supervised them; and the degree to which those professionals were susceptible

to influence.

Finally, this study uncovered some data of interest to practitioners about the reasons for volunteering and for volunteers' ongoing commitment.

Volunteers' motivation for becoming involved in the case organizations in this study were the same mix of expressive and instrumental reasons as found in previous studies. Yet for many they were both at the same time: an expression of deeply held values and beliefs as well as a means of achieving them. Their reasons for volunteering were inextricably bound up with their life stories and therefore of immense importance to them. They conveyed something of deep significance to themselves, which gave meaning to their lives and legitimized their involvement in the organizations. Some volunteers needed to be assured that their contribution would "make a difference". For others it was an extension of local political and community activity; or an expression of religious beliefs and values. Yet others, used it as a way of repaying a notional debt to the case organization for the help they had received as clients and as an opportunity to contribute to enabling others to benefit from it too.

While some volunteers became involved because friends had suggested it, others had been recruited by advertisement in a newspaper. Volunteers recruited by advertisement had had no prior knowledge of the case organization, whereas frequently those who had been asked, did. This method of recruitment appeared

not to have affected the development of commitment over time.

It was also found that volunteers continued their commitment for a range of reasons: because they enjoyed doing what they did; because they believed in what the case organization was doing, and felt personally committed to the staff, whom they admired; because they felt a sense of public duty and believed their involvement enabled a continuation of the service provided; and because they continued to share the values of the organization. When these conditions ceased to exist they resigned. There were exceptions to this among service delivery volunteers who were training to be lawyers and whose commitment was usually of shorter duration while awaiting a training placement, or returning to college. Also some management committee members who came from community organizations with similar services remained involved because they had developed close complementary working relationships with staff.

The importance of CLCs as training opportunities for lawyers was highlighted by qualified paid staff, who, in their criticism of volunteer trainee lawyers who subsequently went into private practice, suggested that CLCs might contribute to a larger pool of CLC lawyers by more focused recruitment of volunteers.

Chapter Seven: Key Environmental Factors: Their Influence on Organizational Behaviour and Relationships

Introduction

Previous chapters have described the historical origins of CLCs; and the organizational features of the case organizations in terms of their structure, goals, technology, and participants. Chapter Three also identified the principal influences in the environment of the case organizations. Chapters Four, Five, and Six examined the roles and relationships of management committees, paid staff, and volunteers, through the lens of the concepts of “community control” and “professional accountability”. They also discussed the impact of the political and professional environments of the participants in the case organizations; the influence of technology and the task environment on organizational relationships; and the role of the LCF in ensuring conformity to its rules and practices. It is in the nature of this study that environmental factors have been integral to discussions of organizational relationships. This chapter focuses on the influence of specific environmental factors, how the case organizations responded to them, how they engaged with their environment; and how these interactions between the case organization and environmental factors affected “community control” and “professional accountability”.

Although research has shown that all features of an external environment can impact on internal organization, the literature on organization, on voluntary

action generally, and on CLCs, together suggest those environmental factors which may be expected to have the most influence on the case organizations. These three bodies of literature together suggest that the political and policy environment, the need for public funding and the regulation that comes with it, and the relationship with the LCF and other CLCs are critical areas for examination.

Numerous organizational theorists suggest that external relationships with key suppliers or sources of resources, consumers or clients, competitors or others supplying similar services, and regulatory authorities have crucial influences on organizations (Levine and White, 1961; Blau and Scott, 1963; Evan, 1966; DiMaggio and Powell, 1983). Writers on the voluntary sector identify funders, contractors, and government agencies and institutions as key organizational influences (Brenton, 1985; Deakin, 2001; Rochester, 2001; Scott and Russell, 2001), which others suggest give them “stakeholder” leverage to override other stake holding interests (Knapp, Robertson and Thomason: 1987; Paton and Cornforth, 1992). Scott (1998: 139) notes the role of power and politics in the environment and suggests that some organizations may receive resources more by the exercise of power than by conforming to institutional demands or through superior performance.

These general influences are reflected in the work of writers on CLCs. Byles and Morris (1977) report that the decisions made by funders, both government and charitable, exercised a significant impact on the development of the CLC they studied. They also indicate that funders could have a

leverage with a funded organization that went beyond the immediate impact of funding itself. For example, funders could influence their location and venue. Further, in relation to the relationship between CLCs and the existence of a “law centre movement” while Byles and Morris (1977) find that the subject of their study did not have good relationships with other CLCs, other writers report the existence of a “law centre movement” (Stevens 1983; Stephens 1990). This conceptualization of the coming together of CLCs as a “movement” has been used also by the Law Centres Federation (LCF, 1992; LCD & LCF 2001).

The Impact of the Need for Funding

This study was conducted during a period in which local authorities were responding to caps on their revenue from central government by withdrawing grant aid from voluntary organizations and limiting funding through the mechanism of contractual agreements. At the same time the Legal Aid Board was bringing in franchises and block contracts, and was implementing other strategies to limit the disbursement of Legal Aid. Management committee members and staff of all the case organizations identified the need to ensure a constant income as a persistent problem.

The biggest problem is funding. (management committee, Alpha)

... funding is always a struggle. (non solicitor case worker, Delta)

For even the most stable case organization, funding was an annual headache carrying with it the fear that a deficit would lead to cuts in services.

...finance is the most pressing problem ...there is a predicted deficit of £15,000 for 1998/9 ... (administrator, Beta)

Although the case organizations had more than one funding source they were all reliant on the continued support of a core funder. If it withdrew from the funding arrangement, it would threaten the organization's survival. Management committee members commented on the prospect of failure to maintain or attract funding.

... if [XX] Hospital Trust grant stopped it would be difficult to survive (management committee, Alpha)

... without money the Law Centre won't be in existence ... (management committee, Beta)

Even small cuts in funding affected service provision, visibility of the organization, and contact with the community.

We used to have a bi-monthly magazine for the public telling them about our activities and cases ...It was stopped by [the manager] because of lack of funding ... it should be funded by the City Council. (management committee, Delta)

These comments from all the case organizations illustrate the widespread concern and perpetual struggle of management committees and staff to maintain funding sources. Management committees, as representatives of client community interests, and paid staff, as professionals, had vested interests in ensuring funding continued.

The case organizations felt they were being held in a funding vice controlled by local authorities and the LAB and they attempted to gain more leverage themselves by moving from one to the other to supplement the funding deficiencies of each. Legal Aid income had been money over which CLCs had formerly exercised control and could be used for development or unfunded work. Now it was being controlled from elsewhere because of franchising.

We have no choice but to move to franchise ... the local authorities funding Law Centres don't encourage development so Law Centres have looked elsewhere for that funding - this has been to the Legal Aid Board from which income may be generated ... that means gearing the Law Centre to meet the objectives of the Lord Chancellor. (solicitor, Delta)

... we are more focused than we want to be on demands of funders to survive ... (solicitor, Gamma)

These comments illustrate the strategic approach demanded of the case

organizations in acquiring a range of necessary funding, and the powerful influence funders could have on the goals of voluntary organizations. They also convey a feeling of despair at continually being faced with a choice between submitting to that influence and losing financial viability.

In the past, when restraints on local authority revenue had resulted in funding cuts to voluntary organizations, the case organizations had tried to increase their income with Legal Aid. The monitoring mechanisms for this source of income were such that many felt that their founding values, such as not means testing clients were threatened. In addition to this being a challenge to their integrity, they perceived that it would also affect their accessibility to clients, who might simply stop seeking help if, at the same time, they had to answer a lot of seemingly irrelevant questions about their income.

... revenue support grant to local authorities is not increasing ...
standstill budgets mean cuts ... franchise is an unknown quantity ...
means testing clients to complete green form conflicts with Law Centre
ideology ...(management committee, Delta)

Although not enough funding and no funding at all were obvious problems for case organizations, management committee members and staff also reported the negative effects of funding conditions when they were funded. They pointed especially to the destructive effects of funding regimes on attaining their goals.

... there are problems of franchising and block contracting in skewing the objectives of the Law Centre... I hope we don't have to turn any case down because we can't afford to take them ... (management committee, Beta)

... funding is almost leading us ... Law Centres, as things stand, may be a thing of the past and funding may jeopardise free access and legal advice to everyone walking through the door ...(non solicitor case worker, Delta)

The case organizations were very afraid of the fundamental change to their purpose, which they thought would come about as a result of these funding changes. It was commonly feared that they would simply have to fit their work to the requirements of funders at a cost to the work they were established to do. They felt they were at risk of losing advocacy and innovation to case work.

... I am not positive about contracts ... we are in danger of becoming a glorified private practice ... I understand the reasons but the consequences of those changes are that we've begun to think about cash and contracts ... so we will be doing no pioneering things which a Law Centre should be doing ... (non solicitor case worker, Gamma)

... funding is so crucial that people have to change their style of working, for example using green form ... the Law Centre's ability to take on non Legal Aid clients may diminish ... if Law Centres are to

remain with their ethos I'd like to see guaranteed funding to have both case work and development ... and training ...(non solicitor case worker, Delta)

Claiming Legal Aid was now hedged by processes designed to limit claims on it. Each amount of claimable time spent on a case had to be recorded on the file so that it could be paid for by the LAB; and clients in each case had to be shown to be entitled to Legal Aid. Previous schemes had allowed a certain amount of advice at a flat rate at lower levels of eligibility.

... now of course we have block contracts so have to record time to guarantee funding ... the block contracts require clients to be eligible for Legal Aid ... (solicitor, Gamma)

Others expressed particular anxiety about the new funding mechanisms to disburse Legal Aid, and identified the different ways in which it impacted on the case organizations. Case organizations found that they were to do less non case work if they were going to earn enough Legal Aid for it to be a useful source of income.

... we have got to get to grips with block contracting ... and be far more case work focused than previously ... the Legal Aid Board is founded on results and outcomes ...(management committee, Beta)

Frequently stark choices had to be made between carrying out administration

on existing cases and dealing with emergencies; or putting in extra unpaid time to carry out the administration on existing cases, including emergencies, and preparing an emergency case.

... Law Centres are small organizations and will have to decide between billing and emergency cases ... (non solicitor case worker, Beta)

Some requirements of the LAB under contracts included the regulation of the relationship between the adviser and the client. Advisers were required to notify the client at prescribed intervals about the progress of their case. This was so whether or not there were any developments since the last communication.

... block contracting has a lot of paperwork which the client doesn't want anyway ... case work will take over ... (non solicitor case worker, Gamma)

While some comments criticized the limitations of Legal Aid, others were about local authority grant aid, which was acquiring greater and more stringent conditions.

... the Council ... is becoming more active in grant conditions' requirements, for example equal opportunities, environment policy ... (non solicitor case worker, Gamma)

... the local authority sets targets so the Law Centre has to respond to review of grants ... (non solicitor case worker, Gamma)

These comments identify some dilemmas of both local authority and Legal Aid funding, and expose the extent to which both political decisions by funders, and administrative systems and processes for monitoring imposed by contracts, impact centrally on the work of CLCs. Management committee members and staff were clearly alarmed at both the nature of the change being brought about by the new Legal Aid system and the amount of work it entailed in practice.

While all the case organizations found adjusting to the new funding regimes difficult and had both practical and philosophical problems with them, Delta experienced particular difficulties because of the merger. The morale of staff was very low and there was a widespread feeling among staff that the Legal Aid changes were “the last straw”.

Franchising is going to give us operational and personal problems ... people are going to be upset at having to change their working practices especially so soon after the merger ... they are exhausted and it is daunting ... it has been an horrendously unsettling three years. (legal secretary, Delta)

Other staff were also aware that these funding changes were being added to already dynamic situations. However, amid the expressions of despair about Legal Aid funding some interviewees also suggested that it offered some possibility for development and a means of meeting the deficits left by local authority funding cuts.

... the squeeze on local authority revenue ... has meant a standstill grant for three plus years ... luckily the Law Centre upped its Legal Aid and got some new funding...(solicitor, Beta)

... with outreach we could make so much money, for example outreach in a hospital doing a benefits check and filling in Green Forms ...
(trainee solicitor, Delta)

The choices faced by the case organizations were succinctly described by a member of Delta's management committee.

... we are working in an environment of cuts and a dismal wider picture ... franchising which will mean new money for a new worker, publications ... The City Council want more control than at the moment, for example, in terms of targets with implications for case work versus other work ... but this service level agreement may be for three years so we can plan better and not worry annually ... (management committee, Delta)

Some interviewees pointed to a need for their own organization to take a more strategic approach to funding and income generation, and also placed their organization's need for funding within a national context. It was thought that a way needed to be found between the limitations of Council funding and Legal Aid franchises.

... the Law Centre is geared to need not profit, and the generation of income is not given the priority it should be for survival ... Law Centres are more interested in doing the work rather than getting the money in... (solicitor, Alpha)

... local authorities may have no choice in cutting ... Legal Aid and block funding would help but would shape work too, so stable core funding over a long term is needed ...(non solicitor case worker, Beta)

Others were concerned that there should be a better system of funding CLCs than the current one, and that the block contract that came with franchising would not address the problems associated with the receipt and need of public funding.

... funding is a major problem ... funding issues need to be looked at more carefully ... block contracting is not the answer ... (non solicitor case worker, Gamma)

Changes in public policy and legislation often created new need among users

of CLC services. If the case organizations were to fulfil their goals and respond to the manifestations of new need they required more resources. Government frequently omitted to recognize the result of public policy and legislative changes and their consequences for the case organizations.

