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In this Issue

- [Recent Events](#)
- [Legal Aid in the News](#)
- [Justice Questions](#)

Social Media

-  [Twitter](#)
-  [APPG Website](#)

September Bulletin from the APPG on Legal Aid



Welcome to the September Bulletin from the APPG on Legal Aid, your monthly update on all things from the legal aid sector. With party conference season now in full swing, and a new Ministerial team in the MOJ, we expect to see a flurry of new policy announcements in the coming weeks. How will justice and legal aid fare in this policy mix? We shall see. But with major reports due to be released from both the APPG on Legal Aid and from LAPG, and significant research published by others such as The Law Society, we hope that the justice sector gets the attention it deserves (and the new policy direction it needs).

This bulletin has three sections which cover news and developments in the legal aid sector over the past month.

1. Recent & Upcoming Events
2. Legal Aid News
3. Justice Questions & Parliamentary Debates

1. Recent and Upcoming events

The Westminster Commission on Legal Aid: Inquiry into the Sustainability of the Legal Aid Sector

Launch of the Inquiry's Report - 19 October 2021

We will be hosting a drinks reception in the **IPU Room from 4-6pm on Tuesday 19 October 2021** to discuss our work and to present our findings and recommendations for the legal aid sector as we emerge from the pandemic. We will be welcoming witnesses to the Inquiry and a host of other special guests.

To secure your place, please complete this short Eventbrite registration form. Registration is essential in order to receive the joining instructions for the event. Details will be sent out to those who have registered a couple of days before the event.

We very much hope you will be able to join us for this exciting event as we publish the work of the Commission.

We look forward to seeing you in October.

With Best Wishes

Karen Buck MP and James Daly MP

(Chair and Vice-Chair of the Westminster Commission on Legal Aid)



London Legal Walk

The London Legal Walk will be taking place on 18 October in London, raising vital funds for the London Legal Support Trust to distribute to the free legal advice sector.

There are three different 10k routes offered this year and registration will be open from 2pm-7pm. The deadline to sign up is Friday 8 October. You can find out more information and sign up [here](#).

Party Conferences

The APPG on Legal Aid took part in a justice focused meeting at last week's virtual **Liberal Democrat Conference**. Hosted by the Rights Liberties Justice, the Liberal Democrat Lawyers Association, the event heard from a range of speakers from The Law Society, Bar Council, Legal Aid Practitioners Group, LawWorks and the APPG on Legal Aid. The meeting also heard from Wera Hobhouse MP, Liberal Democrat spokesperson for justice as the party seeks to refine its justice policies.

Today sees a roundtable meeting at the **Labour Party Conference** in Brighton chaired by

legal aid and wider justice issues.

Next week sees the **Conservative Party Conference** in Manchester. On 4 October 2021, LAPG, LawWorks and The Law Society are jointly delivering an event entitled *Levelling up Justice*, with thanks to DAC Beachcroft for hosting at their office (3 Hardman Street, Manchester M3 3HF) from 4.00-5.30pm. Along with speakers from these groups, we will hear from the Bar Council, Young Legal Aid lawyers and James Daly MP, vice-chair of the APPG on Legal Aid. An invitation has been extended to the new minister with responsibility for legal aid, James Cartlidge MP.

If you would like to attend this free conference fringe event, please email James Sandbach, LawWorks' Director of Policy and External Affairs: james.sandbach@lawworks.org.uk

2. Legal Aid News

New Ministerial Team Named at MoJ



The Cabinet reshuffle on 15 September brought many new faces to the Ministry of Justice.

The Rt Hon Dominic Raab MP has been appointed the new Lord Chancellor and Secretary of State for Justice, along with his role as Deputy Prime Minister.

Lucy Frazer QC MP was promoted to the Financial Secretary to the Treasury, while Alex Chalk MP shifted roles to Solicitor General for England and Wales. Kit Malthouse MP retains his position as Minister of State at both the MOJ and Home Office. He is joined by Victoria Atkins MP as a Minister of State with a focus on Rape and Serious Sexual Offences, Violence against women and girls, Prison operations, policy, reform and industrial relations and Youth Justice (among others). Victoria Atkins MP's role is spread across the MOJ, Home Office and Department for Levelling Up, Housing & Communities and also holds the role of Minister for Afghan Resettlement.

