



The All-Party Parliamentary Group on Legal Aid

APPG on Legal Aid Bulletin

3rd Edition - November 2017

Legal Aid Events

APPG Meetings

Save the date - The next APPG on Legal Aid will take place on 5th December 2017 5-6pm, Committee Room 14, Houses of Parliament

Speakers: Bob Neill MP, Chair of the Justice Select Committee, Nicola Mackintosh QC (Hon) and Jenny Beck, Co-Chairs of the Legal Aid Practitioners Group.

Last month the government announced that the review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) will now proceed. Separate to this a Post-Legislative Memorandum was submitted to the Justice Select Committee on 30th October 2017 and we are delighted that Bob Neill MP, Chair of that Committee, will speak about that.

Our co-sponsors, Legal Aid Practitioners Group (LAPG) has published the [second edition of their Manifesto](#). Attendees will have the opportunity to hear from LAPG Joint Chairs Nicola Mackintosh QC (Hon) and Jenny Beck about the recommendations, drawn from the vast expertise and experience of the LAPG Committee, set out in the Manifesto.

All Parliamentarians are welcome. Please contact Christine.Peace@lapg.co.uk if you have any questions.

Non-parliamentarians must book their place [here](#). This is not a public event so the bookings will require the following password: APPGonLegalAid

APPG on Legal Aid: Casework and your Constituents – Drinks Reception 1 November 2017



The Drinks Reception was held in Portcullis House. The event aimed to (i) launch a training programme designed for MPs and their caseworkers which is to be rolled out in the coming months and (ii) to publicise resources and websites useful to caseworkers.

Recent research found that 89 per cent of constituent appointments at MPs' surgeries related to a legal issue, and many of the caseworkers that we have spoken to have responded positively to our offer of training and to signpost resources to them that will assist with their casework. The programme that we are working on with other organisations will provide training in the following areas of law:

- Legal Aid: What remains within scope, the means and merits test and referring to legal aid providers
- Identifying legal issues
- Housing Law
- Immigration Law
- Welfare Benefits Law
- Issues around Disability

The Reception was introduced by Karen Buck MP, Chair of the APPG on Legal Aid, Yvonne Fovargue MP, Vice-Chair of the APPG on Legal Aid and Alex Chalk MP, Chair of the APPG on Pro Bono and Public Legal Education and Vice-Chair of the APPG on Legal Aid. The speakers all spoke passionately about the wonderful work that their caseworkers did among their constituents and welcomed both the training and resource initiatives. All in all, the event was a resounding success with over fifty caseworkers signed up for training in Westminster and in their local communities.

APPG on Legal Aid, Grenfell Tower

Our latest APPG meeting event, ***Grenfell Tower: Fire and Safety Issues in Social Housing*** was held on Wednesday, 25th October 2017. It took the form of a panel event and was chaired by Karen Buck MP, who did her usual fantastic job of tying together the key themes arising from the three speakers. They each approached the subject matter from a different perspective but together built up a comprehensive

picture of the legal issues as a whole and a compelling argument for the new Housing Bill. This is scheduled to have its second reading in the House on 19th January 2018. Speaking at the meeting were Giles Peaker (Partner, Anthony Gold Solicitors), Justin Bates (Barrister, Arden Chambers) and Emma Dent Coad, MP for Kensington.

Discussing fire and safety issues in social housing following the Grenfell Tower fire, Peaker told the meeting that, under the new Housing Bill, tenants will be able to take action against their landlord to fix a 'category one' hazard in their building, not just in their flat.

Examples of category one hazards include: exposed wiring or overloaded electrical sockets; a dangerous or broken boiler; leaking roof; mould on the wall or ceiling; broken steps at the top of the stairs; and lack of security due to badly fitting external doors or lock problems. Highlighting safety concerns that Grenfell Tower residents are understood to have raised prior to the fire in June, Peaker told the meeting that the tragedy highlighted a two-fold problem: the lack of legal aid and the lack of legal means to address concerns.

Minutes of the meeting [are available here](#).

Legal Aid News

LASPO Review - Ministry of Justice

The government is now proceeding with its review of LASPO (the Legal Aid, Sentencing and Punishment of Offenders Act 2012).

The [Post-Legislative Memorandum](#) was submitted to the Justice Committee on 30th October 2017.