Ensuring continuity of adequate funding especially in relation to Legal Aid is a problem ... the outreach problem still has to be solved and there will be no increase in funding for this. (solicitor, Alpha)

Client communities, as represented on the management committees of the case organizations, were in agreement with paid professionals about the need for funding for their services; about the problems funding brought in terms of goal attainment and greater bureaucratization of staff resources; and about trying to find the appropriate balance between keeping faith with goals and values and losing a much needed community resource. Funding conditions affected both the client community and the professionalism of the organizations equally. Both client community and professionals were thought to have marginal influence on them. Some funding need was fuelled by changes in public policy.

The Impact of Public Policy

Although the case organizations were severely affected by the funding decisions of both national and local government, they also reported the influence on their operation of other public policy measures taken at both

levels of government. This section discusses the effects of other public policy measures on the case organizations and the response of public authorities to their professional advocacy on behalf of clients.

Impact of NHS Reorganization

Although lack of funding was a problem for all the case organizations, the impacts varied. Each case organization was located within its own political, administrative, and geographical environment. As has been discussed in Chapter Three, Alpha served a specific and targeted client group, users of a particular hospital, and was located in a hospital building within the grounds of the hospital. The hospital Trust was both its funder and landlord. All the management committee members and staff expressed doubts about the organization's future as a result of major changes in the structure and treatment approaches of the National Health Service.

... there is no certainty of funding and future viability or continuing to be located in the hospital ... where the Law Centre is going is a big problem ... (management committee, Alpha)

Both management committee members and staff described the effects on Alpha of the reorganization of the Health Service. Since treatment would no longer be confined to the Hospital, but dispersed throughout the catchment area of the Hospital, the users of Alpha's services would also be dispersed, which would result in more users spread over a wider area than before

reorganization. These comments also expressed an underlying fear that despite the increase in numbers of users and geographical area there would be no increase in funding to cover the costs of expansion.

The client community are the users of [XX] Hospital Trust ... community care has blurred that definition slightly in that users include those receiving out - patient care and living away from the hospital ... (management committee, Alpha)

The Trust will shortly be taking on other beds in [XX] Health Authority area which the Law Centre will have to service. There will be time and financial implications without more revenue ... we have an uncertain future because of plans for the site ... (non solicitor case worker, Alpha)

While some commented on the fragmenting of the client community and its dispersal away from a single site, others discussed the loss of premises to the case organization that this dispersal and the redevelopment of the site would have.

[XX] Hospital Trust is currently reviewing how it provides services and [this] site is to go ... (management committee, Alpha)

... a threat is posed to this one [CLC] because of the diversification of psychiatric services ... where would the Law Centre be placed ?

(solicitor, Alpha)

The location of the CLC was clearly a matter of some concern to both management committee and staff since it seemed possible that it would have to move but was faced with a dilemma about the optimum location when the users of the Hospital's services would be very spread out. This problem of accessibility and visibility to their client communities was also experienced by the other case organizations.

Although the management committee members and staff of Alpha felt threatened by uncertainty, created by the reorganization of the Hospital Trust and its effects on the users of the case organization, they also thought that the changes this might bring about, might be beneficial to them directly, and to their development plans. Staff particularly seemed to feel that if the case organization survived the changes they would in turn lead to the development of new services.

We could have more room, get the costings sorted out, and the leisure and opportunity to develop other legal rights initiatives, for example Section 2 work may be extended to Section 3 or other Sections [of the Mental Health Act], though the service may have to be provided with private practice ... and find out about patterns and length of detention and perceptions of treatment ... (solicitor, Alpha)

This comment suggests that paid staff were keeping an open mind in responding to the impact of the Health Service reorganization, in case they could gain some benefit for their work and users. At the same time it also illustrates the extent to which management committees and staff of the case organizations were responding simultaneously to different public policy changes. The changes in mental health legislation providing new rights for users of those services and procedures for treatment also initiated new areas of work for Alpha's staff, which also needed new resources.

Interviewees described the difficulty of sustaining service delivery and developing new services to respond to new need.

...where legislation has created need ... new Acts will become part of the organic growth of the Law Centre ... funding itself is crucial and will be crucial to any shape it takes in the future ...(management committee, Alpha)

The changes which were reported by members of the management committee and staff of Alpha were the result of legislation and national policy changes. Although the other three case organizations were also affected by national policy decisions, their immediate relationships with institutions of government were with local authorities.

Impact of Relationships with Local Authorities

Three of the four case organizations – Beta, Gamma, and Delta - were funded by the local authorities in whose administrative areas they were located. As has been reported in Chapter Three, Gamma found that to continue to be funded they had to agree to move into a building chosen by the local authority and to enlarge their catchment area; while Delta was the result of the merger of two CLCs that had been closed down by the withdrawal of funding by the local authority.

Gamma and Delta seemed to experience particularly difficult relationships with their funding local authorities. Some staff of Gamma explicitly identified the development of local authority policy, and the specific wishes of Councillors, as the reason for the organization's move to its current location.

... Councillors think this is where we should be and that we should more accessible for the whole of [XX] City ... in this location we're not in a neighbourhood community ... (non solicitor case worker, Gamma)

It was thought that local authorities used the leverage of funding to implement other policy programmes not necessarily connected with a funding policy.

Both management committee members and staff of Gamma expressed a wish to return to their previous location and to move out of the building they

currently occupied. They were apparently concerned about both competition from other services and about the accessibility of their own services.

... this building is a problem – with the Law Centre on the 3rd floor and CAB on the 2nd floor - what's the difference for the user? ...a multi-agency complex makes the Law Centre vulnerable. (management committee, Gamma)

I do want us to be more involved in the community ...we need to re-establish links ... the move here is not satisfactory ... (solicitor, Gamma)

Staff were also acutely aware that they were unable to provide the range of legal services they had previously because they no longer had close links with their client community. This affected the work they did and the involvement of the community in the CLC.

Some interviewees in Gamma reported a close relationship, which had an influence beyond the impacts of policy, between the case organization and the majority group on the local Council. These interviewees expressed an awareness of the power of the informal pressure of the local authority on the case organization and its vulnerability if the opposition on the Council were to become the majority group.

... there is pressure from funders, that is, the local authority ... both

overt and covert ... strong links exist between the Labour Group and the Law Centre ... (non solicitor case worker, Gamma)

... we have to be aware of Council politics ... there is a close relationship between [XX] City Council and the Law Centre. (non solicitor case worker, Gamma)

It was thought that these close relationships acted as a pressure on the case organization to take account of the minutiae of political life within the local authority. It was also thought that this link was a means by which community influence could be bypassed and the control of strategic organizational matters retained in the hands of paid staff and particular politicians on the Council.

These “strong links” were not necessarily seen as good for the well-being of Gamma, making it vulnerable to political power games.

... if the Tories got control of [XX] local authority the Law Centre would close ... in the past the community would have ensured that the Law Centre stayed open ... (non solicitor case worker, Gamma)

Whereas Gamma had both a formal and informal relationship with the local authority by which it was funded, interviewees at Delta reported only a formal and hostile relationship. Members of the management committee and staff of Delta described the influence of the local authority on its establishment and

the effects of its continued control on its operation.

...all this has been soured by the contract culture and a failure of democracy. [XX] City Council think about us as providing a service to them ... this is the wrong way to do this... the merger was instigated by the local authority ... (solicitor, Delta)

The local authority's influence on the early development of the case organization was seen as a symptom of policy trends in the wider political system. The Council saw itself as the purchaser, and therefore the consumer and client, of services for which it contracted. The user of the CLC, and by implication the client community, was thereby left out of the service delivery equation and excluded from any influence on the development of the CLC.

Some management committee members in Delta recognized that, being part of a wider picture of local authority / voluntary sector relations, the case organization had not been singled out for special treatment. Delta found that they could not rely on stated commitments of the local authority. In the instances described below, management committee members seemed to have entered negotiations, in the first instance with the local authority to accomplish the merger, and in the second instance with staff to settle their terms and conditions of employment, relying on the word of the local authority that certain funds would be available. On both occasions this reliance was misplaced.

The local authority has behaved abominably to the Law Centre but not as badly as to other organizations - but relationships are not good.

(management committee, Delta)

... there was nothing to celebrate because at time of merger £30,000 was cut from the budget - the local authority had betrayed us.

(management committee, Delta)

The failure of the local authority to keep its word about the level of funding Delta would receive affected relationships between the management committee and staff, and specifically their ability to effect an agreement about the cornerstone of their employment relationship.

... the finalizing of the contracts of employment lost priority at the point when the local authority announced a cut in funding...(management committee, Delta)

The local authority's representative on the management committee was a common source of complaint and management committee members worked hard to keep her influence in check, mainly unsuccessfully.

... in addition I made a contribution especially to pull away from the influence of the Council's Project Officer. (management committee, Delta)

These comments by Gamma and Delta convey a sense of frustration and anger at the control and influence local authorities exercised over them.

Impact of the Community Legal Service

The Community Legal Service (CLS) has been described previously in Chapter One (see also Glossary).

The implementation of the CLS plans presented a dilemma for the case organizations in terms of professional accountability to client communities and the depth of professionalization that might result from participating in the scheme. There was a fear that the combination of a severe infringement of autonomy and increased bureaucratization would result in creating legal services' organizations that were more like government institutions or agencies than voluntary organizations. Its implementation also raised contradictions about the CLS plans themselves, which purported to be for "the community" but which operated in such a way as to increase professional authority and threaten client community involvement in the case organizations.

Both management committee members and staff in all the case organizations expressed deep concern that the introduction of Legal Aid franchises (see Glossary) would subvert the "ethos" of CLCs, coercing them towards more case work and away from other forms of legal service provision. However, some staff, notably solicitors, observed that the new policy could have

advantages for CLCs in general and theirs in particular.

... if unmet legal need increases and if there is a political decision taken to meet it then Community Law Centres are the obvious organizations to meet the need ... a uniform system throughout the country should aim for this. (solicitor, Alpha)

... regional Legal Service Committees may mean more funding and money for Law Centres ... more secure funding, more staff, bigger area ...currently there are two staff on temporary funding ...(solicitor, Beta)

While these comments were positive, identifying the changes as opportunities, other comments also suggested that they were no real challenge to CLCs because the legal services provided by CLCs tended to be through case work rather than non case work activity, such as community work. They also hoped that income earned from contracts would enable funding from other sources to be directed to non case work activity.

... the option facing us is contract or close down ... most Law Centres do precious little other than case work ... contracts should liberate resources... (non solicitor case worker, Beta)

Although some perceived the practical advantages which might flow from the new approach to providing publicly funded legal services, there was

scepticism about the system which would deliver the policy. Inherent in the debate being conducted within the case organizations was a question about whether CLCs' goals and values might accommodate the changes. Within this there was also a debate about how far "professionalization" in the organizations would hinder community control or involvement. Others felt that the government was trying to provide a service "on the cheap".

... there is a move to get things done cheaper - block contracting etc ...
a move to get volunteers to do the work ... and a continued squeeze
on Councils ...(solicitor, Beta)

... the Lord Chancellor's Department say Law Centres offer a cheap
and efficient service ... I am worried about whether it's the route of
cheapness rather than ethos and ideals ...(non solicitor case worker,
Delta)

Yet others were concerned that the new system would lower professional standards in CLCs and detract from the realization of CLC values by demanding greater concentration of resources on case work away from non case work activities.

... a contract may mean having to do certain levels of case work taking
resources away from other work ... we don't lower standards because
the government has lowered its. (non solicitor case worker, Beta)

It was also thought that the changes would lead to case organizations being forced to operate more like solicitors in private practice thus limiting their professional accountability and losing community involvement, which were their distinctive qualities.

... franchising is not creating the kinds of Law Centres we wanted - we are becoming private solicitors on the cheap ...(non solicitor case worker, Gamma)

... changes may lead to Law Centres getting more like private practice
...Law Centres need to be clearer and reaffirm what we are here for
...(non solicitor case worker, Delta)

While some were concerned about being forced to behave more like private practice with the subsequent loss of values and identity, others were concerned that the standardization of service achieved through contracts would appear to users and funders that all providers offered the same service.

... duplication will occur with franchising ... and there is a need for a properly funded qualified staff to do more than we do at the moment ...
better to have a properly funded Law Centre...(legal secretary, Delta)

Both management committee and staff at Beta were concerned that non case work legal services were not being funded under the CLS arrangements which seemed also to omit innovation from its funding considerations. There

was also a fear that the administrative systems and other requirements imposed to monitor and check when a contract with the LAB was let would infringe autonomy and independence.

... there is a need to convince government that project work is important and wanted by local people and should be funded ...
(management committee, Beta)

I've read the paper on the Community Legal Service ... they should give grants to replace some core costs for innovation, projects and so on and it may lead to loss of voluntary status ...this should be an extra to Legal Aid not a replacement ... (community worker, Beta)

One of the contradictions of the CLS was expressed in the observation, that although government had taken on board the concept of legal services for the community, the principal promoters and deliverers of that concept, CLCs, were being treated not as major players in the field but just as any other advice and legal services organization in both the private and voluntary sectors.

... the way in which the Community Legal Service develops may downgrade their [CLCs'] role whereas they ought to be the lynch pin, the heart of any community legal service ...(solicitor, Delta)

In addition to feelings of disappointment at not being given a more central

place in the CLS plan, staff also felt coerced into participating in a system which acted against their interests and left them feeling disempowered.

