

[View this email in your browser](#)



---

#### In this Issue

- [Spring Budget](#)
- [Safety of Rwanda Bill](#)
- [NAO Report](#)

- [Victims and Prisoners Bill](#)
- [APPG on Access to Justice: Violence Against Women Event](#)

#### Get in touch



[Twitter](#)



[Website](#)



[Email](#)



[LinkedIn](#)

---

## March News Bulletin

**(Spring Budget, Rwanda Bill, NAO Report, Victims and Prisoners Bill, APPG VAW Event)**



## Spring Budget

Chancellor Jeremy Hunt delivered his spring budget this past Wednesday to headlines around national insurance, childcare, vaping, the non-domicile tax regime, second homes and NHS spending. The Chancellor has come under pressure from backbench Conservative MPs to deliver further tax cuts as the country settles into another year of the cost of living crisis.

The Resolution Foundation highlighted that we are on course for the first fall in household incomes over the course of a parliament and the country will go into the next election with the highest taxes since 1948.

The current tax and spending plans envisage a 1% real growth **in public spending overall until 2029**. While this considers commitments to spending on key areas, the Institute for Fiscal Studies think-tank has estimated the plans imply real-term cuts of 3.4% a year to 'unprotected' departments including Justice and the Home Office. Given that the 2024-2025 budget for the Ministry of Justice is £11.5 billion, these cuts translate to a reduction of approximately £391 million.

Leaders of the justice sector including the President of The Law Society and the Chair of The Bar Council have spoken out this week about the impact that this would have upon a justice system already on its knees after decades of underfunding. The newspapers report on courtrooms falling into disrepair, backlogs and delays, overcrowded prisons and a strained police force which can all be seen as the legacy of cuts made under LASPO and austerity.

In January alone, England and Wales had **3,355 pending rape cases**, and defendants on bail were experiencing an average waiting period of 358 days for trial. Any further cuts will only exacerbate this situation.

But first, some details on what the budget promised to the Ministry of Justice:

In 2022-23, the departmental budget for Justice was £9.3 billion. In 2023-24 this rose to £10.5 billion and plans for 2024-25 have fallen once more to £10 billion.

As part of these plans, the Household Support Fund has been extended, and funding commitments have been made for initiatives in family courts, children's homes, and special needs schools (more on those below).

### **HM Courts & Tribunals Service and Family Law proceedings**

The government also announced reforms to modernise communications from HM Courts & Tribunal Service (£16 million), to "improve court experiences" for domestic abuse victims through the Private Law Pathfinder Pilot and to invest £12 million to expand the scope of Legal Aid for early legal advice in private family law proceedings for parties considering an application to the family courts for child arrangements. A £10 million allocation to digitise jury bundles will be set up to save up to 55,000 hours a year in court preparation time.

*Family Law practitioner and domestic abuse campaigner Jenny Beck KC (Hons), of Beck Fitzgerald, is "very pleased to see that the Early Legal Advice family pilot is to receive funding. There has long been support for a scheme which works. We must work quickly, effectively and collaboratively to make this work because, without it, families are placed at risk".*

### **AI and Technology**

An additional £230 million commitment has been made, aiming to reduce administrative tasks for frontline workers through police technology pilots, including facial recognition, automated call triage, and drone deployment. Concurrently, establishing a Centre for Police Productivity aims to enhance data quality and facilitate technology integration within law enforcement. The Chancellor has also committed to doubling the size of AI, allocating £34 million to expand the Public Sector Fraud Authority, and committing £17

million to accelerate the digital transformation of the Department for Work and Pensions.

### Children and SEN

Funding of £45 million was also pledged for local authorities to create 200 additional open children's home placements, an extra £120 million for maintenance and redevelopment of secure children's homes, and a commitment of £75 million over three years to expand the Violence Reduction Unit model. An initial investment of £105 million was announced for 15 new special free schools for children with special educational needs and disabilities. Additionally, the confirmation of 20 Alternative Provision state schools aims to provide early intervention and better outcomes for children requiring alternative provision.

*Ed: By way of some background to this, the Department for Education's statutory guidance defines alternative provision as:*

- *'education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education;*
- *education arranged by schools for pupils on a fixed period exclusion; and*
- *pupils being directed by schools to off-site provision to improve their behaviour.'*

Figures from the academic year 2022-2023 provide that **25,100 children** are currently educated in state-funded alternative provision schools.

