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**Bulletin from the APPG on Legal Aid
17th edition –April 2019**

Welcome to the 17th bulletin from the APPG on Legal Aid. This edition has four sections:

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1. Events

LAPG's Legal Aid Lawyer of the Year Awards 2019



A reminder that LAPG has announced that the LALY 2019 ceremony will be held on the evening of 10 July. The LALYs are a truly inspiring evening celebrating the vital and life-changing work of legal aid lawyers. Nominations for 11 of the 12 award categories are now

open, and close on 30 April. Nominations are often supported by MPs, which is welcomed by the awards' judges. Previous winners have included Giles Peaker (Partner at Anthony Gold and author of the excellent Nearly Legal housing law blog) for his work on the then Homes (Fitness for Human Habitation) Bill 2018 and Connor Johnston, Barrister at Garden Court Chambers. Both have contributed to the APPG on Legal Aid trainer programme for MPs and their caseworkers. You can show your support for legal aid by donating to become a Friend of LALY19, a crowdfunding campaign sponsoring the Legal Aid Newcomer award. All donors will have their names included in the 2019 ceremony programme. To nominate a legal aid lawyer or donate to become a Friend of LALY19, please click [here](#). For tickets for the ceremony on 10 July [please click here](#).

Legal Aid at 70 Conference - 5 April 2019

Legal Action Group hosted a conference at Herbert Smith Freehills in celebration of 70 years of legal aid. The brilliant Baroness Brenda Hale, President of the Supreme Court, gave the keynote speech and was followed in quick succession by an array of dazzling speakers from the world of legal aid. Delegates heard from Sue James (Hammersmith and Fulham Law Centre), Fiona Rutherford (Ministry of Justice PIR team), Cris McCurley (Partner, Ben Hoare Bell), Sara Lomri (Deputy Legal Director, Public Law Project), Jawaid Luqmani (Partner, Luqmani Thompson), Marcia Willis Stewart QC (Hon) (Coram Chambers), Polly Sweeney (Partner, Irwin Mitchell) to name but a few. In the words of Dr Laura Janes, Chair of Legal Action Group, who ended the conference with this: "Here's to the next 70 years of making good law and making the law good for everyone."

2. APPG+ Training Events

Upcoming Training

Employment Law- MP caseworker training, 2 May 2019 (1030am-430pm, Richmond House)

We will be offering training on employment law, on 2 May 2019, through the House of Commons Library. The interactive session has been put together using frequently asked caseworker queries and will be from 10.30am-4.30pm in Richmond House. The training will be led by Joy Drummond of Simpson Millar. Joy is a Partner in the Employment Law team and is recommended in Chambers UK and in the Legal 500 for her "wealth of experience".

The session is specifically designed to address typical constituent problems and is free for caseworkers to attend. **To book, please click [here](#).**

For more information on the training courses that we run for MPs and caseworkers, please contact Ro Teather at rohini.teather@lapg.co.uk.

3. Legal Aid News

Justice Select Committee

Evidence Sessions with Robert Buckland, Solicitor General and David Gauke, Lord Chancellor and Secretary of State for Justice – 2 and 3 April 2019

The Justice Committee announced on 1 April 2018 that it has opened an inquiry to examine the LASPO PIR. The Lord Chancellor attended an oral session with the Justice Committee on 3 April 2019. Chair Bob Neill MP together with the rest of the Committee did an excellent job of steering discussion towards Exceptional Case Funding, the sustainability of legal aid providers, inquests and their funding, prison reform and eligibility criteria among other things. For the Law Society Gazette's coverage of the session please click [here](#). A full transcript of the session can be found [here](#).

Fresh call for McKenzie Friends ban

Chair of the Commons Justice Select Committee, Bob Neill MP, has called for a ban on paid McKenzie Friends, after a High Court judgment ordered an unqualified 'legal adviser' to pay £263,759 in damages and over £70,000 in costs following a negligence claim. Mr Neill said the High Court judgment 'reinforces the conclusion that I have drawn from all the evidence the Commons Justice Committee has heard about unregulated paid McKenzie friends, that it is time for parliament to bite the bullet and ban this unscrupulous practice'. For the full story, please click [here](#).

In the News

Justice gap: the towns where there's no access to free legal advice

Six years after devastating cuts to legal aid, many areas of Wales and England are without vital support writes the Guardian. The advice sector has been hit by a doubly whammy of LASPO and local authority cuts. Before 2013, legal aid would typically account for 40% of a law centre's income and 40% from local authorities. Since LASPO, the income of law centres has halved and 11 have been forced to close, leaving only 43 in England offering specialist advice for those who cannot afford to pay a lawyer. Until this week, there were no law centres in the whole of Wales (Speakeasy Advice Centre gained law centre status this week).