... in a way franchising is about bolstering the system ... and this is disempowering us ...(non solicitor case worker, Gamma)

Although some solicitors expressed optimism that the new Legal Aid scheme would bring new resources to CLCs, management committee members and staff mainly took a pessimistic view of the changes. Overall they thought that franchises would bring greater professionalization and standardization across all legal service provision, and that this would diminish CLCs' distinctive character and values, which may result in a threat to themselves since they may then become indistinguishable from other legal service provision, especially private practice. They also thought that the drive to standardization would reduce quality of service in CLCs and the possibility of undertaking non case work activity, and hamper innovation.

Impact of Advocacy on Public Authorities

CLCs perform an adversarial role on behalf of their clients which brings them into professional conflict with other professionals employed in social welfare institutions. This form of conflict, which is an acceptable mode of conduct in the legal world, has not previously been reported in the specialist literature on CLCs but emerged from this study.

Sometimes those governmental institutions and authorities which took decisions affecting the lives of the service users and clients of the case organizations were also their funders. Examples of those taking such decisions were doctors, specialist medical practitioners and clinicians, social workers, education officers, and housing managers. The case organizations often challenged those decisions, and by implication the professional judgement of those taking them, on behalf of their users. Sometimes these professional challenges on behalf of clients created personal resentment on the part of those challenged which developed into a situation of conflict. This in turn created a constant fear in the case organizations that their funding might be cut if they were too effective or successful in pursuing their clients' interests.

Client communities expected to be represented by a totally independent agency in this way.

... clients here have to be convinced that the Law Centre is totally independent from [XX] Hospital Trust and is not accountable to [the Hospital Trust]... (management committee, Alpha)

Although this comment was made specifically about Alpha's clients, who were in a more acutely vulnerable situation than most CLC clients, it was equally applicable to the clients of the other case organizations. Clients did not trust an agency that was not completely independent of the institution whose decisions they were challenging.

A solicitor at Alpha gave a potted history of the case organization's gradual acceptance as representatives of the users of the Hospital services.

... at first no representation was allowed at the Mental Health Review Tribunals and managers' hearings, then barristers were allowed, then there was agreement that Law Centre workers were allowed to represent ... demand increased significantly - it escalated as hospital managers began to appreciate the role of representatives brought by clients ... now all renewals have a hearing so the Law Centre represents ... staff have responded to the skills of the Law Centre and encourage patients to use the Law Centre where staff know that patients are unhappy with treatment ... there has been a change in attitude of nursing staff to Mental Health Review Tribunal appeals. Nursing staff and new consultants take a different view from previously to patients' rights. (solicitor, Alpha)

This narrative depicts a situation that existed over several years and charts the development of the acceptance of the professional skills of the case organization by the medical professionals whose decisions they were challenging. Threat of withdrawal of funding was seen as part of a power game played by the medical professionals to show that they were capable of exercising some kind of "authority" over Alpha's staff.

Despite an overall change in attitude to the case organization and representation of patients both management committee members and other staff still experienced problems.

... doctors don't like being challenged... (non solicitor case worker, Alpha)

... the administrative staff are more in favour of the Law Centre than the clinical staff ... there is professional conflict between the clinical staff of the hospital and the staff at the Law Centre because of the Law Centre's work in challenging decisions of the clinicians. (management committee, Alpha)

Although Alpha experienced particular problems in relation to conflict between professionals, interviewees from Beta, Gamma, and Delta also described similar conflict as a continued constraint and a potential problem.

Management committee members were clear about roles that were appropriate for Council employees and CLC staff.

... a lot of problems in housing could have been avoided if Council officers were better trained ... the Law Centre approached the Borough Council to offer seminars to Council officers which was successful ... the Law Centre received a bit of resentment but the relationship improved ... (management committee, Beta)

Occasionally the professional interest of CLC staff and Council officers touched or overlapped and on some of those occasions Council officers used their position to gain an advantage in the negotiations about territory.

... [XX the manager] was agreeing with the Council Liaison Officer the areas of work to be split between the Council and the law centre, and she was maintaining that the Council should be doing outreach and a benefits campaign ... (legal secretary, Delta)

Staff in all the case organizations were constantly aware that, whenever they represented their clients' legitimate interests against decisions of the professional branches of their funders, these might result in threats of withdrawal of funding or the imposition of other conditions or other compromising demands. The continual balancing act performed by CLC staff was succinctly described by this solicitor.

... we are more focused than we want to be on the demands of funders
... I am challenging decisions of the local authorities which may have political repercussions ... (solicitor, Gamma)

The central experience conveyed by many of the comments of management committee members and staff, is that staff in the case organizations presented a credible challenge to professionals whose decisions had not previously been questioned and who did not like it. It seemed also that in some situations these institutional professionals, seeing these challenges as

personal, retaliated by attempting to frighten CLC staff by “pulling rank” and by threatening them with funding loss. In this conflict between professionals, management committees, as representatives of client communities, appeared to stand firmly with their staff and not to be intimidated by threats of loss of funding.

The Role of the LCF

The Influence and Effectiveness of the LCF

The case organizations, as all CLCs, were members of the Law Centres Federation (LCF). Interviewees reported varied degrees of awareness of the influence of, and involvement with, LCF. The comments recognized both LCF’s co-ordinating and network role and its role of support and facilitation to its members. But, despite its importance to CLCs, an overwhelming number of management committee members and staff had no contact with it, for which they gave an array of reasons. Some were too busy to be involved or indeed to keep on top of the information they received.

... in general the Law Centre receives too much information from them which piles up in the in-tray ... the people resources of the Law Centre are too few to attend meetings ...(solicitor, Alpha)

I am not in touch with LCF any more ... couldn’t keep up ...
(management committee, Beta)

Scarcity of time and money were also cited as obstacles to involvement with LCF.

I have been once to the immigration working party but time and money prevent greater involvement ...(solicitor, Gamma)

... I stopped being involved because of funding and then the manager didn't see it as work, so there was no time off for attendance. (non solicitor case worker, Delta)

Some members of management committees reported not seeing LCF papers and there was some suggestion that they were being deliberately excluded from information from and about LCF by staff.

I was very interested in the LCF and went to three annual general meetings ... would attend more frequently if I know of meetings ... I don't get the papers ... have attended the quarterly meetings ... (management committee, Alpha)

Although at Alpha some information was being passed on to management committee members, at Delta all information was filtered through the manager and not disseminated to management committee members.

... I have not had much contact or involvement because the Law

Centre has not told me about its meetings ... I know it exists but nobody has shown me any documents or information about them ... (management committee, Delta)

... I didn't know about LCF ... it is difficult to find out or get papers before becoming a member ... and nothing came through to the management committee about some issues. (management committee, Delta)

Although many management committee members and staff reported little or no contemporary contact with LCF, they also often observed that there were specific LCF activities and functions which they found of relevance and value.

I am not at all involved with LCF... I don't seek advice or help ... been involved in the Disability Rights Working Party. I don't go to the annual conference and I don't feel compelled to attend courses. ...I read minutes of the Executive and other meetings ... I would like the managers of the Law Centre to attend the managers meetings ... these are useful for management committees. (non solicitor case worker, Alpha)

I have no direct contact with LCF... been on a couple of training days at Newcastle with other Law Centres ... I enjoyed it ... met people from other Law Centres ... (management committee, Beta)

Staff indicated some specific aspects of LCF that were useful, including the security of belonging to an organization that would protect its interests.

I don't seek help and advice from LCF... it is ... useful to have to stick to LCF rules, for example, on majority of Councillors on management committees ... (solicitor, Beta)

Although many interviewees were not involved in meetings and activities of the LCF they nonetheless appreciated the specific support it was able to give.

... I very rarely have contact with LCF ... not involved in any working groups at the moment ... ideally I would attend more regularly ... it is valuable for Law Centres to have the LCF working groups ...(solicitor, Alpha)

... Periodically I need to speak with them and it's good to know they are there ... I attend regional meetings ... not been to conference recently...(non solicitor case worker, Gamma)

For some staff there was value in being able to exchange information and views about current legal issues concerned with their work for clients. LCF fostered some professional support for those who wished to use it.

...my contact so far has been on a course on judicial reviews... I shall be attending a meeting on legal services...I would like to have more

contact especially with other housing workers ... exchange / support network is missing from private practice ... contact is pretty important.
(solicitor, Beta)

Other staff expressed greater appreciation of the co-ordinating role of the LCF.

I am involved in the Disabled Workers and Managers Group ... time and travel are a problem and geographically demanding ... four times a year are not sufficient to make changes ... there is scope for regional meetings ... (community worker, Beta)

I have limited contact with LCF and on the specialist policy issue of disability discrimination ... I devour all the stuff that comes in ...
(solicitor, Delta)

Apart from attending meetings it was possible to be involved in LCF by commenting on policy and briefing papers, and other kinds of documents produced by the LCF or by its working parties. Some staff used this method of participation.

I am not too involved anymore ... have contributed to LCF view on green and white papers for example on changes in Legal Aid ... I used to attend the quarterly general meetings and annual general meeting ... (non solicitor case worker, Delta)

There was some recognition that the relationship with the LCF was not one-sided but based on reciprocity.

... we contact the LCF when we need it ... whenever they have asked for anything we've tried to help ...(non solicitor case worker, Gamma)

On the other hand, others were severely critical of the LCF, casting some doubt on its usefulness and relevance to them.

... Alpha is a very isolated Law Centre ... been in a backwater since the hospital split from [XX previous Health Authority] and the papers from the LCF don't help although the information is comprehensive.
(solicitor, Alpha)

... there seem to be many political problems around the LCF... too early to tell about the benefits of the contact ...(management committee, Alpha)

Although membership of LCF did not diminish the feelings of isolation experienced by Alpha, they were also not keen on becoming too involved because it seemed to harbour political problems, which threatened diminish any benefits Alpha might receive. This hesitation was given more substance by comments from Beta.

As a Law Centre we could exist without them ... I don't think they focus

properly on what they should be ... too introspective rather than campaigning ... and where are the LCF in major issues ... no reason to ring them ... not sure whether anyone wants to attend the training at the LCF. (management committee, Beta)

Greater involvement with LCF and recognition of its importance to CLCs generally did not immunize it from criticism from those who supported it in principle and practice.

... we are quite involved as a Law Centre in LCF ... [XX member of the management committee] and one staff [member] goes to General Meetings ... we have a commitment to the idea of LCF as a national organization ... LCF is important in negotiating with government, however as a national organization LCF is a disgrace and doesn't offer the support ... that it should ... a lot of people involved in the Executive Committee don't have the slightest idea about management ... (administrator, Beta)

Management committee and staff at Beta agreed that LCF did not perform enough of a lobbying role on behalf of the membership even though it was in a position to do so.

The most damning comments of all were those which conveyed the view that LCF did not respond when its help was sought.

I have asked the LCF for help who said they couldn't and didn't make alternative suggestions ... Law Centre management committees should be able to be helped by other Law Centres in employment matters. (management committee, Gamma)

In sum, contradictory expectations were expressed in relation to the role of the LCF: on one hand, management committee members and staff did not become involved, yet on the other, they expected it to represent their interests. Despite the criticisms of lack of representation of CLCs and failure to respond to specific requests for help, LCF nonetheless provided some specific benefits for its members which assisted them in their work at the CLC, particularly events and training for management committee members and professional support for staff. Participation was difficult because it generally entailed time and travel, costs which CLCs found hard to meet.

The Influence of Other CLCs

Although the LCF through its structure and training offered a forum for case organizations to network, it was possible for them to make and sustain independent contact and relationships with each other and other CLCs.

However most interviewees reported no contact with other CLCs while some said they had specific contact with nearby CLCs. Where contact existed it seemed to consist of telephone exchanges rather than a more in-depth communication. Most contact between case organizations and other CLCs

seemed to be for specific information or help on particular issues.

I have a little contact with [XX and YY nearby CLCs] ... for example about volunteers' expenses ... it is useful to have some contact ... but it's only by telephone ... (non solicitor case worker, Alpha)

To a certain extent I have contact with other Law Centres ... people contact us for information for example [XX nearby CLC] ... we have a good library ... I meet people on training courses ... (non solicitor case worker, Beta)

Certain areas of CLC practice such as in the field of immigration law and community work seemed to benefit from professional exchange with other CLCs.

I am contacted for information and copies of materials ... I have contacts at [XX and YY nearby law centres]. (community worker, Beta)

I speak to [XX nearby law centre's] immigration worker ... (solicitor, Gamma)

Alpha attracted a certain amount of interest from other CLCs because uniquely they specialized in legal issues affecting those using mental health services.

... other Law Centres have been in touch out of interest ...

(management committee, Alpha)

Where the case organizations were part of a regional group of CLCs which met periodically, as Gamma was, there seemed to be a greater expression of commitment to, and solidarity with, other CLCs.

... occasionally I talk to colleagues in [this region] to exchange information or bump into them at training ...(non solicitor case worker, Gamma)

... in our region we have regional meetings ... I know other Law Centre staff quite well ... we usually support each other if necessary ... I would as a priority return the calls of other Law Centres. (non solicitor case worker, Gamma)

Knowing others personally or having met them, and working in isolated conditions encouraged contact with other CLCs. Staff at Delta, although prevented by the manager from being involved in the LCF, displayed keen enthusiasm for seeking, and giving, help with specific work related problems from other CLCs, and for maintaining personal contacts which enabled this.

