



Strategic Legal Fund

External Evaluation: findings from stakeholder interviews

Prepared by:	Firetail Ltd: Andy Martin and Ruthann Hughes
Date:	September 2012
Version:	2.0 – Final Draft

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This is the report of independent evaluators commissioned by the Strategic Legal Fund. The views expressed in this report should not be taken as being the views of partner organisations involved with the initiative.

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1 Executive Summary

The Strategic Legal Fund for Refugee Children and Young People (SLF) launched in October 2011. It supports strategic legal work that seeks to achieve broader change beyond justice for individuals. The initiative, established by The Diana, Princess of Wales Memorial Fund (DPOWMF) and delivered in partnership with Trust for London (TL), is managed by MigrationWork CIC. The first grant was awarded in early 2012 and the pilot has been extended to run to October 2012.

This document presents the findings from the external mid-term evaluation of the SLF conducted by Firetail. It is based on a series of 17 stakeholder interviews conducted between 22nd May and 21st June 2012.

Views on SLF's strategy and scope

The stakeholders interviewed for this evaluation broadly endorse the SLF's overall scope and strategy, highlighting a series of benefits of the programme:

- Interviewees explain that the SLF provides essential additional funding in a sector facing significant cuts and changes in Legal Aid, local authority and voluntary sector funding
- There is praise for the initiative's clear focus and its ability to respond swiftly to stakeholders' needs
- Stakeholders interviewed consider it important that the initiative supports work in a range of areas of law impacting on the experiences of migrant children and young people
- The Expert Panel model is regarded as a unique and valuable asset for the SLF; physically bringing together leading legal minds to think strategically is regarded as a positive move for the sector.

Interviewees also identify a number of challenges linked to the initiative's strategy and scope including:

- Problems associated with limiting the SLF's remit to supporting work with refugees, rather than the broader community of migrant children
- The question of how far SLF is able to access individuals/groups with appropriate experiences which, if challenged, will support the SLF's objectives of achieving broader change
- Capacity difficulties facing organisations close to these individuals/groups.

Perspectives on delivery of the SLF

Stakeholders say that following a 'slow start' between the conception of the SLF and the awarding of its first grants, the programme is now operating well:

- Interviewees feel that the initiative successfully combines staff with impressive skills and experience with efficient and responsive administrative processes
- Discussions indicate that the SLF's management and delivery model is successful; partner organisations have worked well together and effectively navigated the challenges of multi-agency working.

Considering impact

The SLF is regarded as an experimental and innovative programme and, as such, interviewees suggest that a sophisticated approach is required to consider its early impact. The majority do not expect to see evidence of significant influence at this stage and discuss the inevitable challenge of measuring impact just 6 months after the awarding of the first grants.

It is, however, important to note that since the completion of the evaluation interviews, the SLF has reported a noteworthy development in demonstrating impact. The Migrants' Law Project which received funding from the SLF undertook work to represent Refugee Action in an intervention in a successful claim for a judicial review. The judicial review successfully challenged the Government's policy of delaying consideration of applications

for Section 4 support from destitute asylum seekers where they had made further submissions asserting fresh claims for asylum and human rights protection.

Reflecting on the SLF's potential future influence, many interviewees believe that this may take the form of legal change and/or changes to policy and practice. There is much optimism among those interviewed about the programme's potential to achieve impact at these different levels, with stakeholders expressing sometimes mixed views on where they hope and expect to see the focus of such change.

Several interviewees also point to important interim outcomes of the SLF's work, namely:

- Increased awareness of the SLF across a diverse range of stakeholders
- Growing influence in the sector as noted in increased exchanges between relevant individuals and organisations
- Evidence that some stakeholders are starting to think and act differently as a result of the introduction of the SLF.

The future of the SLF & maximising impact

There is a strong desire to see the SLF continue beyond the DPOWMF spend-out phase. Stakeholders are supportive of the approach and say that closing the project at this point would represent a wasted opportunity to improve the lives of vulnerable children and young people.

Most take the view that the SLF should not deviate far from its original remit at this stage, though there is support among all stakeholder groups to broaden its remit to fund work with all disadvantaged migrant children. Looking to the longer term and how the SLF might develop a sustainable model they advise it to take the opportunity presented by a potential transition to a new funder(s) to clarify its ambitions on a number of key issues and tensions. As well as sharing practical/operational suggestions for maximising impact they also urge the SLF to continue to evaluate its progress and to review the context in which it operates, particularly in relation to potential challenges arising from changes to Legal Aid.

The SLF as a model for change

There is praise for the SLF model as one which supports an additional approach to achieving change and which sits alongside a suite of other necessary tools including the funding of legal, policy and advocacy positions.

Stakeholders regard the SLF as a sensible model which can potentially achieve significant impact through awarding relatively small grants. Participants identify how the model could be transferred to other aspects of migration law as well as areas of law outside their sector. Suggestions are made throughout the evaluation that the approach fits naturally with and could be applied to addressing various human rights issues including disability, employment and homelessness/housing.

Recommendations

The discussions indicate that the initial scope and strategy developed by the programme partners have served the initiative well to date. Stakeholders broadly support the SLF in continuing to implement these in order to meet its objectives.

Discussions also highlight opportunities for the SLF to refine certain aspects of the model to further maximise its impact, notably through broadening its scope to include all migrant children and, potentially, young adults and to support work in Scotland and Northern Ireland.

A number of stakeholders also feel that if the initiative's ambition is to develop a model sustainable in the long term then there is a need for it to consider and formalise its position on a series of tensions or challenges:

- How actively does the SLF want to encourage applications from a more diverse range of organisations?

- To what extent can and should the SLF determine the issues they want grantees to address through the funding?
- To what extent can and should the SLF seek to support litigation directly alongside pre-litigation research and interventions?
- And whether the programme should disseminate an authoritative view of its position on the extent to which it seeks to impact on practice, policy and legal outcomes

Collectively, interviewees also generate a series of operational measures which they would like to see implemented to maximise the SLF's potential impact. These measures focus on:

- Convening groups of stakeholders to deliberate options for tackling issues facing migrant children and young people, and to promote the funding and support available through SLF among a broader range of organisations (specifically those outside London and organisations new to making applications for grant based funding)
- Formalising mechanisms to improve post-award learning
- Maximising engagement with the SLF's outputs and achievements
- Ensuring a thorough and effective hand-over to future funders to enable the initiative to build on the solid progress made to date

2 Introduction

2.1 Aims and Objectives

The Strategic Legal Fund for Refugee Children and Young People (SLF) launched in October 2011 to support strategic legal work that seeks outcomes beyond justice for individuals. It tests a new model for supporting legal work in the UK (initially working in England and Wales) by providing flexible and responsive funding and will distribute up to £300,000 to eligible providers of specialist legal services to undertake non-profit making work which does not qualify for public funding.

The Diana, Princess of Wales Memorial Fund (DPOWMF) established the SLF as part of its Refugee and Asylum Seekers Initiative to support refugee and asylum seeking children and young people. The SLF is delivered in partnership with Trust for London (TL) and is managed by MigrationWork CIC.

The SLF is time limited and was originally due to run from October 2011 to July 2012. In April 2012 the SLF was extended until October 2012. The first grants were awarded in January 2012 and, to date, a total of 18 grants had been approved up to July of this year. With the Diana, Princess of Wales Memorial Fund now spending-out, the SLF is seeking adoption from alternative funders and Trust for London has expressed interest in taking on the programme.

Following an interim internal evaluation conducted by MigrationWork earlier this year, the Funders appointed Firetail in May 2012 to conduct an external evaluation of the initiative through consultation with its key stakeholder groups. This work forms part of the SLF's overall evaluation programme (the framework for which is attached as an appendix to this report).

The specific aims of this first phase of stakeholder engagement were to provide:

- An analysis of this approach to funding strategic legal work
- An external review of the SLF administrative processes
- Recommendations for the SLF in the future; and
- A foundation for an end-of-pilot evaluation, which may take place in 2013

2.2 The interview and reporting process

Firetail conducted 17 interviews for this review (the agreed target number was 15) with representatives from the SLF's core stakeholder groups. Stakeholders were drawn from a sample put together by MigrationWork with input from DPOWMF and TL.

