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## The All-Party Parliamentary Group on Legal Aid

**APPG on Legal Aid Bulletin**

**5th Edition - January 2018**

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Welcome to the fifth bulletin from the APPG on Legal Aid.

This edition has two sections:

### **1. Recent Events**

- APPG on Legal Aid Meeting: 7<sup>th</sup> February 9.30-10.30 (Committee Room 8, Palace of Westminster)
- Casework and Your Constituents: training events for MPs and their casework staff: Sheffield Town Hall Friday 2<sup>nd</sup> March 2018 14:00-16:00 and 17:00-19:00

### **2. Legal Aid News**

- New Lord Chancellor
- Legal Aid in Parliament
- LASPO Review
- Domestic Violence – change to stringent evidence tests to qualify for legal aid
- Housing Bill

### **1. Recent Events**

**Save the Date 7<sup>th</sup> February 9.30-10.30: The next APPG on Legal Aid will take place on 7<sup>th</sup> February 2018 9:30-10:30, Committee Room 8, Palace of Westminster**

**The topic will be ‘Current Issues in Legal Aid’ and will cover Legal Aid and Inquests, New Domestic Violence Regulations and Criminal Legal Aid update, Prison Law reforms.**

Speakers: Alison McGovern MP to speak about the [Public Authorities Accountability Bill](#) which calls for the availability of Legal Aid for families at inquests and public inquiries, known as the "Hillsborough Law".

Jess Phillips MP as Chair of the APPG on Domestic Violence and Jenny Beck of Beck Fitzgerald will be speaking about the recently implemented changes to the Domestic Violence and Dr Laura Janes, Legal Director at the Howard League for Penal Reform will address the meeting about the most recent prison law reforms.

### **Casework and Your Constituents: Free “Introduction to Legal Aid” training in Sheffield**

Following meetings with many MPs, Councillors and caseworkers we developed a training course which sets out what is now covered by the legal aid scheme and to give practical

pointers to help constituents who come to surgeries.

**This interactive session will be taken by Matthew Howgate of DG Legal in Reception Room B, Sheffield Town Hall Friday 2nd March 2018 2.30-4.30pm and 5.00-7.00.** Matt is a non-practising solicitor and a consultant with DG Legal. He has helped and advised dozens of firms and advice agencies and, as one of his recent clients said, "Matt has an unparalleled breadth and depth of knowledge across the entire legal services sector." The aim of training is to ensure that that Councillors and MPs are aware of the availability of Legal Aid for the issues that their constituents may approach them about.

The session is being repeated to enable as many Councillors, MPs and their caseworkers to attend the training as possible.

Dates for training in Manchester, Newcastle, Cardiff and Birmingham

For further information about this or any other training opportunities around the country, please contact [Christine.Peace@lapg.co.uk](mailto:Christine.Peace@lapg.co.uk) or [Rohini.Teather@lapg.co.uk](mailto:Rohini.Teather@lapg.co.uk)

## **2. Legal Aid News**

### **Congratulations and welcome to the new Lord Chancellor**

The APPG on Legal Aid extends a warm welcome to David Gauke MP on his appointment to the role of Lord Chancellor and Secretary of State for Justice. David Gauke was elected Conservative MP for South West Hertfordshire in 2005. He is a former solicitor with prominent City firm Macfarlanes and has served in a variety of roles in government, including most recently as secretary of state for work and pensions.

Mr Gauke will be inheriting the role at a time of great change for the legal profession and the government conducts its long-awaited review of the impact of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in the summer.

### **Legal Aid in Parliament**

### **Legal Aid - Written Questions**

### **Richard Burgon – Shadow Lord Chancellor and Shadow Secretary of State for Justice**

To ask the Secretary of State for Justice, what the average hourly payment was to a legal aid lawyer providing early legal help for (a) family court, (b) housing, (c) welfare benefits and (d)

employment cases in each year since 2010.

**Dominic Raab (previous Minister of State, Ministry of Justice)**

Legal Help is a level of service that provides initial early advice. It can be provided face-to-face and additionally, in some categories of law, through the specialist telephone advice service, Civil Legal Advice. There are different payment mechanisms for each.

Most Legal Help work is paid through fixed fees rather than hourly rates, and therefore the Legal Aid Agency does not hold the information necessary to meaningfully calculate annual average hourly payments for this work. The fixed fees (and where applicable the hourly rates) are set out in the Civil Legal Aid (Remuneration) Regulations 2013.

**Richard Burgon Shadow Lord Chancellor and Shadow Secretary of State for Justice**

To ask the Secretary of State for Justice, whether his Department has made an assessment of the effect of changes to the availability of the early legal help component of legal aid on the expenditure of other Government departments.

**Dominic Raab (previous Minister of State, Ministry of Justice)**

Holding answer received on 18 December 2017

The Lord Chancellor recently announced the beginning of the Government's Post-Implementation Review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), which will fulfil our commitment to Parliament to assess the legal aid changes made by the Act. This will include an analysis of data collected by the Legal Aid Agency and other institutions in order to ensure that the public is receiving both value for money and access to a world leading legal system.

**Richard Burgon Shadow Lord Chancellor and Shadow Secretary of State for Justice**

To ask the Secretary of State for Justice, pursuant to the Answer of 19 December 2017 to Question 118802, what other institutions referred to in that answer will provide data for the Post-Implementation Review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012; and what data will be provided.

**Lucy Frazer, The Parliamentary Under-Secretary of State for Justice**

Holding answer received on 12 January 2018

On 30 October, the Government announced the commencement of its Post-Implementation Review of the legal aid changes made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) and subsequently. We will engage with a range of experts in the field and are in the process of reaching out to experts who will inform the process.

