

[View this email in your browser](#)

You are receiving this email as you have expressed an interest in the work of the APPG on Legal Aid.



**Bulletin from the APPG on Legal Aid**  
**19<sup>th</sup> edition – June 2019**

Dear Colleagues,

Welcome to the 19th bulletin from the APPG on Legal Aid. This edition has a little of everything to keep you up-to-date in the world of legal aid and is divided into the following sections:

1. Events and dates for your diaries
2. APPG+ Training Events
3. Legal Aid news –
  - Justice Committee update
  - EHRC report on discrimination
  - Pilot programme for extended court working hours
  - Criminal Bar action
  - Debates in Parliament
  - Legal Aid Statistics

#### 4. Justice Questions in June

---

### **1. Events and dates for your diaries**

#### **#TakeYourMPtoWork Campaign and Drinks Reception – Monday 15 July 5-7pm**

The #TakeYourMPtoWork campaign is now in full swing with more than 35 MPs from around the country and across the political spectrum taking part. This includes the new Legal Aid Minister, Paul Maynard MP, who visited his local advice centre on 21 June, the Solicitor General Lucy Frazer and the Shadow Lord Chancellor, Richard Burgon. The All-Party Parliamentary Group on Legal Aid and Young Legal Aid Lawyers are arranging visits to courts, firms and law centres across England and Wales.

MPs will be visiting law centres and legal advice surgeries during June and July to see first-hand why comprehensive early legal advice is so vital. The government has committed to piloting early legal advice in social welfare law. We need them to recognise that social welfare problems are complex and often not confined to one area of law. The government must commit to a comprehensive early legal advice pilot.

We need your help - please ask your MP to take part/consider taking part if you are an MP!

We will also be hosting a Drinks Reception in the CPA Room, Westminster Hall on Monday 15 July from 5-7pm for all the MPs and organisations taking part in the campaign or with an interest in access to justice issues.

If you want to take part please contact Ro Teather at [Rohini.teather@lapg.co.uk](mailto:Rohini.teather@lapg.co.uk) for more information and to check which MPs have already committed their time.

#### **Joint APPG Meeting with the APPG on Pro Bono and PLE on Public Awareness of Legal Aid – 10 June 2019**

Speakers included Guardian journalist Owen Bowcott, Alex Scott, Head of Legal Support Policy at the Ministry of Justice (MoJ), Lisa Wintersteiger, Chief Executive at Law for Life, David Greene Deputy Vice-President of The Law Society and LAG's Interim Director Carol Storer.

As legal correspondent for the *Guardian*, Mr Bowcott has covered legal aid stories for over eight years. He told the meeting that he believes that much of what has happened due to legal aid cuts 'has been a hidden and silent tragedy for most of the population', adding his concerns that he has been unable to do more to describe the human impact of the cuts to legal aid. Mr

Bowcott added that ‘readers identify more with people’s stories rather than statistics and trends. The understandable difficulties in reporting individual cases in the family courts are, he believes, part of the problem of trying to find the sorts of case studies that will catch the public’s attention.

Mr Bowcott referred to the case of PC Keith Palmer, who was killed in the Westminster Bridge terrorist attacks, as an example of a human story on legal aid that received much publicity. Mr Bowcott highlighted the case in a piece around a demand from campaign groups to extend legal aid to inquests ([‘Calls for emergency legal aid for relatives of those who die in custody’](#), *Guardian*, 9 October 2018), and expressed his disappointment that the government had not taken the opportunity in the review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) to extend legal aid to this. He believes, though, that political opinion is shifting and ‘if there were votes in parliament, [he] suspects there would be a majority in favour of spending more on justice’.

He was followed by Alex Scott, who argued that the publicity around the LASPO cuts has led to a public perception that legal aid is no longer available. He expressed concern that in areas of law such as community care and mental health, demand has fallen dramatically despite them still being covered by legal aid. The fall in the take-up of advice within police stations, he believes, is another area of concern and feels there is a ‘lack of awareness amongst young people about their rights in the justice system’.

The drop in both legal aid firms and other advice providers over recent years was cited by a number of speakers. Ms Storer asked ‘what’s the point of raising awareness [of legal aid] if there is no one there to take the case?’ She argued that there needs to be a ‘champion for legal aid’ across government to increase awareness and availability of services.

Members of the audience spoke of cases involving people on low incomes who were unable to obtain legal aid due to the stringent means test. A review of the means test is one of the action points included in the government’s strategy for legal aid, published in February this year ([Legal support: the way ahead](#), February 2019). Chris Minnoch, CEO of LAPG, asked Mr Scott if he could give details about the government’s plans to consult on the strategy. Mr Scott was unable to do so but replied that the MoJ is aiming to work with providers to demonstrate the value of legal aid.