The Law Society defines an advice desert as an area where advice is not available through legal aid or where there is only one provider locally. [It reckons that almost a third of legal aid areas in England and Wales](#) now have only one or no local legal aid housing advice providers at all. To read the article in full, click [here](#).

Molly Russell family granted legal aid for inquest on appeal

The Legal Aid Agency has granted the family of teenager Molly Russell legal aid to be represented at the inquest into her death, after initially denying the family funding because it did not consider there was a 'wider public interest'. The family appealed this decision, arguing that it was unfair to pay the full legal costs given the inquest is likely to highlight issues affecting the public, and offered to pay a contribution. HM Senior Coroner Andrew Walker is

currently investigating her family's concerns regarding the role of social media in her death.

Deborah Coles, Director of INQUEST said: "There is increasing political and public disquiet about the mental health of children and young people, with serious questions about the impact of social media. Molly's death cannot be ignored and should instead inform work that prevents future harm and deaths. The inquest into Molly's death will be an opportunity to publicly scrutinise relevant issues, and therefore serves an important public interest. Her family need legal representation in order to participate fully in this complex process, alongside the large and well-funded corporate bodies who will likely be interested parties."

For further information, click [here](#).

Government gets the ball rolling on criminal legal aid review

Three months after announcing that it was embarking on a wider review of criminal legal aid fees, the Ministry of Justice has provided further details of the review's scope and remit, as well as who it is working with. The Ministry says it wants to reform the fee schemes so that they fairly reflect, and pay for, work done, support market sustainability, limit 'perverse' incentives, and ensure proportionate administrative burdens on everyone.

An advisory panel has been established from across the criminal justice sector and members have been asked to keep notes of cases 'that have been grossly and unfairly underpaid as we may at some point need to refer to specific examples'. The final report, including recommendations, will not be ready until late 2020, although the Ministry says it will share emerging findings throughout the process. Further information on the review can be found [here](#).

The news will be welcome to those members of the sector with serious concerns over recruitment and retention rates in what has increasingly become an [ageing profession](#). The APPG welcomes this review as crucial in making the criminal law a sustainable profession but notes that a number of the same issues pertaining to recruitment and retention apply to the civil legal aid profession as well. The recently announced [Legal Support Action Plan](#), published by the Ministry alongside the LASPO PIR, does not address civil legal aid fees or sustainability of civil legal aid providers.

Legal Aid Agency to pilot "open banking technology"

The Legal Aid Agency has been testing technology that enables it to inspect a client's bank account to speed up assessments of financial means as part of the application process for legal aid.

The Agency said the purpose of the initiative is to improve the efficiency of the means test process by being able to access transaction data directly through applicants' online banking, thereby removing the need for scanned bank statements. The Agency will not access bank statements without the account owner's consent.

The LAA told The Brief that the system was still at the development stage and had not been

used on live cases. It had “no direct access to a citizen’s bank account and can only access the data with their authorisation”, it said, adding that the process was regulated by the Financial Conduct Authority.

Chris Minnoch, Chief Executive Officer of Legal Aid Practitioners Group, said: “Clients need to fully understand how the LAA will use their data, how long they will retain access and that there are safeguards in place to ensure data is only accessed for the purpose for which it is granted, to assess financial eligibility for legal aid.”

For further information, click [here](#).

Campaign for legal aid for inquests launched

The charity *Inquest* has started a campaign for the provision of automatic, non-means tested legal aid funding for bereaved families, following state related deaths. *Inquest* has started a petition which has already received over 35,000 signatures in support of this.

Inquest say: “Without automatic access to non-means tested legal aid, bereaved families are denied their voice and any meaningful role. The absence of representation weakens investigations into state action, denying opportunities to interrogate the facts and ensure that mistakes or harmful practices are brought to light. Funded representation of the bereaved can safeguard lives, and is of vital interest to us all.”

For further information, and to sign the petition, please click [here](#).

The Homes (Fitness for Human Habitation) Act 2018 comes into force

The Act, tabled by the Chair of the APPG on Legal Aid, Karen Buck MP, provides increased protections to tenants living in sub-standard homes. Karen Buck MP has outlined how there will now be a requirement for residential properties to be “fit for human habitation”, which gives tenants new powers and rights, and “a clear legal path to challenge bad landlords”. One of the housing experts advising on the bill was solicitor Giles Peaker, who trains on behalf of the APPG on Legal Aid and who won last year’s Legal Aid Lawyer of the Year award for housing work (see above). The Act passed late last year, and came into force on 20 March 2019. For further information on the Act, click [here](#).

4. Justice Questions in April 2019

[Jo Stevens](#) MP (Cardiff Central) asked the Secretary of State for Justice:

- what assessment his Department has made of the availability of solicitors qualified to conduct Criminal Legal Aid work in rural Wales.
- what the total amount spent on Criminal Legal Aid was in cases in which the defendant’s place of abode was in Wales in each of the last five years.