Details of the sample are outlined in the grid below:

Internal	Expert Panel	Grantees	Other (potential grantees/NGOs)
3 x paired interviews	7 interviews	4 interviews	3 interviews

Interviews took place between 22nd May and 21st June and varied in length from 30 to 60 minutes. They followed a semi structured discussion guide.

In reporting on these conversations we draw out key themes identifying consensus and differences voiced by stakeholders. Throughout the report we differentiate between views that are raised by a majority, significant number or just one or two participants.

It is also important to note that in a process of this kind it is necessary to assure participants that their anonymity will be respected. For this reason we have not attributed quotes to individuals in reporting on the interviews.

The majority of stakeholders interviewed engaged well with the process and generously gave time in assisting the SLF through the evaluation. Several declined to take part citing time pressures as a barrier to participation. This included a number of potential grantees and a previous applicant.

As with all evaluations of this kind it is important to emphasise that the views presented in this document are based on the available evidence, namely perceptions of the programme from a broad but still partial number of stakeholders.

3 Views on the SLF's Strategy and Scope

3.1 Perceptions of the SLF's Strategy and Scope

Those interviewed for the evaluation regard the SLF as an innovative, important and well-considered pilot. They explain that the initiative focuses on a vulnerable group in clear need of support and one to which many stakeholders demonstrate a strong professional and emotional commitment. The introduction of the SLF responds to a view shared across those interviewed that the UK's treatment of refugee children and young people necessitates significant change.

For stakeholders, the SLF is a timely model given the perceived 'state of the sector' which they refer to as 'gloomy' and 'desperate'. Interviewees repeatedly talk about cuts in Legal Aid, within local authorities and the closure of organisations which would previously have been able to consider legal issues from a strategic perspective. Together these factors are said to put extreme pressure on a sector seeking to support vulnerable young people.

For many, the SLF brings something new to this sector. It is a model which stands out from other approaches and funding streams and appears to create a sense of excitement and support among stakeholders. It is viewed as a laudable experiment which is testing a new way of effecting change on important issues. Interviewees feel that the initiative's clear and defined focus is important and encourages stakeholder engagement with the programme and its objectives, as one stakeholder explains:

"It is clear to me that if you are doing something very ambitious like strategic legal work it is not a bad idea to try and draw some boundary around it – that has the purpose of enabling you to have a space within which to work, some unifying purpose to the Expert Panel and some scope for success." Partnership organisation

Many note that the model's swift decision-making and response processes also set it apart from other grant making/funding bodies, as does the breadth of areas of law linked to migration which the SLF seeks to tackle. The Expert Panel is regarded as an innovative and important feature of the initiative; involving leading experts with an understanding of where and how change can be achieved generates much interest.

Those interviewed are positive about the range of issues being addressed through SLF funding; they regard it as important to look at the holistic experience of children and young people refugees and asylum seekers. There is support for the awarding of grants to fund pre-litigation research and interventions.

"This is so important and such an interesting way of working. I'm a huge advocate."
Expert Panel

"This is an absolutely fantastic programme...it is innovative, it looks at root cause stuff while foundations usually work in the service delivery space." Partner organisation

3.2 Perceived benefits of the Strategic Legal Fund

Stakeholders identify a number of benefits of the SLF's scope and strategy which all contribute to improving the lives and experiences of children and young people. Achieving this end goal is clearly a priority for interviewees, though in the discussions they focus on processes through which to achieve such change rather than articulating what this change would mean to beneficiaries on a personal level.

Key benefits

Several of the benefits stakeholders identify are linked to the role the SLF plays in creating a space for the sector to think creatively and strategically about important issues.

This applies both to potential and successful applicants and to those on the Expert Panel who are encouraged to take a sector wide view, considering the strategic merits of individual applications. It is anticipated that in fostering new ways of thinking and working the SLF has the potential to break the circle of legal experts 'slogging away' repeatedly on similar cases, instead providing the space required to consider issues from a strategic perspective and ultimately benefitting a broader community.

There is much support for the model as one which represents a new, explorative and iterative approach. Several say that this enables the SLF to map issues and to adjust this map as and when new issues come to light. This flexibility lends itself to producing valuable and potentially unforeseen outcomes as one potential applicant explains:

“The funders haven’t set it up with the weight of expectation, that simply by putting money in the front you get a certain set of outcomes...and are aware that whilst you might not get to a judgment, you have done some good work along the way. As one of my board said “strategic litigation is often unstrategic and often doesn’t lead to litigation.”

Potential applicant

Participants from all groups discuss the important benefit of instigating effective sign posting and referral between agencies which would not previously have been in contact with each other. In terms of advocacy, bringing together respected legal minds through the Expert Panel gives these issues a stronger profile.

Stakeholders also point to where the SLF is serving or has the potential to bridge current gaps in the sector. Several comment that the initiative is able to bring refugees who have difficult experiences together with those who hold the skills and knowledge required to make challenges on their behalf. Others point to the funding gaps which they feel SLF is able to bridge. Several refer to circumstances where only certain stages of legal proceedings have guaranteed funding, and where a ‘bridging’ grant from the SLF would then enable cases to be taken on and followed through.

Interviewees emphasise that strategic legal work on these issues would not and could not be undertaken to the same level without SLF funding. Stakeholders are not concerned that the model is creating a new market where such work would previously have been conducted on a pro-bono basis. On the contrary, there is a general sense that pro-bono work is becoming increasingly unfeasible in the current climate, making the SLF particularly important. As one stakeholder explains:

“It is a very valuable programme. With the climate in the last few years...organisations have been so horribly overworked and short of money. There is no kind of margin available to do work that is not paid....there’s no capacity like there used to be.” Grantee

Benefits identified by a minority

In addition to these key benefits raised by a significant number of stakeholders, individual or small groups of interviewees highlight further advantages of the SLF model. A number indicate that the model has the potential to break down silos between legal and advocacy-led approaches to achieving change. A couple talk about the potential for SLF to boost confidence and provide some respite in a sector which is struggling to deal with cuts.

For the partner organisations which make up the SLF, the model sits well within their broader strategies; for DPOWMF as one of a series of initiatives to improve the treatment of children and young people, for TL as one of many approaches to tackling poverty and inequality. One internal interviewee highlights a further benefit of the programme noting:

“The end date has been a catalyst to making things happen. Spending-out focuses the mind and makes you think about how each pound can have maximum impact. It has really been about trying to maximise the impact this initiative can have in terms of improving the treatment of children.” Partnership organisation

3.3 The Expert Panel

Perspectives on the Panel

Stakeholders from all groups regard the Expert Panel as a crucial asset for SLF and a model which works well. Bringing together recognised leading experts in this defined forum is regarded as highly innovative. Stakeholders feel that the fact that so many representatives from this specialist and limited field of expertise are involved in the Panel enhances the SLF’s weight and credibility. According to one potential applicant ***“You are funding the antennae of smart people who know the field.”*** From an internal point of view the Panel provides the SLF with legitimacy and essential expertise:

"The Expert Panel has been a joy. What a group - giving their experienced opinions on what are really small amounts of money. [Their] recommendations are extremely high quality...This is really complex and you need to be doing it day to day [to stay up to date on the issues]. There is no hope that any foundation, even with a legal team, could hope to keep on top of it. It gives us the reassurance that the top flight people [are involved] and have really great reputations." Partnership organisation

Interviewees across the board feel that creating a forum which enables these people to physically be in the same room, sharing and developing ideas, is an important step. There is an expectation that this will stimulate strategic thinking about individual grants and the sector as a whole which otherwise would be unlikely to happen. As several respondents explain:

"Even some... on the Panel are saying 'we have our heads down, we have our targets to meet, we don't have the time to think strategically' so if we can encourage a bit more of that that would be something." Partnership organisation

"The Panel works well, it's only when you sit down and meet that the detail gets thrashed out." Expert Panel

The Panel is also respected as an effective grant allocation model. That it is different to other models helps SLF to stand out and attracts interest. From the perspective of grantees, being able to access the Panel's expertise in developing and revising applications is highly valuable. One grantee explains:

"I think it meets with us. Sometimes funders aren't quite in tune with what you are doing but the Trust is a positive thing for Law Centres because it meets with our aims – that is what we are here for... And working with experts who understand what you are trying to do is great. You're not having to reinvent the wheel to explain what that is." Grantee

External interviewees' knowledge of who sits on the Panel varies. Those who know who is involved hold members in high regard. Those with limited knowledge tend to be familiar with at least some of the Panel members and, by association, assume the group as a whole to be one which comprises expertise and credibility.

