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In this Issue

- [Conference Season](#)
- [MOJ: Who's Who?](#)
- [Hillsborough Law](#)
- [Border Security, Asylum and Immigration Bill](#)
- [Crime and Security Bill Act](#)

- [Draft Equality \(Race and Disability\) Bill](#)
- [Planning and Infrastructure Bill](#)
- [Renters Rights Bill](#)
- [Draft Leasehold and Commonhold Bill](#)
- [Legislation and Policy Work](#)
- [Operation Early Dawn](#)
- [A Tribute to Simon Mullings](#)

Get in touch



September Bulletin



Introduction

Welcome back to Westminster, a new parliamentary term and a new APPG on Access to Justice. In the words of a certain 90's Britpop band who hit the headlines last week, 'it's good to be back'. As many commentators have remarked however, the initial euphoria of the election hasn't brought with it a return to 1997 and the dark days are far from over. The Prime Minister's speech in the rose garden of Downing Street last week made clear the position that the government has adopted, and this was only reinforced by the findings of yesterday's long-awaited **Grenfell report**. More than seven years after the deaths of 72 people in the Grenfell Tower fire, Sir Martin Moore-Bick's report paints a horrifying picture of failures and poor decisions at every level and demands from the families of the victims for changes that they say are "already three decades too late".

made throughout our public services, and over successive governments. We've seen the effects in our education system, healthcare services and the justice system. As with a building, it is far easier to start from scratch, than it is to retrospectively fit cladding, or correct structural weaknesses. George Osborne talked about fixing the roof whilst the sun is shining, but it's the very foundations of our services which need repair. Fixing them will be difficult in the short term, we are told, but once done things will get better with growth and funded, quality public services.

We'll be looking at this and what it might mean for the justice sector over the course of the next few months. Those of us in policy and within the justice sector have spent years trying to fill the gaps and make the service fit for purpose. We had hoped that the review on civil legal aid undertaken by the last government together with the criminal legal aid review may provide some answers to this, but we're still waiting for news of how this might look under the new administration. More on that below together with a quick recap of justice news that you may have missed over the summer. For more information on any of these stories, or if you'd like us to cover any other issues, please contact rohini.jana@lapg.co.uk.

First however, some news of our own.



The APPG on Access to Justice

The Group reconstituted itself on the 4th September with 19 new members across the four main political parties. We are delighted to be working with former Parliamentary under-Secretary in the Ministry of Justice and author of the Bach Commission, Lord Willy Bach and former shadow justice minister and former solicitor general Andy Slaughter MP. Both are long-standing members of the Group and vocal champions of access to justice. Joining them as officers of the group are Paul Kohler and Dr Neil Shastri-Hurst.

Other members of the Group are:

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Baroness Natalie Bennett
Lord Charlie Falconer
Baroness Helena Kennedy
Lord Colin Low
Lord McNally
Lord Gerald Shamash
Catherine Atkinson
Kevin Bonavia
Bambos Charalambous
Linsey Farnsworth
Rupa Huq
Warinder Juss
Jake Richards
Lucy Rigby
Sarah Russell
Andy Slaughter
Rachel Taylor
Henry Tufnell
Karl Turner

As you'll see from the below, there is much to do and we look forward to working with you all in the months ahead. You'll be seeing our events at the various party conferences, in Parliament and we'll publicise the training that we are offering in Westminster to MPs and their caseworkers as well.

Party Conferences



We'll also be out and about over the next month at the various party conferences and would love to see you. Please find below some dates for your diaries and contact us for more details.

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Liberal Democrats – 15 September (11.30) – hosted by the Society of Liberal Democrat Lawyers, Brighton Centre, Kings Road, Brighton, BN1 2GR (secure zone) – Speakers include The Law Society, The Bar Council and LAPG.

Labour – 23 September (16.00-17.30, Albert 4, The Hilton) - "The Justice Gap" We have invited the Solicitor General along to chair the event which will focus on Crime, Prisons, Violence against Women, Immigration and Housing policy.

Conservative – 30 September (13.00-14.30, Scherzo room, Hyatt Regency) : Chaired by Lord Sandhurst and co-hosted with Society of Conservative Lawyers, The Law Society and the Bar Council.

House of Commons Caseworker Training



The APPG on Access to Justice (and before it, the APPG on Legal Aid) has been an official training provider through the House of Commons since 2019. Courses are free to attend for your caseworkers, delivered remotely and can be booked through member services or the following link: **Parliament - ACT: Members of Parliament and their staff (learningpool.com)**.