... I still ring other Law Centre staff for advice and others ring me ... we are interacting on case work ...(non solicitor case worker, Delta)

... the Law Centre has contact with [XX nearby CLC] and I know a

couple of people from [XX another CLC] ...(trainee solicitor, Delta)

Some at Delta felt embarrassed and regretful about the little contact they had with other CLCs and pointed to the difficulty of prioritizing activities away from their own organizations when they felt there was so much to be done there.

... my contact is limited to meeting them at network and Legal Aid Board, meetings and training ... it is difficult to go to meetings when there are needs here ... (solicitor, Delta)

These comments indicate that contact with other CLCs was a matter of personal preference or style of work, and was driven by the need to exchange information about practical or specific matters. Many members of staff at Delta, who reported no formal links with other CLCs, also said they had friends in other CLCs.

...I have friends in other Law Centres. (non solicitor case worker, Delta)

... I have friends on management committees of other Law Centres ... but no formal links with other Law Centres. (non solicitor case worker, Delta)

The isolation of Delta's staff is underlined here in their implied belief that other CLCs have "formal links" with each other. Although communication between

the other three case organizations and other CLCs was sanctioned it did not appear to have been formalized. The principal impetus for interaction with other CLCs was mutual professional and collegial support.

Impact of the “law centre movement”

Despite frequent and consistent references to law centre “values” and “ethos” most interviewees were ambivalent about the idea of the existence of a ‘law centre movement’ and their part in it.

Those from Beta and Delta came closest to perceiving themselves as part of a movement even though their participation was limited; and they expressed differing perceptions of what that notion meant to them.

... it’s good to be part of a movement ... being one of many we can ask for help ... (management committee, Beta)

While some saw it as a kind of support group others viewed it as an opportunity to promote CLC principles.

... sort of feel part of a movement ... I have a chance to have an input to national work with Law Centre principles ...(non solicitor case worker, Beta)

Staff at Delta seemed to feel some diffidence towards the idea of a movement.

In a sense I feel part of a movement but have had no active involvement. (non solicitor case worker, Delta)

I associate myself with a movement, but as for feeling a part, no.
(solicitor, Delta)

.... yes I think I still do feel part of a Law Centre movement but we've been quite isolated ...(non solicitor case worker, Delta)

For the staff at Delta the symbolic significance of a "movement" seemed just as important as its reality.

Other members of management committees and staff reported complex feelings about the concept of a "law centre movement" and their part in it. In some instances the existence of a movement was part of a given context of the relationship between a case organization and others. So that it was endowed with meaning by those outside the case organization rather than those in it.

I don't [feel part of a movement] in the Law Centre but to outsiders I am ... to this institution [XX] Hospital Trust we are part of a movement...
(non solicitor case worker, Alpha)

Some questioned whether the concept of a movement was applicable once CLCs became established, and suggested that the innovative and unique qualities it promoted had been lost in establishment. It was also suggested that as long as those involved continued to share a commitment to common ideals it did not matter whether collective consciousness was described as a movement or by some other term.

I have joined a movement ... but it is probably too established to be called a movement ... the feeling of a movement becomes watered down as time passes ... the cutting edge impetus is no longer there which is part of the establishment process ... (management committee, Alpha)

... movement is not the right word ... a network perhaps ... I feel part of a network ... (non solicitor case worker, Gamma)

I feel part of an approach - a positive approach ... I think its nature is more limited than it was ... does not have the crusading zeal of the early days ... possibly inevitable but this does not invalidate the basic commitment most people would share ... (solicitor, Alpha)

Some wanted to feel more positively involved and included before they would have the confidence to claim to be part of something as all-embracing as a movement.

... I do not personally feel part of a movement but would like to

...(management committee, Beta)

... if I were more involved I might feel part of a movement ...(legal

secretary, Delta)

Some interviewees, then, felt themselves to be part of a larger body or association but doubted that it amounted to a movement. This was in contrast to other management committee members and staff who reported positive hostility to the idea of a Law Centre movement, questioning its existence and legitimacy.

There was a suggestion in some comments that participants in the case organizations looked to the LCF to provide an appropriate forum in which the movement could reside and in which case organizations could have a voice; and it did this very badly or not at all.

... I want to be part of a movement but where is it? ... and the

movement or LCF is looking in the wrong direction. (management

committee, Alpha)

yes I do feel part of a movement ... but I am not sure whether because

or in spite of involvement with LCF ... the politics of LCF can be

divisive ... (solicitor, Beta)

Implied in these comments is the understanding that movements are wider than organizational boundaries and influence the world in which they exist. The LCF may have provided the case organizations with specific opportunities to participate in its own policy making and in its influence on government and other policy makers, but was seen to fail as a voice of a movement in generating more widespread change.

... I don't feel part of a movement anymore ... information share is good from LCF but beyond that not an awful lot ... (non solicitor case worker, Gamma)

... LCF should have an ethos of a movement since Law Centres are a unique way of delivering legal services ... (non solicitor case worker, Delta)

Some management committee members, involved in their communities and in political action to bring improvements to them, were very clear about what kinds of activities would constitute the manifestation of a movement. They perceived the LCF to be the embodiment of a movement, and they thought it to be both remote from their needs and aspirations, and exclusive of them. The perception was that the aims of the LCF had little in common with those of communities involved in the case organizations.

... a Law Centre movement ? I don't really know - basically no - what are the ideals? ... I don't want to have some justice for some at the expense of others ... I am angry for changes in the mental health detainment rules or diagnosis ... my campaign would be for patients rights which is not an aim of the Federation ... (management committee, Alpha)

I don't feel part of the Law Centre movement but part of a movement in North East [of this County] ... (management committee, Beta)

Others expressed this exclusivity in terms of professional arrogance, especially of lawyers, which acted as a barrier to the participation of others.

The Law Centre movement lost opportunities and seems to be based on arrogance ... the model is fine but should not get caught up in being more politically correct than others ... (administrator, Beta)

... a movement is all right ... but it is dominated by solicitors who think they know best ... they like attending and networking ... (community worker, Beta)

The concept of a movement seemed both irrelevant and antagonistic to some.

... maybe I don't want to be part of a movement and perhaps there is no movement to be part of ... (solicitor, Beta)

... the Law Centre movement is a throw back to the 1970s and belongs there. (trainee solicitor, Delta)

I think the issue is of competition and the voluntary sector becoming more like business ... the movement has long been dead ...
(management committee, Delta)

Yet others recognized that being part of a “movement” required more than membership of a particular organization, in this case, the LCF.

I didn’t at first but eventually have felt I was part of a movement ... being a member of the LCF doesn’t inevitably make you part of a movement ... (management committee, Alpha)

Some appeared to have felt betrayed. Others seemed to think it was a contemporary irrelevance, and yet others that it was inimical to their interests.

These comments expose a huge ambivalence on the part of both management committee members and staff about the existence of a Law Centre movement and their part in it. While some hostility was expressed most interviewees seemed to feel that they were part of an indefinable something that extended beyond the boundaries of their own CLC, but were hesitant to call it a movement. They were also clear that the role of the LCF as a voice of a Law Centre movement was non-existent.

Discussion

This chapter has built on the findings of the previous data chapters and has explored the responses of organizational participants to key influences in their environment. The conceptual framework underpinning this study took account of environmental factors that immediately affected “professional accountability” and “community control”, namely the client community, professional associations and training and the legal world, and the LCF. The data in this chapter identifies a wider range of key environmental factors, some of which had profound effects on the ways in which case organizations behaved.

This chapter has identified three principal environmental influences on CLCs: national and local funding policy and practice; public policy as promulgated by national government and the response of public authorities to the advocacy role of CLCs they funded; and the LCF as a representative of, and support for, CLCs, and its putative role as the co-ordinator of a “law centre movement”.

Previous chapters have suggested that the notion of “embeddedness” might offer some explanation about why and how some case organizations displayed more coherence and stability, and were able to address organizational change more robustly, than others. This notion might also explain the ability of some to maintain a stable base despite the dynamism of

their environment and why others experienced a similar environment as more volatile and less controllable. The data reveal that while the environment held the same threats for all the organizations, they responded to them in different ways that reflected their confidence in the stability of their organization, its ability to withstand them, and the nature of their relationships with their client communities and funders.

The case organizations were very aware of the development of public policy and its implementation. They sometimes contributed to it, and their clients were often directly affected by it through the impact of legislation and institutional practices. The data reveal that specific public policy aimed at other targets, such as the reorganization of the Health Service to implement care in the community; and the programme of legal services reform through the establishment of the Community Legal Service and changes in eligibility for Legal Aid, could be experienced as threatening by individual CLCs.

Most of these threats related to their need for funding, so that public policy often combined with funding policy to create an environment perceived as punitive. The data reveal a cluster of challenges associated with the need for funding. First, it was resource intensive. Participants in all the case organizations explained that looking for funding, trying to maintain existing funding streams, and planning for deficits, were constant activities which occupied them. Second, both local government contracts and franchises let by the LAB came with a plethora of conditions and monitoring requirements. Especially in the case of franchising, these demanded more CLC resources

for administering client files and completing client forms to prove eligibility for Legal Aid, than had the previous system of Legal Aid. Third, in one instance, public and funding policy also combined to increase the geographical catchment area of a CLC without the promise of corresponding financial support to provide the resources to deal with this expansion. Fourth, the data suggest that local authority funding of CLCs was influenced by the client community's relationship with it and with the CLC, which could be advantageous and stable as at Beta, or difficult as at Gamma.

The fifth area of challenge from these sources was to organizational goals and values as they threatened to push these CLCs towards greater professionalization, to reduce both their range of individual clients and non case work activities, and sometimes to remove them physically from their client base. Case organizations experienced these threats and responded to them differently.

Some funding conditions appeared to be inimical to developing and sustaining links between CLCs and client communities. First, they threatened to limit the range of work CLCs did to traditional case work, and to reduce the community work which encouraged community organizations to become involved with a CLC. Second, contractual arrangements favoured case work above other non case work legal services, such as community work. This threatened to diminish the role of the management committee, and by extension, the client community, in influencing the work and direction of CLCs. Third, in line with the experiences of other voluntary organizations, contractual mechanisms to

fund CLCs created a parallel client relationship with funders to that with users, who were also clients, thus creating a potential for conflict of interest. In these ways professional accountability to client communities and management committees, and the resulting community control and embeddedness, would be further eroded, as was the case at Gamma and Delta.

As far as relationships with other CLCs and the LCF were concerned this study found the same general ambiguity as was expressed in previous studies of CLCs. The case organizations appeared to have closer relationships, especially staff who benefited from collegial and professional interaction, with those CLCs that were geographically nearer to them than with others and little with the national body. The data also revealed differing views about the notion of a “law centre movement”. While it was clear that many interviewees, both members of management committees and staff, recognized that they were part of something bigger than themselves and wanted to be part of it, they were not sure that they would describe it as a “movement”. There was some opposition to the idea that the case organizations might be part of a movement by those who saw CLCs as primarily a mechanism for service delivery rather than as promoters of values.

The data suggest that management committee members derived benefits from specific LCF activities rather than as a forum for representing their interests. As far as management committee members were concerned the relationship between their community interests and those of the LCF were

thought to be too remote to make the relationship with the LCF a useful vehicle for their aspirations.

A final noteworthy aspect of the CLC environment is the response of institutional professionals to the staff of the case organizations when the latter were representing their clients' interests against institutional decisions. In these situations management committee members were firmly behind staff and the professional strategies they took to deal with these challenges, giving no credence to the threats of loss of funding. This solidarity, expressed especially at Alpha and Beta, indicate the extent to which management committees saw the public manifestation of the professionalism of the organizations as a joint enterprise.

Overall while this study reflects previous findings it also up-dates and extends knowledge about how specific environmental factors influence organizations in this field of voluntary action. This is especially the case with regard to funding; and to the threat to funding by the response to CLC advocacy of professionals in funding authorities. The data discussed in this chapter have shown that while the need for funding is a constant priority for CLCs, and that funders have an inherent advantage, the way in which CLCs develop and structure their relationships with other environmental actors, such as client communities, could in turn influence local authorities' approach to funding them.

The threat to CLC funding from the responses of professionals in funding authorities to their legitimate advocacy on behalf of clients, and the full support of management committee members of their staff in the face of those responses, have not been previously reported findings. These data show that funded services might be inherently threatening to the very funding that allows them to be provided, and the importance of partnership between management committees and staff in addressing these threats.

Chapter Eight: Review of Original Conceptualization and Policy

Implications

This chapter brings together the research process and the research aims. Its purpose is to reconsider the view taken of CLCs at the beginning of this study; to assess whether it has changed in light of the data, and in what ways; and to reappraise the research question. It is divided into four Parts. Part One will restate the original conceptual framework, and discuss it in light of the data. Based on the analysis of these data it will also suggest a revised model for understanding CLCs from the one offered by the original conceptual framework. Part Two points to the practical implications for CLCs. Part Three will make some suggestions for future research; and Part Four will look again briefly at the research question.

The scope of this research was set by a conceptual framework devised by tracing the historical and theoretical roots of CLCs, and by reviewing the very sparse literature on CLCs. A case study strategy was taken, and four cases studied. A document analysis was undertaken to establish the shape and form of the case organizations; and to identify organizational participants and key environmental influences. This analysis enabled a better understanding of the case organizations and began to establish their similarities and differences in relation to the conceptual framework.