It is clear from conversations with Panel members and other stakeholders that panellists are important figures in the network that has started to grow around the SLF. Important connections on issues related to SLF are being made between individual Panel members, organisations new to the initiative, MigrationWork and others. The extent of this networking has surprised some stakeholders and is widely regarded as an important outcome of the SLF's work to date.

Challenges with the Panel model

Overall, the Panel is said to be working well. However, some of those closest to it, namely project partners and Panel members, do identify a number of associated challenges.

The most significant of these are linked to the unexpectedly large Panel membership, a result of unforeseen levels of interest among specialists in being involved with the group. Difficulties resulting from this include ensuring that panellists have an oversight of the whole programme, convening members as a group to deliberate beyond the reviewing applications and, for one participant, guaranteeing that the Panel can provide consistent recommendations. One Expert Panel member explains:

"I find it hard to have an overview of what is going on. Do we have an overview for the Panel on what applications it has received, which [applications] it hasn't and how the funds have been spent? As time goes on that would be helpful... it would help to map out the gaps." Expert Panel

In addition to these challenges of scale, there are a number of stakeholders who call for the roles of the Funder and MigrationWork to be clarified with a couple questioning the efficiency and rationale of the two-stage decision-making process. Several say that a discussion between the funders and the Panel at the outset of the programme may have clarified panellists' understanding of roles and expectations of the different partnership organisations.

The level of familiarity between individuals working in this specialist sector is also said to present some, albeit minor and unavoidable, challenges. Participants are keen to ensure that the Panel continues to work to ensure independence of recommendations in relation to potential conflicts of interest. A couple of participants point to the instance where an applicant was called to outline their project's proposal to the Panel as a difficult situation in such a close community of professionals.

One panellist also stresses the importance of ensuring that the Panel's time is used to best effect and suggests that there is an element of members wanting to 'have their say' on points already discussed to a satisfactory level where time might be better spent moving on to tackle other issues. The interviewee suggests that given how familiar the panellists are with each other, physical meetings could be less frequent with more work undertaken via email/Skype. Other panellists interviewed see clear benefits of face-to-face meetings. A couple say that the time invested by panellists is significant but those interviewed broadly regard this as time well spent, explaining that they 'knew what they were getting themselves into.'

External respondents do not raise any challenges associated with the Panel and are generally supportive of the model as it stands. One does, however, comment that the Panel appears to be London focused and is deterred by a perceived lack of representation from private law firms.

3.4 Issues with the current strategy and scope of SLF

General concerns

A range of stakeholders identify a number of challenges with the strategy and scope of the current SLF model. They stress, however, that these do not undermine the overall value of the initiative but raise them as issues which warrant further consideration.

Practical constraints

A number of those interviewed mention the obvious time and resource constraints facing the programme. In an ideal scenario, they would like to see increased investment but accept the current status of SLF and support the way it ensures that funds available are spent to best effect. Similarly, most are aware of the timeframes to which SLF is operating. A couple of grantees say that, ideally, they would like access to more funds over a longer timeframe but recognise the limitations facing the programme in relation to this:

"Its weakness would be that it is short term funding. A longer programme always suits the voluntary sector better, but I understand this is about research, so by nature it is going to be [short term]." Grantee

In contrast, another grantee welcomes having SLF funding available on a short term basis as one of a series of funding streams as this supports their strategic position on funding (namely to avoid over-reliance on individual funders.)

Limiting scope of those eligible for support:

Another widely held view is that limiting the SLF's work to refugee children and young people feels artificial for those working in the field. Several feel that this may reduce the scope and impact of the initiative's work. Stakeholders understand and see the benefits of the current focus on refugee children and young people. However, the complexities of the migration system, the extent to which different related issues and groups overlap, and stakeholders' commitment to tackling inequalities and injustice mean that there is some unease with the current boundaries. Broadening the programme's TOR to include all migrant children is therefore supported by stakeholders in all groups. Some assume that the current structure prohibits funding of work tackling issues for adults which would also benefit children and young people and would like to see this addressed.

"Overall for the future and where to take it I am more inclined to say open it up ... to migrant children in light of the fact it is hard to focus just on refugee and asylum issues. We're missing something if we don't focus on children overall...Generally as immigration lawyers we would want it to be opened up to all migrants including adults...especially in the context of the onslaught of Legal Aid. But with it being in the pilot stage, and not yet knowing results at this stage it is good to have a focus and a clear remit" Expert Panel

Case acquisition and issues of capacity

Another area of concern for some stakeholders is a perceived lack of applications from individuals and organisations closest to individuals who SLF grants could and, in their view, should support. They provide numerous explanations for this. In the case of private solicitors firms applying for grant based funding, this is said to be a new and potentially daunting territory for staff. Several refer to the extreme pressures on capacity in the current climate saying this limits organisations' ability to prepare grants and (in some cases) deliver the work. Potential applicants explain their reasons for not applying:

"I am interested in strategic litigation, but you need the throughput of cases...We take on what we take on, and take it from there." Potential applicant

"We haven't applied for the fund yet, but because the timing has been wrong for us. We haven't had the capacity...we are besieged by the demand for basic casework." Potential applicant

There are also concerns that some relevant organisations are not yet aware of the SLF and/or are not structured to allow for strategic level working. Views vary considerably on the extent to which this is a problem. For some there is a need for the SLF to cast the net more widely to ensure receipt of applications from outside the 'usual suspects' or 'London club' and regard this as central to delivering on its objectives. One Panel member explains:

"I don't think it is bridging the gap [at present]....there is a gap between frontline providers...and the Fund."

The interviewee is concerned that valuable opportunities are missed where frontline workers fail to identify the potential for legal action, let alone strategic legal work for the individuals who approach them:

"Every day hundreds of people are being given the wrong advice and told by caseworkers 'you don't have a case'. Many [front line providers] get on by not asking the questions and getting the job done...Some of those case workers are very good but have supervisors who are working in a cost model which means they are not interested in challenging things except in a small minority of cases." Expert Panel

Some stakeholders are less concerned about the profile of organisations making applications to the programme. Several cite a recent increase in interest and applications from 'newcomers' as evidence that broader engagement with the SLF is growing. A couple of interviewees feel it is inevitable that as the 'usual suspects' are those with the most relevant expertise they will apply and that it is important for the initiative to support this expertise.

During the discussions a number question what the critical mass of case throughput needs to be, and to what extent the fund is falling short of applications with an inference that the SLF should be promoted but only on a level commensurate with available funds. A couple of stakeholders say that it is not for the SLF to 'coerce' organisations to engage with it beyond ensuring that organisations are aware that it exists.

Concerns raised by a minority

A number of further challenges are raised by individual or just a couple of stakeholders.

A couple of participants talk about the inevitable limitations of strategic litigation work in relation to the implementation of law/policy; even where legal or policy changes are agreed in principle, ensuring universal and sustained implementation is not always possible. One stakeholder notes that the on-going challenge to strategic legal work is that once a ruling is made to tackle an inequality, authorities may undertake work to reverse or find alternative routes to address these. In such cases, the role of strategic litigation is to 'ratchet up' change in the sense of keeping these issues on the agenda and, through achieving wins as and when possible, to gradually contribute to long term systemic change.

Several participants feel that excluding actual litigation from the work SLF is able to fund hampers its overall potential impact. Given the changes with Legal Aid, a couple say that being able to fund litigation in cases

where other sources of funding are not available would put SLF in a stronger position to achieve long-term systemic change. One Panel member explains:

“That the project is confined to interventions and preparatory work means it is not quite hitting the spot.” Expert Panel

For others, the focus should remain on pre-litigation work, not least because of the costs associated with delivering this kind of work. One participant notes that the SLF took Counsel's advice on this and drew the boundaries on SLF's work to avoid costs being awarded against the Funder where a case is lost, thus potentially conflicting with the duty of Trustees to protect charitable funds.