### The predicted cuts

We note that the tax cuts made by the autumn statement were almost entirely funded by £20bn of real-terms reductions to public spending which are planned from 2025.

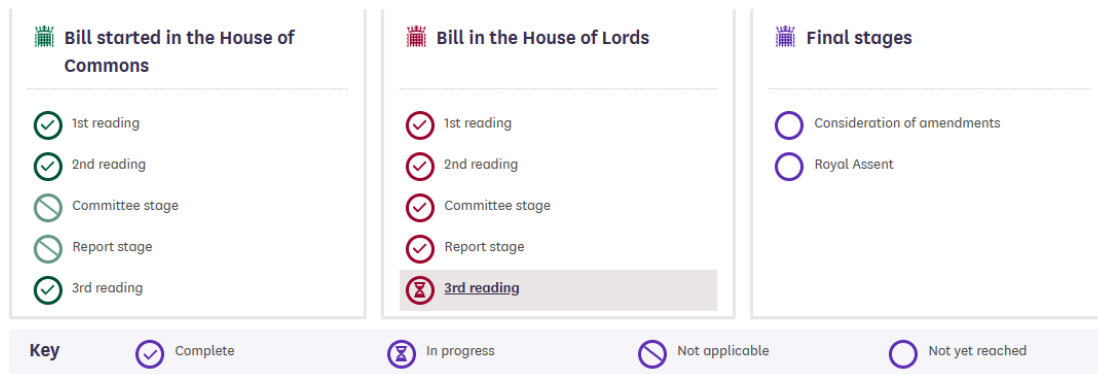
Under current plans, **the Resolution Foundation** estimates that protected government departments – including the NHS, education, defence and overseas aid – would see a modest real-terms increase in their per capita funding.

However, further restraint in the public sector would mean unprotected departments – including local government, justice and prisons – facing a sharp decline, worth about £30bn a head. The spring budget, while promising to prioritise HMCTS and private family law proceedings, **is also cutting the 2024-2025 justice budget by 4.76%, from £10.5 billion to £10 billion** (Page 25). Capital spending, however, will rise by 20% from £1.5bn to £1.8bn in 2024-25. We await further details to see how this plays out in regards to courtrooms and legal aid provision.

Those of you wanting to read the budget in full can access it [here](#).

This month has also seen the publication of three independent reports regarding the sustainability of the civil legal aid system. **The findings are stark:** 42% of providers stated that they will leave the sector or reduce their volume of work in the next 12 months. Just over half of firms who do civil legal aid either make a loss or break even. We discuss their findings in further detail below.

# Safety of Rwanda (Asylum and Immigration) Bill Update



Those following the fortunes of the government's Safety of Rwanda Bill (the Bill) will be aware that in the past few weeks, it returned to the House of Lords, where a motion to block it was defeated by a vote of 206 to 84. Following this, a parliamentary report by the Joint Committee on Human Rights (the Committee) was published, criticising the legislation for its 'contradiction' of the UK's human rights obligations under international law. The Committee (membership of which includes Joanna Cherry KC MP, Harriet Harman KC MP, and Baroness Kennedy KC) conducted a thorough analysis of the Bill. We set out their critique in further detail below.

By way of a recap, the Bill asserts that Rwanda is a safe country, and purports to ensure that individuals sent there by the government will not face forced removal to an unsafe destination. **The Committee's report** questions the practical assurance of safety expresses concerns about undermining human rights protections, and warns of potential damage to the UK's reputation in upholding the rule of law and human rights. Legal experts, academics and NGOs overwhelmingly argued against the Bill's compatibility with international human rights law.

Human rights organisation, **Liberty submitted evidence**, stating that even if a court deemed Rwanda unsafe, it would have to "stick its fingers into its ears and pretend otherwise". The report itself highlights that the "Bill's near-total exclusion of judicial scrutiny seeks to undermine the constitutional role of domestic courts in holding the executive to account".