Current courses are:

- Homelessness
- Security of Tenure
- Housing Allocation
- Disrepair

- Mental Capacity; and
- Community Care

The Housing course starts on Monday 9 September with a session on Security of Tenure.

Who's Who in the MoJ?

Rt Hon Shabana Mahmood MP

Prior to her current role as Lord Chancellor, Shabana Mahmood read law at Oxford and joined the bar, specialising in professional indemnity law. Elected in 2010 in Birmingham Ladywood, she is one of the first female Muslim MPs elected to the House of Commons. Named the New Statesman's 20th 'Most Powerful Left Wing Figure' in June of this year, she declined to serve in Jeremy Corbyn's Shadow Cabinet but served as Shadow Lord Chancellor since September 2023.

Heidi Alexander

Heidi Alexander, MP for Swindon South, is the Minister of State for Courts and Legal Services. She has responsibility for Legal Aid, the Criminal Courts and Civil Justice. Formerly MP for Lewisham East from 2010 to 2018, she also served as Deputy Mayor of London for Transport from 2018 to 2021 and was the first Shadow Cabinet Minister to resign after the Brexit referendum.

Lord Timpson

Previously Chief Executive of the Prisons Group and of the Timpson Group, Lord Timpson was awarded an OBE for work in the employment and rehabilitation of former prisoners. He now holds the position of Minister for Prisons, Probation and Reducing Reoffending. His career to date includes a number of roles in the Prisons sector, including as the Chair of the EFFRR and the Prison Reform Trust. His younger brother Edward was a former Solicitor General and conservative MP until the 2024 General Election. Lord Timpson has taken up his post in a challenging prisons landscape, with the continuation of Operation Early Dawn and recent riots both posing immediate challenges. His brief includes Prison Capacity, operations, policy, reform and industrial relations.

Lord Ponsonby

Lord Ponsonby is the Lords Minister for Justice. He was removed as a hereditary peer under the House of Lords Bill in 1999, but returned under Tony Blair as a life peer. He served as the opposition spokesperson for Justice from April 2020, and for Home Affairs from May 2020. His current brief includes Family Justice and Marriage and Divorce, alongside Human Rights and Judicial Review.

Sir Nic Dakin

Sir Nic Dakin is responsible for Sentencing and Youth Justice. An MP since 2010, Sir Dakin resigned his position of Shadow Minister for Schools under Jeremy Corbyn. He has previously held a variety of roles in Parliament including as an Opposition Whip under Ed Miliband, and Shadow Deputy Leader of the House of Commons. He has also previously served on the Education Select Committee and the House of Commons Procedure Committee. His responsibilities include Sentencing, Transparency, and Youth Justice.

Alex Davies-Jones MP

Alex Davies-Jones, MP for Pontypridd, holds the position of Minister for Victims and Violence

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responsibilities include rape and serious sexual offences, Humberough, and the Criminal Injuries Compensation Authority.

[Law Officers](#)

Sarah Sackman, Solicitor General

Sarah Sackman KC was elected as MP for Finchley and Golders Green in 2024. Previously a member of Matrix Chambers, her experience includes planning and environmental law in particular. Inside Housing identified her as one of the new crop of MPs likely to advocate for social housing provisions.

Richard Hermer, Attorney General

Another unexpected appointment, Richard Hermer KC is also a member of Matrix Chambers who focuses on human rights. Described as 'never distracted by politics', he has a high profile case history with several Supreme Court appearances, and an intervention on behalf of Liberty in the Shamima Begum citizenship case.

More than one civil servant has remarked to us this week that all Westminster have hit the ground running in this new term. Here's a quick recap of where things were left in the last Parliament and what's next on the horizon.



Legislation and Policy

Bill and the Post Office (Horizon System) Offences Bill, as well as the Digital Markets, Competition and Consumers Bill.

Notable pieces of legislation that failed to make it onto the agenda included the Renters Reform Bill (which aimed to ban evictions without reason) the Criminal Justice Bill, the Data Protection and Digital Information Bill, and the Litigation Funding Agreements (Enforceability) Bill and Sentencing Bill.

The King's Speech on 17 July announced that four Bills were to be introduced for home affairs and justice, including the Hillsborough Law, Terrorism (Protection of Premises) Bill, the Border Security, Asylum and Immigration Bill and the Crime and Policing Bill. We take a look at these Bills in further detail below.

The Hillsborough Law and the Terrorism (Protection of Premises Bill)

Also known as Martyn's Law, this was introduced after years of campaigning by those affected by the Hillsborough Disaster and Manchester Arena attack. The Hillsborough Law Bill represents a significant shift in approach to handling public inquiries and investigations. It aims to address long standing issues of transparency, accountability, and equal access to justice that were highlighted by the Hillsborough disaster and the blood inquiry report. By making the duty of candour a legal obligation and providing financial support by means of the legal aid scheme for victims and families, this Bill seeks to prevent future cover-ups or delays in justice.