### **APPG Meeting on the Criminal Legal Aid Review – 12 June 2019**

The APPG on Legal Aid was delighted to host Jelena Lentzos, Head of Criminal Legal Aid Policy and Sustainable Markets at the Ministry of Justice, who heads up the review, Richard Atkins QC, Chair of The Bar Council, Simon Davis, Vice-President of The Law Society, Greg Powell, immediate past President of the London Criminal Courts Solicitor Association and Emma Fenn, a junior criminal barrister from Garden Court Chambers. They all spoke passionately about the changes that the review needed to make to the system in order for it to be fit for purpose,

with Greg Powell citing from his history of the legal aid system and Emma Fenn highlighting the unnecessary fights faced by barristers every day, such as the time spent simply getting through security and court buildings. She also highlighted the problems that legal aid barristers face at the end of a case in getting paid by the Legal Aid Agency.

Minutes of the meeting can be found [here](#). Please also see Greg Powell's excellent history of legal aid, which can be found [here](#) (on the Secret Barrister's blog which is also well worth a read if you are interested in these issues).

## **2. APPG+ Training Events**

**The APPG on Legal Aid Disrepair Training for MPs and their caseworkers**  
**Monday 17 June 2019 (10.30am-4.30pm, Richmond House)**  
**Giles Peaker and Catherine O'Donnell**

The APPG on Legal Aid hosted training on housing and disrepair law, on 17 June 2019, in collaboration with Legal Action Group and the House of Commons Library. The session was sponsored by Trust for London and put together using frequently asked caseworker queries. The training was led by the brilliant duo of Catherine O'Donnell (Barrister, Garden Court Chambers) and Giles Peaker (Partner at Anthony Gold Solicitors and writer of the Nearly Legal blog), who quite literally wrote the book on disrepair ([the newly-published sixth edition of "Housing Conditions tenants' rights"](#)) and hosted by the House of Commons Library. Thanks very much to all participants for the real life examples and lively discussion. London MPs please contact us for your free copies of the book.

## **3. Legal Aid News**

### **Justice Select Committee**

#### **Legal Aid**

In response to David Gauke MP's evidence to the Justice Committee on the 3<sup>rd</sup> of April 2019, its chair, Bob Neill MP, has written to the Lord Chancellor.

In his letter, Mr Neill highlighted the need to reform the demand-led nature of the legal aid budget, as well as the need for a sustainable funding arrangement for providers in the long term.

He also outlined the need for early intervention to prevent instances where problem clusters develop, citing reports suggesting that appropriate advice at an early stage in relation to one problem, can help prevent more problems developing.

The letter also stressed to David Gauke the concerns regarding the sustainability of the legal aid market, using the example of the housing law provider shortage, with over half of local authorities in England and Wales not having any local providers. This has resulted in 37% of the population being unable to access sufficient housing legal advice.

### **Inquests**

The Committee has also urged the Ministry of Justice to look again at the funding discrepancies in inquest work, with statistics from 2017 revealing that while £4.2 million was spent on the representation of prison officers, bereaved families received only £92,000 in legal aid during the same period for the same cases?

While this letter is encouraging to those who wish to reverse the impact of the LASPO Act, it remains to be seen if any genuine steps will be made to address the concerns that have been raised.

Rebecca Roberts, Inquest's head of policy, said: "Inquests following state-related deaths are intended to seek the truth and expose unsafe practices. Yet bereaved families are facing well-funded legal teams defending the interests and reputations of state and corporate bodies, who work together to shut down or narrow lines of enquiry. The limited data available suggests that the Ministry of Justice are signing off a budget for the Prison and Probation Service to spend 46 times more on their own legal representation than is granted via the Legal Aid Agency to bereaved families for prison inquests. These are truly shocking figures and it's no wonder that families feel that the system is stacked against them. The Ministry of Justice must act now to introduce fair legal funding for bereaved families to ensure a level playing field at inquests."

### **Prison reform**

The Chair of the Justice Committee, Bob Neill MP, has written to the Secretary of State, on 27 June 2019 criticising the Government's lack of a plan for dealing with the prisons crisis and seeking more detail about its strategy.

In April, the Committee's [major report](#) found that the Government's approach to prisons was inefficient, ineffective and unsustainable in the medium or long-term. In order to address this, the Committee set out why there should be a presumption against sentences of six months or less and argued that the Ministry of Justice needs to focus on ensuring safety and decency in prisons is maintained, as well as improving rehabilitation of offenders when they leave prison.

The Government's [response to that report](#), published on 11 June, agreed with many of the issues raised but offered little in terms of action to deal with the multiple issues that prisons are currently facing.

### **Courts and Tribunal Reforms**

In her evidence to the Committee on the 11 June 2019, Jo Edwards, Chair of the Resolution's Family Law Group, stated that the 2013 legal aid cuts have had a disproportionate impact on family clients, with many struggling to access justice. This has created a large group of people who are no longer eligible for publicly funded legal advice, who would have traditionally viewed their local court as their first port of call for information, but owing to the large number of court closures over the past few years this is no longer an option.

In a subsequent session on 25 June 2019, Penelope Gibbs, from Transform Justice, stated that this closure of hundreds of courts across the country amounted to a fundamental change in the way in which the Justice system works in practice. Ms Gibbs argued that due to the nature of this change, the proposals should have been subject to either parliamentary scrutiny, or public consultation. Neither of which has occurred.

