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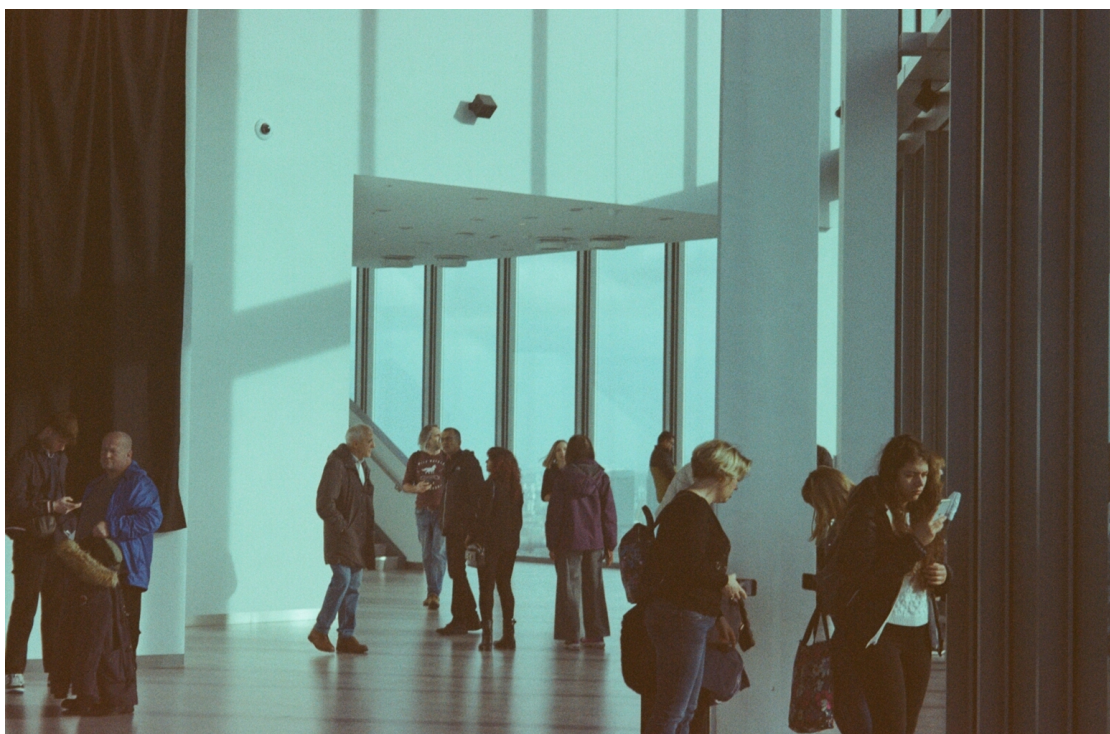


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## January 2024 Bulletin



# Introduction

The Christmas break seems a dim and distant memory, with January hurtling past in a rush of opinion polls, bills, and justice (or rather the miscarriage of) making headlines. Conflicts on the world stage continue with economic volatility, war in Europe and in the Middle East. It's been dubbed a super election year, with general elections in more than 60 countries worldwide. Around 2 billion voters - approximately a quarter of the world's population - are expected to be heading to the polls this year in countries like United States, Mexico, India and Indonesia, as well as those of us in the UK.

Closer to home, ever more column inches have been devoted to the political parties' stances on the economy, crime, health and social care, immigration and asylum, housing and the environment and we'll be looking at the legal ramifications for a few of these below.

In more justice-centric news, the **MoJ has issued a call for evidence** to practitioners, representative bodies and academics to feed into its long-awaited review of civil legal aid (RoCLA), which regular readers of this bulletin will be aware is expected to be published at the end of March. The eighteen questions cover existing barriers to accessing legal aid, the issue of supporting individuals facing multiple issues, if the current fee structures support the effective resolution of problems at the earliest opportunity, barriers to accessing legal aid, areas where technology could be particularly helpful or would be particularly challenging, and measures that can be taken to encourage early resolution. More on RoCLA below.

As ever, we'll be keeping you posted on developments regarding the review and on other justice issues as and when they happen. However, do **get in touch with us** if you have any questions or suggestions for things to include in these bulletins.

