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## Justice at the Party Conferences

It's that time of year again, when thousands of politicians, businesses and party faithful descend on unsuspecting northern and coastal cities to pay homage at the altar of the various political parties. We were no exception, campaigning through storms and sunshine on justice issues at all 3 conferences and hosting justice events in both Bournemouth and Liverpool. We'll be hosting a further justice event with the Conservative party in Westminster later this month to get a sense of the Conservative vision for Justice going into the next election. The topic is '*What Next for Justice?*' and our panel will consist of the Lord Chancellor Alex Chalk KC MP, Attorney General Victoria Prentis, KC and Chair of the Justice Select Committee, Sir Bob Neill MP to speak. Laura Farris MP will be chairing. Please email [rohini.jana@lapg.co.uk](mailto:rohini.jana@lapg.co.uk) if you would like to join us.

### Liberal Democrat Party Conference - Bournemouth



September saw the first conference gathering of the Lib Dem's since 2019, and a gentle sun shone over a hopeful party on the sandy beaches of Bournemouth. The agenda had a heavy focus on how best to tackle the growing housing crisis and discussions around the party plan to scrap the national housing target (an amendment ultimately rejected by members). Other discussions hosted by the Law Society and Bar Council revolved around the Law and Liberalism and our own event co-hosted with Liberal Democrat Lawyers exploring Access to Justice on the future Lib Dem manifesto.

Three asks were echoed by every single speaker: (1) an immediate increase in fees and index-linkage, (2) an expanded scope to cover early legal advice, (3) a call to end legal aid deserts by ensuring the existence of local providers both civil and criminal.

Shameem Ahmad, CEO of the Public Law Project, spoke about the need to ensure an effective and accessible legal aid scheme to protect individuals and communities marginalised through poverty, discrimination or disability. Appealing to the Liberal Democrats' attachment to the rule of law, human rights, and individual freedoms, she underlined the importance in equal access to justice for a functioning society, but also for democracy: to hold unlawful state decision-making to account.

In the context of rising immigration numbers, Zoe Bantleman of ILPA made an impassioned plea for compassion and for complying with international legal obligations. After tackling the legislative complexity of the Illegal Migration Act, she set out the 5 obstacles to sustainable and effective legal aid: limited scope that excludes most non-asylum immigration matters; administratively burdensome Exceptional Case Funding, billing, and auditing processes; inadequate fees and insufficient billing stages to cope with the court backlog. To counter these issues, she outlined 10 key steps: covering everything from fees and scope, to safeguards and red tape.

Simon Mullings set out the position for HLPAs and made the case for a bold vision for the future of legal aid. We've been searching for a suitable metaphor for the impact of LASPO on the legal aid sector and line of the night indeed went to Simon who described the legislation as having removed all the GP clinics and replaced them with A&E departments. He pointed to the proliferations of towns and cities throughout England and Wales with no housing advice provider and argued the case for urgent investment and an uplift of fees.

LAPG's Rohini Jana argued for Scope, Sustainability and the future of the profession, namely our 'Students', citing areas of law to bring back into scope to support the government's existing legislative agenda, a need for investment to make the work viable, and other measures to encourage recruitment and retention in the profession. We've seen a raft of new legislation in recent years passed with the express purpose of enshrining rights for tenants (among other things) but there is a yawning gap between rights on a page and rights that tenants can understand and be protected by.



Another week, another Conference, and a very different mood in Manchester this year in a conference defined by the announcements surrounding HS2 and infrastructure. We attended the packed-to-the-rafters reception for Ukraine, before joining the Attorney General, Solicitor General Michael Tomlinson, James Daly MP and out-going President of the Law Society Lubna Shuja in celebrating the previous day's appointment of Dame Sue Carr as the first Lady Chief Justice, the top judge in England and Wales. The following day, speaking at an event held by The Bar Council and The Law Society, Lord Chancellor Alex Chalk described legal aid as a "profoundly good thing," underlining his credentials as a criminal barrister who has undertaken legal aid work, and expounding on his commitment to Early Legal Support and Advice, which he evidenced by his concept of the same name: ELSA. This need for early legal advice was highlighted by all justice speakers at the events that we attended over the past three weeks, and it would be excellent to see a coherent plan for bringing back these areas of law in each of the Justice manifestos.

The Lord Chancellor also appeared on the main conference stage a few hours later, but here the focus of his speech was prison expansion, the economic benefits of the legal sector and the reputation of our jurisdiction as a global legal centre. In this speech, the Lord Chancellor's closing remarks – "Let us take pride in what our country has contributed – probably more than any other to the international rules-based order" were thrown into stark relief by the more radical views that were expressed by former attorney general Suella Braverman's speech on the very same stage. Her speech criticised "international rules" and alluded to the "misnamed Human Rights Act" (which she argued should be called the "Criminal Rights Act").

## Labour Party Conference - Liverpool



And finally, another journey north, this time to sunny Liverpool and a sunny-tempered Labour party. There was a mood of excitement and energy in the city, and the beautiful Albert Docks were teeming with over 17,000 attendees bustling to the various events.

The Society of Labour Lawyers had put on a smorgasbord of justice events (six!) on topics ranging from Labour's vision of justice, lefty lawyers, immigration and asylum policy, drill music and racial bias. We hosted our own event '*Justice: Putting People First*' – with a stellar line-up of speakers.

