

[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.



The All-Party Parliamentary Group on Legal Aid

APPG on Legal Aid Bulletin

8th Edition - May 2018

Dear Colleague,

Welcome to the eighth bulletin from the APPG on Legal Aid. It has been an extremely busy few months in the world of legal aid and we hope that you enjoy this update. This edition has three sections:

1. Recent Events
 2. APPG+ Training Events
 3. Legal Aid news – LASPO Post-Implementation Review
 - Justice Select Committee
 - Debates in Parliament
 - Windrush
 - Criminal Defence Legal Aid
 - Legal Aid for Housing
 - Housing Possession Court Duty Scheme
 - Vigil for Justice
 - Justice Questions
-

Recent Events

APPG Meeting 17 April 2018

The APPG on Legal Aid meeting was a discussion of the changes that have been brought about in legal aid as a result of litigation by various groups and the changes that are yet to be made.

We were joined by Matthew Shelley (Deputy Director, Legal Support and Court Fees Policy at the Ministry of Justice) who updated the meeting about his team's work to date on the LASPO Post-Implementation Review and invited all attendees to send materials and to be part of the process.

The Group was also delighted to welcome the following speakers to address the meeting:

- Olive Craig, Solicitor, Rights of Women on domestic violence evidence requirements;
- Simon Creighton, Partner, Bhatt Murphy on legal aid for prisoners;
- Polly Brendon from Public Law Project on Exceptional Case Funding; and
- Joanne Cecil from the Criminal Bar Association on their decision to take action

You can read the minutes from the meeting [here](#).

2. APPG+ Training Events

The APPG on Legal Aid is thrilled to be offering training to MP caseworkers as part of the House of Commons Roadshow on Thursday, 5 July 2018. This one hour session with Matt Howgate of DG Legal will focus on issues to be aware of when advising constituents. We will also be offering further training on 3 July and 15 July from 4-6pm. Further details will be confirmed at a later date.

3. Legal Aid News

LASPO Post-Implementation Review

During the week starting 16 April, the first four consultative group meetings took place covering family, civil (non-family), crime and the advice sector. A lot of ground was covered in these meetings and we understand that notes of the meetings will be published.

Many organisations that were not invited to these meetings have arranged for one-to-one meetings with the LASPO Review team.

Justice Select Committee

The Justice Select Committee held an evidence session into criminal legal aid on 22 May 2018. The purpose of this session was to provide an opportunity for the solicitors' profession to explain their current concerns about criminal legal aid, in particular their concerns about reforms to the Litigators' Graduated Fee Scheme (LGFS). Richard Miller (Head of Justice, The Law Society) and Daniel Bonich (Vice Chair of the Criminal Law Solicitor's Association) both gave evidence and set out the concerns that they had about the level of fees being paid to solicitors. They explained that twenty years without any increases in fees, and a series of drastic cuts have pushed the criminal justice system to the point where lawyers can no longer see a viable career doing this work.

The Law Society concerns about the payment rates for criminal defence duty solicitors are set out on their website.

As yet no transcript has been made available but you can watch the session [here](#).

Small claims limit for personal injury [report](#) 15 May 2018 – there are some very interesting comments here about the proposed changes.

See the criminal legal aid section (below) for some of the other work being carried out by the Justice Committee.

Joint Committee on Human Rights

On 22 May 2018 the Joint Committee on Human Rights questioned Lord Chancellor and Secretary of State for Justice David Gauke MP, in his first appearance before the Committee on the importance of enforcing human rights. Topics covered by the Committee included Access to Justice and Legal aid, the European Court of Human Rights/ the Human Rights Act and the independence of the legal profession and the judiciary. As yet no transcript has been made available but you can watch the session [here](#).

Debates in Parliament

Criminal Legal Aid Debate 8 May

There was a debate on the Advocates Graduated Fee Scheme on 8 May: see [here](#) for the transcript. It called for a revocation of the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018, and the motion was defeated by 300 votes to 253.