Furthermore, in the session on 11 June, Andy Slaughter MP, Vice-Chair of the APPG on Legal Aid, raised the point that the wholesale reduction in legal aid for private family work was sold on the fact that a large number of cases would be solved using alternative methods, such as mediation. Ms Edwards responded by stating that the majority of referrals to mediation come from solicitors, and subsequently unless there is a degree of signposting and funded legal advice at the outset, there is not going to be a mediation. Without proper legal advice at an early stage, an increasing number of people are simply going to court on their own without representation.

The dangers of reducing the availability of early stage legal advice was further highlighted by Lisa Wintersteiger, CEO of Law for Life, who stated that access to legal advice is critical for those attempting to use digital justice services, as they do not understand the gravity of the decisions they are making, or aware that they themselves are eligible for legal aid. Ms Wintersteiger argued that the Justice Committee needs to look beyond the figures regarding how many people have realistic access to the internet, and that the more pertinent statistics are those that demonstrate what percentage of people possess both the skills and motivation to access, and uses effectively, complex online systems.

A similar argument was put forward by Richard Susskind, who stated that there was a problem with confidence in literacy levels, and that simple access to the internet was not enough to suggest that digital services were available.

### **Victims of discrimination left vulnerable**

A recently published report by the Equality and Human Rights Commission (the EHRC) found that cuts to legal aid have left victims of discrimination unable to challenge unlawful behaviour, with no discrimination at work cases receiving legal aid under the Exceptional Case Funding scheme at employment tribunals from 2013 until 2019. The EHRC also found that

individuals living below the poverty line are ineligible for legal aid due to the low income thresholds in the means test, which has led to them calling for an expansion of the criteria, and allowing a greater number of people to access it. [To read the report in full, please click here.](#)

### **Pilot Programme for extended court working hours**

Extended sitting hours for courts are to be piloted in Manchester and Brentford from September this year. Both early and late sessions will be trialled, with the aim of providing better access to justice outside of the traditional working day.

### **Criminal Bar Action**

On Thursday 20 June the ballot on the Government's offer to the profession opened and criminal barristers across the country voted on the new deal. It closed at 17:00 on Thursday 27th June. The results will be validated and announced on the 1st July.

### **Debates in Parliament**

On 20 June, several Members of the Justice Committee contributed to a general debate in the House of Commons on court closures and access to justice. The debate was sponsored by Bambos Charalambous MP, Ellie Reeves MP and the Chair, Bob Neill and looked, in a cumulative way, at all the different cuts—for example, to legal aid—concluding that the lack of access to justice that many constituents are facing is profound. The transcript is well worth a read and there are some excellent speeches in it about access to justice and what that must mean in practice. For the full transcript of the debate, [please click here.](#)

### **Legal Aid Statistics**

Statistics about the legal aid scheme are produced quarterly by the Justice Statistics Analytical Services division of the Ministry of Justice. The latest Statistics cover the quarter up to March 2019 [and came out on 27 June 2019.](#) A special bulletin will follow providing further detail on these.

## **4. Justice Questions in June**

Gloria de Piero MP (Ashfield) asked the Secretary of State for Justice (a) how many and (b) what proportion of applications for legal aid cases involving homelessness have been accepted in each year since 2012.

Gloria de Piero MP (Ashfield) asked the Secretary of State for Justice what proportion of legal aid applications for civil cases of domestic violence have been accepted in each year since 2010.

Shabana Mahmood MP (Birmingham, Ladywood) asked the secretary of state for Justice what recent assessment she has made of the accessibility of legal aid by claimants of universal credit.

Peter Kyle MP (Hove) asked the Secretary of State for Justice if he will make an assessment of the potential merits of applying the same exemption for back payments of employment support allowance from the capital means test for legal aid eligibility as was applied for payments made under the Windrush compensation scheme.

Jim Shannon MP (Strangford) asked the Secretary of State for Justice whether the Government has plans to review the means testing aspect of legal aid funding.

Stephen Lloyd MP (Eastbourne) asked the Secretary of State for Justice what criteria his Department uses to determine the allocation of legal aid; and how his Department assesses the claims of families of victims of terrorist attacks against that criteria.

You can read all of the questions and answers [here](#).

**Rohini Teather**

**Head of Parliamentary Affairs**

**Friday 28 June 2019**

**Follow the APPG on Legal Aid on [Twitter](#) @APPGLegalAid**

[Visit the APPG on Legal Aid website](#)



The APPG on  
Legal Aid is co-sponsored  
by the Legal Aid  
Practitioners Group



In association with  
Young Legal Aid Lawyers



Supported by  
The Legal Education  
Foundation.

### **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:

[rohini.teather@lapg.co.uk](mailto:rohini.teather@lapg.co.uk)

### **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.

*Copyright © 2019 Legal Aid Practitioners Group, All rights reserved.*

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).