In response, a **spokesperson from the Home Office** emphasised the government's commitment to addressing the global challenge of migration with bold and innovative solutions. They defended the Rwanda scheme, stating that the introduced Bill and accompanying treaty were the most effective means of initiating flights to Rwanda promptly. The Home Office added that Rwanda is a safe country that supports refugees, hosting over 135,000 asylum seekers and being prepared to relocate individuals to help them rebuild their lives.

Simultaneously, the **National Audit Office (NAO) revealed that the UK government plans to allocate at least £370 million to Rwanda for the relocation of asylum seekers**. Produced in response to requests from parliamentary



committees seeking greater transparency on the scheme's costs, the report details the £150,000 cost for each person sent to Rwanda over a five-year period. The Labour Party has condemned these expenditures as a "**national scandal**", while the Home Office has sought to justify the move by highlighting the escalating costs of housing asylum seekers, projected to reach **£11 billion annually by 2026**.

The NAO report discloses financial support to Rwanda, with a current total of £240 million paid into an economic development fund and additional payments scheduled amounting to **£370 million over the next 5 years**. Legal challenges have impeded the scheme, but the government remains committed to commencing deportation flights in the spring. The report refrains from assessing the scheme's value for money, leaving its success in deterring illegal immigration as the determining factor. The Labour Party has pledged to scrap the policy if it wins the general election, branding the policy an expensive "gimmick".

## National Audit Office Report on the Government's Management of Legal Aid



### National Audit Office

On the subject of National Audit Office (NAO) reports, a report on the management of legal aid was published last month which highlighted the lack of sustainability in the legal aid market and the lack of access to justice for those who need it in England and Wales. The NAO last reported on legal aid in 2014 when it found that while the LASPO reforms had been successful in reducing legal aid expenditure, the wider impacts of the changes were poorly understood by MoJ. Readers will recall that the objectives of LASPO were to:

- discourage unnecessary and adversarial litigation at public expense;
- target legal aid to those who need it most;
- make significant savings to the cost of the scheme; and
- deliver better overall value for money for the taxpayer.

We should note that the report relates to civil legal aid only and the NAO has not reported on criminal legal aid since LASPO was passed.

The report itself is clear with solid, useful recommendations, but we should point out that it aims to determine whether public money is being utilised cost-effectively, NOT

whether the justice system is well run or fit for purpose. The report is also clear on the limitations of the research undertaken and looks at the system against LASPO's stated objectives. That being said, the report looks in more detail at issues around access to justice and market sustainability than its 2014 counterpart. Two of the primary takeaways from the report are that:

- MoJ lacks an understanding of the demand for legal aid and the capacity of existing providers; and
- The terms value of civil legal aid fees is half what it was when they were set 28 years ago.

For those after a little more detail, please find some of the main findings below:

## Headlines

### Costs and savings of reforms

- MoJ has achieved its aim of making significant reductions to its legal aid spending since the LASPO reforms, with real-term expenditure reduced by over a quarter. (In real terms, spending on legal aid fell by £728m (from £2,584 million to £1,856 million, a 28% reduction) between 2012-13 and 2022-23.)
- MoJ still does not know the full costs and benefits of LASPO as it has not made progress in understanding how the reforms may have affected costs in other parts of the criminal justice system and the wider public sector.
- MoJ recognises that changes introduced by LASPO reduced access to early advice and unintentionally reduced publicly funded mediation referrals, but more than a decade on it has not been able to increase take-up.