A further analysis of interview data was undertaken, which revealed organizational dilemmas for those involved in the case organizations and the similarities and differences in the ways in which they were experienced. In comparing and contrasting the experiences of organizational participants an attempt was made to offer explanations both for the dilemmas and the differences in the ways in which they were experienced. This chapter builds on these explanations.

Part One: Conceptualization of CLCs

The conceptual framework suggested that professional accountability and community control were important dimensions of CLCs. This conceptualization of CLCs in turn suggested possible points of tension, for example, between management committee members representing different constituencies; between management committee members and staff; among staff, and between them and service delivery volunteers. It also suggested a number of possible organizational dilemmas for participants in CLCs (and for policy makers who wish to include CLCs in their plans for the delivery of legal services) associated with these points of tension.

Community Representation and Community Control

Since all CLCs had to fulfil the membership requirements of the LCF in order to become a CLC, it was assumed at the beginning of this study that all the case organizations would have the same legal form, organizational shape and structure, range of professionals and paid staff, and goals. It was also assumed that, given their different geographical locations, they might differ in terms of their management committees and client communities. The empirical data indicate a different profile of shared and differing features.

The constitutions of the case organizations, expressed in their governing instruments, were found to be a crucial expression of their operational intentions as they set out the means by which community representation and “community control” (LCWG, 1975) would be realized. Although the constitutional and legal forms were the same in all four cases, the ways in which they were interpreted and operationalized were in fact found to be different in each case.

Given the role of the LCF in assisting local steering groups to set up CLCs, and the need for each new CLC to fulfil the LCF membership requirements, it was also assumed that there might be a tendency for new CLCs to copy the constitutions of existing CLCs, thus leading to mimetic replication in the drafting of governing instruments. This was found not to be the case. There was broad similarity between the four cases in the way in which they described eligibility for

associational membership, but sharp differences in how composition of management committees and the range of community interests that might be represented on them were defined. The four constitutions therefore revealed their differing founding commitment to community representation and control.

These differences appear to reflect the differences in community involvement between the case organizations and the extent of their embeddedness in their client community, and therefore closeness to their founding roots (Billis, 1991). Those case organizations which described the composition of their management committees in general terms, leaving their exact composition to the democratic dynamics of the associational membership, were deeply embedded in their client communities. This was in contrast to those constitutions where an ambiguous relationship with client community existed, and where the idea of community control had been rejected. In these instances the constitutions defined in very precise detail what interests should be represented on their management committees and in what numbers. The degree of detail required by these demanded greater involvement of organizational participants to assist the process of election than demanded by the constitutions of those organizations with deep roots in client communities. This degree of specificity allowed organizational participants to influence both the outcome of the election and the composition of their management committees, and in so doing to engender a process whereby the founding notion of “community control” became more remote from contemporary practice. These different approaches to expressing

organizational objectives and operationalizing them suggest different attitudes to community involvement and control by founders. These different approaches, once established, become difficult to alter.

The role of management committees (governing boards) in linking voluntary organizations with their environments is recognized in the voluntary sector literature (Middleton, 1987; Cornforth, 2003). As well as being a conduit for giving client communities some influence over resources they need and use, “community control” might also be conceptualized as a means by which organizations control their environments, since community representatives may act as a “link and buffer” (Harris, 1996: 153) between the “community” and the organization to engender support and neutralize opposition.

Although there were similarities between Gamma and Delta, there were also differences between them in their attempts to control their environments by controlling community involvement. Competition between community and professionals for control of CLC resources played out in contradictory ways in these two cases. Both case organizations were in practice controlled by professionals rather than community interests. At Gamma the professional interests were represented by the staff, who were more effective in influencing the composition of the management committee than were management committee members. At Delta professional interests were present on the

management committee where they acted together to exclude both the community and staff interests.

Although community interests in both these case organizations were controlled and excluded by professional interests, those representing these latter interests, also exhibited differing tendencies, based on their different structural positions and status within their respective organizations.

Staff at Gamma were caught between their belief in collectivism and community involvement on one hand, and the social and political pressures resulting from their engagement in the local political process and parties on the other. They used professional skill, on which management committee members legitimately relied, to structure and control access to the management committee. In this way management committee members accepted staff interpretation of the eligibility requirements for associational, and ultimately management committee, membership. To this extent staff at Gamma behaved unlike other case organizations, but similarly to staff in other voluntary organizations, in that they rationed information to the management committee and led their decision making (Gouldner, 1969; Kramer, 1981; Rochester 2003).

At Delta the drive for control of the environment came from professionals on its management committee rather than from staff. Staff at Gamma acted to protect the resources of their CLC, whereas the professionals on Delta's management

committee appeared more interested in creating an organization that would allow them to pursue their individual professional interests and increase their status among their peers, while remaining acceptable to the core funder. They used their position on the original steering group, and subsequently on the management committee, to draft the constitution in such a way that community interests, although identified, would be minimal.

These different constitutional approaches had both practical effect and symbolic significance for the case organizations, and were indicative of the “culture” or modes of behaviour that grew up in each organization.

Decision Making and Community Control

This pattern of community involvement - established by the interpretation of the constitutional requirements for the composition of the management committee - was reflected in management committees’ expressed experiences of access to agenda setting, participation in management committee meetings, and their relationships with staff. The participative and cooperative style established at Alpha and Beta enabled organizational participants to identify the procedures by which management committee and other meetings were called, agenda set, and roles and functions allocated. Management committee members at these case organizations also felt able to participate fully in meetings, to be given the information they needed to make decisions, and to make their voices heard. It

seemed to be a matter of professional pride and a manifestation of the new professionalism (Lees and Mayo, 1984) pioneered by the founders of CLCs, that staff did not take advantage of the management committees' reliance on them for information and support. The commitment of management committee members to CLC ideals, and their belief that the services of their CLC would fulfil the need they, as members of the client community, articulated, was evident.

This contrasts with Gamma, where the influence of staff on organizational decision making and behaviour was evidently greater than that of the management committee. Here, in keeping with other voluntary sector experience (Hage and DeWar, 1973; Herman and Tulipana, 1985), management committee members gave different accounts of the process of agenda setting and said that the agenda was set by a small number of staff in consultation with a few management committee members. Management committee members reported that their meetings were badly chaired, allowing staff to dominate, thereby fostering the belief among some management committee members that they were being deliberately excluded. This feeling was so strong that some management committee members had resigned en masse from the management committee. In this way the little client community involvement that had existed was further reduced.

The accounts Gamma's staff gave of their relationship with the management committee, while affirming the facts of different events, reflected a lack of faith in

the ability of management committee members to deal with the issues being brought to their meetings, and a strong feeling that only they had the appropriate skill and expertise to manage the organization and its environment. Staff accounts also exposed unwillingness to be managed by those for whom they had little respect. They believed that because management committee members were of and from the community, they were for that reason without necessary management competence. This kind of “professionalism” fits with findings widely discussed in the literature on the resistance of professional employees to accountability to non-professional managers. This is seen as maintaining professional independence and autonomy.

The exclusion of management committee members from involvement and influence within Gamma was also assisted by the very powerful liaisons which some staff members had with the Labour Party and, through it, to local government. In contrast members of the management committee were socially and politically disadvantaged because they were random individuals, mainly former clients excluded from power networks, whom the staff had invited into the associational membership of the CLC and thence to the management committee. They were not members of community organizations, which would have given greater weight to any influence they might have had in the organization. In this way it was possible for staff to by-pass the management committee and attempt to ensure the security of the organization more directly by exercising personal influence with decision makers in local government. This strategy had the effect

of further excluding the management committee, and whatever community influence it had.

Although Delta shared some similarities with Gamma in excluding client community involvement, once the management committee was constituted as a functioning body, organizational processes were clearly established and applied. Management committee members felt that meetings were well run, although with not enough time to discuss more complex issues thoroughly. Unlike the other three case organizations Delta eschewed processes which extended democratic participation in governance to staff. Since the staff at Delta were committed to the values of CLCs, their exclusion from decision making and the consequent primacy of an essentially professional management committee meant that they were unable to exercise any influence on the management committee about developing the CLC's links with the client community.

Staff Structures and Community Control

The conceptual framework suggested that the points of tension arising between management committees and staff might reflect attempts to actualize "community control" throughout the organizations. It was therefore expected that the interplay between community and professionals would be manifest at the key points of decision making in the organizations. It was found that all the management committees of the case organizations were largely dependent on staff for

different types of information on which to base decisions, and for the practical business of ensuring that the management committee functioned (Bennett, 1983). But the way in which staff performed these roles reflected the dominant ethos of the organizations. Professional control of organizational decision making could occur from the simple exercise of how meetings were arranged, through formulation of agenda for discussion, to decision making at meetings. The data show that staff played an important part in the functioning of these processes.

The specialist literature suggested that collective staff organization assisted CLCs to be enabling and participative, and that in this way community control could be facilitated. The study found that collectivist staffing structures supported participation of community representatives on management committees when there were deep roots in client communities, as at Alpha and Beta. But when those roots were removed, staff collectives also seemed to wane, as at Gamma, and to manifest the symptoms of “structurelessness” (Freeman, 1972). In addition to giving primacy to client communities, the concept of community control might also be seen as a necessary counterbalance to the weight of professional staff. The specialist literature did not envisage a situation, such as occurred at Delta, where both community and professional staff would be excluded from participation in organizational decision making by a professional management committee, thereby defeating both community control and staff collectivism and excluding the influence of egalitarian values.

The data revealed that both management committee members and staff thought of their relationship as a “partnership”, denoting a degree of equality between them. For some that is how they perceived the existing relationship; for others it was a description of an ideal state. Using the concept of “partnership”, with its suggestion of equality, to review the relationship between management committee and staff, it is possible to see that, while the concept of “community control” retains symbolic meaning, the term “community involvement” in organizational decision making better reflects client communities’ influence in practice on organizational approaches and decisions.

The study findings suggest at least six tiers of community involvement. These can be conceptualized as a “pyramid of involvement” (depicted in Chapter Four), and are, beginning at the base, management committee membership, management committee agenda setting, management committee participation in sub-committees, management committee attendance at meetings, management committee discussions, and management committee decision making. This reconceptualization of “community control” as “community involvement” suggests a more achievable influence than “community control”.

The ways in which staff carried out the roles and functions associated with decision making reflected the organizational culture and the kind of relationship that had been established between them and their management committee. At Alpha and Beta, where trust and cooperation had been established, the decision

making procedures operated consistently in the manner agreed and appeared to be part of the ethos of the organization. Consistent with the relationship obtaining between management committee and staff, decision making at Gamma was led by the staff, who supported and facilitated their management committee by controlling both the process of decision making and the content of decisions made.

This study also found that the notion of community involvement can be difficult to implement in an organization where the management committee does not share the ethos of community control and participation; is dominated by professional interests; and maintains boundaries between itself, and the client community and staff (as occurred at Delta). These boundaries represent an attempt to preserve professional power and status of these management committee members and to control the influence of staff. In such situations the concept of “client care”, which typifies the professional approach of staff to management committee members, would be an impossibility, and indeed an irrelevance. Such management committees would not be in need of professional support and facilitation. The ideas of “equality” and “partnership” between such management committees and staff would also be redundant.

Volunteering as Community Representation

The conceptual framework also suggested that organizational tensions within CLCs might arise from the presence of volunteers. Although the term “volunteer” is widely used in the voluntary sector literature, it was found in this study to be an inadequate and inappropriate description of management committee members in that it undervalued their public service motivation and skills, and diminished them in the eyes of staff. The strategy of training management committee members by apprenticeship as service delivery volunteers, as occurred at Gamma, added to that diminution. Staff’s perception of their voluntary status contributed to their view of them as unprofessional, exacerbated difficult organizational relationships, and prevented the development of partnership and professional accountability.

The professional status of some management committee members also challenged the perception of them as volunteers. The term “volunteer” also seemed inappropriate for management committee members who held their places on management committees as representatives of other professional organizations, rather than as representatives of community organizations or those who shared the CLC ethos.

The case organizations differed in the extent to which service delivery volunteering enhanced client community involvement. Service delivery volunteers reflected client communities in the case organizations, and to that extent

represented them, when they came to work as receptionists and to undertake other clerical and administrative tasks, and less so when they came as advisers. Their influence on professional decision making was minimal when they came as receptionists and clerks. The fact that their influence was minimal also meant that the potential for conflict between service delivery volunteers and paid staff was minimized, and the tensions between them, anticipated by the conceptual framework, were not found.

Ambiguity in the role of service delivery volunteers, who were also management committee members, led to some operational dilemmas in moments of organizational crisis. Their dual location in the organization led to conflicts of interest and loyalty, as occurred at Gamma. These conflicts confused organizational decision making as these volunteers were unable to distinguish when they were exercising their rights as representatives of the client community on the management committee or contributing to decision making as “staff”. So although service delivery volunteering might bring the client community physically closer to the staff professionals, it did not necessarily enhance those volunteers’ ability to be effective management committee members, or improve the relationship between management committee and staff.