Lord Wolfson now leads on legal aid in the Lords, and is shadowed on the legal aid brief in the Commons by James Cartlidge MP, who is joined as a Parliamentary Under Secretary of State for Justice by Thomas Pursglove MP.

and new 'advice desert maps'

On 27 September The Law Society published a new report summarising existing data about civil legal aid and making the following recommendations to help the government shape a formal review into the sustainability of civil legal aid:

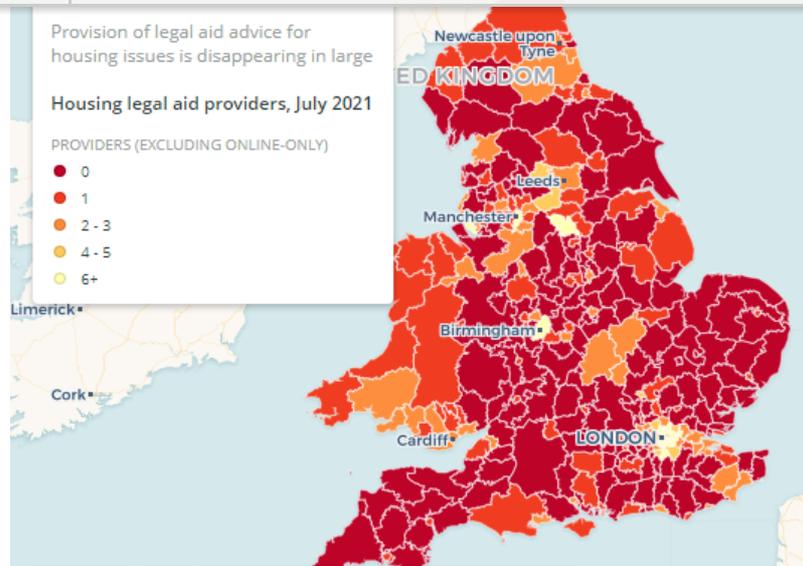
1. Review the process via which solicitor firms gain entry to the civil legal aid market alongside fees paid for various types of work.
2. Map out the complex system of contracts as they apply to law firms seeking to provide different types of civil legal aid and assess the barrier to entry the contracting process presents.
3. Produce and maintain an evidence base to demonstrate the scale of legal needs of those eligible for civil legal aid using indicators of demand for different types of advice (for example housing repossessions and income for housing advice).
4. The MoJ and LAA to work jointly with other government departments to understand the full impact on public sector costs associated with changes to the civil legal aid system. This should include regular cost benefit analysis.
5. Simplify the audit process for legal aid providers such that it reflects other checks and balances in the system and administrative costs for providers.
6. Publish key performance metrics for the CCMS system on the LAA website to view by providers and clients.
7. Review and simplify fee structures so that they reflect the cost base and risk profile faced by providers, including a system to uprate fees by inflation.
8. HMCTS to collect data on litigants in person that enables separate analysis of cases with active LiPs.

You can view of summary of this research and access the full report here.

The Law Society has also updated its 'advice desert heat maps' which show the shortage of legal aid providers across areas of England and Wales in the following categories of legal aid:

- community care
- education
- housing
- immigration and asylum
- welfare

The heat maps demonstrate a worrying lack of access for clients throughout the country. A stark example is found in housing law, with The Law Society using data from the Legal Aid Agency and the Office of National Statistics (2021) to show almost 40% of the population of England and Wales do not have a housing legal aid provider in their local authority area and over half of all local authorities do not provide housing legal aid services. It is also a concern to note that these figures have deteriorated since The Law Society first analysed the data in 2019.



[Read more about the advice deserts and Law Society campaign here.](#)

Community Justice Fund research demonstrates the economic benefits of free legal advice

New primary economic research released this month has shown that the provision of free legal advice to the most vulnerable in society on issues such as housing, employment, welfare benefits and debt **would save the taxpayer £4bn a year.**

The detailed report, '**Defending the public purse: The economic value of the free legal advice sector**', was compiled by independent financial modelling experts Pragmatix Advisory working with the Centre for Economic and Business Research (CEBR) on behalf of the Community Justice Fund.