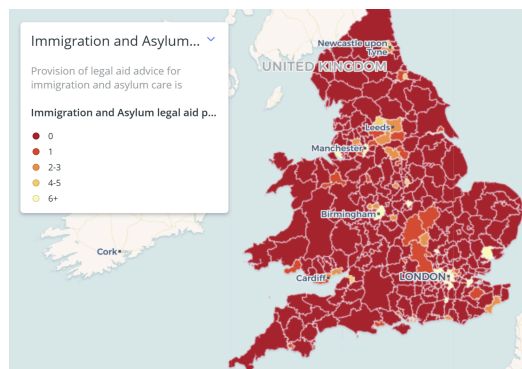
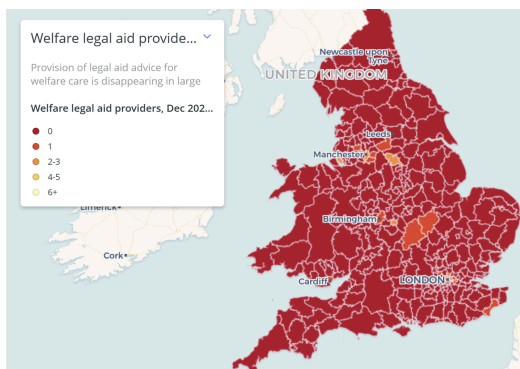
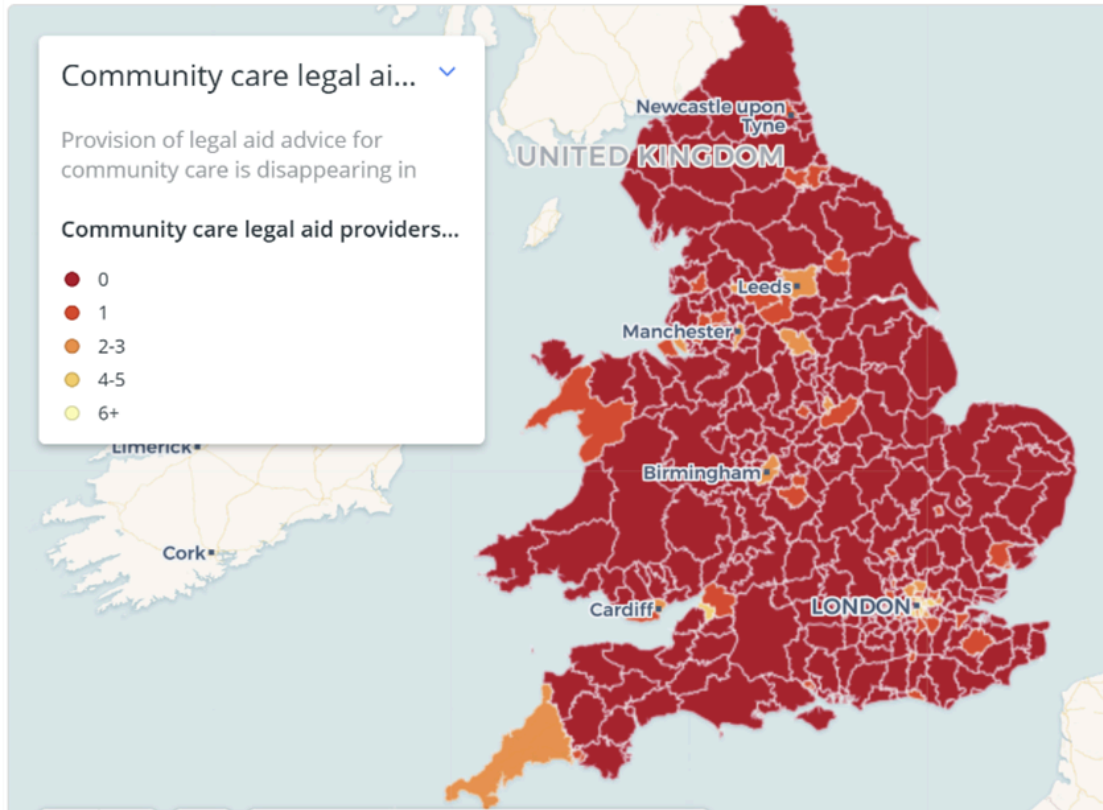
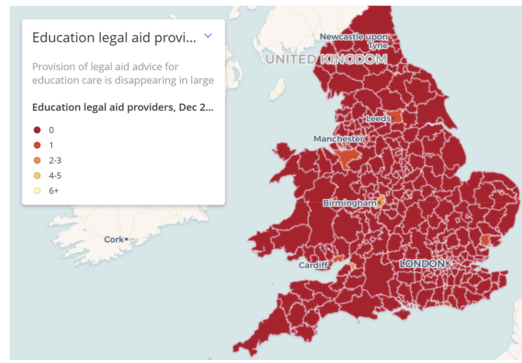
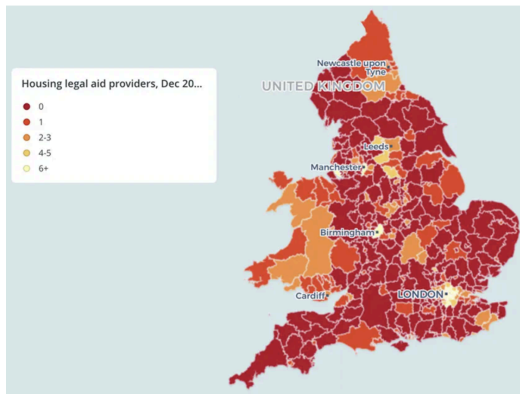
### Access to legal aid

