

# New Sites of Legal Consciousness: A Case Study of UK Advice Agencies

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## Proposal summary

This research will investigate ways in which third sector *advice agencies* are becoming new sites for the emergence of legal consciousness. It brings together two theoretical perspectives on emergent publics and the sociology of translation with legal consciousness methods. It will develop understandings of legal consciousness as not simply individual practices (a form of 'legal capability') but as the potential for collective, political action through the cultural practices of institutions that mediate between citizens and the formal institutions and practices of law.

Advice organisations, rather than professional lawyers, are becoming key actors in legal arenas, particularly for citizens whose relationship to rights is most precarious. At a time of ever deepening inequalities, it becomes crucial to understand how institutions such as advice agencies can mediate and make possible interventions into those spaces of everyday life that become infused with law, such as workplace relations, consumer relations and caring relations. Such organisations perform multiple, complex roles. Through casework they can open doors to enable citizens to pursue their own rights, translating complex legal structures so that citizens can work within them. Casework then allows agencies to see into the lives of 'ordinary people' and forms the basis for interventions in social policy. Through re-presenting the personal grievances of multiple clients as matters of public concern, they can show to legislators and policy makers the ways in which policies and practices of powerful institutions create injustices for citizens; they can show how mechanisms meant to enable access to justice can instead throw up barriers to redressing injustices.

The research proposes an in-depth study of the institutional practices of advice organisations in the UK, focusing principally on the Citizens Advice service. Citizens Advice, established in 1939, is the leading advice organisation in the UK. It is now part of an international network, and works at a European level through the European Forum of Citizens Advice Services. Through a series of case studies the research moves away from a paradigm that puts law first, seeking to understand people's subjective experience of law in their everyday lives. It will investigate ways in which the institution of the advice agency can help transform this subjective experience into objective understandings of everyday injustices, thus creating a 'reforming' dialogue which empowers citizens and governmental processes. From a European perspective, it is suggested that such a study of the most long-established of the citizens advice organisations can provide a window for social policy makers and legislators through which they can understand better the social action of law.

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## **Project 1: Citizens Advice Bureaux and Employment Disputes**

With the decline of trades unions and the growth in small and non-unionised firms, many workers now look to voluntary organisations such as the CAB for advice and representation to such an extent that it has been suggested that Citizens Advice has become a new industrial relations actor in the UK. UK government research found CABx as the most commonly-cited external provider of advice to employees, and for local bureaux, employment-related queries have become one of the most important area of their work. For these reasons, this case-study will focus on the role the CABx play when faced with clients who arrive with employment disputes that are judged to be appropriate to take to an Employment Tribunal. The research will examine how these clients pursue their dispute following their first interaction with the CAB. The focus will be on how participants identify issues and make decisions as to which routes to dispute resolution they follow, whether to pursue the dispute through the Employment Tribunal, or choose other options, or take no action at all.

## **Project 2. Campaigning organisations and advice provision**

This second project will investigate an organisation originally established as a campaigning organisation but which now provides advice services as well, exploring what difference it makes if the primary mission is campaigning for social policy change. It will enable a PhD student to identify, for the subject of their research, an appropriate campaigning organisation. The research will be set within the context of the overall research question: how do advice organisations shape formulations of legal consciousness? Through a genealogical investigation of the organisation, the student will explore how the campaigning aims of the organisation have influenced and shaped this role. The project will provide a broader investigation of advice- giving organisations in the UK, enabling the research team to produce findings that take account of different strands in the development of third sector advice organisations in the UK.

## **Project 3: Citizens Advice Bureaux workers and volunteers, ideas of legality and citizenship**

This project will examine how ideas of legality and citizenship shape the principal advice organisation in England and Wales, Citizens Advice, in terms of daily practices of advice-giving, their training of volunteer advisers, and their approach to social policy and campaigning. Citizens Advice is the only large-scale voluntary organisation that explicitly defines itself in terms of citizens. This is reflected in a horizontal conception of citizenship as mutuality – advice is offered between citizens, in keeping with an ethos of egalitarianism and anonymity. Its work is driven by self-defined and self-declared ‘need’ – concerning a shifting range of problems (employment, housing, immigration, debt and, not least, troubles with a range of state agencies). However, local bureaux are also caught up in key transformations of public services through numerous contractual arrangements for the provision of advice services. In particular, their work is being structured by financial arrangements with institutions of the legal system such as the Legal Services Commission. Like other organisations in the ‘third sector’, they are experiencing pressures of performance management and requirements to become ‘businesslike’, through the lens of a legal framework.

Through interviews and discussion groups with volunteer advisers and professional staff in local bureaux and at the national umbrella organisation, the following questions will be explored: How are ideas of legality and citizenship practised? How are ideas of citizenship and legality mediated through training programmes for volunteers? How are ideas of citizenship and legality mediated in everyday practices of ‘advice’? How are citizenship and legality mediated in ‘social policy’ terms? How does the changing political and governmental environment affect the work?

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