The Bill marks a shift in approach from the Conservative Government's approach which claimed that a new law might create "conflict and confusion", opting instead for various commitments in "charter".

The Border Security, Asylum and Immigration Bill

This Bill highlights the government's commitment to reducing the asylum backlog, cracking down on criminal gangs and providing a strong deterrent and penalty for criminals involved in organised immigration crime. Crucially, the Bill will set up a new Border Security Command. This aims to bring people-smugglers to justice, tackle criminal gangs who exploit migrants and fuel the small boats crisis, and clear the asylum backlog to end hotel use and increase returns.

The Bill will also end Migration and Economic Development Partnership (MEDP) with Rwanda which was spear-headed by the previous Government. The Government has explained this decision on the basis that after 2.5 years no enforced relocations to Rwanda have taken place and the scheme has failed to deter boat crossings.

Crime and Security Bill

This upholds commitments in the Labour Party manifesto, which pledged to introduce an additional 13,000 neighbourhood police and community PCSOs, and specialist abuse advisers in 999 control rooms at peak times as part of a new Neighbourhood Policing Guarantee.

The Bill is a response to serious violent crime, including knife crime, which has risen by 7% in the latest year ending December 2023. It also aims to protect potentially vulnerable children from criminal exploitation, reduce antisocial behaviour which blights communities, and reduce retail crime which is increasing.

remaining between prevalence and police recorded crime.

Other new legislation of note includes:

The **Draft Equality (Race and Disability) Bill** which will make it easier for claimants to bring pay discrimination claims on the grounds of ethnicity or disability as well as expanding pay gap reporting.

This will:

- Enshrine in law the full right to equal pay for ethnic minorities and disabled people.
- Introduce mandatory ethnicity and disability pay reporting for large employers (those with more than 250 employees).

The draft Bill aims to enable companies to make it easier for people from ethnic minority backgrounds or who are disabled to bring unequal pay claims. Pay reporting also holds companies to account and encourages them to tackle pay gaps. In 2021, the pay gap for disabled people was 13.8%, while half of Black and minority ethnic workers have experienced discrimination in the workplace. In February 2024, Labour pledged to introduce legislation to ensure that equal pay claims on the basis of ethnicity and disability were treated the same as those made by women, who have had more stringent protections since the Equality Act 2010.

In Housing, we will see three significant pieces of legislation, two of which build on the previous Government's reform of tenure, and a third which seeks to make fundamental changes to the planning system in order to encourage economic growth.

The Planning and Infrastructure Bill aims to amend the consenting process for major infrastructure and will support relevant, new, and improved national policy statements. The Bill seeks to change compulsory purchase compensation rules, such that compensation paid to landowners is "fair but not excessive".

It will also establish a review process for national policy statements that allows them to be updated every five years and look to tackle issues in local planning to provide a more efficient service for developers. Essentially, the Bill seeks to deliver on what the Government is pledging as their most significant economic reform. With a commitment to increase economic growth, the Government is looking at ways to achieve that and believe that planning reform may be the key.

We hear that the new **Renters Rights Bill** is expected to be introduced next week and picks up many measures proposed in the previous government's Renters Reform Bill, including an end to Section 21 no-fault evictions and new grounds for landlords to regain possession of their properties. The Bill delivers on Labour's manifesto commitments and aligns with measures included in the Conservatives' Renters Reform Bill from the last parliamentary session, such as outlawing discrimination against benefit recipients or tenants with children. The Renters' Rights Bill was one of a number of pieces of legislation aiming to strengthen tenants' legal protections – by allowing them to challenge rent increases, for example. The legislation will also seek to prevent "bidding wars" by landlords where multiple tenants are seen to be bidding on the same property.

A new decent homes standard will be applied to the private rented sector with the aim of making sure homes are safe, secure and hazard-free. This would include applying 'Awaab's Law'

A database for the sector will be developed, to include key information for tenants, landlords and local councils. The aim is to help tenants make informed choices and help landlords better understand their responsibilities.

A new ombudsman service will help to resolve disputes, reducing the need for tenants and landlords to go to court. The intention behind this remains to enable swift, cheaper resolution for disputes.

Finally, the Bill will strengthen councils' enforcement powers, making it easier to identify and penalise rogue landlords.