Other than the three bills we cover in this bulletin - the Rwanda Bill, Victims and Prisoners Bill, and Criminal Justice Bill – **several other bills are making their way through the Commons and Lords:**

- **Renters (Reform) Bill** will have its report stage, date to be announced.
- **Leasehold and Freehold Bill** began its committee stage in the Commons on 16 January.
- **Sentencing Bill** will have its committee stage, date to be announced.
- **Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill** began its report stage in the Lords on 16 January.
- **Data Protection and Digital Information (No. 2) Bill** will have its committee stage in the Lords, date to be announced.
- **Arbitration Bill** will have its second reading in the Lords, date to be announced.

## Rwanda Bill

We thought it might be useful to take a brief look at the background to this legislation and some of the parliamentary mechanisms in place.

### Background

In April 2022, then-Prime Minister Boris Johnson announced legislation that would send asylum seekers to Rwanda for processing. In June 2022, the first flight intended for Rwanda was blocked by the European Court of Human Rights (ECHR). The issue of the legality of this policy has since escalated its way through the courts. Our last bulletin covered the **UK Supreme Court's November 2023 ruling** that the "UK-Rwanda

**Migration and Economic Development Partnership**” was unlawful. Its concern was that asylum claims would not be properly determined by the Rwandan authorities and that refugees who were sent there would be at risk of being returned to their home countries, where they could face harm (the principle of refoulement).

### Key figures

- **£12,000: the anticipated cost** to process a case in Rwanda, approximately the same as in our asylum system.
- **£169,000:** estimated gross cost of relocating an individual according to an **official economic impact assessment**
- **£240m: the sum paid by the government to Rwanda so far**
- **6:** the number Rwandan **asylum seekers granted asylum in the UK by the Home Office** since the plan was initiated in 2022. Former Tory attorney general Dominic Grieve has stated this calls into question “how Rwanda can be described as a safe country.”
- **52,530: number of “irregular” migrants** detected entering the UK in the year to June 2023, up 17% from the previous year. 44,460 (85%) of these arrived via small boats.
- **672,000: net migration** in the same timespan (number of immigrants minus the number of emigrants)

### The Safety of Rwanda (Asylum and Immigration) Bill

By way of a legislative response, the Rwanda Bill (Safety of Rwanda (Asylum and Immigration)) was introduced “to create a statutory obligation that every decision maker, including the courts, must treat Rwanda as a safe country,” an objective **which the Law society and other critics within the sector have described** as “seeking to avoid an evidence-based finding of fact confirmed by the Supreme Court.” They also cite the use of legislation to change a finding of fact rather than a point of domestic law, which it argues undermines the constitutional separation of powers.

**The BBC states:** “the legislation further orders the courts to ignore other British laws or international rules - such as the international Refugee Convention - that stand in the way of deportations to Rwanda.”

### Challenges

#### **Criticism**

The Rwanda policy to “**Stop the Boats**” has been criticised by much of civil society, with several **charities, unions,** and even **celebrities** sharing their concerns. Some of those concerns are for those who may be deported, with Human Rights Watch warning “**The UK can’t legislate away Rwanda’s rights record,**” whilst others are worried that Home Office staff removing asylum seekers will be faced with a stark choice: **break international law, disobey the instructions of a minister or resign.**

Speaking to Laura Kuenssberg, Foreign Secretary Lord Cameron said that breaking the business model of people smugglers is why the government is pursuing the **deal with Rwanda,** to “stop this illegal trade in human beings.”

House of Commons  
1<sup>st</sup> reading: 7<sup>th</sup> December  
2<sup>nd</sup> reading: 12<sup>th</sup> December  
3<sup>rd</sup> reading: 17<sup>th</sup> January

House of Lords:  
1<sup>st</sup> reading: 18<sup>th</sup> January  
2<sup>nd</sup> reading: 29<sup>th</sup> January  
3<sup>rd</sup> reading: TBD

Labour has retaliated, condemning the Rwanda policy as “**unaffordable, unworkable and unlawful.**” With shadow immigration minister Stephen Kinnock arguing that his party also wants to stop the boats and “fix our broken asylum system,” by “**re-direct[ing] Rwanda money into smashing the criminal people smuggler gangs.**” Speaking of the problem of illegal migration, Leader of the Opposition, Sir Keir Starmer has talked about his experience prosecuting gangs as Director of Public Prosecutions. “Having seen this done for terrorist gangs, with guns and with drugs I refuse to believe we can't do anything about it,” he said.