Community Work and Community Control

The conceptual framework suggested the range of staff who would be employed in the four case organizations and the tensions that would arise between them in pursuit of organizational goals. It was also expected that professional tensions would be reflected in competition for status and resources between case work and community work, especially between lawyers and other professionals. In fact this was found to be only partially true. Apart from community work staff at Beta, who reported a very legalistic approach to assessing community work activities with minority communities, there were no similar reports from other staff. Non case work activity at Alpha and Beta was jointly agreed by the staff meeting. At Delta, where none was done, there seemed to be consensus among all staff that this should be so. At Gamma, where staff decided individually what and how to undertake non case work activity, the organizational challenges which seemed to create or exacerbate conflict between staff appeared to be concerned with the appropriateness of responses to environmental factors, including to communities, rather than with competition between case work and non case work activities themselves. If, as the literature suggested, community work were a means of giving client communities another route to involvement with a CLC, then the evidence from these case organizations is that community work is not the cause of organizational conflict it may once have been. The data from Alpha suggest that it is possible to integrate both kinds of work. Data from Beta suggest that while it is possible to have both approaches to legal services provision working

alongside each other, in some instances they may not be regarded by solicitors as being of equal value. While the evidence from Gamma and Delta is that the absence of community work is both a symbol and a symptom of professional remoteness from client community, at Gamma on the part of staff, and at Delta the management committee.

Environmental Influences and Community Control

In addition to confirming some of the assumptions of the conceptual framework about the relationship between professionals and community the data exposed other relationships and suggested new propositions. First, the data revealed a broader spectrum of environmental factors and their influence on organizational structure, goals, relationships, culture, and technology than was originally assumed. Second, they also highlighted the role of the associational membership and its relationship to the management committee and staff. The data suggest that some environmental influences contributed significantly to determining the structure of the case organizations, and others their technology and culture. They also suggest that professional accountability to external associations and institutions was not the threat suggested by the conceptual framework, and that the ethical standards of behaviour inculcated by training and peer association, underpinned by CLC values, may have been a different and more positive influence in supporting, rather than challenging, community control.

Community Embeddedness

Although the LCF prescribed the basic legal and organizational shape of case organizations, whether or not their collective, egalitarian ethos was in fact reflected in their structure seemed to depend on the responses of core funders, on the role client communities played in establishing and running them, and on the nature of the relationship between the groups and associations representing the client communities and the funder. The findings suggest that the case organizations were better able to negotiate other critical environmental influences when these relationships were strong and the case organizations firmly embedded in their client communities. Alpha and Beta appeared to receive strong support from client communities, their groups and associations, and core funders. Especially in Beta's case, there was a strong and stable relationship between those groups and associations representing client communities and the core funding authority. This contrasts with the situations that obtained for Gamma and Delta.

The critical changes in Gamma and Delta were initiated by core funders, whose intervention undermined the influences of the client communities and their representative organizations. This in turn allowed the growth of other professional interests, in competition with the case organization. Combining with a powerful core funder, they acted together to challenge the foundations of the case organizations. Once the equilibrium of these organizations had been altered, staff, as the professional core of the organizations, were largely isolated

in their attempts to regain some control of the organizational environment. In Gamma this took the form of trying to use personal status and ties in the Labour Party to ensure core funding and political support. In Delta, where staff had been disempowered within the organization, both by a divisive hierarchy and no contact with client communities, it was difficult for them to regain sufficient foothold in the organization to initiate change until the manager left. Whereas in Gamma the management committee was in disarray, in Delta they behaved as a cohesive force to prevent the staff from exercising professional autonomy and contributing to the management of the CLC, and from being in contact with the client community.

The Role of the LCF

The relationship between the LCF and the case organizations appeared to have been an ambiguous one, and case organizations were certainly ambivalent towards it. Ambiguity stemmed principally from the dual role the LCF played in relation to its members: both prescribing and enforcing membership rules, and performing the representative functions expected of a membership organization. This dilemma of facing in two directions at once contributed to disenchantment of members.

The role of membership associations in protecting the interests of members may be critical but it may also be limited. Although the LCF had a seat by right on the management committee of Gamma they appeared to play little part in helping the

case organization to respond more robustly to the core funder, who instituted a train of events leading to a fundamental change. As far as Delta was concerned, the LCF appeared not to be aware of the actions of the core funder in closing down two CLCs and setting up one that, supposedly a merger, was in reality a completely new organization, which had the basic legal shape required of a CLC by the LCF but none of the ethos or values. The absence of the LCF from these critical moments in the development of Gamma and Delta also meant that other CLCs were unaware of the crisis being experienced by these case organizations. Since the LCF is both a “regulator” of CLCs and their membership organization it is a route through which CLCs can (in theory) help and support each other. Thus the isolation of these case organizations was doubly compounded: first, by the LCF itself not intervening; and, second, by excluding the aid and solidarity of other CLCs. In this way, the LCF’s absence and inaction may have actually contributed to a diminution in community representation on the management committee and realization of community control.

Impact of Funding

Even though all funding relationships were with public authorities (namely local authorities, a Health Trust, and the LAB), the study found many differences in funding relationships in practice. Core funding, which paid for the general running costs in all cases, gave these funders a potential for significant leverage in determining such crucial management questions as the location of the organization; the suitability of premises; relationships with client communities;

nature of work; and staff structures, management, and pay. In Alpha and Beta, where there was a well-organized client community and respect of funders for the work done, there was little intervention from core funders. Whereas at Gamma, where relationships with the client community did not exist; and at Delta, which was established and run without community involvement, core funders were influential in determining these management issues.

This influence of core funders (local authorities and Health Trust) may be differentiated in terms of impact on organizational shape from that of funding changes imposed by the LAB. None of the case organizations would have been able to continue to participate in the Legal Aid scheme if they did not have existing core funding. Although the LAB changes presented a difficult question of principle about whether to participate in the Legal Aid scheme, and then a practical one in terms of organizational resources to set up administrative systems required by the LAB for monitoring case files and claiming payments, they did not necessarily require changes that challenged existing structures or modes of operation. Gamma did make changes to their staffing structure but the data suggest that the lack of coherent managerial decision making; the loss of a community base that would have strengthened organizational ties, and the resulting fragmentation, may together have been a more influential cause of the decision to alter their structure than the requirements of the LAB on their own. The fact that two of the four case organizations were able to accommodate the changes in funding regimes by adapting organizational processes, suggests that

government funding does not contain an inherently destructive quality for voluntary organizations (Kendall and Knapp, 1996), and that they may be negotiated with varying degrees of success in retaining organizational goals and values.

Public Policy

This study has shown that client community “embeddedness” is crucial for CLCs in ensuring stable funding, independence and professional autonomy. While funders, client communities, and the LCF may have had varying degrees of influence on the organizational shape of the four case organizations, the influence of public policy and professional legal ethics and values were dominant determinants of the culture and technology of the case organizations. Public policy, as an instrument of government, was influential at two levels. First, it affected work through legislation and other changes in law and procedure which affected their clients. At Alpha, Beta and Gamma, respect for the professional autonomy of staff allowed them to respond appropriately in the work they did. At Delta, where there was generally less respect for professional independence of staff, the latter’s ability to respond seemed limited. Second, changes in the funding of social programmes also affected the case organizations. For example, changes made to the eligibility of their clients for Legal Aid affected the way in which they operated. At Alpha and Beta, which sustained strong systems and a fundamentally stable environment, these changes were more easily mediated than at Gamma, which had few systems and an unstable environment. .

Law, Legal Ethos, and Legal Authority

In all four case organizations both staff and management committee were acutely aware of the legal implications of organizational decision making, and of the scope of their respective legal authority and obligation. This was clearly revealed by their detailed knowledge of the constitutional requirements of their governing instruments, and how procedures to implement them should operate. In the case of Gamma, this awareness was about how to interpret constitutional provisions and operate procedures so that they conformed to technical legal requirements, for example in relation to the composition of the management committee, but not their intentions. Adherence to law and legal process was an attractive quality to core funders, since it could be seen as a commitment to accountability.

Although adherence to law and legal process may be seen to be a positive attribute, it could also be a signal disadvantage. A phenomenon uncovered in this study is the dual character of these organizations. They are both membership associations and limited guarantee companies. However, after incorporation they appear to “forget” their associative roots in response to the legal rules which also then govern them. This slide towards legalism masks their associative character and contributes to their distance from client communities, their problems in engaging management committee members, and their attitude to community work.

While formal adherence to law and legal process was evident in all four case organizations, they were also distinguishable from each other by the extent of their commitment to professional ethos. The professional ethos and values of lawyers, underpinned by a commitment to CLC values of demystification, empowerment and solidarity, were fundamental to the way in which organizational participants in Alpha and Beta tried to behave. It was also a determinant of organizational culture in Alpha and Beta, and of technology and individual client care in all four case organizations. Staff in Alpha and Beta structured their relationship with their management committees in the same way as they did with their clients, in a facilitative and cooperative manner, and generally applied the same standard of client care to their relationship with their management committees as to their clients. In this way staff assumed an equal partnership with management committees in addressing organizational challenges and contributed to developing the cooperative style that distinguished these two case organizations.

At Gamma and Delta, where legal professional and CLC values were confined by staff to their relationship with clients and not applied to the benefit of the management committees and the well-being of the organizations generally, there was much antagonism between management committee and staff. Both these case organizations suffered from a large amount of intervention from core funders, little base in client communities; and in Delta's case, active competition from other professional agencies represented on its management committee.

Revised Conceptualization of CLCs

The data also reveal a crucial relationship between associational membership, management committees, and staff. The conceptual framework reflects the legal structure of CLCs but it does not reveal the complex pattern of their social and professional relationships, which the study finds are as important to their stability as their legal structure. The data suggest that in Alpha and Beta both management committee members and staff interacted with the associational membership outside of the formal organizational processes and meetings. The fact that, in contrast, this configuration of organizational relationships was absent in both Gamma and Delta, both of which experienced critical instability, underlines the importance of the associational membership in providing stability and ballast for CLCs, and a buffer against other influences in their environment. It seems that social and professional networks developed between management committee members, staff, and associational members independently of the management committee help to sustain and institutionalize these networks of relationships which deepen community roots. This configuration of organizational relationships, shown in Diagram 8 below, reveals the associational membership as a definitive part of the organization, acting as a buffer between the CLC and its environment. It also suggests more porous boundaries between associational members, and management committee and staff, suggesting greater interaction among organizational participants.

This reconceptualization of CLCs recognizes the importance of the associational membership, which gives shape and texture to the client community and confirms the strong ties between the organization and a principal environmental actor, the client community. Second, it acknowledges that there are two distinct systems at work in CLCs, a professional bureaucracy and an associational democracy, which are brought together by an electoral process which contributes to the formation of the management committee, and by professional and social processes outside the management committee. Third, it identifies the environmental factors that appear to have a determinant effect on how CLCs operate, and the degree of stability they achieve. Within this picture it seems that stability, independence and autonomy are more likely to survive where their roots in client communities are deep and spreading and provide a buffer around the organization through the associational membership of the organization. The social and professional networks spread by these roots nourish well-structured, mutually respectful relationships between client communities and core funder, and among all organizational participants. Fourth, it reflects the data in that it shows professional accountability as central to and part of the organization, rather than as in competition with an external institution.