Chaired by Alex Cunningham MP, Shadow Lead for Courts and Legal Services, the panel comprising Lord Willy Bach, criminal barrister Joanna Hardy-Susskind, campaigner Zoe Gardner, HPLA Chair Simon Mullings and barrister Christian Weaver talked all things access to justice, violence against women, courts backlogs, housing and immigration.

Joanna spoke movingly of reforms that were making conditions worse for complainants in rape cases, and Christian spoke of the heart-breaking case of Awaab Ishak which has served as a catalyst for legislative reform in disrepair. Fighting VAWG was a recurring theme at this conference, with Labour Leader Keir Starmer having pledged to halve current levels and Jess Phillips MP vowing to put women at the centre of the next manifesto. Policies to enable this included the introduction of specialist rape courts, as well as 999 handlers trained in handling cases of domestic abuse. Alex Cunningham also set out his party's plans for community courts.

Joanna went on to decry the dearth of specialist rape prosecutors, stating that the delays this causes knock victims' confidence in the justice system, as she has seen first-hand with victims waiting 6 years for their case to complete. She underlined that conviction rates for rape are much higher than the public assume/ the media may portray, and that juries faced with a rape case are more likely to convict than not. Joanna also discussed the inequality that can result from pushing victims towards giving pre-recorded evidence, and how this regime actually fails victims.

Lord Bach reflected on his Bach Commission on Access to Justice 6 years after publication. In his analysis of Legal Aid post LASPO 2012, he found that between 2009/10 and 2022/23, the number of civil cases started dropped from 934,000 to 140,000: this cannot be justice, he said. He briefly touched upon how the Illegal Migration Bill became the Illegal Migration Act, and the role of the House of Lords in that process.

On the topic of migration, Zoe Gardner spoke on immigration legal aid rates and how they have dropped by 50% since they were set in 1996/97 and how this has resulted in a "vast ocean" of unmet legal need as practitioners cannot afford to undertake the work. She proposed a manifesto for reforming asylum and immigration pathways, arguing this would actually be an economic benefit since the failure to support people legally simply

displaces the cost of supporting them elsewhere.

Christian Weaver gave a harrowing look at the consequences of legal aid failing. As the barrister for the family of Awaab Ishak, the toddler who died from prolonged mould exposure in his London flat, he gave a step-by-step account of how Awaab's parents had great difficulty finding legal representation in their hour of need, and how when they did, their housing association refused to undertake repairs. He spoke on the topic of powerlessness and power imbalances within the legal system, and how it remains those from marginalised communities who suffer the most. Christian added that he had taken Awaab's case on a pro bono basis - and there are thousands of lawyers the length and breadth of the country who are doing just that. However, pro bono is not the answer to this particular problem and there is desperate need for reform in this area.

Simon Mullings took a system-wide view of the issue: speaking of the decimation of the number of disrepair cases since LASPO took effect. He explained that the rights given to individuals in Karen Buck's Homes (Fitness for Human Habitation) Act 2018 have no meaning if individuals cannot access justice. He shared that he was recently told by a Minister that the reason London Fleetbank's new courts will all be reserved for business issues is because: "businesses need convenient access to justice." Simon contended that everyone needs convenient access to justice, and whilst arguments are made that we cannot afford to invest in justice, can we really afford not to?

Once again, practitioners urged Labour to invest in the legal system, to make changes to scope that would enable practitioners to tackle matters in a holistic manner and to build a viable career out of legal aid work.

The same themes continued the following morning at a Society of Labour Lawyers and SRA event at the stunning Royal Liver Building. The event, ostensibly to discuss Nick Madge and Roger Smith's National Legal Service, asked speakers from around the sector for what was needed in the next Labour Justice Manifesto. The polls tell us that voters are concerned by inflation, the economy, the NHS, immigration, housing. It's true that Justice doesn't appear anywhere on this list, but the legal system does underpin all government departments. There are some laudable headlines in place: assistance and support for women, rights for tenants, a compassionate and effective system to manage immigration, a willingness to help offenders and an emphasis on education. Yet, in a conference season so dominated with talk of infrastructure and investment, it is worth noting that the legal system lacks the infrastructure to truly implement these proposals. Yes we need more police on the streets, yes we need specialists to manage survivors of trauma. But we also need to know that once the police have apprehended alleged perpetrators, there are sufficient lawyers, judges, courts and court staff to hear their cases. The Criminal Legal Aid Review and its data compendium highlighted an exodus of practitioners leaving criminal legal aid, because quite simply, crime doesn't pay enough for them to stay. Investment is needed urgently, but also an acknowledgement from all political parties of the crucial role that legal aid plays in this. We are all immensely proud of our legal system, as the Lord Chancellor points out, it is renowned the world over. It is time for us to invest in it, and our people.

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As ever, **do get in touch and let us know if there's anything else that you'd like us to be covering**, or topics you're desperate to be discussed at these events. We'll also be publishing our usual news bulletin soon, so that as leaves fall and temperatures drop, you can count on us to be right here, updating you on the latest news in the world of access to justice.

**Rohini Jana**  
**Head of Parliamentary Affairs**  
**13 October 2023**

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### About the APPG on Access to Justice

We strive to highlight the importance of access to justice as a fundamental pillar of society, and to empower individuals to exercise their rights, challenge discrimination, and reduce social inequalities. We foster parliamentary and public understanding of access to justice by acting as a forum for discussion and debate, providing an interface between Government, Parliament, and the justice sector.

For more information contact:  
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