As mentioned above, the Ministry of Justice has committed to producing separate post-implementation reviews of various policies in Parts 1 and 2 of LASPO.

According to the Memorandum, the post-implementation review will be 'primarily concerned with assessing the reforms from an analytical perspective, in the manner of an impact assessment, rather than reporting certain elements of the Act's implementation and operation' (para 7 of the Memorandum).

The Government has committed to review a number of areas, including:

- the changes made to the scope of legal aid for family, civil and criminal cases, and the introduction of the Exceptional Case Funding scheme;
- the changes made to fees for various types of legal aid work;
- the procedural changes the Act made, including the introduction of the mandatory telephone gateway and the introduction of evidence requirements for victims of domestic violence and child abuse;
- changes to the rules on financial eligibility, including the application of the capital eligibility test to all legal aid applicants, increasing income contributions for those eligible to contribute, and capping the subject matter of dispute disregard;
- changes to the application of the merits test;
- the abolition of the Legal Services Commission and its replacement with the Legal Aid Agency.

The review will conclude before the start of the summer recess 2018.

For further information or to read the Ministerial Statement in full click [here](#).

[Housing lawyers draft bill to empower tenants](#)

Karen Buck MP, Chair of the APPG on Legal Aid, has been working with various housing specialists on a private members bill that empowers tenants to force their landlords to fix hazards that pose a serious threat to their health and safety. To read more about Karen's work with the Housing Bill click [here](#).

[Hundreds of thousands can't get legal aid – so where are they going for help?](#)

The Legal Aid Sentencing and Punishment of Offenders Act (LASPO) removed many areas of law from legal aid eligibility. Various reports have considered the effects of this and the government has now opened a review into the impact of the legislation.

The concerns expressed by many, including The Law Society, Amnesty International, Legal Action Group and some members of the judiciary, are that the legal problems are still there but lack of access to advice from a lawyer means people are denied equality of arms in achieving a legal remedy.

So where are all those hundreds of thousands of people going with their legal problems? One answer is to their local MP. This is not a new phenomenon — constituents have always appealed to their MP for support with legal issues: my neighbour is harassing me and the council won't act; my child's school application was refused; the Home Office hasn't responded to my letter.

A recent study by City law firm Hogan Lovells, which worked with the All-Party Parliamentary Group (APPG) on Pro Bono, to canvass 21 London MPs and observe more than 300 constituent interviews, found that 89% of appointments related to one or more legal problems. Housing, immigration and welfare benefits problems featured most prominently, and almost a quarter were caused or exacerbated by disability.

Government stands by proposed changes on criminal legal aid

The Lord Chancellor told the Justice Committee of the House of Commons that he accepted responsibility for the decision to reduce the number of claimable pages of prosecution evidence from 10,000 to 6,000. Lidington said he was aware of the [concerns](#) raised by the legal profession, but said the move was made after 'careful thought'.

He stressed that legal aid lawyers will still be paid on the basis of the hours of work that are required on a particular case. 'What yesterday's decision has done is to restore the status quo of what the policy intention had been,' he added.

Court Flexible Operating Hours pilots

Having received feedback from many practitioners, HMCTS still intend proceeding with pilots of flexible opening hours in courts. A new prospectus was published on the HMCTS blog on 24th October 2017 and can be accessed [here](#). The six month pilots are due to start February 2018 and will take place at Newcastle and Blackfriars Crown Court, Highbury Corner and Sheffield Magistrates Court and Brentford County Court. Please ensure you feed back on the key questions raised in the prospectus by 1st December 2017 at flexibleoperatinghours@justice.gsi.gov.uk

The Lord Chancellor also dealt with employment and personal injury issues. The Justice Secretary said the Supreme Court [judgment](#) in the summer, which ruled employment tribunal fees unlawful in their previous form, had prompted a look again at the department's overall approach to charges. But he maintained that the imposition of fees helps fund the costs of proceedings and also deters frivolous or vexatious litigation, and he refused to rule out re-introducing fees at some level in future.

'The key lesson I took from the [Supreme Court] judgment was that these are a reasonable way in which to secure a contribution towards the running of courts and tribunals, but in setting the level of fees the government needs to have very careful regard to access and affordability,' he said. 'There was nothing in the judgment that seemed to rule out fees as a matter of principle – as a matter of fact the reverse was true.'

[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:
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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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