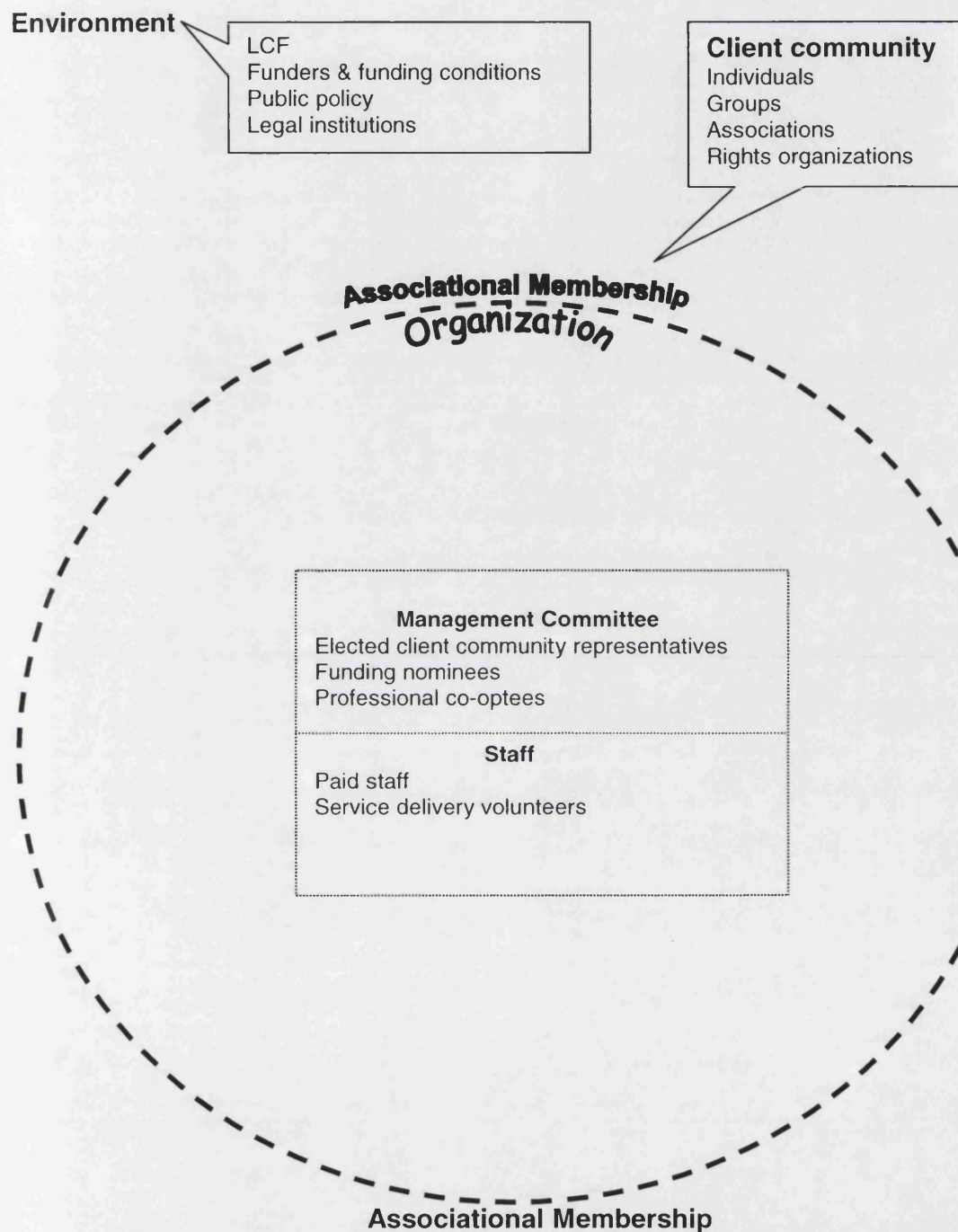


Diagram 8. Revised conceptualization of CLCs

This study began as an investigation of an organizational phenomenon which brought together the concepts of professional accountability and community control. It proposed that, because these concepts appeared to be in contradiction with each other, organizational tensions and dilemmas reported in literature about them may have had their source within this contradiction. The data which have emerged confirm the hybrid nature of these organizations. Viewed from an organizational perspective, they are membership associations with a governance relationship with a professional bureaucracy. However, the data also suggest that, although this hybridity spans two different social systems, the organizational challenges they face appear to arise as a result of the interplay of environmental factors and the capacity of the organizations to withstand or negotiate them, rather than from the ambiguity created by their hybridity. The data also suggest that these organizations attain stability and equilibrium in their organizational relationships, and capacity to negotiate destructive environmental influences, when they are deeply embedded in client communities. The social and political power of such communities act equally with the professional skills and values of paid staff to create and sustain protective roots for the organization: Rather than necessarily giving rise to contradiction, these contribute to developing the essential capacity of these organizations to negotiate volatile environments.

The data further suggest that collective staff structures aid the process of making and sustaining interlocking institutional networks, which contribute to embeddedness by enabling staff to develop egalitarian and solidaristic working

relationships with client communities through the membership association of the CLC.

Summary of Part One

Part One began by restating the original conceptual framework, and discussed the data and how these helped to refine the original conceptualization of CLCs. A refined conceptualization recognizes the significance of the associational membership in institutionalizing and strengthening community relationships, the importance of other environmental factors for organizational behaviour, and the role played by a strong membership association with deep roots in client communities in aiding CLCs to withstand and negotiate environmental challenges.

Part Two: Implications for Practice

This study has raised a number of matters of practical interest to those setting up and running CLCs, those volunteering and working in them, those who are members, those who sit on management committees, those who use them, and those who fund them.

The exploration in Chapter One of the historical antecedents of CLCs showed that, although they follow in the wake of other earlier, mainly philanthropic,

initiatives to bring advice services to those unable to pay for them, CLCs were intended to be distinctively different from them in two principal respects. First, they undertake work specifically relevant to the problems of their users, who are the pauperized and vulnerable. Second, they also aim to be managed and directed by the wishes and interests of those likely to use them. This study has found that the structures and processes set up to facilitate the attainment of these objectives have not always been adequate to achieving them. On the basis of the revised conceptualization of CLCs set out in Part One of this Chapter, Part Two aims to discuss further some specific problems associated with putting these objectives into practice.

Governance and Founding Values

One of the principal findings of this study has been the important part the associational membership of CLCs plays in structuring the relationships between the CLC and its client community, between groups of client community interests, and between these and the wider community and local institutions. These relationships are essential building blocks on which other relationships are built. They are put in place at their founding and give stability to the organization that enables it to negotiate other environmental influences more successfully. Governance is as important to CLCs, and voluntary organizations generally, as their management (Harris, 1999).

Alpha and Beta may be taken as examples of CLCs with deep roots in client communities. However, the greatest organizational challenges to the governance of CLCs raised in this study was exemplified by Delta: the way in which it was set up and who was involved at its founding were factors which combined to exclude client community involvement. This policy of client community exclusion meant that the interests of the community most likely to use the services of a CLC were absent from the Steering Group. Delta did not have the groups, organizations, and individuals representing these interests with relationships outside the CLC which could develop a common vision for the CLC, underpinned by the distinctive CLC values. Delta therefore lacked an associational organization which could identify client community interests; generate and support a greater integration of these interests; and foster a sense of ownership of the CLC among an associational membership.

The revised conceptualization of CLCs depicts the associational membership as surrounding the organization and open to relationships with both management committee and staff. So while the legal relationship between the management committee and association is one of legal agency and accountability, this legal relationship does not represent the sole relationship between the associational membership and the CLC, or define its quality. Within the framework set out by the revised conceptualization, the relationship between the associational membership and organizational core could be sustained by developing a more active strategic role for associational members by such devices as inviting them

to sit on sub-committees and working parties of the CLC, seeking their assistance in developing new areas of work, representing the CLC to funders, and extending its reach into the community.

Beta, and to a lesser extent Alpha, sustained an active associational membership. This meant that it was not necessary to specify places on the management committee to target particular community interests. Instead, the governing instruments of these case organizations allowed for the widest representation on the management committee. The outcome of the election from the associational membership could be left to the ebb and flow of the democratic process from year to year. This approach enabled elections to be held without the necessity of undue lobbying and preparation of candidates. This approach also meant that CLCs could avoid recruiting professionals from other agencies which, in this study, resulted in the denial of community representation on the management committee and in the dominant influence of a funding representative.

The way in which a CLC is established also appears to be of crucial importance to its ability to sustain positive organizational relationships. This finding is revealed particularly by comparing data from Beta and Gamma. Both had strong political links: Beta in a community committed to the values and goals of the Labour Movement; and Gamma, with the local Labour Party. These differences affected the behaviour of organizational participants. While the Labour Movement

fostered co-operation and trust between its institutions and activists to attain its ends, the Labour Party engendered partisanship and competition for power. In Gamma's case, where there were active Labour Party members among both management committee and staff, the CLC became an object of political controversy in Town Hall politics. This meant that the CLC relied more on what was happening in the local Council, and the personal role of particular management committee members and staff who were Labour Party members, than on their client community, which was eventually excluded for want of political weight. The fact that Labour Movement roots were deep in the client community was an advantage to Beta, as was their ethos of co-operation. Mutual trust and co-operation between organizational participants in CLCs, and shared values appear to be as necessary to community involvement and organizational stability as clear structures and processes. This research shows that both staff and management committee members have a role in maintaining trustful co-operative working relationships and that a key element in sustaining this is mutual acknowledgement of each other's skill, expertise, and contribution.

Community Work

Staff in the CLCs in this study exhibited a high degree of commitment to organizational goals and to professional standards; and in some instances less commitment to CLC values, to accountable collective decision making, and solidarity with client community. The data suggest that the high commitment of

staff in Alpha and Beta especially was underpinned and sustained by structures which respected the professionalism of staff and professional autonomy. It seems clear that these staff qualities were attained by collective staff structures supported by transparent processes and strong community roots. The data also suggest that the concept of “equity” inherent in “collectivism” also had symbolic value for staff at Delta, who worked in a situation which denied those values, but who, for the sake of the clients, were nevertheless committed to the limited goals of that CLC.

A significant aspect of the revised conceptualization is the recognition of the value and importance of the associational membership to the strength of community roots and to the exposition of the non-hierarchical nature of organizational relationships. This reconceptualization of organizational relationships also offers an opportunity to staff to develop non case work activity with client communities through the associational membership. Community work and other non case work activities are important elements of CLC goals that characterize their brand of legal services. Although Alpha and Beta undertook some community work as part of their legal service provision, and they all thought that it could contribute to strengthening organizational ties with the client community and increasing accessibility to services, all the case organizations had some trouble with it.

The data seem to suggest that a variety of obstacles existed to prevent or limit community work. Lack of commitment, and understanding of its value, from funders and, as in Delta's case, founders, was a principal problem. This lack of recognition was exacerbated by the expansion in the use of contracts for funding CLCs and providing legal services. Alongside this is the suggestion that, even though community work is no longer the cause of inter-professional struggle it once was, there seems to be a general acceptance, noticed especially at Beta and Gamma, that the principal work of CLCs is advice and representation in the traditional mode. On the other hand, community development, of which community work is a tool, is still promoted by the LCF as an objective of CLC legal service provision and has also enjoyed a revival as a subject of public policy.

Discrimination

Data from all the cases indicate instances of felt discrimination against a "minority". At Alpha there was the suggestion that a black management committee member only became a member to further his career. At Beta the community worker felt her contributions were ignored, partly because she was not a lawyer but also because her own disability associated her with the professional decisions she was making about how to deal with disability issues, and undermined her professionalism in the eyes of her colleagues. The hierarchical structure at Delta appeared to discriminate against women. There

were no female lawyers and only female secretaries at the bottom of the hierarchy.

The problem described at Gamma was a complex one compounded by the lack of working links with the client community. The administrator at Gamma reported victimization because she tried to warn her staff colleagues about the response that would be made by client community representatives on the management committee to the proposal from staff that there should be a place for a gay or lesbian representative on the management committee. One of the problems for community based organizations is that, although the concept of “community” is an intellectual attempt to create an integrated whole from a number of common strands, in practice, communities, however they are defined, are not homogeneous. The strength that CLCs, with deep roots in the client community, have is that they can bring disparate groups together under a shared vision and they can undertake community work which could extend understanding of minority issues.

It also seems clear from the data that some CLCs are giving advice to clients on discrimination whilst themselves perpetrating discrimination. This would undermine their credibility as advocates for those discriminated against at work, in the provision of services, or by reputation.

Voluntarism and Social Policy

In recent governmental policy developments the idea of “volunteering” has been espoused as a means of promoting “active citizenship” and developing “social capital” (ACU, 1997; ACU, 2003; CRU, 2004). The data from this study indicate that volunteering is a complex activity which generates a number of dilemmas when attempts are made to operationalize it. First, those members of client communities who became involved in CLCs were committed to a set of social and political values and to realizing the existence of a service that would be of benefit to their community. They contributed enormous skill and other resources to running what was essentially a public service. Second, the data indicate that the term “volunteer” diminished them in the eyes of some professional staff, and in that way reduced their influence.

Third, service delivery volunteers were also used, with varying degrees of success, by CLCs in this study to increase community ties and access. The data suggest that service delivery volunteers do not create or improve either community ties or access, since their status in the organization does not give them the necessary influence to affect decisions or programmes. More transparent and accountable ways of enhancing community ties and access are discussed in this Part. It seems that the most successful experiences of service delivery volunteering occur where a specific activity is identified for volunteers and they are supported in carrying these out.

The Role of the LCF

This study has shown that certain funding policies and relationships with funders have tended to have crucial impact on CLCs. The other important environmental factor affecting CLCs is the role of the LCF since it affects different aspects of organizational endeavour. Although it gives support and help to new initiatives and requires them to conform to its membership rules before they may describe themselves as CLCs, once they are past that stage it appears to exercise very little further influence. Since the LCF is a federation of CLCs, what it does is largely decided by CLCs themselves as members. As a manifestation of collectivity and the symbol of a putative movement, the LCF exercises some leverage with government and state institutions. Data from this study indicate that, without the intervention, influence and support of a strong national body, CLCs may be vulnerable to inappropriate demands from local funding authorities and also may be influenced by strong lobbies from other kinds of advice agencies in competition for funding.

Staff and management committee members of CLCs in this study felt remote from the LCF, not part of a wider movement, and unable to call on it for help in a crisis. The LCF did send out regular mailings, but these on their own were not enough to generate and sustain a useful and reciprocal relationship. Both management committees and staff of CLCs need information, peer

encouragement, support, and confidence that, when they have something to contribute and when seeking help, they will be acknowledged. Although the LCF had a seat on Gamma's management committee, it seemed not to be able to advise them about their relationship with the Labour Party or a complex discriminatory matter. It also appears that Delta was set up without the involvement of the LCF. Dissemination of examples of good practice and fostering contact between CLCs are part of the expectation of CLCs of the LCF.

CLCs and Public Policy

Finally, CLCs themselves have been the focus of some of government policy concerning the provision of publicly funded legal services. Currently, some strands of government policy are also aimed at extending the role of voluntary organizations in service delivery, and as vehicles for active citizenship and community cohesion. CLCs should be seen by policy makers as voluntary organizations which have useful experiences to offer about the impacts of public policy. Their experience as providers of services under contract; as democratic organizations in relation to community participation; and in relation to the role of community and group work in the provision of legal services to disadvantaged people, may be of especial interest to policy makers.

Summary of Part Two

This Part has indicated that some of this study's findings could be useful to those setting up and running CLCs, and to the LCF in pursuing its complex relationship with CLCs. It could also be useful to funders and policy makers in developing policy strands relating especially to the provision of publicly funded legal services, to the use of voluntary organizations as service deliverers, and in the generation of participative community based initiatives. It highlights the need for policy makers to take on board community and group work as part of a legitimate provision of legal services to poor people.