## Polls and votes

The Polls have tracked public sentiment about the legislation at various steps:

In June of 2023, **42% of adults asked** supported the government's proposed policy to send some asylum seekers to Rwanda with 47% being opposed. After the November Supreme Court ruling, **39% of respondents** wanted to scrap the policy whilst 29% wanted the government to address the court rulings by finding another country to make a similar agreement with. The most recent YouGov poll, published last week, **showed 20% of respondents** wanted the government to get the policy through in its current format whilst 17% wanted it amended and 40% wanted it scrapped.

However, it is internal disputes which have made headlines this week. On 16 January, members of parliament voted on amendments tabled by rebel Conservatives including Sir Bill Cash and **Robert Jenrick**. Deputy chairs Lee Anderson and Brendan Clarke-Smith resigned in order to vote for the rebel amendments (**full list of amendments here**) aimed at “toughening” the bill by preventing asylum seekers from appealing their removal under international human rights law. In the end, only 60 Conservative MPs including Suella Braverman and Liz Truss voted for the rebel amendments. Former Prime Minister Boris Johnson backed them, stating: “Governments around the world are now trying to imitate the UK Rwanda policy for tackling illegal people trafficking. This bill must be as legally robust as possible - and **the right course is to adopt the amendments.**”

The following night, 17 January, the flagship government Bill came in for its third reading subject to a three line whip. Those MPs who had voted for the amendment threatened to vote against the Bill. In the end, however, only 11 Conservative MPs voted against the party line, and **the bill passed by 320 votes to 276.**

## Safety of Rwanda (Asylum and Immigration) Bill Committee: Third reading

 320

Ayes

 276

Noes

*Question accordingly agreed*

**Division 60: held on 17 January 2024 at 21:16**

Ed: We took a further look at the assertion that other governments are showing an interest in resettlement schemes such as this. Austria has shown significant interest in a Rwanda-style plan, specifically to process asylum seekers elsewhere before deciding whether they should be allowed to come to Europe or not. Interior Minister Gerhard Kerner signed a close cooperation pact with the UK in November to collaborate over migration, and discussed deporting asylum seekers to ‘safe third countries’ with then home secretary, Suella Braverman.

Germany is often mentioned in this context, with Chancellor Olaf Scholz promising to ‘examine’ whether asylum applications could be processed in a third-country too, but he warned about the ‘legal questions’ which may follow this, with his own party not happy with the idea of outsourcing asylum seekers. Instead, his main pledge saw more money offered to local authorities with benefits reduced for asylum seekers in a migration agreement with Germany’s 16 states.

Some might argue that the UK actually copied Denmark on this particular policy. The country has grown increasingly hostile towards immigration over the past decade, and passed a law which allowed refugees reaching Denmark to be processed in asylum centres in a partner country. It also set up a programme allowing for asylum seekers to be relocated to Rwanda in 2022, but as yet no migrants have ever been sent there. The UN Committee against Torture revealed concerns about sending asylum seekers to third countries such as Rwanda to be processed and so Denmark turned its attentions to other arrangements with the EU and individual EU states.

### **What's next for the Rwanda bill?**

The next step will be for the Lords to ratify the treaty before advancing the bill after debate at Second Reading next week (which to the uninitiated is, confusingly, two separate things).

#### **Bill passage**



### **Lords' ratification of the treaty**

Monday's debate and vote in the Lords was a result of the **Ponsonby rule**, a requirement that treaties be laid before parliament for 21 sitting days before they are ratified by ministers.

The debate centred around a **unanimous report from the cross-party Lords' International Agreements Committee**, published on the 17<sup>th</sup> January, which concluded that "The Government [...] has asked Parliament, on the basis of the Treaty, to declare that Rwanda is a safe country [...] as things stand the arrangements it provides for are incomplete," before listing 10 legal and practical steps to be taken before it could be recommended.

Ultimately, **Lord Goldsmith's motion** that the "His Majesty's Government should not ratify the UK-Rwanda Agreement on an Asylum Partnership until the protections it provides have been fully implemented" was successful with 214 votes to 171 (**with only one Conservative peer voting against**). Whilst this can only delay ratification, it deals a blow to Downing Street's ambition of getting **"flights off the ground this spring."**

Prior to the vote, APPG on Access to Justice member Baroness Bennett **described the debate on the treaty** as one "scrutinising the viability, practicality and deliverability of the safe and legal offloading [...] to Rwanda of Britain's responsibility to provide care and refuge for some of the most vulnerable people on the planet." She questioned the permanent transfer of responsibility for asylum seekers to a poorer country "that was wracked by genocidal conflict only 20 years ago" and stressed the unprecedented act of government to overturn, with the power of the Executive, a judgment of fact from the Supreme Court. Ultimately, Baroness Bennett argued the evening's vote was "a chance to prove that the current arrangements [an unwritten constitution] can defend basic rights, legal principles and government based on fact."