Westminster debate - Minors entering the UK: 1948 to 1971

A number of issues were raised in the [debate](#) on 30 April where the Immigration Minister set out the process going forward and issues relating to legal aid.

Housing and access to legal aid debate

There was a debate led by Ruth Cadbury MP on legal aid for housing advice on 15 May. See [here](#) for the transcript.

Criminal Defence Legal Aid

Action by the Bar

More than 100 chambers have refused to take on new cases since 1 April in protest against changes to the Advocates Graduated Fee Scheme (AGFS).

Angela Rafferty QC Chair of The Criminal Bar Association (CBA) said in the 21 May CBA [Monday Message](#): “From Friday 25th May we have recommended that our members consider operating the ‘no returns’ policy. This escalation is something we approach with frustration but the current situation is untenable and unsustainable. We cannot have this cycle of

discontent every few years.”

In an earlier message she explained the reason for the action: “We now consider it is necessary to escalate this action in order to show that we really have reached breaking point as we said at last night’s event and have been saying for many years. We still seek a resolution and will actively take part in all efforts to bring this situation to an end. However, there must be a recognition that investment is required in the AGFS and the criminal justice system.”

Windrush

The then Home Secretary, the Rt Hon Amber Rudd MP gave an [oral statement](#) to the House of Commons regarding Windrush.

Rudd gave evidence to the Home Secretary on Wednesday 25 April, and a transcript of that session can be [found here](#).

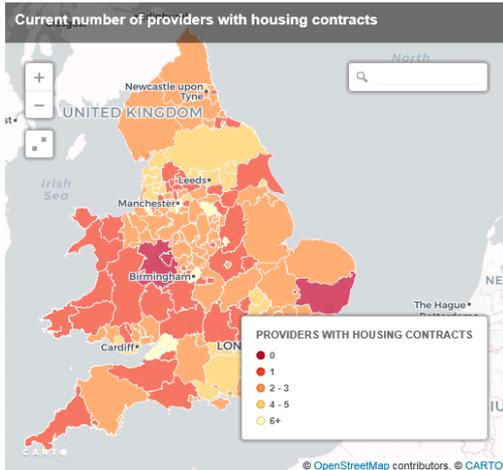
Kate Green MP asked about legal advice and whether the Legal Aid, Sentencing and Punishment of Offenders Act 2012 would be reviewed again regarding immigration advice. Responding, the Home Secretary said that the measures that have been put in place will not require people to get legal advice.

In The Law Society [press release](#) about legal aid for those affected its President Joe Egan commented “The experiences of the Windrush generation illustrate how easily people can fall foul of complex immigration rules and an administration that routinely makes incorrect decisions. It is only just that everyone should have access to legal advice to navigate this labyrinthine system.”

Legal Aid for Housing

The Labour party has pledged to restore publicly funded advice for housing law. Shadow Justice Secretary Richard Burgon announced the policy during a keynote speech at the University of Law in Manchester on 21 April. Speaking at the Young Legal Aid Lawyer’s event, he stated that:

‘Everyone should have the right to a safe and decent home. But the withdrawal of legal advice in many housing cases has weakened tenants’ rights, which can only benefit rogue landlords. Restoring this legal aid for housing advice will help tens of thousands of people resolve their housing issues and regain their housing rights.’



The extent that legal aid cuts have affected access to justice has been particularly noticeable in housing. This infographic created by the Law Society in 2016 showed nearly a third of legal aid areas had just one solicitor provider who specialised in housing and whose advice was available through legal aid. Surrey, Shropshire and Suffolk had no housing provider. Since then the Legal Aid Agency has had to plug gaps in the provision of housing and debt services in several procurement areas.

Housing Possession Court Duty Schemes – Judicial Review of Ministry of Justice

The judicial review of the Ministry of Justice over procurement changes for legal aid housing duty contracts took place on 21 and 22 May 2018. The government's housing possession court duty schemes provide face-to-face advice and advocacy at court to people facing possession proceedings.