Participants broadly feel the SLF should continue to exist for cases where alternative funding is not available. A number identify a challenge for the initiative in ensuring that applicants have explored all alternative funding streams prior to approaching SLF. Several stakeholders say it is essential that practitioners continue to challenge the Legal Services Commission (LSC) where funding is not granted. A couple say that the role of the SLF is not to 'prop up' organisations facing financial difficulty and another talks about the importance for organisations to go through the learning process of identifying and securing funding from different sources.

Several interviewees indicate that in a sector facing such dramatic cuts, funding for any work to support this vulnerable group represents a positive step. We also heard the view that whatever the reason for an organisation applying to the fund in the first instance, as long as the clearly defined criteria for the programme are applied, grants will contribute towards SLF's intended outcomes

A further concern raised is about the inevitable tension where work on a strategic piece of litigation or pre-litigation may delay or have other negative effects on the individuals concerned. A couple of participants express a feeling of uneasiness about situations in which individuals might face delays in challenging a negative situation/experience if these experiences are being used to inform a strategic legal challenge.

3.5 Contextual challenges facing SLF

Stakeholders across the board talk about the context in which SLF is operating, focusing particularly on the changes to Legal Aid. Interviewees feel its future needs to be considered carefully in the context of these changes which are seen as 'devastating' for individuals in need of support/protection and for the sector as a whole. They also cite other changes in the sector which are of concern including cuts within Local Authorities and, for one, the anticipated introduction of best value tendering in 2016. One interviewee explains:

“The difficulty is that we are part of an ecosystem which is hugely under threat.”
Partnership organisation

Interviewees do not feel that the changes to Legal Aid render SLF untenable but stress that it needs to understand and respond to the consequences of these changes. Some participants offer a firm view on what the changes will mean for their organisations, others say they are "feeling their way" through the changes. At this stage, stakeholders urge the SLF to be mindful of the potential difficulties ensuing from certain areas of law going out of scope. A couple say this may mean that while SLF can fund pre-litigation and some funding will continue for judicial reviews and other types of test cases, the gap between the two will prohibit some cases from being taken on. A number of interviewees say that with some of the areas that SLF can fund going out of scope, there is potential for it to become overwhelmed with applications. A couple of interviewees expect that organisations will increasingly look to the SLF to be 'propped up' as other funding sources are reduced or disappear completely.

A number of stakeholders also identify benefits that the changes to Legal Aid could bring to the SLF. For a couple there is potential for SLF to play a valuable role in making legal challenges to Legal Aid changes. Others say that as organisations will be looking to alternative sources of funding this may lead to increased awareness of and engagement with SLF.

4 Perspectives on the delivery of the fund

4.1 Successes in delivery

Interviewees are extremely positive about the delivery of the fund feeling that after a slow start it is now recognised, gaining momentum and operating well.

Several interviewees point to the number of grant applications and the growing range of organisations making applications as evidence that the delivery is working well. In conversations with those with who have engaged with the programme, its delivery is repeatedly referred to as 'professional', 'impressive', and 'high quality.'

"Everything we set out to do has panned out quite nicely." Partnership organisation

"Word has got out really well." Expert Panel

In some areas the quality of the delivery exceeds expectations and is said to be markedly better than those of some other funders. Stakeholders are impressed by SLF's communications and administrative procedures. The application and pre-payment systems are highlighted as examples of a fund which is responsive to the needs of applicants and potential applicants. One participant is eager for the final version of the application form to be produced and disseminated.

"Our experience with SLF has been quite positive...the process seemed to be quite quick and relatively simple. I have quite a lot of experience from larger funders with onerous systems. What is particularly good is the quick response you get..." Grantee

"It all seems to be relatively smooth. The money was there before work started which doesn't normally happen. Communications are good...I'm happy with the process." Grantee

Participants from all groups emphasise the professionalism and expertise with which MigrationWork, as the most widely recognised 'face' of SLF, is delivering the programme. Stakeholders from all groups feel that the team's combination of knowledge of the sector and interpersonal skills facilitates positive relationships with the commissioning bodies, applicants and members of the Expert Panel. Their reputation and 'connectedness' are viewed as valuable for the SLF. There is much praise for the way MigrationWork communicates with all parties and several comments are made about the 'excellent quality' of materials produced.

A number of interviewees discuss how MigrationWork adopts a professional but personal approach to supporting grant applications. A couple of stakeholders recount instances where grant applications would not have been made without the 'support and perseverance' provided by MigrationWork. MigrationWork's efforts to identify and work with appropriate organisations and networks to promote the SLF are also recognised by participants.

"MigrationWork have been critical. They have a depth and knowledge of both the law and the wider issues and they know a lot of the lawyers and that kind of personal relationship has worked really well." Partnership organisation

"MigrationWork have done a brilliant job in what could have been a really bureaucratic process... they make it easy to consider the applications so it is not onerous." Expert Panel

"Making a funding application was out of our frame of reference. Fran made it so clear that whatever help we needed, to talk through, or input looking at drafts... that it was available." Grantee

The level of MigrationWork's input raises some questions around potential capacity constraints and to what extent such a personal approach could be replicated should the SLF wish to grow significantly at some point in the future.

4.2 Delivery challenges

Expert Panel members and programme partners express some frustration at the initial delay in starting grant allocation saying that valuable time was lost between the initial conception of the initiative and its launch. A

number say they understand that this is inevitable with a pilot which combines an experimental approach and a multi organisational structure. A couple note that investing time in the early stages of project development is essential. The limited remaining timescale for the current programme is noted as an inevitable constraint for the model but conversations suggest that this does not limit enthusiasm for or engagement with the SLF.

“The fund had a long gestation period and has crawled over many of the potential difficulties” Potential applicant

“I think it has taken...perhaps longer than one would have hoped for punters to realise that things could be done via the Fund...but after the slowish take up in the first few months, it seems people have taken stock, identified some creative challenges and presented us with a number of different scenarios. It is now quite encouraging” Expert Panel

A number also refer to some initial operational teething problems but feel these have been ironed out. From a grantee’s perspective, initial issues relating to VAT payment have been resolved. From the point of view of the project partners and Expert Panel members, the model now has well developed communications processes in place. A couple note that as it becomes increasingly established and the number of grants awarded increases, SLF is able to communicate what it does and doesn’t do with increasing clarity and confidence.

4.3 Partnership working

The partner organisations involved with the SLF say that its structure is working well. There appears to be a strong working relationship between the three organisations with each talking openly about enjoying the dynamic of the group and its collective achievements. Different partners are grateful to each other for the efforts and willingness invested in a programme which, for some, has involved adopting new ways of working. Each references the specific skills which sit within the other partner agencies and much of the success of the programme is attributed to individuals’ skills and knowledge and the combination of personalities involved in developing and delivering the SLF.

“The other thing that has to be captured here is that this absolutely was David...When the history of this is told it is about an individual person with the right skill set who could set this up and have the drive and the passion to push it through. It’s not something that just happened.” Partnership organisation

“The oddity of the arrangement [is a benefit]...the obvious thing would be to look for an organisation in which to plonk it or set up a separate organisation all together ... but the approach has worked rather well.” Partnership organisation

Those looking at the model from an external perspective also note that it is operating effectively. It is clear that despite the number of organisations and individuals involved, the programme is responsive, runs smoothly and operates at a level which enables personal connections to be developed.

4.4 Potential improvements

There are a number of areas where stakeholders feel the SLF’s delivery could be strengthened further. Please note that specific suggestions for addressing these issues are outlined in section 6.3.