- MoJ does not collect sufficient data to understand whether those who are entitled to legal aid are able to access it.

*Ed: of particular note was this statement - "MoJ and LAA do not estimate overall demand for legally aided services. LAA forecasts expenditure on legal aid for budgeting purposes, incorporating external factors such as court backlogs and policy changes. However, this cannot give MoJ a view of the extent to which people may need to, and be eligible to, access legal aid".*

- The available evidence suggests that limited provision in some areas of the country may make it harder to access legal aid.

*Ed: please see below the **legal aid heat maps produced by The Law Society** for how this translates into community care, education, housing, welfare benefits and immigration and asylum provision.*



- The proportion of the population eligible for support has reduced, as MoJ has not yet changed financial eligibility thresholds.
- The exceptional case funding scheme routinely approves certain types of immigration cases, but MoJ has not updated its approach to bring them into the scope of legal aid. This approach may not be cost-effective and presents access to justice risks.

### **Sustainability of the market**

- MoJ has been slow to respond to market sustainability issues.



- LAA has started to explore how different contracting approaches may make the market more attractive for providers.
- Demand for criminal and some types of civil legal aid is likely to increase at a time when the market is in a fragile position to respond.
- MoJ cannot routinely identify emerging market sustainability risks, which undermines its ability to ensure the sustainability of legal aid

## **Recommendations:**

### **A. Undertake Cost-Benefit Analyses of Legal Issues removed from Scope**

MoJ should work with others to improve its understanding of the costs and benefits of legal issues removed from scope during legal aid reforms, to ensure that changes have not led to less efficient public spending. MoJ should focus on areas of stakeholder concerns including the impact of:

- The removal of early advice for issues such as housing and debt;
- Increases in people representing themselves in court; and
- Reductions in immigration advice on local authorities

### **B. Availability and Accessibility of Legal Aid**

MoJ should, working with LAA and others, ensure that those who want (and are eligible for) legal aid can access it in future by improving:

- its view of demand and capacity in the legal aid market; and
- How it monitors whether those who apply for its exceptional case funding scheme individually are able to find a provider and act to address any issues found.

### **C. Optimise Exceptional Case Funding Scheme**

MoJ should assess whether it could reduce the cost of its exceptional case funding scheme by streamlining its approach to processing categories with high approval rates,

### **D. Collaborate to Create a Workforce Strategy**

MoJ should work with providers and representative bodies to establish a workforce strategy that considers the pipeline of future legal aid lawyers and their training.

### **E. Develop the Legal Aid Contract**

LAA should continue to develop its contracting approach to improve the attractiveness of legal aid markets to providers for civil legal aid as well as criminal legal aid.

### **F. Cost-effective Fees**

MoJ should work with providers to ensure its fees are set at a level that optimises the balance between cost-effectiveness, affordability and access to legal aid (for those who are eligible).

As mentioned above, three reports have been published on the sustainability of civil legal aid this month, by the NAO, Frontier Economics and PA Consulting respectively. The timing of publication has been key in that it has allowed organisations to draw upon the findings presented for inclusion in the **RoCLA call for evidence** which closed last month. They have also added to the growing body of evidence of the harsh realities of running a legal practice in this area. Details of the two other reports are set out below.

### Frontier Economics

Readers may be aware that The Law Society commissioned Frontier Economics (Frontier) to conduct an in-depth study about the financial realities facing civil legal aid providers. The initial stage of their work, which focused on housing providers, has concluded and **Frontier has published an interim report based on data and interviews with around 30 providers.**

So, what did they find?