**LASPO Review**

**Justice Committee letter to David Lidington MP (summary below)**

Letter from Bob Neil, Chair of the Justice Committee, to the previous Secretary of State for Justice about the scope of the LASPO review. The Committee's Recommendations included:

1. **The use of an independent steering group drawn from a wide range of external stakeholders:** the suggested model was the independent review of legal aid re-established by the Scottish Government in February 2017.
2. **Access to Justice and the rule of law:** that the review take into account the impact of the reforms on access to justice as a constitutional right and with particular reference to Lord Bingham's [eight principles](#) of the rule of law. The Committee referenced the 2017 Supreme Court decision in the case of R(Unison) v. Lord Chancellor [2017] UKSC51 and the constitutional right of access to the courts inherent in the rule of law.
3. **The difficulties inherent in a cost-benefit analysis** to establish whether LASPO Part 1 reforms have delivered "value for money". Here the Committee pointed to [Appendix 7](#) of the Bach Commission report and the numerous studies from the advice sector which point towards legal aid and particularly early legal help resulting in significant savings in other areas.
4. **The [Memorandum](#) of the previous Justice Committee.** The Committee highlighted that most of the concerns identified by the previous Committee in the previous memorandum have yet to be addressed in any meaningful way.
5. **An initial literature review.** The memorandum highlights the existence of a wealth of reviews/ assessments of LASPO reforms by statutory bodies, parliamentary organisations and other interested parties some of which is not mentioned in the Memorandum, The Committee recommends that the first stage of the LASPO review should be a literature review of the existing body of work.
6. **The public sector equality duty.** The Committee urges that the department, when conducting its review should fulfil its legal obligation under the public sector equality duty to have due regards to eliminate any unlawful discrimination under section 149 of the Equality Act 2010 given that several studies have indicated adverse impacts of the LASPO reforms on particular groups, especially disabled people, women, and people from Black and Minority Ethnic groups.

In conclusion, the Committee also made reference to its hopes to be informed of the timetable of the review of Part 2 of LASPO and their concerns that the post-legislative assessment of Part 3 OF LASPO on sentencing and punishment of offenders is lacking in detail and arguable falls short of the expectations in the Cabinet Office Guidelines for post-legislative scrutiny.

For the full letter click [here](#).

## **Domestic Violence – change to stringent evidence tests to qualify for legal aid**

From this month domestic violence victims should be able to produce evidence of domestic violence more easily and thus qualify for legal aid. The domestic violence gateway was introduced as part of LASPO and effectively removed legal aid for private family law matters, save where individuals could prove that they were victims of domestic abuse or there was evidence of child abuse. The required evidence was set out in the regulations. It was restrictive and often impossible to secure so that nearly 50 per cent of victims of abuse were unable to get legal aid to deal with family law matters.

Following a judicial review, the Ministry of Justice agreed to review the regulations and has worked closely with the Law Society, LAPG, Resolution and Rights of Women to ensure that the evidence required was more appropriate.

Please find the amended Domestic Violence regulations [here](#).

## **Prison Reform**

Legal aid will be restored for three areas of prison law following a Court of Appeal judgment, the government has confirmed. The Criminal Legal Aid (Amendment) Regulations 2017 were laid before Parliament on 21<sup>st</sup> December 2017. Further details are [here](#). The Regulations increase the scope of legal aid to cover advice on

- categorisation as a Category A prisoner,
- advice on directions as to a prisoner's placement in a close supervision centre of a prison and on placement in a separation centre within a prison and
- all proceedings before the Parole Board.

These Regulations were brought in following the Court of Appeal proceedings brought by the Howard League for Prison Reform and the Prisoners Advice Service (see details of the case [here](#).)

Representative Bodies including LAPG are currently being consulted by the Legal Aid Agency about the necessary amendments to the Crime Contract.

## **Housing Bill**

The Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill 2017-19 is a Private Members' Bill (Ballot Bill) sponsored by Karen Buck MP. The second reading is today, Friday 19th January 2018. Full details are [here](#).

## **Criminal Defence Fees**

The Law Society has prepared a judicial review claim challenging a new regime that would change the fees paid to criminal defence advocates in Crown Court cases. The Ministry of Justice proposal would lower the upper limit at which fees are claimable for reviewing prosecution evidence from £10,000 at present to £6,000. The Society argues, *inter alia*, that this change would exert a disproportionate effect on access to justice and that the proposal is contrary to the vast majority of responses received in a consultation that it conducted on the issue. Full story is [here](#).

**Legal Aid Practitioners Group | Young Legal Aid Lawyers**  
**19<sup>th</sup> January 2018**

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**About the APPG on Legal Aid**

The All-Party Parliamentary Group on Legal Aid aims to promote parliamentary and public understanding of the importance of the role of publicly funded legal services. It is chaired by Karen Buck MP. Secretariat support is provided jointly by the Legal Aid Practitioners Group (LAPG) together with Young Legal Aid Lawyers (YLAL) with funding from The Legal Education Foundation.

For more information contact:  
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**About the APPG Plus Project**

LAPG and the APPG on Legal Aid have been funded by The Legal Education Foundation to engage with MPs and councillors and their caseworkers to ensure that there is a good understanding of what is left in legal aid in the wake of LASPO, and to offer constructive advice, resources and training on how busy MPs and their caseworkers can engage better with lawyers and advice charities in the legal aid sector. In doing so, we aim to assess current access to justice issues facing the public and to help inform future decision making at a policy level.

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You are receiving this email because you have expressed an interest in the work of the APPG on legal aid or generally in issues affecting access to justice.

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