Improving post award learning

A number call for stronger and more structured post-award learning. Pre-grant communications are said to be excellent but there are some concerns that relevant parties are not kept sufficiently up to date once grants have been awarded and recipients begin work on their respective programmes. Stakeholders are keen to ensure that learnings are shared as widely and as soon as possible to enable other organisations to derive maximum value from them, in turn delivering on the SLF’s objectives. It is considered important for Expert Panel members to know where progress is being made to support them in future decision making. A number of interviewees feel that grantees and potential applicants would also benefit from knowing of important developments and there is a sense that all stakeholders involved would feel motivated by progress updates. One stakeholder also stresses the importance of capturing lessons learned for future, and potentially unrelated, programmes or funders.

Further work to encourage applications from beyond ‘the usual suspects’

Many credit MigrationWork with reaching out to a broad range of organisations and networks in an attempt to raise awareness of the fund. Some, however, would like to see this work strengthened further with a focus on improving the SLF’s profile outside London, in private law firms and among frontline staff and organisations. They add that in this process it is essential to communicate the full scope of the work SLF can fund as well as the support offered to applicants.

“The greatest need is outside of London and that is where there is the least availability of top quality legal advice.” Expert Panel

Support for applicants

One participant (a potential applicant) feels that the SLF could do more to support organisations with no or limited prior experience of applying for grants having been daunted by the prospect of making an application. Having gone through the application process, the grantees interviewed say SLF’s requirements are considerably less onerous than those of other funders and feel the simplicity of the SLF process could be promoted. Certain elements, such as preparing the financial information required, continue to pose some challenges and this represents an area where more support could be offered.

“The financial information you need to provide...we found that problematic as we’re not used to sharing that...” Grantee

5 Considering impact

5.1 Measuring impact: the challenges for SLF

Stakeholders who participated in the evaluation are relaxed in their expectations of the SLF's ability to demonstrate early impact. Respondents from all groups emphasise that quantifying the impact of strategic (pre) litigation work just 6 months after the awarding of the first grants is problematic. A view shared across different stakeholder groups is that the programme is working to influence over the long term, meaning that there is no expectation that funding pre-litigation will lead to immediate legal changes. As one stakeholder explains:

"It is bound to be a slow burner with the pace at which legal changes can be made,"
Partnership organisation

A number comment that had the programme started earlier clearer evidence of impact may now be available. With the actual timescales, respondents feel that it will be for later phases of evaluation and analysis to capture and measure impact. For those interviewed, measurable actions to date are limited to grantees' identification of relevant cases.

Support for SLF as an innovative pilot means that those interviewed have an open mind towards its likely outcomes. Uncertainty about the exact shape of these eventual outcomes is regarded as a strength of the model and providing robust evidence of impact at this stage is not necessarily a priority or concern.

In working to assess the impact of this initiative, stakeholders consider it important to acknowledge that it was not conceived as a stand-alone solution to the challenges and inequities facing refugee children and young people. Instead it sits in a sector comprising a range of organisations drawing on different techniques to achieve improvements for the target audience which affects the extent to which future measures of impact can be solely attributed to SLF. In relation to DPOWMF alone, one stakeholder notes that distinguishing the impact of the SLF's work from that of other DPOWMF initiatives poses a further challenge. It is also considered important to recognise that this is an evolving sector in which the scale of issues and the individuals working on them change at a noteworthy pace. This has further implications for how impact can be quantified.

It should be noted that when the stakeholder interviews were conducted the outcome of the first intervention funded by SLF had not been reported on and stakeholders did not comment on this. Since completion of the interviews SLF has, however, seen a significant development in the positive ruling in a judicial review (challenging the Government's policy of delaying consideration of applications for Section 4 support from destitute asylum seekers where they had made further submissions asserting fresh claims for asylum and human rights protection). An extract of the report from Migrants' Law Project who used an SLF grant to undertake work to represent Refugee Action in the intervention is appended to this report.

5.2 Where impact will be felt

A number of stakeholders discuss how impact is thought about in relation to SLF and regard this as an important issue for the SLF. They question to what extent this is about legal impact or change to policy and practice, and how these two complement each other in the SLF model?

For a significant number of those interviewed it is clear that the focus is on achieving legal change. This is the world they operate in and the lens through which they consider and approach the issues. There is an expectation among some of those interviewed that other organisations take the lead using other tools for change, notably direct lobbying and advocacy so do not want to see SLF money used to fund such work. One interviewee did however question whether this is still the case given current financial constraints on NGOs.

We also heard from stakeholders for whom an equal if not stronger aim of the initiative is to achieve change in practice and policy and several interviewees who call for the SLF to bridge the gap between these approaches. Several interviewees comment that significant change can only be achieved where all tools are used and are

supportive of initiatives which bring policy and legal work together. SLF is regarded as a strong model through which to encourage collaborative working to achieve shared goals.

A number of participants see the potential for non-legal experts to make valuable use of evidence and data collated by SLF in policy work, lobbying, training and awareness-raising capacities.

“For us success will be if our immigration system treats children as children first...if the system shifts to treat people better that will be the ultimate indicator. That could be interpreted as a procedural change on the ground, it might be on one level as micro as a local authority changing the way it treats its young people through to a procedural change at UKBA level, or a legislative amendment or a case which establishes a precedent. The impact on the child is what we want.” Partnership organisation

“The first stage of anything is gathering information. It can be used for lobbying, raising awareness, training. And then you are on the way to having successful legal challenges that can enforce changes. It can have a positive impact on many aspects of lives of young people. Injustice continues because information is not available.” Grantee

“Some cases would be nice. Ultimately it has got to be about changes to law and policy and practice that we had an impact on but I’m not sure how you go about measuring that...” Partner organisation

Looking to the future, participants collectively map out where they expect SLF to have influence over time. This is outlined in the table below:

Where?	How?	For who?	For what?
<ul style="list-style-type: none"> In the law (they focus on national law but also identify possible impact at EU level) In practice (i.e. at management / procedural levels) Within UKBA At a policy level in different local authorities and at national level 	<ul style="list-style-type: none"> Ultimately, by enabling cases to be identified, prepared and brought to court which, if successful, will lead to legal changes Generating a solid evidence base for use by peers working to tackle inequalities (both in legal and policy/advocacy work) In intervention work, producing stronger evidence to ensure better decisions are made for children and young people It is anticipated that an awareness of the SLF among those working with young people can encourage better treatment/decision making ,reminding individuals/ organisations that mechanisms are in place to challenge unreasonable treatment of children and young people Creating a space for engagement with/debate around these issues Promoting best practice for working with vulnerable young people 	<ul style="list-style-type: none"> For children and young people For families and communities For organisations working with vulnerable groups (A couple of stakeholders say): For the UK’s national integrity and, in the long term, for other countries to be able to learn from best practice in upholding the rights of children and young people 	<ul style="list-style-type: none"> To ensure that the immigration system and other services which young people come into contact with (health, social, education etc.) treat children as children, first and foremost To ensure the UK respects its commitments to human rights (A couple of stakeholders say): Contributing to attitudinal change

5.3 Successes to date

While interviewees say that potential 'big wins' for the SLF are yet to become evident, they point to a range of interim successes.

For many, the growing awareness of the still relatively new initiative constitutes a notable achievement. Approaches from MigrationWork, word-of-mouth recommendations and personal connections are said to be driving this increased awareness and several participants note references to the SLF in various meetings and conferences.

Several participants feel that this growing awareness of the SLF is encouraging some individuals and organisations to think differently about how to approach issues facing children and young people. This applies to some 'new' stakeholders who sit outside the group of legal experts renowned for their experience in the field. An important outcome for several of those interviewed is the role the programme has played in encouraging parties who would otherwise not have been in contact to think and work collaboratively. The bringing together of legal and policy experts is felt to be particularly noteworthy. Stakeholders refer to several incidences of successful signposting, cross-referencing and referrals between different parties connected by the SLF which they regard as important for specific pieces of work and for the sector more widely.

A number of interviewees feel the SLF is providing some positivity and confidence in a sector under pressure. One stakeholder says that such positivity is essential to retaining individuals with the right skills and experience in the sector.

"I've had enthused lawyers contacting me....they can't believe it exists saying 'do you think this is something we can take up?' It's not just [the funding] to do the work but the space to do it in." Expert Panel

Other successes are mentioned by individual respondents. One, for example, notes how their SLF funded grant work is contributing to a sense of empowerment among the young beneficiaries of this work, at a local level. Another explains that SLF reminds a range of organisations of the importance of upholding human rights and that there are mechanisms in place to ensure these are respected. Another feels that the introduction of the SLF has expanded the refugee children's sector. One grantee notes that experience with the SLF model could inspire organisations when thinking through how to approach other funders.