Julie Bishop, Director of the Law Centres Network, said that under the changes to the scheme, people threatened with eviction, or who require follow-up help to resolve the underlying problems causing them to fall behind with their rent, will have to travel further to seek legal help.

Vigil for Justice

More than 100 practitioners attended a 'vigil for justice' on 18 April outside the Ministry of Justice demanding change.

Katherine Barnes co-chair of Young Legal Aid Lawyers said of the justice system *'it does not operate in a vacuum. It requires skilled and professional solicitors and barristers to work in it - we are the petrol that keeps the engine running. Rights cannot be properly upheld without this fuel'*.

Justice Questions in April and May

Alex Norris MP asked the Secretary of State for Justice, when he plans to conduct a post-

implementation review of part 2 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Alex Norris MP asked the Secretary of State for Justice, if he will delay any increase in the small claims limit for personal injury claims until completion of a post-implementation review of part 2 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Anne Marie Morris MP asked the Secretary of State for the Home Department, what steps his Department is taking to ensure that potential victims of modern slavery are aware of the free legal assistance that they are entitled to from the Ministry of Justice.

Laura Pidcock MP asked the Secretary of State for Justice, what recent assessment he has made of trends in the demand for legal aid for immigration cases.

James Frith MP asked the Secretary of State for Justice, what assessment he has made of the extent to which family court judges are identifying families who have not attended a mediation information and assessment meeting prior to coming to court as part of the post-implementation review of the Legal Aid, Sentencing and Punishment of Offenders Act (2012).

Steve McCabe MP asked the Secretary of State for Justice, if he will ensure that the review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 includes a cross-departmental analysis of the overlapping personal, social and economic effects of that Act on people who were previously entitled to legal aid.

Luciana Berger MP asked the Secretary of State for Justice, whether the review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 will include an evaluation of its effect on people with (a) mental health problems and (b) other disabilities.

Richard Burgon MP asked the Secretary of State for Justice, pursuant to the Answer of 19 April 2018 to Question 135130, if he will make it his policy to ensure that all procurement areas have at least 2 legal aid providers of family law on 1 September 2018.

Richard Burgon MP asked the Secretary of State what estimate he has made of the number of people living in poverty who are not eligible for legal aid. He also asked what estimate he has made of the number of disabled people living in poverty who are not eligible for legal aid.

Richard Burden MP asked the Secretary of State when he plans to respond to the letter of 28 [March 2018](#) from the hon. Member for [Birmingham Northfield](#) on legal aid for families of the victims of the [Birmingham Pub Bombings](#).

Steve McCabe MP asked the Secretary of State whether he plans to reintroduce legal aid for early advice.

Gloria de Piero MP asked the Secretary of State how many and what proportion of inquests

legal aid was granted in each of the last six years.

Gloria de Piero MP asked the Secretary of State, in what proportion of inquests into the death of military service personnel legal aid was granted for representation at the inquest or pre-inquest hearing in each of the last three years.

Gloria de Piero MP asked the Secretary of State, in what proportion of inquests into a death in custody or in the course of arrest legal aid was granted for representation at the inquest or pre-inquest hearing in each of the last three years.

Gloria de Piero MP asked the Secretary of State, in what proportion of inquests involving public bodies legal aid was granted for representation at the inquest or pre-inquest hearing in each of the last three years.

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

Rohini Teather
Christine Peace
APPG Project Workers
25 May 2018

Please note that you are receiving this email because you have expressed an interest in the work that we do or have attended one of our events. Please contact Rohini.teather@lapg.co.uk should you wish to be removed from this distribution list.

[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

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 Â© 2018 Legal Aid Practitioners Group, All rights reserved.

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.

Our mailing address is:

Legal Aid Practitioners Group

12 Baylis Road

London, England SE1 7AA

United Kingdom

[Add us to your address book](#)

Want to change how you receive these emails?

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