The study reveals that all housing legal aid providers are operating at a loss, with fee earners recovering only about half of the full costs of delivering the service. Junior staff turnover is high due to better pay and work-life balance elsewhere, leading to long working hours and burnout among the remaining staff. Administrative costs further exacerbate the challenges facing providers. The Law Society President Nick Emmerson has responded by emphasising the need for government investment in legal aid to prevent a collapse and urges action amid increasing evictions and repossessions, stressing the importance of securing a future for this essential public service.

Frontier is continuing its work over the coming months and will be looking at other areas such as family legal aid. The final report will be published by the end of March/beginning of April to feed into the MoJ's policy recommendations arising out of RoCLA.

### PA Consulting

Finally, because all the best things come in threes, the government undertook research into providers' experiences of operating in the civil legal aid market to feed into RoCLA. The report, by **PA Consulting, found** that:

*"In a survey of 228 civil legal aid providers in England and Wales, 80% report high demand for services from clients, with 50% indicating very high demand. Providers turned away an average of 26 eligible cases in the month before the survey. Dissatisfaction is prevalent (59%), with major concerns about the fee system (82%) and Legal Aid Agency decisions (59%)."*

*Non-profits face higher demand and express more dissatisfaction. Challenges include low fees, administrative tasks, and difficulty attracting junior lawyers. Lack of financial viability is a common reason for giving up civil legal aid contracts (private practice: 65%, non-profits: 37%).*

*Private practices (55%) don't make a profit from civil legal aid services; 33% report losses, and 22% break even. Non-profits rely heavily on trusts/donations (41%). The*

*survey indicates potential provider decline: 42% may leave or reduce legal aid provision short term, 40% actively leaving long term. Smaller organisations, those outside London, and non-family contract holders are more likely to exit".*

## Victims and Prisoners Bill

Last week, the House of Lords debated proposed amendments to the Victims and Prisoners Bill, aiming to enhance protections for vulnerable individuals in family courts. Key changes include a ban on unregulated psychologists assessing abuse victims and a veto on certain "parental alienation" claims, criticised for countering domestic abuse allegations. **Baroness Chakrabarti proposed** several amendments to strengthen protections for domestic abuse survivors and their children and to address issues like parental responsibility in cases of abuse. The proposed changes respond to systemic failures highlighted in a **2020 Ministry of Justice report on family court responses to domestic abuse**.

Refuge, a leading organisation supporting survivors of domestic abuse, **emphasised the need for amendments to the Victims and Prisoners Bill during its Committee Stage** in the House of Lords. The organisation urged peers to call on the government to make countering violence against women and girls a priority. They also urged an increase in funding for life-saving community-based domestic abuse services, which require an estimated £238 million annually. Despite the Bill's intent to aid victims, current funding allocations, which represent only 18% of total commitments, fall short of what is needed.

The Community-based services in question offer tailored support in a familiar and safe environment. Refuge cites a concerning postcode lottery for survivors seeking support, with less than half able to access community services. The Domestic Abuse Commissioner's Office found this in 2022 in their **Policy Report, 'A Patchwork of Provision'**, and **Refuge's Local Lifelines Report** noted that 85% of frontline workers face service impact due to insufficient funding.

## APPG On Access to Justice: Violence Against Women Panel Event

And finally, on Tuesday 27 February, we welcomed a packed audience to our first Parliamentary meeting of the year, which focussed on Violence Against Women.

Chaired by Baroness Helena Kennedy KC, the panel comprised the Minister for Victims and Safeguarding Laura Farris MP (former Co-Chair of the Group), Shadow Minister for Domestic Violence and Safeguarding Alex Davies-Jones MP, Domestic Abuse Commissioner Nicole Jacobs, Jenny Beck KC (Hons), Chair of the Nuffield Family Justice Observatory, Dr Nicola Sharp-Jeffs OBE, CEO and Founder of Surviving Economic Abuse, and an expert by experience.

The session focussed on the work being done by the government and the opposition in this area and on the far-reaching impacts of economic abuse as a form of domestic



abuse. But the most notable thing about the event was the warmth, support and collaborative spirit in the air with each of the speakers commending the efforts undertaken by the others in this area.