For partner organisations interviewed successes of the programme cited include the extent to which work has 'got out,' the variety of projects being supported and the fact that there is interest in the programme's future. As one stakeholder explains:

"For me a really important measure of success is that this process has happened, it is embedded and it is being taken forward." Partner organisation

6 The future of the SLF and maximising impact

6.1 SLF beyond the Diana, Princess of Wales Memorial Fund

There is a strong desire to see the SLF continue beyond the DPOWMF spend-out phase with interviewees from all audiences saying they would consider it disappointing for grant allocation to end at this point. Given the amount of work to be tackled to improve the situation for children and young people, stakeholders do not want to see a potentially successful model of this kind close. Several organisations who have already received grants are considering whether to reapply to the programme. Experts and practitioners demonstrate strong interest in delivering strategic legal work but emphasise that without funding, organisations will not be able to deliver this.

Several interviewees would regard it as wasteful not to maximise the enthusiasm and engagement evident at this early stage of SLF; some talk about the SLF model experiencing a snowball effect and are eager to give the initiative the chance to develop further momentum. There is strong support to see new ways of thinking and working become more embedded in their sector and the funding provided by SLF is regarded as an essential catalyst to this.

“My understanding is that it will end in December. It is a shame as people are only just becoming aware of it. They should try it for another year, then they can look at the results....if it is legal work a case can take a year to get into the courts” Grantee

“I think it has an awful lot going for it especially at a time where organisations are struggling...it started much later than it should have... and it seems a pity to end the experiment here” Expert Panel

SLF is considered relevant and important even in a world of significant Legal Aid changes though several make the point that this requires regular review.

The evaluation also heard from a number of participants who say they await results from the evaluation of the SLF to guide their views on whether the project should be sustained beyond the lifetime of DPOWMF. This ties in to a broader view that the programme should not be funded ‘blindly’ on an on-going basis; there is a strong desire for regular evaluation of SLF’s progress and for relevant evidence to inform future decisions. Several suggest that they would like to see the programme’s remit and approach reviewed annually to ensure it remains fit for purpose and that it is responding appropriately to changes in the sector.

“We have to keep our outcomes in mind...and really interrogate whether this is the best way to help ...that the people on the ground are really benefiting from this that it is not about those lawyers making themselves a lovely career by doing this work. That kind of thing feels really really important...and being able to evidence that is what we need to keep a watch on. It feels like we will need to have an evaluation later on when...there is some ability to make some judgment on how this has gone” Partnership organisation

6.2 The SLF’s future strategy

In looking to the immediate future for SLF, most interviewees want to see it continuing to broadly implement the current strategy. The model as it stands is perceived to be working well. The clarity of its scope and focus have been key in ensuring engagement from some key stakeholder groups. Interest in the SLF is said to be growing at present and there is a feeling that this should be maximised rather than transferred. Stakeholders point out that the Expert Panel is configured to support the programme’s current focus noting that significant changes in scope would necessitate some changes to the Panel.

In an ‘ideal world’ many participants would want the SLF to grow to cover a wider range of issues and audiences but recognise that scope is contingent on resources and that there are strategic risks associated with making significant changes at this stage.

Stakeholders are keen to see SLF grants continuing to support legal work on a wide range of issues, and funding research and interventions. One participant urges it to ensure that it does not start to ‘saturate the courts with interventions.’ Another suggests that the SLF might increasingly find itself supporting work to tackle

inequalities faced by a wider population, potentially on issues which do not represent the 'very worst' of infringements on children's rights but which are still important and affect larger numbers of refugee children and young people.

While there is broad support for the current scope there is also much consensus among those interviewed that the transition to a new funder(s) brings with it an opportunity for some reflection and refinements.

There is consensus that the scope of the SLF should be widened to include migrant children more broadly as they feel the current boundaries are artificial and limiting. A couple do, however, question how this can be achieved without making legitimate applications for work to support the children of some wealthy migrants coming to the UK. Several participants are also eager to see the initiative broaden its scope to encompass young adults as well as children. The issue of children entering the system as minors then exiting it as vulnerable young adults is reported as a widespread problem which requires further attention.

When asked to share their views on the current geographic scope of SLF, stakeholders say the boundaries could be extended to Scotland and Northern Ireland. Several note benefits of supporting work in Scotland namely to ensure learnings from Scotland are shared more widely. Including Northern Ireland is not contested in theory though some question the scale of related problems in that jurisdiction. It is noted that if the geographic boundaries are extended it will be essential to ensure representation on the Expert Panel from members qualified in the respective national laws.

In addition to these proposed changes, several stakeholders also feel that the project will need to consider and develop a position on the key challenges and tensions identified to enable this model to be sustainable in the long term. Some call for these discussions to take place now, others say later this year. The key issues for consideration in this respect are:

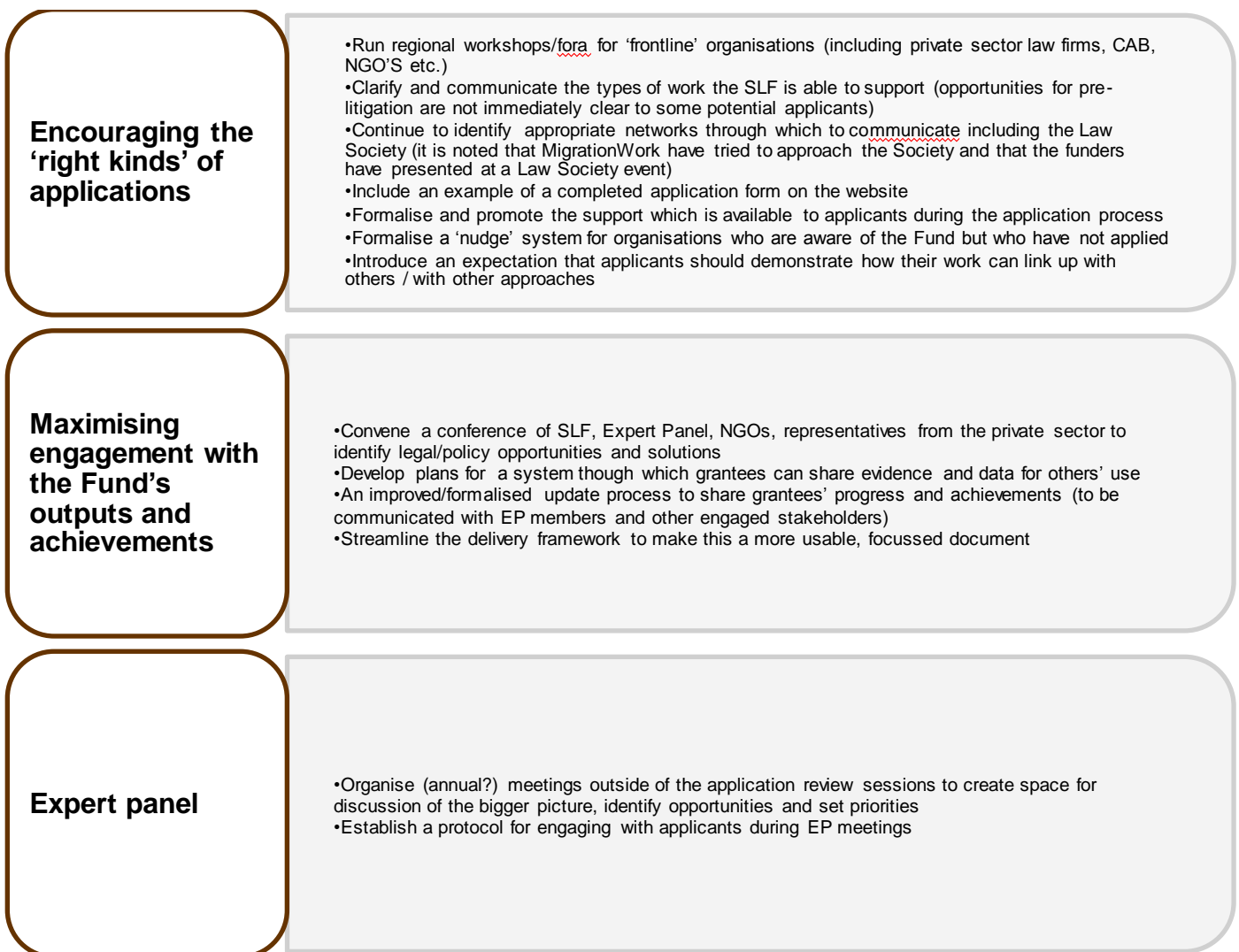
- **Directing applications:** How far does the SLF want to prioritise and invest resources in encouraging applications from organisations who are not 'the usual suspects' working in the sector?