## Asylum: UK-Rwanda Agreement

214

Contents

171

Not Contents

Division 1: held on 22 January 2024

The motion was agreed  
Government defeat

### Lords' Second Reading

Before it becomes law, the Bill must also pass the Lords. The prime minister has **cautioned the Lords** against thwarting the Bill: "There is now only one question: will the opposition in the appointed House of Lords try and frustrate the will of the people as expressed by the elected house? Or will they get on board and do the right thing? It's as simple as that."

Labour peer Shami Chakrabarti has emphasised the number of Lords who "**really care about the rule of law**," but other Labour peers have confirmed they will be "amending rather than blocking" the Bill coming from the lower house next week, as is customary.

### Judicial challenges and growing impatience

Another issue will be that which was emphasised by anti-immigration hardliners such as Robert Jenrick and Suella Braverman, who fear that affording potential-deportees the right to bring legal challenges against their individual cases will **log up the courts and delay their departure**. **Suella Braverman argues** "The Rwanda Bill will not stop the boats. It leaves us exposed to litigation & the Strasbourg Court." Delays may prove rather frustrating for the government, with **several Tory MPs speaking of "exasperation" at the "carnage"** caused by the Bill. In a written statement, **Lord Chancellor Alex Chalk KC affirmed** that the MoJ had preventatively increased capacity in the justice system "in preparation for the commencement of the Act," with additional hearing rooms within the Immigration and Asylum Chamber (IAC) and over 100 additional staff recruited and trained to deal with the commencement of the Illegal Migration Act. We also note that following a consultation by the MoJ last year, the legal aid fees for work pursuant to the Illegal Migration Act were increased by 15%.

The frustrations felt around the Bill may not also be solely domestic, with President Kagame of Rwanda **offering to return the £240m** the UK has paid to Rwanda. The comment has however, since been qualified by Rwanda's government, stating it would "consider" a request for a refund.

**Victims and Prisoners Bill: an overview  
ahead of our February event**

**Save the date**

The APPG on Access to Justice will be hosting our first panel event of the year on Violence Against Women, in Parliament, on 27 February from 2:00pm to 3:30pm. Confirmed speakers include Laura Farris MP, Minister for Victims and Safeguarding and Alex Davies-Jones, Shadow Minister for Domestic Violence and Safeguarding, Tana Adkins, Chair of the Criminal Bar Association and Jenny Beck KC (Hon) family practitioner, co-chair of LAPG and chair of the Nuffield Family Justice Observatory. Watch this space for tickets. Until then, some background on some of the issues that we'll be discussing with our speakers.

### Bill passage



### Background

The Victims and Prisoners Bill was introduced in the UK Parliament in 2022, sponsored by then Lord Chancellor, Dominic Raab. It started out as a "Victims Bill" but was amended to encompass prisoners in what **some Womens' Rights organisations called a "surprise expansion."** Its stated purpose is "to make provision about victims of criminal conduct and others affected by criminal conduct; about the appointment and functions of individuals to act as independent public advocates for victims of major incidents; about the release of prisoners; about the membership and functions of the Parole Board; to prohibit certain prisoners from forming a marriage or civil partnership; and for connected purposes."

Ed: When the Bill, and people in general, speak of the "Victims' Code," they are referring to the **Code of Practice for Victims of Crime in England and Wales**. This sets out the minimum standards that organisations must provide to victims of crime. It is not legally enforceable, so victims regularly do not get the treatment they should expect – the Victims and Prisoners Bill would enshrine the Code into law. This means victims will be able to challenge decisions that impact them (i.e., CPS dropping a case), receive information on the criminal justice process etc.

The Bill's key provisions are as follows:

- The creation of an Independent Public Advocate, who will be responsible for providing independent support to victims of crime;
- Giving the Secretary of State the power to overturn the Parole Board's decision to release a prisoner if they believe that the prisoner poses a risk to the public. You can listen to lord chancellor Alex Chalk's discuss this further **on Radio 4**. This has also been dubbed the "precautionary approach to release of prisoners convicted of serious offences."
- The prohibition of marriage or civil partnerships for prisoners serving whole life orders.
- The imposing of a duty on local authorities to collaborate to develop and implement a needs assessment and strategy for the commissioning of community-based support services for victims of crime.
- Putting Independent Sexual Violence/Domestic Violence Advisors on Statutory Footing.

