

All-Party Parliamentary Group on Legal Aid

Note of meeting: 18th March 2015, 17.00 – 18.00, Committee Room 11

Chaired by: Lord Low

The meeting was attended by around 50 people, including eight Parliamentarians.

Lord Low introduced the speakers in turn.

Eleanor Murray, Audit Manager, National Audit Office (NAO)

Eleanor Murray started by explaining the NAO's role. The NAO helps Parliament to hold government to account for public expenditure. It is not accountable to government departments and is independent of Ministries. It does not comment on government policy.

The NAO has published the findings of its investigation into the impact of the Legal Aid, Sentencing and Punishment of Offenders 2012 (LASPOA) reforms on civil legal aid.

In summary, their findings were:

- It is likely that the MoJ (Ministry of Justice) has achieved the savings it wanted, although this wasn't certain as it can take time for the savings to work through the system.
- However, the NAO considered that the MoJ did not have a clear enough picture of the potential impact of the cuts. They noted that there were increasing numbers of Litigants in Person and this would have an impact on the Court Service. They were also aware of the potential impact of the reforms across the wider public sector.
- The MoJ did seem to be succeeding in its aim of discouraging litigation, but their objective of encouraging mediation had clearly not worked. The MoJ did not have enough understanding of the behaviour of people seeking mediation and the NAO was pleased to see that this was being addressed.
- MoJ does not know whether people who are entitled to legal aid are actually accessing it. This is difficult to measure, but the NAO noted that no face-to-face delivery took place in 14 local authority areas. There is considerable geographical variation and the NAO would expect the MoJ to better understand the reasons behind the differences. The NAO also noted that the numbers of exceptional cases taken were significantly lower than expected.
- The NAO had noted that the feedback on telephone delivery was good. However, there were questions about the quality of face-to-face delivery.

Eleanor explained that the MoJ was due to respond to the NAO report on the following day, 19th March. The NAO would follow up on the MoJ's response.

David Oldfield, Public Law Project (PLP)

David Oldfield explained that he'd been asked to speak about PLP's recently published research about the Civil Legal Advice Mandatory Telephone Gateway (Mandatory Gateway).

He explained that the Mandatory Gateway was introduced in April 2013 and that it affected all clients seeking Legal Help in relation to education, discrimination and debt (available where an individual's home is at risk). In relation to these types of cases, individuals are normally offered telephone advice only and must access services by telephoning the Gateway, unless they fall within one of the limited categories of exempt persons.

PLP's research on the impact of the Mandatory Gateway relied on a range of research techniques.

In summary, the research concluded that there was concern as to whether the Mandatory Gateway is meeting key Parliamentary and policy intentions. In particular, it found:

- There have been very low levels of awareness of the service, as is now largely accepted following the MoJ review and Justice Committee report of last week;
- Substantially fewer advice matters had been started and continue to be started under the Gateway than were anticipated. For example, in relation to Discrimination the matters started were about 60% less than anticipated, and there was about a 60% decrease in matters started when comparing Gateway data for the first and most quarter of operation.
- Clients have experienced difficulties navigating the Operator Service. Further the number of face-to-face referrals has been significantly lower than expected. For example, the referral rate for face-to-face advice was 0% in education and about 0.2% in relation to discrimination, although MoJ data on this appears inconsistent.
- A significant proportion of cases are concluding without any clear benefit to the client.
- There are questions to be asked about the value for money of the Mandatory Gateway.

Shauneen Lambe and Joe Lee-Dowd, Youth Access

Shauneen started by referring to the JustRights Manifesto which, amongst other things, highlights that over a million 16-24 year olds are left alone to cope.

She gave an example of a 17 year old, who she called Adam. He was left on his own and social services wanted to move him from the family home. He became very upset and was abusive to social workers and, as a result, the police became involved. As a result of her organisation's involvement, the police were persuaded not to take criminal action. Four years later, Adam is still in the family home, he's working and criminal record free.

Shauneen also referred to the work of the Children's Commissioner who had highlighted that many young people don't realise that their problem is legal. The chances of enforcing the statutory duties of a local authority are much higher if a lawyer is involved. Often a letter will do the trick.

She also emphasised the importance of the UN Convention on the Rights of the Child. Without doubt, LASPOA had had a devastating impact on access to justice for young people.

Joe said that unless young people were working in the field, they would rarely know about legal aid. This is true even of those forced into contact with the law. Young people need support on their own terms otherwise they can be left out in the dark. Young people often don't understand how the system works and things need to be explained to them. They need advisers who are specialised in dealing with young people. In this end, this is less expensive. Young people need to feel confident to stand up to exploitation.

Lord Low then invited comments and questions from the floor.

Lord Carlile: If you want to lobby for change, it's important to keep up the pressure and in particular to produce evidence – real evidence of what change is needed.

Yvonne Fovargue MP said that she was very concerned about the impact of the Gateway, in particular the impact on the accessibility of the services. She was also concerned about the quality of the services provided.

A representative from the Magistrates Association said that she was aware that members were very concerned about the growth of Litigants in Person in family cases.

Richard Miller from the Law Society pointed out that if, on separation, a spouse doesn't get a share of the pension this has enormous implications for their future but also on the cost to the state. Could this be measured?

Eleanor Murray from the NAO said that they had recommended that the MoJ improved their understanding of wider costs, although they accept that this can be difficult. The NAO was waiting to hear from the MoJ about what they proposed to do,

Ruth Hayes from Islington Law Centres said that they had experience of the Gateway, in particular in relation to employment law. Her colleagues had felt that the advice given was poor, with contradictory information given. It's not just about the lack of publicity, the service needs to meet the needs of the vulnerable.

David Oldfield from the Public Law Project replied that, as part of their research, they'd asked CAB staff why they hadn't referred people to the Gateway. Common reasons given included lack of trust in the Operator Service as well as a lack of knowledge of the service.

Eleanor Murray from the NAO said that the NAO are interested in looking at how to achieve savings and were looking at how government carries out forward planning. The NAO was also interested in whether the use of technology might help, although this was obviously not appropriate for all.

David Oldfield from the Public Law Project said that Value for Money and Sustainability of the Gateway were key issues which were absent from the MoJ Review of the Gateway and which needed to be explored.

Judith Freedman (convenor of experts in family courts) said that LASPOA came in without data. Children have not been well served by the changes. She was very concerned about the impact of the changes in private law family – psychologists and psychiatrists had been levered out. They used to make huge contribution to the lives of children in private law cases. Now, they are barely there.

Shauneen Lambe from JustRights said that legal aid practitioners are stretched trying to do the work that's needed on legal aid. She suggested that people consider the UN Convention on the Rights of the Child when thinking about the cuts. She believed that the cost impacts of the changes will be felt a few years down the line.