

[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.



## October Bulletin from the APPG on Legal Aid

Dear Friends,

As all hallows eve draws nigh and with a general election in the offing, the stage is set for a hairy few weeks. But with all eyes on Westminster as the UK continues to debate our departure from the European stage, the domestic agenda continues to move deeper and deeper into the shadows with the only mentions of justice focusing on crime and punishment.

We all know that the next election is not going to be won or lost on justice policy, despite the pivotal legal and constitutional issues that we've seen in the last month. But that doesn't render justice less important than education or Brexit or health. In many ways politicians have even more responsibility to safeguard issues like the rule of law and access to justice because of the lack of public awareness of how vital they are to the health of our democracy. This doesn't just mean the headline issues; the checks and balances between the judiciary, parliament and the executive, or the critical importance of the independence of the judiciary. Justice also encompasses the ability of every citizen, regardless of their means, to understand and enforce their rights, to be protected from arbitrary or unlawful abuse of power, and to challenge incorrect decisions.

With that in mind, here's a quick round-up of all things legal aid related from October.

### Events

#### The APPG on Legal Aid



The APPG on Legal Aid held its AGM on Thursday, 17 October 2019 in Westminster. We were very excited to swell our ranks and to welcome the following parliamentarians as vice-chairs and legal aid crusaders: Baroness Helena Kennedy, Lord Colin Low, Ellie Reeves MP, Kate Green MP, Bambos Charalambous MP and Jo Stevens MP. The APPG also welcomed back Karen Buck MP as Chair, and long-standing vice-Chairs Andy Slaughter MP, Alex Chalk MP, Dominic Grieve MP and Yvonne Fovargue MP.

The next meeting of the Group is likely to focus around the means test review. Further details will be announced in due course, but in the meantime please contact [rohini.teather@lapg.co.uk](mailto:rohini.teather@lapg.co.uk) for further information.

### **Party conference fringe events**

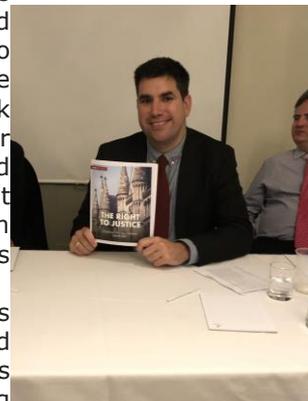
#### **Labour Party Conference – Fringe meeting Tuesday, 24 September**

##### **'The Justice Gap'**



The APPG collaborated with The Law Society of England and Wales on this panel event discussing barriers to access to justice. Chaired by Carol Storer, Interim Director of LAG, we were delighted to welcome Baroness Shami Chakrabarti and Lord Charlie Falconer to the panel for the first time and to welcome back Shadow Lord Chancellor Richard Burgon MP, David Greene, Vice-President

elect of The Law Society, James Sandbach, policy guru from LawWorks and Chris Minnoch, CEO of Legal Aid Practitioners Group. The meeting covered access to justice issues including thoughts from the panel on the prorogation case as the ruling was handed down on the same day. Richard Burgon MP outlined Labour's pledges to reinvest in legal aid and the justice sector by reversing all LASPO scope cuts to early legal advice, funding 200 new training contracts and setting up a network of new law centres. He touched on their plans to publish a blueprint for law centres and social welfare advice. Labour will also conduct a 'root and branch' review of the Legal Aid Agency, chaired by former LAG Director Steve Hynes. Chris Minnoch pressed Labour to also commit to increasing civil and criminal legal aid fees and reducing legal aid bureaucracy and expressed grave concerns about the sustainability of all legal aid providers.



#### **Conservative Party Conference – Fringe meeting Monday, 30 September**

##### **'The Access to Justice Gap'**

The APPG collaborated once again with the APPG on Pro Bono and Public Legal Education on this panel event discussing the legal aid landscape and issues facing Access to Justice in the

post-LASPO era.