## **Reaction from the sector**

Many victims' organisations expressed concerns with the change from Victims Bill to a Victims and Prisoners Bill: it was "met with surprise and alarm" by the **End Violence Against Women Coalition** for example, who criticised the lack of consultation or pre-legislative scrutiny.

The **London Victims' Commissioner** has described the move as a "power grab" and has written to the Lord Chancellor, stating that the power to veto the Parole Board may simply open wounds for victims' families, dragging them into another extended legal process. She has called for a variety of amendments expressed in December 2023, including: defining those impacted by anti-social behaviour or crime abroad as "victims;" introducing a "firewall" between police and immigration; and providing independent legal representation for victims of rape and sexual offences at key moment during their justice journey.

Other reactions:

- **The Justice Gap** called the Bill overly-punitive and criticised it for politicising parole.
- **Rape Crisis** has called the provision that "police should only request third-party materials such as survivors' counselling notes if they are absolutely necessary and proportionate" a positive step, if it is enforced in practice.
- A member of the Law Society's Criminal Law Committee has published an all-encompassing, readable critique on **the Law Gazette website**.
- The London Councils have expressed concern that the proposed legislation **does not consider the complexity of governance in London** and the need for co-ordination and collaboration at different levels. It notes existing pressures on community based support services, particularly since the pandemic, and a lack of funding.

## **Association of Prison Lawyers issues warning**

The **Association of Prison Lawyers (APL) published a report** yesterday, 22 January, highlighting the delays and difficulties lawyers are facing when trying to see their clients in prison.

The report, which was presented to Minister for Courts and Legal Services Mike Freer on 15 January 2024, provided 78 examples of practitioners encountering difficulties in reaching their clients, including:

- Prisons providing no video links for solicitors, or very limited availability with long waiting times
- Limited availability for in-person visits
- Ineffective visits (client was not produced or laptop not permitted)

**The APL's statement reads:** "This is unacceptable. Legal aid lawyers are already in serious decline due to lack of sustainable funding. The number of prison law legal aid providers has already been decimated, falling by a massive 85% since 2008. In a **report** published in August 2023, three-quarters of prison lawyers surveyed did not think they would be doing prison law legal aid work in three years' time. Prison law legal aid lawyers have been excluded from the pay increase of 15% in September 2022 following the Bellamy review and in real terms, the rate of pay for prison law has decreased by 35% since 2011. Lawyers are wasting time trying to get prison visits, and having visits that are ineffective."

Chris Minnoch, CEO of Legal Aid Practitioners Group commented: "Timely and effective access to specialist advice is crucial for prisoners and a vital element of the justice system. The legal aid system exists to ensure access to legal advice and representation



but over the last few decades it has been undermined by limits to scope, unnecessary bureaucracy and chronic underfunding. This report clearly demonstrates that the ability of prison lawyers to deliver the service is also being frustrated by lack of cohesion and resources within prisons, and by a lack of priority placed on the rights of prisoners. This needs to change.”

## Family Law

### Overview

Those of you who read our July 2023 bulletin (you can consult all past bulletins [on our website](#)) will recall a flurry of activity in Family Law over the previous summer. Mandatory mediation [for separating couples in England and Wales due to growing backlogs in the family courts](#); the Domestic Abuse Commissioner (DAC) for E&W’s [call for urgent reform to the family justice system](#) which included abolishing means testing for legal aid for all victims of domestic abuse; and news that the [child court backlog had surpassed 80,000](#). We take a further look at some of these issues below.

### The Children Act 1989 and Barriers to Justice

Recognised as an enduring force, the Children Act 1989 placed the child's voice at the forefront of family cases, where it remains today. Despite this solid framework, operational issues mean there is a constant lack of certainty in the system, compounded by significant delays. Jenny Beck KC (Hon) of Beck Fitzgerald, highlights some of these practical barriers to justice, such as inconsistent application of principles and listing drop-outs.