Minister Farris began by stressing her awareness that while legislative strides have been made in this area (including those changes made within the Domestic Abuse Act 2021 such as outlawing the 'rough sex' defence and criminalising revenge porn), there is much that remains to be done if women are truly to feel protected within the law. Ms Farris described the evolution of our understanding of abuse

within this context – from the more obvious physical forms of abuse to a recognition of the pernicious nature of psychological, emotional and financial abuse. She added that as part of its work in this area, the Home Office is focusing on prevention mechanisms within schools to educate children and prevent violent attitudes towards women and girls from forming.

The **Minister also announced a pilot** in the spring for Domestic Abuse Protection Orders to come into force, intended to simplify the process by which survivors are able to access justice.

Shadow Minister Alex Davies-Jones MP urged a collective effort to address violence against women. Her frustration was palpable regarding offences being categorised as intent-based rather than consent-based, along with concerns about the impact of online safety on young individuals, particularly boys, falling down the technological abuse and 'incel' ideology pipelines.

All of the speakers spoke of the need to enhance public confidence in the judiciary and the police, noting that this week marks the third anniversary of Sarah Everard's murder. For brief context, on March 3, 2021, Sarah Everard, 33, was kidnapped, raped, and murdered by off-duty Metropolitan Police constable Wayne Couzens while walking home in South London.

Domestic Abuse Commissioner Nicole Jacobs shed light on the non-partisan nature of domestic abuse, affecting predominantly women. The challenges within the "cloak of secrecy" surrounding the family courts were explored, revealing a significant percentage of cases involve domestic abuse. Academic work has revealed that anywhere between 40-60% of cases involve domestic abuse, with family judges estimating that around 80%

actually do. The introduction of two pathfinder courts (which we have mentioned in previous bulletins), in Wrexham and Bournemouth, was discussed as well as an announcement to expand this approach to Cardiff and Birmingham. The Commissioner stressed the crucial need for better implementation of support for victims entering the legal process, as well as the necessity for legal aid to be addressed and rectified with immediate effect. These issues are all included in the report by the **Domestic Abuse Commissioner in July 2023**.

Jenny Beck KC (Hon) explored abuse within the context of advice and representation, with a plea to fix legal aid to create a level playing field and improve access to justice. She argued for the abolition of the means test in cases of domestic abuse, and early legal advice for both sides of the conflict. Ms Beck also highlighted that unsustainable legal aid rates and an inadequate fixed fee system further undermine women's safety. A fixed fee of £608 is payable within London for completing a protective injunction, a process which Ms Beck described as requiring a minimum of 20 hours of work. This translates to a fee of £30 an hour, making it economically unfeasible for lawyers to provide comprehensive support or to dig deeper and expose the most corrosive types of behaviour.

Dr Nicola Sharp-Jeffs OBE provided valuable insights into distinguishing financial and economic abuse, with the latter dimension recognising a broader controlling tactic of not only controlling money and finances but also 'goods, property and services' that money can buy, advocating for broader recognition within the legal system. She touched upon the economic impact on survivors, pressing for a total exemption from legal aid means testing and a joined-up, holistic system between financial services and courts to overcome the effects of economic abuse for survivors, particularly in the case of mortgages and trapped capital.

Perhaps the most memorable part of the meeting was the account from an expert by experience of the physical, psychological and economic abuse that she had suffered, which she still feels the impact on to this day. The witness spoke of the difficulties of representing herself in court against a fully represented abuser, the debt that she was forced to incur as a result of years of coercive control and the distortion of assessing means purely on income.

And that's all for this edition of the Bulletin. As ever, thank you for reading and **do get in touch** and let us know if there's anything else that you'd like us to be covering, or topics you would like us to discuss at future events.

**Rohini Jana**  
**Director of Parliamentary Affairs**  
**08 March 2024**

**Visit the APPG on Access to Justice's Website**



The APPG on Access to Justice is sponsored by the Legal Aid Practitioners Group



Supported by the Legal Education Foundation.

The  
Legal  
Education  
Foundation

## 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:

[rohini.jana@lapg.co.uk](mailto:rohini.jana@lapg.co.uk)

*Copyright © 2024 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 Access to Justice 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](#)**.

---

This email was sent to <<Email Address>>

[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)  
APPG on Access to Justice · 12 Baylis Road · London, London SE1 7AA · United Kingdom