The **draft Leasehold and Commonhold Reform Bill** will deliver on remaining Law Commission recommendations for the reform of the leasehold market. The intention seems to be to continue leasehold reform that is already in progress, including enacting the remaining Law Commission recommendations on leaseholders' core rights. This would improve enfranchisement and the right to manage process. Much like the Renters' Rights Bill, this draft leasehold reform Bill would deliver on unfinished housing reform from the last Government. Though, unlike the private rented sector where no reform was made in the last Parliament, leasehold did see significant reform through the Leasehold and Freehold Reform Act, which was passed in the final week of the last parliament.

Policy

The Review of Civil Legal Aid (RoCLA) – initially scheduled to publish a Green Paper in July 2024, the review was paused pending the results of the general election. A huge amount of good work was done by the MoJ and the many organisations who fed into the Review from the advice sector over a period of 18 months. Whilst not as far-reaching as some commentators had hoped (unlike the criminal legal aid review headed up by Lord Christopher Bellamy in 2019 which published in 2021, the review did not set out to look at either fees or fee structures), there was emphasis on the cost of delivering legal aid services and an acknowledgement that fees have not risen in this area since 1996.

Criminal legal aid and prison law fees and The Law Society judicial review. Readers will recall that earlier this year, The Law Society and other won their judicial review against the Lord Chancellor for failing to implement the changes recommended by its own independent review? The court concluded that the government's decisions around CLAIR were irrational and must be rethought and that the criminal legal aid system is "slowly coming apart at the seams". With so much talk of prisons, we await the government's response to this judgement.

Family Early Legal Advice Pilot. Initially planned for this autumn, this project is designed to test whether early advice under the legal aid scheme could help separating parents to achieve better outcomes, and potentially reduce pressure on the family courts.

Housing Loss Prevent Advice Service. Housing lawyers empowered to resolve the underlying legal issues leading to possession, eviction and homelessness. Sounds great, right?

Operation Early Dawn and Prison Capacity

Last month's riots sent shockwaves through communities up and down the country. We have reported before on the introduction of emergency measures through Operation Early Dawn (see our May bulletin), and the intervening months have highlighted the severe constraints on prison capacity currently faced in the UK.

The opening of fast-track courts with the ability to operate 24 hours a day has allowed the prosecution of a large number of rioters over the past month. With 80% of riot suspects^[1] being remanded and Operation Early Dawn (already implemented in the North) requiring suspects to either wait in overcrowded police cells or be released on bail while awaiting trial, has stretched capacity to its brink. Temporary units, like those at HMP Kirklevington Grange—originally built to handle pandemic overflow—are still in use, indicating the ongoing strain on prison facilities. However, with the early release of prisoners, the government has pledged to recruit at least 1,000 new trainee probation officers by March 2025^[2]. The question remains about whether this will be sufficient supplementary support to address the growing pressure on the prison system and its personnel.

There are also serious concerns from charities such as Refuge^[3], which stress the risks of including domestic abusers in the Early Release program - although currently excluded from the list of prisoners eligible for Early Release - citing the potentially devastating impact on violence against women and girls with doubts shrouding the Prison and Probation Service's ability to effectively assess risk. Indeed, in a "recent findings from the inspection into HMP Lewes, which took place immediately after the introduction of the early release scheme, found that its implementation was undermining 'good, safe release planning and risk management' of offenders and that a prisoner with a history of domestic abuse was released early".

And finally, as we draw this (rather long) first bulletin to a close, we wanted to take a moment to pay tribute to an extraordinary practitioner who worked with the APPG and within the advice sector for a number of years.

Simon Mullings was the Head of Housing at Hammersmith and Fulham Law Centre, former Co-Chair of Housing Law Practitioners Association and a housing law legend. He passed away last weekend in a tragic accident.

[1] The Guardian, Josh Halliday, Mark Brown and Robyn Vinter Tears, **Denials and excuses: a week in court amid far-right riots in England** accessed 28th August 2024

[2] Shabana Mahmood MP, **HC Hansard, 18 July 2024, col 176**

[3] Refuge, **Refuge comments on the government's early release scheme**, 29 May 2024

A Tribute to Simon Mullings

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As Co-chair of HPLA, and as an out-and-out legal aid lawyer to the core, he spoke at a number of APPG events and party conferences on our behalf, was vital in putting together the sector's response to the pandemic; contributing to wider influencing work like our Westminster Commission and briefings for parliamentarians. He was an expert in his field, generous with his time, a housing law legend, and a thoroughly kind and compassionate human being.

We will miss him very much.

Rohini Jana
Director of Parliamentary Affairs
5th September 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.

For more information contact:

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