Chaired by our Vice-Chair Alex Chalk MP, the discussion panel was expected to include Parliamentary Under Secretary of State Wendy Morton MP, Claire McGourley, Professor of Legal Education, University of Manchester, Fran Eccles-Bech, Chief Executive of Manchester Law Society, Chris Minnoch, CEO of Legal Aid Practitioners Group (LAPG), and Oliver Carter from Irwin Mitchell on behalf of the Young Legal Aid Lawyers. Lord Chancellor, Robert Buckland also hoped to make an appearance at the event, but somewhat disappointingly, both he and Wendy Morton were unavoidably detained at the last minute. The ensuing discussion was lively and a number of excellent points were raised, but it is a continued source of concern that Access to Justice matters are given so little airtime by those outside of the sector. A huge thanks to Slater and Gordon LLP for hosting us and to all of our speakers for giving up their time to attend.



### **Westminster Hall Debate**

The excellent backbench debate called by Chair of the Justice Committee, Bob Neill, on 3 October focused to a large extent on the criminal justice system and prison reform. However, a number of the speakers also touched upon legal aid matters. Highlights included Bob Neill urging the Government to put "more money into the legal aid system to ensure early access to legal advice in criminal, civil and family matters ... because access to legal aid often leads to the swifter resolution of cases: represented defendants' cases are dealt with more swiftly, sounder advice is given, unmeritorious claims are not pursued, and meritorious ones are often resolved sooner."

Alex Chalk MP added that "the total budget for legal aid is at or around £1.7 billion. To the Syrian crisis alone the UK will be giving ... something like £2.7 billion. That may be entirely appropriate, but we should not neglect the legal aid budget. Experience has taught me that, unless we properly resource legal aid, there will be a number of outcomes: 1. there will be the sorts of cases [where] individuals [are] denied justice. 2. there will be an increase, which we have already seen, in litigants in person, who have to contend with an extremely alien and sometimes forbidding environment — a situation, by the way, that several judges find extremely difficult to deal with, despite their best efforts. 3. the third and most important thing is manifest injustice. I went along to the Gloucester Law Centre [as part of the APPG's campaign with YLAL], and it was really troubling to hear from hard-working and dedicated lawyers and that they do what they can but that they recognise there are large areas that simply cannot be addressed."

Ellie Reeves spoke about the impact of LASPO, noting that "[t]he human cost of all this is often all too real for my constituents. For example, one constituent who was the victim of female genital mutilation, who had hepatitis B and who had fled a forced marriage, needed urgent help to make a Home Office application or otherwise face removal. She was not entitled to legal aid and had nowhere to turn other than to a charity rather than getting proper legal advice and assistance. Another case I dealt with involved a 63-year-old women with breast cancer who had her benefits stopped and was told by the Jobcentre to look for work. Her benefits issue was out of scope for legal aid so, while also battling cancer, she had to try to find free legal representation from overstretched charities to challenge her benefits refusal at tribunal.

To read the transcript in full please click [here](#).

### **Legal Aid News**

## **Legal aid cuts lead to surge in self-referrals to child contact centres**

Legal aid cuts in family law have fuelled a surge in the number of separating parents without legal representation referring themselves to child contact centres to make their situation less stressful, it has emerged.

Figures published this month by the National Association of Child Contact Centres shows that self-referrals from parents have jumped from 3.7% of total referrals in 2009/10 to 35.8% in 2018/19. Solicitor referrals fell sharply in the same period, from 67.8% to 21.9%.

Child contact centres are neutral places where the children of separated families can spend time with their non-resident parents and family members in a comfortable and safe environment.

Elizabeth Coe, the chief executive of family charity Resolution, said: 'We have noticed a huge change in source of referrals since legal aid reforms led to a reduction in provision for most family cases. Families who are going through a separation now often need to negotiate the family law system without the support of a legal professional.'

'Our centre staff and volunteers are trained to support families through this process but the potential of increased stress and anxiety for parents is significant and the implications of reduced support is having an impact beyond child arrangements.'

Sarah Avery, manager of Cheltenham Child Contact Centre, said the emotional strain of parents having to manage legal processes without support from a solicitor can be huge.

## **MoJ to consult on legal aid means test next summer**

The legal aid sector has been told that a consultation on changes to the legal aid means test will not begin until summer 2020, when the Ministry of Justice expects to complete its 'complex' review.