Some feel this is essential to identify the kinds of cases which will support the programme in meeting its objectives. Others feel reasonable efforts should be made to promote the SLF but that beyond this applications should develop organically.

- **Directing the kinds of work funded:** To what extent should the initiative take on a more directive role in establishing priorities for the kind of work it wants to support? Several 'internal' participants (i.e. from the Expert Panel and partner organisations) feel it is appropriate for the Panel to revisit its 'key issues', a couple say this should be with a mind to ensuring these are addressed. Others want the SLF to retain a 'looser' approach, shaped by the applications received
- **The focus between practice, policy and legal outcomes:** Does the SLF want to develop and disseminate an authoritative view on its approach and priorities in relation to this? How far does it want to play a role in uniting these different approaches?
- **Funding litigation:** A number of those interviewed say that not funding litigation work limits the impact the initiative can have in the sector. Others feel it is important to retain the clarity of focus achieved through limiting the SLF to pre-litigation work.

6.3 Operational improvements to maximise impact

In relation to maximising SLF's impact, stakeholders also offer a range of practical/operational suggestions:



“At the moment it feels right not to be pushing an agenda... Having said that I do think there might be something to be gained by putting some energy into meeting with groups and seeing if they have ideas that could be brought forwards...to get their creative juices flowing” Expert Panel

There is less agreement on some other practical suggestions, raised by individual interviewees. A couple of participants, for example, raise the option of streamlining the current two-tier decision-making process into one where the funders sign-off grant decisions in the Panel meetings. Interviewees suggested options for achieving this include having the funders present at meetings. One interviewee questions whether this streamlining would demand changes to the governance of the SLF by making panellists trustees, a change that they would not want to see. In the context of these discussions several interviewees call for the role of the different partner organisations to be clarified:

“[The Fund] has had to feel its way a little bit in terms of structural relationships between the different component factors. The Expert Panel's role is reasonably clear and defined. But I think that on a number of questions...it may start becoming necessary as the Fund becomes more and more active to define the roles [of the different partners].” Expert Panel

A couple of interviewees discuss whether the SLF can or should cover the costs of making an application to encourage underrepresented groups to approach it for funding. One participant questions whether the fees paid should be increased to facilitate greater involvement from lawyers who can earn more on Legal Aid work.²

A number of stakeholders question whether the composition of the Panel should be 'tweaked' to be more diverse. Individual respondents call for more representation from solicitors, private law firms and out of London stakeholders. Others feel that the Panel comprises the best legal minds on these issues and that relevant groups are represented

6.4 Managing the transition

Several interviewees highlight the level of planning required to ensure effective transition to a new funder (s.)

A number discuss the challenges facing the SLF as it seeks to identify appropriate funders. Many are supportive of TL taking over the programme. The Trust is regarded as a credible organisation, whose values are aligned with those of the SLF. There is also recognition that additional funders will be needed for the programme to continue. Several discuss the importance of securing a national funder, both in terms of the size of the funds needed to support on-going work and to present the programme as one which seeks to fund work outside London. It is hoped that involvement of such a national partner will encourage broader engagement with the initiative from individuals and organisations outside London. Several stakeholders say they do not feel in a position to comment on who an appropriate/willing funder might be though a couple note the importance of securing involvement from a cross-issue organisation as opposed to one which is closely linked to one of the themes the SLF works on; the breadth of the work supported by the initiative is highly valued.

Discussions in the interviews reaffirm the need for a considered approach to a future programme 'handover.' There is a strong desire to ensure the skills and experience of existing staff members are captured and it is viewed as particularly important for the programme to share its experiences and lessons with TL/future funder(s). For MigrationWork, consideration of how the 'personal touch' which has been instrumental to getting the SLF up and running can be developed and formalised is important as is some reflection on any contractual constraints linked to level of input. For TL there will be implications of stepping into the role of programme operators which require consideration including what this will mean for TL's internal structures, their responsibilities in relation to the current structure and what support TL will need during the transition.

"Trust for London are looking at taking it and that would be ideal. They are good people and it's a good model. I wouldn't interfere too much with it." Potential applicant

² The SLF says costing should be calculated with regard to the Legal Aid framework. If applicants cost their work for solicitors and advisers at an hourly rate this means that in immigration cases work can be (and has been) costed at £71.55 per hour. If applicants cost their work to pay for an individual's time as an employee, the Fund expects a breakdown of this. SLF has not yet issued guidance on barristers' fees.

7 SLF as a model for change

There was much discussion in the interviews about the SLF as a model for change.

Interviewees' engagement with and experience of the SLF leads many to conclude that this is a model which could, and some spontaneously say should, be replicated in other sectors. They regard it as an approach which appears to be relatively cost effective; it invests relatively small grants to lever significant change. Stakeholders feel other sectors would benefit from adopting a model which provides space for important reflection, discussion and deliberation. Similarly a number note its potential to contribute to breaking down silos between different approaches to achieving social change, notably the perceived disconnect between policy and legal work, and would like to see this replicated elsewhere.

Stakeholders are also careful not to assume that the model will always represent the best approach through which to achieve impact. When asked to consider how this model compares with alternative approaches for achieving change, stakeholders say that a meaningful comparison cannot be made until a detailed cost analysis is undertaken on how this model compares with the alternative approaches.

As evaluators we would caveat the view that the model can be transferred across other areas noting the extent to which the SLF's current focus is seen as instrumental to its success; it cannot be assumed that levels of engagement will remain consistent if the scope is broadened or replicated.

7.1 Using the model within the migration sector

Stakeholders regard SLF as a model which could play a valuable role in addressing a wide range of issues and situations faced by migrants of all ages. They feel it could address some of the issues which the SLF in its current guise has not tackled including issues linked to prisoners and detainees, access to benefits, young British people who are at risk because of immigration law and EU level arrangements and policies affecting children. The potential for this model to achieve change elsewhere in the sector is felt to be particularly high where multiplying factors impact on a group's status and experiences, such as in the case of people with mental health issues or those living in detention.

7.2 Use of the model outside migration

The SLF is also perceived to be important in demonstrating an alternative approach to grant making to Foundations who have traditionally occupied the service delivery space. Several stakeholders praise the SLF for opening other Foundations' eyes to the possibility of working in this way.

Stakeholders also regard the model as one which would lend itself well to tackling other human rights issues noting specific circumstances where this would work particularly well. A couple of stakeholders highlight the potential benefits of using this kind of tool in areas of law where unpicking definitions has the potential to bring new cases to court or explore new approaches to applying the law. The possibilities of using the model in fields where NGOs lack legal capacity are also noted. One respondent would like to see the model applied to other areas in which there is a 'democratic deficit', that is in tackling issues which politicians tend not to champion as the public show only limited interest in them.

Collectively, participants generate a list of specific issues for which strategic legal work could become a key tool in achieving change. On human rights issues this includes disability, gender inequalities, employment issues, access to benefits, housing and homelessness, female genital mutilation, care leavers and abuse linked to witchcraft and spirit possession. One respondent suggests it could be used to tackle environmental issues at EU level.

“If it works it is a model that can be replicated for other areas too...so they can put forward an area that needs their own SLF model. It could be around destitution, homelessness, practices of local authorities, care leavers...” Expert Panel

Again, participants stress that in the migration sector the SLF model will have most impact where it is recognised and implemented as one of a suite of tools for achieving sustained change including advocacy work and funding legal and policy positions.