Part Three: Suggestions for Further Research

It was discovered at the beginning of this study that there were fewer than a handful of publications devoted to the study of CLCs (Byles and Morris, 1977; Stevens, 1983; TSALRP, 1986; Stephens, 1990); and about the same number in which they had been mentioned specifically as part of a wider discussion about voluntary organizations (Handy, 1988); and as part of a strategy of addressing both individual and neighbourhood poverty (Lees and Mayo, 1984; Alcock, 1993). This study has shown that CLCs are interesting and complex organizations which merit further attention by students of the voluntary sector, organizational

theorists, sociologists, and social policy analysts. A number of areas for further study emerge.

“Users” have become a focus of recent research attention in the social sciences, especially in relation to the provision of personal social services and the development of “consumer rights” (Beresford and Croft, 1993; Goss and Miller, 1995; Robson, Locke and Dawson, 1997). The notion of consumer rights and client community control appear to be in contradiction since the former tends to be personal, and the latter collective. This contradiction may suggest an area of organizational dilemma. Apart from this study, which interviewed management committee members and service delivery volunteers who happened to be users, none of the studies of CLCs previously mentioned focus on the views of users.

At the start of this study the duality of CLC work, concerned as it is with representing and supporting both individual and collective rights and providing services to both individuals and groups, was expected to be a major point of organizational tension. While this was not found it is nonetheless clear that the work of CLCs is not fully understood by some funders, and even by some staff. More research by students of the voluntary sector and sociologists into the nature of CLC work and the relationship between individual case work, group case work, and non case work with groups and associations, would allow a better informed understanding of the respective value of each approach and the

relationship between them in the provision of legal services to the disadvantaged and vulnerable.

Also not fully understood and acknowledged is the significance of the collectivist staff structure and its role in sustaining a very high degree of staff commitment to organizational goals. This study has begun to show that recognition of the professionalism of staff contributes to the building and sustaining of mutual respect and co-operation between management committee and staff. It has also pointed to the role of staff in making and maintaining, through work, the important connections with client communities that help to strengthen organizational roots. Most of the organizational literature devoted to the voluntary sector, and many of the generic handbooks on managing organizations, discuss staff structures in terms of the role of elite groups and of hierarchy (Adirondack, 1998; Harris, 2002). Studies of the collectivist nature of CLC staff structures could contribute to illuminating discussion about how staff in voluntary organizations expect to organize their work and their working relationships, and how professional autonomy fits within a framework of organizational and legal accountability.

This study has also shown that even within co-operative and trustful relationships some staff expressing minority views were ignored or derided. Further research could examine how different professional cultures negotiate difficult minority issues when the dominant organizational culture reflects dominant norms and beliefs of wider society. Such research could also examine the role of employed

professionals from social minorities who identify and promote “minority issues” in the course of their work, especially in voluntary organizations which claim to practise egalitarianism. Such research would go beyond the recognition of stakeholder interests and multiple organizational cultures.

CLCs and other similar voluntary organizations which consist of professional employees and lay people working towards common goals continue to offer a challenging phenomenon for both practitioners and scholars. The expanding body of literature on motivation and management of volunteers (Thomas and Finch, 1998; Gaskin, 1998; Davis Smith, Locke and Shephard, 1998; Kamat, 2001) would be further enhanced by studies of management committee members and staff in CLCs which explore the relationship between political beliefs, social values, education and motivation. Such studies would contribute to better general understanding of how certain kinds of voluntary organization function, and the contribution that pauperized communities make to managing local collective resources. Such research would also fit with contemporary concerns and government led initiatives about active citizenship and community regeneration.

This study has taken some account of the role of the national body of which CLCs are members, the LCF, and alluded to its dual role as promoter and guardian of CLC values, and as regulator of membership rules. While some parallels may be made between the relationship of CLCs and the LCF with others

described in the voluntary sector literature, exact comparisons cannot be made between them. Differences may be significant for gauging the kind and extent of organizational dilemmas that may arise in such circumstances. Research into the LCF and its relationship with CLCs will enhance existing knowledge of a complex and often problematic aspect of voluntary sector relationships, and specifically federated structures.

The revised conceptualization of CLCs proposed in Part One of this chapter is based on an expanded notion of governance which takes account of a wider environmental framework than that with which this study began. This new conceptual framework suggests that the significance of the membership association be more clearly acknowledged for its role in making and keeping organizational relationships with client communities. It proposes that a more dynamic and active relationship is developed between the associational membership and the executive core of the organization by greater involvement in some of the mechanisms of governance and that more encouragement is given to staff to develop the existing working ties with associational members.

Tackling this challenge created by the reconceptualization of organizational relationships may lead to different sets of dilemmas in CLCs from the ones currently experienced. Management committees may feel challenged by the idea of sharing decision making with the wider membership. Accountability may become difficult to enforce. Conflicts already existing in communities may be

more easily displayed in the arena of the organization. More contact between staff and associational members may encourage more tensions between management committee and staff. Studies into these tensions and challenges would enhance existing knowledge about how voluntary and community organizations function and enable refined approaches to addressing them.

Research into the extent to which community embeddedness is enhanced and CLCs strengthened by the revised conceptualization would also be of interest to students of the voluntary sector and organizational theorists. Does the institutionalization of community relationships provide effective ballast for CLCs in crisis? Do CLCs develop isomorphic tendencies towards local organizations? How do these relationships with local organizations fit with relationships with the LCF and other CLCs?

Summary of Part Three

This Part has sought to identify a range of new research topics based on this study and the redrawing of its conceptual framework. It has acknowledged that there has been little scholarly investigation of CLCs and to that extent any studious interest in these organizations would increase knowledge of them. In addition it has identified specific concerns that might offer an agenda for research. These are particularly concerned with exploring the nature of organizational participants and relationships; the work of CLCs; the LCF and its

relationship with CLCs; and strategies to develop deeper roots in client communities and their outcomes.

Part Four: Reappraisal of Research Question

This research began as an exploration of how, and why, the seemingly contradictory tendencies of “community control” and “professional accountability” could reside together in the same organization. The aims of this study were to generate descriptive and analytic material about the role and operation of CLCs; to fill a gap in knowledge within the field of social policy and administration about CLCs; and to develop explanatory insights and theory about the role and operation of CLCs. The objectives of this study were to explore and explain how the bodies of theory associated with the concepts of “community control” and “professional accountability” were or were not brought together in CLCs. Part Four reviews how the research question has been answered.

This study was undertaken by exploring the research question in four case organizations. A conceptual framework was devised from a review of literature. The conceptual framework suggested that there would be points of tension between organizational participants, and indicated where those might be found: among management committee members, between management committee and staff, and between staff and service delivery volunteers. The field work consisted of semi-structured interviews with management committee members, staff, and

service delivery volunteers in the four cases; document analysis; and some non participant observation.

The case organizations were described in relation to their founding histories, their constitutional provisions and form, their structure, participants, goals, technology, and environment. By comparing and contrasting these organizational dimensions in an iterative process their similarities and differences were uncovered. This process of analysis also provided the basic characteristics of each case.

Interviews with organizational participants followed the social structure of the cases, and the analytic process was used to explore the pattern of relationships and behaviour in the case organizations using the concepts of “community control” and “professional accountability”. This exploration encountered a variety of revelations concerned with their governance, staffing structures and decision making processes, their responses to environmental factors, and their relationship with the LCF; and illuminated the relationship between community control and professional accountability.

First, it discovered the importance of the associational membership to sustaining roots in client communities and in acting as a buffer to protect the organization against other environmental influences or to enable the organization to negotiate them. Second, it found that the way in which governing instruments described who was entitled to join the association and to be elected to the management

committee was usually an indicator of deep roots in the client community which engendered community control. Third, it found that although “community control” was itself difficult to achieve, the concept had an important symbolic significance which encouraged a range of participative activities. These were conceptualized as a “pyramid of involvement”.

The fourth key finding concerns the role and relationships of paid staff and professionals. The original conceptualization posited “professional accountability” as separate from, external and in contradiction to, accountability to employer. It was found that professional accountability was in reality a complex matter which manifested itself in different ways depending on circumstances. Principally, paid professionals were accountable to their employer and the organization when there were deep roots in the client community, and co-operative and trustful relationships were established between organizational participants. Professional accountability was also facilitated by the idea of the “new professionalism”, which placed client care at the centre of the relationship between professionals and clients and, by extension, the client community on the management committee.

Fifth, the study found that, within an organizational climate of co-operation and trust, a collective staff structure could deliver better professional accountability than an hierarchical one. Finally, the study uncovered a wider range of environmental factors than was depicted in the original conceptual framework, and indicated the relationship of environmental factors to each other. The

influence of law and legal ethos and values, while encouraging a slide towards legalism in the way in which organizational participants tended to conceptualize their organizational relationships, was nonetheless beneficial in developing the practice of client care. As far as funders were concerned the study found that where the CLC was embedded in the client community, the latter acted to buffer and negotiate the influence of funders.

This study has contributed to the field of social policy and administration by extending knowledge about the role and operation of CLCs. Specifically, it has

- uncovered the role of associational membership in embedding those organizations in client communities and revealed the importance of this embeddedness to CLC stability and effectiveness;
- proposed a model of community involvement;
- unveiled the way professionals commit themselves to organizational goals; and
- identified the complex nature and organizational dilemmas associated with volunteering.

Since CLCs are voluntary organizations and similar to other kinds of community organization, some of the findings of this study may also be applicable to them.

Glossary

Block contracts	A form of franchise developed by the LAB to enable CLCs to be paid Legal Aid in lump sums at regular intervals in the financial year on the basis of notional earnings. Income is adjusted periodically after bills have been submitted.
Case work	In the legal context a “case” is a legal action. The term is used to denote the legal work undertaken for individuals and groups that entail using legal processes.
CDPs	Community Development Projects. These were action research projects set up in Britain in twelve areas of acute social deprivation by the Home Office in 1969. Their main characteristics were that they were locally based to address local needs for services through better co-ordination of service provision, community participation, and self-help. Their style was very controversial and they were very influential in the development of CLCs. Most of the projects encouraged the community groups they worked with to engage in forms of community action, auditing for social need, and seeking legal redress for their deprived circumstances.
Community Legal Service	The aim of the Community Legal Service is to address the needs for civil advice, assistance and representation by creating Partnerships between advice providers, such as CLCs, and advice funders in local authority areas in England and Wales. Partnerships would have the effect of co-ordinating civil Legal Aid work in the Partnership area. In practice, the Partnerships enable the Legal Services Commission to decide which providers should be awarded Franchises in which areas of legal practice. It works alongside the Community Legal Service Fund, which oversees the administration of Legal Aid and the arrangements for Franchises and Block Contracts. Both are located in the Legal Services Commission, an agency of the Lord Chancellor’s Department.
Community work	Community work undertaken by CLCs has its roots in the practice and experience of CDPs. It consists

of advice and assistance to local groups to enable them to enforce and defend collective rights and interests.

Contracts

In the world of voluntary organizations this is an umbrella term for a number of funding agreements which increasingly replaced grant aid from the 1980s. In the voluntary sector the introduction of contracts was an attempt to commercialize and legalize the relationship between funders and voluntary organizations, and to treat them in the same way as the private sector. These agreements laid down conditions under which “services” were “bought” and specified what and how services were to be provided. These contracts were given different titles: “service level agreements”, “service contracts”, contracts for the “provision of services”. In this study contracts refer to agreements with local authorities and are distinguished from “franchises” and “block contracts” which are a different kind of contract let by the LAB.

Exempt charitable status

This term refers to organizations that, having charitable objects, are registered as Friendly Societies or Industrial and Provident Societies, and comply with the rules governing the accountability of organizations so registered. Although they have charitable objects, they do not have to register with the Charity Commission, and their charitable status may be recognized by the Inland Revenue on application.

Franchise

A “franchise” is a complex licence enforceable in the Courts and has been imported into voluntary sector from the private sector. In the voluntary sector generally it enables a blueprint of service delivery developed by one organization to be used by other organizations to replicate that same service. In the context of legal provision by CLCs the blueprint was developed by the LAB for use in both the private and voluntary sectors and is intended to ensure that case management is the same in all franchised legal services organizations in whichever sector they are located.

LAB	Legal Aid Board: the Board was established in 1989 as a Non Departmental Public Body of the Lord Chancellor's Department by the Legal Aid Act 1988 to administer much of the Legal Aid Scheme in England and Wales. Previously applications for Legal Aid had been means tested through the social security system. The Board was the forerunner of the Legal Services Commission.
LCF	Law Centres Federation: established by CLCs to replace the LCWG. The significance of a federal structure is that members are autonomous, coming together to co-ordinate their effort and to give mutual support. It is essentially a membership association. Under its constitution CLCs are entitled to send two voting representatives, one each from the staff and management committee, to the Quarterly General Meeting and the Annual General Meeting.
LCWG	Law Centres' Working Group: forerunner of the LCF, set up by the staff of the first CLCs to promote and protect the interests of CLCs.
Open door / closed door	This term relates to a debate in CLCs about operating styles and signifies different approaches to legal service provision. "Open door" agencies are predominantly oriented to individual case work. "Closed door" ones undertake a much greater proportion of training of first tier advisers, provide expert back-up for them, undertake community work, and take on test cases or cases for groups of clients affected by the same problem.
Range-grade	This term refers to a cluster of points on a pay scale that allows staff to be appointed on the same grade but have their income increased periodically. This is a useful device for CLCs recognizing pay parity but also wishing to reward long service staff.

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