It comes as the Treasury is considering how to reduce public expenditure ahead of next month's Spending Review (SR21) and at a time of deep economic uncertainty for millions of people as the Government's furlough scheme finishes and it ends the £20 weekly uplift in Universal Credit.

Pragmatix Advisory findings suggest that **when people present for free legal advice, they are at a point where things cannot continue as they are.** Whatever happens to them past that point incurs a cost to government, with or without the funding for free legal advice.

The research shows that there is a **saving to the public purse of £8,000 for every client in receipt of free specialist legal advice.** On average, the cost to Treasury of an individual experiencing a legal problem was £14,000 if specialist legal advice was not available, compared to just £6,000 per person in receipt of free specialist legal advice. With around 500,000 people benefiting from free legal advice delivered by organisations supported by Community Justice Fund alone, the total saving to the taxpayer amounts to £4bn

[Read more and download the full report here.](#)

Civil News: Increases to emergency cost limit for legal

The Legal Aid Agency announced an increase to the cost limit for emergency civil legal aid certificates with effect from 13 September 2021. These certificates will now be issued with the new cost limit of £2,250, which the LAA notes does not 'exceed substantive cost limits across different categories of law'. This change is currently being introduced manually with a permanent digital solution coming later. It is also noted that in exceptional circumstances a higher limit can be agreed by the LAA. Certificates for 'investigative representations' will not see an increased cost limit and will remain at £1,350.

The LAA noted this new limit better reflects the amount of work required to complete emergency cases.

You can read more on this [here](#).

Sustainability crisis deepens as solicitors quit emergency court scheme

The Legal Aid Agency has published an Expression of Interest document in search of providers with a housing legal aid contract to provide Housing Possession Court Duty Scheme services after 'a number of housing possession providers had withdrawn from their contracts'. The LAA is looking for these practitioners to provide emergency advice for tenants facing eviction in the court duty schemes in Stockport, Chester, Crewe, Sunderland and Cambridge, all of which have issues with access.

You can read more about this [here](#).

3. Justice Questions and Debates in Parliament

Debates in Parliament

Nightingale Courts

On 14 September 2021 **Alex Norris MP** and **Jeff Smith MP** asked what plans the Ministry of Justice had to increase the number of Nightingale courts. The **Parliamentary Under-Secretary of State for Justice Chris Philp MP** responded:

"I am pleased to tell the House that there are currently 47 Nightingale courtrooms in operation, of which 28 are used for Crown court purposes, and we are in the process of extending the operation of 32 of those until the end of March. I am sure colleagues across the House will welcome that. In addition, we are in the process of reopening 60 existing courtrooms in the Crown court estate that had been closed owing to social distancing; more than half have already reopened. When all of that is done, we expect to have about 500 Crown courtrooms available, of which well over half will be capable of accommodating jury trials."

Both Alex Norman MP and Jeff Smith MP noted the high backlog, with Alex Norman MP mentioning that some of their constituents were receiving dates in late 2022 for their cases.

Parliamentary Under-Secretary of State for Justice Chris Philp MP noted that the number of outstanding cases is a function of the pandemic and pointed out that there has been increased investment by the government into COVID recovery of the court system. He also stated that the Government was committed to hearing all cases in the backlog.

Justice Questions

Mr David Lammy (Tottenham) asked the Secretary of State for Justice, how many domestic abuse survivors have had an application for legal aid denied in each year since 2010.

Karl Turner (Kingston upon Hull East) asked the Secretary of State for Justice, how many firms of solicitors held a (a) civil and (b) criminal legal aid contract as of 1 September 2021.

Alex Cunningham (Stockton North) asked the Secretary of State for Justice, what recent steps his Department has taken to ensure legal defence practitioners are able to provide in-person attendance to all suspects in police custody.

Karl Turner (Kingston upon Hull East) asked the Secretary of State for Justice, how many legal aid (a) providers and (b) offices were practising in cases of (a) claims against public authorities, (b) community care, (c) discrimination, (d) education, (e) housing and debt, (f) immigration and asylum, (g) family law, (h) clinical negligence, (i) mental health, (j) public law, (k) welfare benefits in each year from September 2012 to September 2021.

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

Rohini Teather
Head of Parliamentary Affairs
28 September 2021

[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

(LAPG) together with Young Legal Aid Lawyers (YLAL) with funding from The Legal Education Foundation.

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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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