These include:

- A confusing and uncoordinated landscape of advice, information and support, both legal and non-legal (other issues co-exist with child arrangements, e.g. housing, children’s mental health support, health/GP and domestic abuse support).
- An inability to access legal advice to understand their options - research shows that families in court are disproportionately economically deprived and low cost or free legal advice is scarce.
- Mediation may work for some families but may be less suitable where there are complex issues, safeguarding concerns, imbalanced power dynamics, e.g. domestic abuse, which could make mediation unfair or unsafe. Parties may also not be emotionally or mentally ready to mediate with the other parent, which makes the process less likely to be successful.
- Many in court are unrepresented with only 1 in 5 cases with a lawyer on both sides. Litigants in person experience a court system still designed for lawyers which places demands on the court and can be confusing and marginalising for participants at an already stressful time of their lives.
- Those in court are more likely than the rest of the population to have additional vulnerabilities, such as domestic abuse, mental health difficulties and substance abuse.
- Finally, less than half of the children at the centre of a dispute have the opportunity to be consulted, which can make them feel like the object of the dispute rather than an individual with their own views and perspective about their future.

The absence of a trauma-informed approach in the courts is another barrier to justice leading to contentious parental alienation (where one parent expresses negativity about the other) allegations in domestic abuse cases. [The DAC’s July Report](#) expressed deep concern about the rise in such allegations, often resulting in unsafe contact between children and abusive parents. Jenny Beck, as well as Cris McCurley of Ben Hoare Bell, are

concerned that parental alienation is being too readily accepted, despite being disproven as a psychological theory.

This is where the added complexity of family law shows itself: issues are not only systemic, but highly personal, which is why the aforementioned DAC, Nicole Jacobs highlights how shortcomings in family law have very intimate consequences: it "retraumatizes victims, minimises abuse and fails to hear the voice of the child."

### **Pathfinder Courts, the Harm Report, and the Domestic Abuse Act 2021**

Pathfinder courts have partly been established in response to the chronic underfunding of the system. Established in Dorset and Wales, these courts propose a more inquisitorial, more affordable approach. The Pathfinder model is centred on a problem-solving approach in private law proceedings, aiming to enhance the court's responsiveness to those affected by domestic abuse while ensuring the child's voice is prominent throughout the process. This involves an early and thorough information-gathering phase, where the Children and Family Court Advisory and Support Service (**CAFCASS**) actively participates from the outset. A comprehensive Child Impact Assessment is conducted, involving parents and multiple pertinent agencies like the police, local authority, and domestic abuse organisations. Families are provided with support to engage in alternative dispute resolution.

These courts, stemming from the "Harm Report" of 2020 (see below), have received positive feedback. While this may be a "bright spark," as per Rosemary Hunter KC at the Family Law Conference, there is still a long way to go out of darkness.

The recommendations contained in the 2020 "**Harm Report: a comprehensive review involving 1,200 individuals and organisations**" were, according to Rosemary Hunter KC, "unsurprising": the system needed financial investment, trauma-based approaches, a review of parental involvement presumption, and the piloting of Pathfinder courts. It aimed to tackle inadequate resources, an entrenched pro-contact culture, an unproductively adversarial rather than inquisitorial system, and family courts that work in silos.

Despite these recommendations being made 4 years ago, practitioners such as Cris McCurley have been disappointed at how slowly they have been implemented. However, there are signs of improvement. Carolina Marín Pedreño of Dawson Cornwell notes a cultural change in the treatment of domestic abuse cases. The government is currently reviewing the presumption for contact enshrined in Section 1(2A) of the Children Act 1989.

Public law proceedings, prioritised in court lists for urgent decisions about children going into local authority care, face challenges. Jerry Bull, consultant at Atkins Hope, highlights the struggles in public law, such as a lack of resources, social workers, housing challenges, and mental health services. Reduced access to legal aid has contributed to the rise in litigants-in-person, often inexperienced and uncertain, slowing down the courts, and posing the possibility that domestic abuse victims can potentially be cross-examined by their abuser.

The Domestic Abuse Act 2021 introduces the notion of Qualified Legal Representatives to conduct cross-examination, and who are paid out of **central funds (defendant costs provided for by Parliament)**. However, a shortage hampers their effectiveness, as noted by Sir Andrew McFarlane and **evidenced by an FOI Request which revealed that only 258 have completed training to date**. Bull also emphasises the skilled work required in public law cases but criticises the low fees, raising concerns about the declining number of lawyers in the field, as across legal aid in general. Years of insufficient funding in family justice and social welfare systems have eroded the effective

application of the Children Act 1989, presenting a substantial risk to the protection of children's well-being and rights.