The review is part of the Ministry's Legal Support Action Plan, published in February alongside the department's post-implementation review of the Legal Aid, Sentencing and Punishment of Offenders Act.

Fiona Rutherford, the Ministry's Director of Access to Justice Policy and frequent speaker at APPG meetings told the LAPG annual conference that the review was complex because it is 'wide ranging and there is a bit of organic growth in terms of how the means test has developed over time'.

## **President of the Supreme court, Lady Hale becomes the star of children's book**

Unless you have been hiding away under a rock over the last few weeks, you cant fail to heard of the publication and resounding success of Equal to Everything, the children's book celebrating judge Brenda Hale's journey to the UK's highest court. Now the subject of a number of crowdfunding appeals ([see here for more details](#)), the book is starting conversations about justice and the legal system all over the country.

## **Surveys and the reasons behind them**

### **Legal Aid Agency decision making**

Legal Aid lawyers have long believed in the existence of a culture of refusal at the Legal Aid Agency. A number of practitioners have banded together to undertake a largescale survey of

the views of the providers of civil legal aid services about how the Legal Aid Agency (LAA) is functioning at an operational level. LAPG is running the survey and would like to get an overview of the main issues that legal aid providers face, at all stages, including the granting or refusal of certificates and the assessment of claims. The survey itself can be found [here](#). It can be completed in five to ten minutes, but the real value will be in the specific examples provided. LAPG has received over 300 responses to date, but are seeking more to build up as clear a picture as possible.

### **Experiences with Exceptional Case Funding - help make the case**

Following last month's Ministry of Justice [figures](#) showing that Exceptional Case Funding (ECF) applications remain stubbornly low (see our Special Bulletin for fuller analysis), the Public Law Project is calling on practitioners to complete a [survey](#) about how the legal aid scheme is used and why it is not working as it should.

ECF is available for cases that were removed from the scope of legal aid by LASPO but where failure to provide legal aid could lead to a breach of the applicant's fundamental rights. It is vastly under-used in comparison to the number of applications anticipated for the scheme. Many of those who could apply for ECF – including lawyers acting on behalf of clients – do not even know it exists.

### **Justice Questions in October**

**Richard Burgon** (Leeds East) asked the Secretary of State for Justice:

- how many (a) women and (b) people who applied for non-molestation orders were not eligible for **legal aid** in each year since 2010.
- what the cost incurred by the **Legal Aid** Agency was for means-testing applications for grants of exceptional funding in relation to representation at inquests before Coroners' Courts in (a) each year since 2013 (b) 2019 to date.
- how many victims of domestic violence have been refused **legal aid** in relation to an application for an occupation order in each year since 2010.
- how many immigration law **legal aid** providers there were in each year since 2010, by procurement area.
- what targets the **Legal Aid** Agency sets for its staff.
- what the (a) key performance indicators are for the **Legal Aid** Agency and (b) average annual performance of the agency has been against those indicators.

**Barbara Keeley** (Worsley and Eccles South) asked the Secretary of State for Justice, what steps he is taking to ensure greater equality between the amount spent on legal representation by (a) families who are publicly funded and (b) mental health trusts at inquests following the death of a relative in a mental health unit.

**Jon Trickett** (Hemsworth) asked the Secretary of State for Justice

- which public appointments he is responsible for.
- how many victims of domestic violence were refused **legal aid** when applying for a non-molestation order in each year since 2010.
- what plans he has to bring forward legislative proposals to widen the scoping criteria for **legal aid** in family law cases set by the **Legal Aid, Sentencing and Punishment of Offenders Act 2012**.

**Peter Kyle** (Hove) asked the Secretary of State for Justice:

- if he will reduce the rate of interest charged by the **Legal Aid** Agency to individuals who owe that Agency money.

- for what reason the rate of interest charged by the **Legal Aid** Agency to individuals who owe that Agency money has been set at 8 per cent.
- what assessment his Department has made of the effect on individuals who owe money to the **Legal Aid** Agency of the interest rate on those debts being set at eight per cent.

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

**Rohini Teather**

**Head of Parliamentary Affairs**

**31 October 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.*

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](#).