“There’s lots we can’t do within the legal system...you won’t change law unless you can change the policy behind it....so having research done to influence policy is just as important.” Potential grantee

“Excellent lawyers can forget child rights issues...This fund has managed to make people think about it more than any training could have done.” Expert Panel

8 Conclusions and recommendations

Evaluation of the project six months after the awarding of the first grant provides evidence of a model which commands widespread support and interest. Against the backdrop of a complex, challenging and changing sector, stakeholders are keen to see the SLF sustained beyond the DPOWMF spend-out period.

The programme is recognised as a pilot project and, in line with stakeholder expectations of a pilot of this kind, evidence of the initiative creating impact is only now starting to emerge. It is clear, however, that the SLF can claim some notable achievements, including establishing a presence in its sector and influencing the way that some individuals and organisations within it are thinking and working.

The discussions indicate that the initial scope and strategy developed by the programme partners have served the SLF well to date, in some areas exceeding stakeholders' expectations of the model. Even without any significant changes to the programme there is therefore an expectation that its impact will grow over coming months as more grants are allocated and recipients carry out the work they have committed to.

However, discussions also indicate that at this important transitional point there is an opportunity for the SLF to refine certain aspects of the model to further maximise the impact it can achieve. There is support for broadening the scope to include all migrant children and, potentially, young adults. Interviewees regard it as appropriate for the programme to support work in Scotland and Northern Ireland. Beyond these suggested strategic changes, stakeholders feel that if the SLF's ambition is to develop a model sustainable in the long-term then there is a need for it to consider and formalise its position on a number of key tensions and challenges namely:

- How actively does the SLF want to encourage applications from organisations who are not 'the usual suspects' working in the sector as opposed to promoting the fund and then awaiting applications from interested bodies? (And how/whether to reflect this in the funding mechanism to address issues of capacity).
- To what extent can and should the SLF take on a more directive role in determining the issues they want grantees to address through the funding?
- The focus between practice, policy and legal outcomes: should the initiative develop and disseminate an authoritative view of its approach and priorities in relation to this?
- To what extent can and should the initiative seek to support appropriate litigation work alongside pre-litigation?

On an operational level stakeholders identify a number of practical measures which they would like to see implemented to support the SLF in delivering on its objectives. These recommendations fall into four key areas:

Encouraging applications

- Convene regional workshops/fora for 'frontline' organisations (including private sector law firms, Citizens Advice Bureaux, NGOs).
- Communicate the kinds of work the SLF is able to support and the support which is available to applicants during the application process.
- Continue to work with relevant networks.
- Include an example of a completed application form on the website.
- Formalise a 'nudge' system for organisations that are aware of but have not applied to the programme.

Maximising engagement with the programme's outputs and achievements

- Improving post-award learning.
- Develop a shared evidence / data system to encourage use of SLF-generated evidence by others.
- Introduce an expectation at application stage that grantees should demonstrate how their work links up with that of others.

- Formalise an update process to share grantees' progress and achievements.
- Convene a conference of SLF, Expert Panel, NGOs, and representatives from the private sector to identify legal and policy opportunities and solutions.

Expert Panel

- Organise meetings outside of the application review sessions to create space for discussion of the bigger picture, in order to identify opportunities and set priorities.
- A mid-programme discussion, clarifying implications of handover, the roles of respective partners and organisations.
- Establish a protocol for engaging with applicants during Expert Panel sessions.

Handover

- Putting in place arrangements for a thorough handover process to ensure learnings and expertise are captured.
- Ensure structures are in place to formalise 'the personal' on which there is much dependency at present.
- Streamline the delivery framework to make this a more usable, focused document.
- Identify support needs for future funders as they take on a new role.

Appendix 1: Strategic Legal Fund for Refugee Children and Young People – Draft Evaluation Framework

What do we want to know?		Internal eval?	External eval?	Mid-term?	End ?
<i>Was awareness-raising effective?</i>	Did the right people hear about it?	✓	✓	✓	✓
	Did they understand what SLF funded?				
<i>How was the application process?</i>	What info/contact used? (Phone/email/web)	✓	✓	✓	✓
	Quality of info?		✓		✓
	Ease of getting further info				
	How time-consuming?				
	Clarity about why not funded or deferred?				
	Clarity about MW/DPOWMF				
<i>How was grants management?</i>	Experience of monitoring		✓		✓
	Payments				
<i>How did Expert Panel find their involvement?</i>	Relationship with MW		✓		✓
	Sense of value/contribution				
	Process clear & useful?				
	Time commitment?				
	Any problems re conflicts of interest?				
<i>The contribution of Expert Panel</i>	What was its role? (How did this change?)	✓	✓	✓	✓
	Recommendations consistent and helpful?				
	Practicalities and challenges	✓		✓	✓
<i>Did the funding fill a gap?</i>	Is the SLF funding the most effective input to strategic litigation?		✓		✓
	Would work have happened if no SLF grant?				
	Could funding have come through other/existing grants?				
	Challenge of funding restrictions?				
	Sufficient quality applications?	✓		✓	✓
	Did funding deliver what was expected?				
	Were applications with similar goals turned down/not eligible?				
	Were applications received from solicitors?				
	Were new issues raised/taken forward through SLF funding?	✓	✓		✓
<i>Relationship between funders and MW</i>	Process?	✓		✓	✓
	Unexpected/additional activity?				
	Experience of working together		✓		✓
<i>Is there scope to use this model more widely?</i>	Other areas of law?	✓	✓	✓	✓
	Other beneficiaries?				

Appendix 2: Details of the outcome of the first SLF funded intervention

In February and March 2012 the Migrants' Law Project (MLP) received funding from the Strategic Legal Fund to undertake work to represent Refugee Action in an intervention in a claim for judicial review.

The judicial review challenged the Government's policy of delaying consideration of applications for Section 4 support from destitute asylum seekers where they had made further submissions asserting fresh claims for asylum and human rights protection.

According to the End of Grant Monitoring Report submitted to the SLF:

"The judgement is very positive... Mr Justice Foskett referred to the material that Refugee Action submitted and it is clear that the submissions made on behalf of Refugee Action and the evidence submitted as part of the intervention influenced his decision. This means that the October 2009 policy to deliberately delay making a decision on an application for Section 4 support from destitute asylum seekers who have made fresh claims for asylum and human rights protection, is unlawful...The Secretary of State will have to formulate a policy that meets the government's human rights obligations."

In commenting on the SLF's contribution to this process the report goes on to explain that:

"This work would not have been possible without an SLF grant... we are pleased that the judgment is positive, and that this work will have a beneficial effect for many members of this vulnerable group. We were able to undertake all of the anticipated work, and complete it within the timescale we had envisaged during the bid. The quality of the witness statements and material exhibited together with the legal submissions were prepared to a very high standard and as stated above the intervention clearly added value to the proceedings. Our role in supporting and improving the work of the legal team representing the claimants worked very well, and we feel that we have made some real inroads in building legal capacity within organisations via this work by giving them practical assistance in evidence gathering."

"There has been a significant impact on the law as the policy and practice has been deemed unlawful, although the government may seek permission to appeal the ruling. This judgment means that the UKBA's current blanket policy, and, as a result, practice, will have to change. We will be working with Refugee Action and others to monitor the situation closely, and will of course share any developments with the SLF. Furthermore, the work undertaken for the intervention has affected agencies' practice with regards evidence gathering and approaching negotiations from a legal perspective. The MLP will work with them to ensure that they, and others, are able to use these skills well..."

"...We have found that the Strategic Legal Fund works very effectively, with a notably quick turnaround, which is very helpful in litigation. As an organisation that is not exclusively child-focused, we would welcome a similar initiative with a wider remit – for example, covering all asylum seekers, refugees, and migrants - for those of who undertake strategic litigation. Due to the nature of our work, we would also welcome an organisation that was able to fund full-time posts, to ensure that organisations in the field are able to have security while they investigate systemic problems in government policy and practice. However, we are very pleased that the SLF in its current form exists, and hope that it will continue to do so after its pilot period."