## Justice Bite Size

### Post Office Scandal to be solved through legislation

**The Prime Minister announced the introduction of legislation** to overturn the criminal convictions of hundreds of innocent sub-postmasters in what has been dubbed the widest miscarriage of justice in British history.

The mass exoneration has been **welcomed by organisations such as The Law Society** despite the matter **raising concerns over judicial independence**. Indeed, some sub-postmasters have expressed they would rather be proven innocent by the same judicial system that convicted them.

There has been much comment from legal circles on the Post Office Horizon Scandal, as Sir Wyn Williams's inquiry isn't projected to come to an end until Summer 2024:

- **Dan Neidle**, former commercial lawyer specialising in tax turned commentator is focusing on the injustice of the compensation scheme: complexity of process, secrecy, tokenistic, and tax bills as a result.
- **Joshua Rozenberg** summed up the debate on a potential "exoneration through legislation" before weighing in: he believes those convicted should have the choice to have their convictions quashed by the government, or through the courts if they want their names cleared by the same judicial system that convicted them.
- Alan Bates, the former sub-postmaster and founder of the Justice for Subpostmasters Alliance whom **PM Rishi Sunak has endorsed for a knighthood**, recently penned an article in the Financial Times titled "Why I wouldn't beat the Post Office today." Although his focus in the article is on the **demise of litigation funding** (which enabled people to avail themselves of their rights through legal action when they otherwise wouldn't be able to afford it), his point is clear: faced with a deep-pocketed opponent willing to draw out procedures, and without adequate funding for legal representation, the biggest miscarriage of justice in recent legal history may have gone unchallenged. His character in the TV series[1] is quoted as saying: "What I really need is lawyers who'll work for nothing" – infer what you will.

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[1] Episode 2, 27<sup>th</sup> minute, ITV

### Update on the Review of Civil Legal Aid

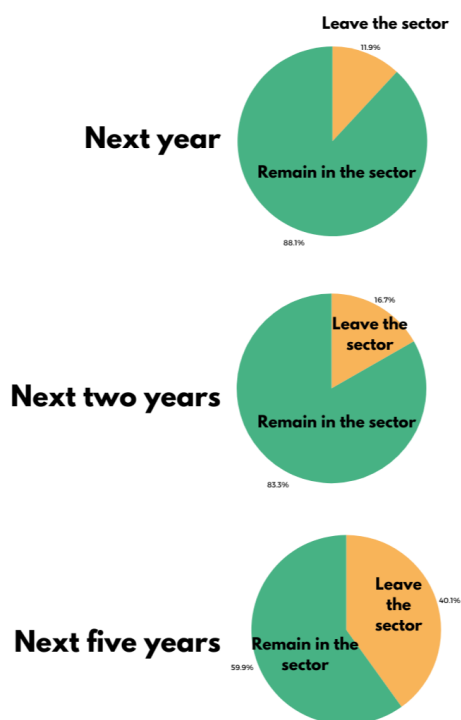
Open call for evidence

# Review of Civil Legal Aid – Call for Evidence

## Summary

The aim of this call for evidence is to obtain more information to further inform the Review of Civil Legal Aid and feed into policy development.

This call for evidence closes at  
**11:59pm on 21 February 2024**



PA Consulting, the firm appointed as external economic analysts by the Ministry of Justice (MoJ) as part of the Review of Civil Legal Aid (RoCLA), **have released their Survey of civil legal aid providers** in England and Wales. Their overarching mission is “to assess how the legal aid market is currently working and determine what is driving problems in it,” and “to identify options on what structural changes the MoJ could make to ensure a more effective and efficient civil legal aid system with sustained provision across England and Wales.” Their findings are stark, as can be seen from the pie-charts below, which show that four in ten providers intend on leaving the sector in the next five years. Furthermore, 59% of those surveyed expressed dissatisfaction with the civil legal aid sector overall, with the fee system (82%), the ability to build a quality workforce (61%) and the way the Legal Aid Agency made decisions (59%) the main pain points.