- what assessment his Department has made of the number of solicitors' firms accepting Criminal Legal Aid cases in the last five years.
- what assessment his Department has made of the ability of people living in rural areas to access justice.

[Tim Farron](#) MP (Westmorland and Lonsdale) asked the Secretary of State for Justice, how many applications for exceptional case funding for legal aid for cases of refugee family reunion were made in 2018; how many of those applications were successful; and what the average time was for processing those applications.

[Robert Neill](#) MP (Bromley and Chislehurst) asked the Secretary of State for Justice:

- what assessment his Department made in the Post-Implementation Review of Part 1 of LASPO of the potential merits of making legal aid available for refugee family reunion applications including for applications to bring adult dependent children to the UK.
- if he will reintroduce legal aid for refugee family reunion cases.

[Baroness Tonge](#) asked Her Majesty's Government what assessment they have made of the number of Palestinian children who are, or have been, detained by Israeli forces in circumstances that break human rights and international laws; whether they intend to take action in response to that assessment; if so, what; and if not, why not.

[Gloria De Piero](#) MP (Ashfield) asked the Secretary of State for Justice:

- what the total amount of spending commitments was that his Department made in its post-implementation LASPO review.
- how many family law centres are operating in the UK.
- what evidence his Department received from external bodies on his Department's review of the means testing requirement for legal aid at inquests involving the state in its review of legal aid for inquests report, published in February 2019.
- what consultations his Department (a) sought and (b) held with bodies on its review of the means testing element of legal aid at inquests in its review of legal aid for inquests report, published in February 2019.
- what the total amount of spending commitments was that his Department made in its post-implementation LASPO review.

[Liz Saville Roberts](#) MP (Dwyfor Meirionnydd) asked the Secretary of State for Justice:

- how many complaints the Legal Aid Agency has received in each of the last five years.

- how many complaints relating to housing cases the Legal Aid Agency has received in each of the last five years.
- how many complaints relating to discrimination cases the Legal Aid Agency has received in each of the last five years.
- how many times in each of the last five years the Legal Aid Agency has not met its target of processing 85 per cent of applications for civil legal aid in 20 working days.
- in what proportion of applications for housing-related Legal Aid the Legal Aid Agency has not met its processing target of 20 working days in each of the last five years.
- in what proportion of applications for Legal Aid in discrimination cases the Legal Aid Agency has not met its processing target of 20 working days in each of the last five years.

[Lord Beecham](#) asked Her Majesty's Government what assessment they have made of the availability of legal aid and advice in housing law cases; and what is the geographical distribution of the providers of such services in (1) London, (2) the rest of England, and (3) Wales.

[Ellie Reeves](#) MP asked the Secretary of State for Justice, what assessment the Legal Aid Agency makes of the ability to pay of people it takes enforcement action against to recover debt.

Lord Roberts of Llandudno asked Her Majesty's Government:

- What steps they are taking to ensure that all asylum seeking children have access to legal aid and advice.
- Whether they have any plans to reintroduce legal aid for refugee family reunion; and if not, why not.

Lord Truscott asked Her Majesty's Government what is their current policy on allowing legal aid to be provided to avowed terrorists or those who overtly support terrorism.

Lord Beecham asked Her Majesty's Government:

- What assessment they have made of people's access to housing lawyers.
- How much legal aid they have provided to housing lawyers in (1) 2012, (2) 2013, (3) 2014, (4) 2015, (5) 2016, (6) 2017, and (7) 2018.
- What estimate they have made of the current availability of (1) legal advice and (2) legal representation through the legal aid system for different categories of case and

geographical location.

- Why the mandatory requirements from the telephone gateway for debt, discrimination and special educational needs cases will not be removed until spring 2020.
- To what extent the number of exceptional cases in which legal aid has been granted has risen in recent years.
- What steps they are taking to ensure that most people are aware of their entitlement to legal support; and what estimate they have made of the number of people likely to be eligible for support by way of (1) legal advice and (2) legal representation.
- What form the review into thresholds for legal aid and entitlement will take, as referred to in Legal Support: The Way Ahead; and what is the expected timescale for the completion and publication of the review and its recommendations.

Jim Shannon MP for Strangford asked The Secretary of State for Justice:

- What assessment he has made of the effect on justice of the limit on what can be paid through the Legal Aid Agency for experts' reports in criminal cases.
- What steps his Department is taking to ensure the continued viability of the criminal legal aid sector while his review of criminal legal aid fees is ongoing.
- Who his Department is consulting with as part of its review into criminal legal aid fees.
- What assessment he has made of the effect of low remuneration rates for criminal solicitors on recruitment to the profession.
- When criminal legal aid remuneration rates were last raised in real terms for legal professionals.

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

Rohini Teather

Head of Parliamentary Affairs

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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.

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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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