## Parliamentary Debates & Justice Questions

### Written justice questions

Emily Thornberry (Labour, Islington South and Finsbury) asked the Secretary of State for Justice 4 questions:

- with reference to the **Legal Aid Agency's guidance entitled Housing loss prevention advice service** (August 2023): how many early legal advice claim forms submitted to his Department between 1 August 2023 and 11 December 2023 have been completed by the outcome codes listed in Annex 2. ([answer here](#))

- **pursuant to the Answer of 16 November 2023 to Question 1492** on Housing Loss Prevention Advice Service what was the (a) number and (b) value of claims for early advice by Housing Loss Prevention Advice Service providers as of 11 December 2023. ([answer here](#))
- **pursuant to the Answer of 16 November 2023 to Question 1493** on Housing Loss Prevention Advice Service, what was the (a) number and (b) value of claims for in court duty assistance by Housing Loss Prevention Advice Service providers as of 11 December 2023. ([answer here](#))
- **pursuant to the Answer of 16 November 2023 to Question 1494** on Housing Loss Prevention Advice Service, how much has been paid out to Housing Loss Prevention Advice Service providers for (a) early advice and (b) in court duty assistance as of 11 December 2023. ([answer here](#))

Andy Slaughter (Labour, Hammersmith) asked the Secretary of State for Justice 2 questions:

- with reference to the **Autumn Statement 2023**, published on 22 November 2023, whether the proposal to end access to legal aid for sanctioned Universal Credit claimants (a) relates to (i) criminal and (ii) civil legal aid and (b) would prevent those people from (A) passporting and (B) accessing all legal aid. ([answer here](#))
- with reference to the **Autumn Statement 2023**, published on 22 November 2023, what assessment his Department has made of the potential impact of proposals to remove access to legal aid for Universal Credit claimants who have had an open-ended sanction for over six months on access to justice. ([answer here](#))

Alex Cunningham (Labour, Stockton North) asked the Secretary of State for Justice 2 questions:

- what the average (a) daily and (b) annual cost of a trial in the crown court was in each of the last five years. ([answer here](#))
- what the average cost of a sitting day in the crown court was for each of the last five years. ([answer here](#))

Navendu Mishra (Labour, Stockport) asked the Secretary of State for Justice 1 question:

- what assessment his Department has made of the adequacy of legal aid provision in (a) Stockport and (b) Greater Manchester ([answer here](#))

Apsana Begum (Labour, Poplar and Limehouse) asked the Secretary of State for the Home Department 1 question:

- what assessment his Department has made of the implications for his policies of the experiences of the criminal justice system of survivors of domestic abuse ([answer here](#))

Rachael Maskell (Labour, York Central) asked the Secretary of State for Justice 1 question:

- if he will make an assessment of the potential impact of removing access to legal aid for people who lose their entitlement to Universal Credit under measures announced in the Autumn statement on such people ([answer here](#))

Sarah Olney (Liberal Democrat, Richmond Park) asked the Secretary of State for Justice 1 question:

- how much his Department spent on press and public relations in each financial year since 2019-20 ([answer here](#))

## Oral Questions

Jack Brereton (Conservative, Stoke-on-Trent South) asked the Parliamentary Under-Secretary of State for Justice 2 questions:

- what steps he is taking to increase early access to legal advice ([answer here](#))

- if the Parliamentary Under-Secretary agrees that it is vital that members of the public get timely and affordable legal advice when they need it ([answer here](#))

Allan Dorans (SNP, Ayr, Carrick and Cumnock) asked the Parliamentary Under-Secretary of State for Justice 1 question:

- what discussions had the Parliamentary Under-Secretary had with the Treasury, in advance of the Budget in March, regarding potential increases to the legal aid budget, and that Scotland will receive its share through Barnett consequentials ([answer here](#))

Tim Farron (LD, Westmorland and Lonsdale) asked the Parliamentary Under-Secretary of State for Justice 1 question:

- if ministers are comfortable with victims of human trafficking not having legal recourse to receive support under modern slavery provisions, and if not, what will they do about it ([answer here](#))

Andy Slaughter (Labour, Hammersmith) asked the Parliamentary Under-Secretary of State for Justice 1 question:

- if the fall in spending on housing legal aid is a proper response to growing insecurity, overcrowding and poor conditions in the housing market, or might it be contributing factor ([answer here](#))

Siobhan Baillie (Conservative, Stroud) asked the Parliamentary Under-Secretary of State for Justice 1 question:

- if the Lord Chancellor would agree to meet her and Baronesses Deech and Shackleton to look at their campaigns on family law reforms ([answer here](#))

**Thomas Rigard-Asquith**  
**Parliamentary Liaison Officer**  
**23 January 2024**

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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.

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