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October Bulletin



Introduction

It's that time of year again, when thousands of politicians, businesses and party faithful descend on unsuspecting northern, midland and coastal cities to pay homage at the altar of the various political parties. We were no exception, braving storms and sunshine on justice issues at the three main conferences and hosting justice events in Brighton, Liverpool and Birmingham. Three different parts of the country and three very different moods at conference. It's been a busy few weeks, and we've attended as many events as possible to bring you a flavour of the discussions below. We'll also be expanding on Duncan Lewis' judicial review success (which we touched upon in last week's stats bulletin), the Law Society and Frontier Economics Report on Sustainability of Legal Aid, and what's coming next in our busy autumn calendar.

If there's anything that you'd like us to include, as ever **do get in touch**.

Liberal Democrats



Society of Liberal Democrat Lawyers Event: from L-R, Mark Evans, then Deputy Vice President of the Law Society, Graham Colley, President of the Liberal Democrat Lawyers Association, James Sandbach, Development Manager at London Citizens' Advice, our own Rohini Jana, and Leon Kazakos KC, Leader of the South Eastern Circuit.

September saw a jubilant Liberal Democrat party converge upon a golden Brighton. With considerably swollen ranks and the largest cohort in 100 years, the mood was upbeat (for reference, take a look at [Ed Davey's arrival](#)) and the agenda had a heavy focus on health and social care, devolution and the green agenda.

Three key strategic positions emerged from the Conference. First, the leadership was keen to emphasise the relationship of both co-operation and as a 'critical friend' to the new Government. Secondly, as an opposition force to be reckoned with. Throughout the Conference, fringe events echoed with the plea that the party 'hold the government's feet to the fire'. Ed Davey, in a closed door meeting of MPs, requested that the party be the 'best' opposition, as opposed to their Conservative counterparts. Lastly, an emphasis was placed on the party's role in local government and the importance of reinforcing this to underpin the Lib Dem's electoral strength. With 3,100 Councillors across the UK, the local government base is a real strength.

Justice

Turning to justice matters, we were pleased to see party leader Ed Davey's **keynote speech** give a nod to the "crisis in our justice system". He described "prisons bursting at the seams. Criminals walking free. Victims denied justice". Yet in a speech that had a large focus on the care system, there was no mention of advice or civil legal aid in that context. This did form the substance of the discussion in our event co-hosted with Liberal Democrat Lawyers, The Law Society and The Bar Council which examined the crisis, but focused on access to justice, and the means in which this should be delivered.

Speakers included Leon Kazakos KC, Leader of the South Eastern Circuit, James Sandbach, Development Manager at London Citizens' Advice, Mark Evans, then Deputy Vice President of The Law Society, Graham Colley, President of the Liberal Democrat

immigration advice and backlogs in the family court, and the pressing need for access to advice from the voluntary sector. We also discussed the monopsony that the government has over the legal aid market, and how this has undermined practitioners.

We note that the Lib Dem **manifesto** was particularly strong on access to justice, aiming to establish a “new right to affordable, reasonable legal assistance”, and “making the Legal Aid system simpler, fairer and more generous”. Rohini Jana noted that the Lib Dems could, and should, play a critically important role in holding the Government to account.

A packed audience asked some excellent questions, and our thanks once again to the Society of Liberal Democrat Lawyers for inviting us.

Labour



The Society of Labour Lawyers' packed event on the Crisis in the Justice System. From L-R, Attorney General Richard Hermer KC, Sam Townend KC, Chair of the Bar, Catherine Atkinson MP, APPG Access to Justice Co-Chair, Lord Chancellor Shabana Mahmood, Solicitor General Sarah Sackman KC, and President of the Law Society, Richard Atkinson.

The following week saw us head northbound, where even the ferocious rains weren't enough to quell attendance at the Labour Party Conference, with fringe events largely standing room only.

Both are designed to bolster workers' protections and have been popular with unions and Ministers alike. Public sector pay rises were similarly welcomed. Chancellor Rachel Reeves confirmed a budget bumper edition of the complimentary Green Book, with a dedicated section for SMEs. We'll be analysing what the results of the Spending Review and the Budget mean for the sector later this month.

Business

Business attendees were excited by the announcement of an Industrial Strategy, but less thrilled by the repetition of the £22 billion fiscal black hole that peppered the keynote speeches of leaders. Of particular interest to us and in relation to the recruitment crisis that faces the justice and advice sectors, Skills England was warmly received by delegates. The organisation is a new body that was launched in July 2024 and will take on the functions of the Institute for Apprenticeships and Technical Education (IfATE), while also having an expanded remit to look at skills gaps and demand. There is a significant social mobility issue within the justice sector, with many juniors priced out of working in social welfare law because of difficulties in funding the SQE and training. Part of the role of Skills England will be in identifying the training that is accessible via the **Growth and Skills Levy**, which we hope will increase the opportunities for legal and advice apprenticeships.



Manchester Mayor Andy Burnham and Deputy Prime Minister Angela Rayner discuss Housing reform at Shelter's Conference event.

Health, Social Care and Housing

Streeting and Deputy Prime Minister Angela Rayner that announcements were to come on both fair pay for care workers and social housing.

In particular, housing fringe events were very well attended and it was evident that this will be a key priority for the Government. The lack of accessible social housing is a key concern, alongside the right-to-buy scheme reducing the social housing supply, homelessness and the current reliance on temporary accommodation.

Justice

And so to justice and the Prime Minister's keynote speech, which did refer to justice in several different contexts. We heard more about the Hillsborough Law, which was the sole promise with respect to legal aid that we saw in the Labour manifesto, and there were various mentions of justice with a small 'j' - the justice of finding homes for our veterans, of cleaning up our streets. But the speech was light on vision for our justice system itself, and confined itself to crime. What we didn't get a sense of was the government's commitment to the system as a whole or as a pillar of the state.

In the Lord Chancellor's speech, prisons were naturally a top priority. She and her team have won respect for their handling of the situation and Ms Mahmood sought to reassure the attending public and the press that any offender released early under Operation Early Dawn will face stringent licence conditions.



Spotted at a Society of Labour Lawyers panel on 'Labour and the Judges', APPG Members Jake Richards MP and Lord Falconer, alongside Jessica Simor KC, and Stephen Hockman KC.

Another focus was the state of the justice system for women. The statistics here speak for themselves, with 70% attrition rates for rape victims before trial because of onerous and intrusive evidence requirements. Here, the Lord Chancellor announced a national rollout of independent legal advocates in courts to improve victim experiences, after a

and independent legal advocacy to complainants of sexual violence and abuse.

Ms Mahmood also set out concerns around women's prisons, emphasising the contrast between male and female prisons and the different support needs of female prisoners. A Women's Justice Board was announced as being launched in the spring, which hopes to ultimately reduce the number of women facing incarceration by offering potential alternatives, for example with community-based sentences with support from voluntary sector organisations. The Prison Reform Trust report provides more detail [here](#).

We also heard the Lord Chancellor address a packed room at a Society of Labour Lawyers event in a panel discussion titled "A Critical Moment for our Justice System". Ms Mahmood appeared with both Attorney General Richard Hermer KC, Solicitor General Sarah Sackman KC, and representatives from The Law Society and The Bar Council.

Here she spoke of a justice system at boiling point for too long, held together by the goodwill of those working within it. She promised that reform is coming for the whole system, not just the prisons.

The new Attorney General gave a delightfully upbeat speech, emphasising that the rights of our people must be at the forefront of all we do, and that the rule of law is back. He made a clear commitment to early advice and joined-up thinking across Ministerial departments, promising to work with the rest of the justice team to make rights real and to give the public the power to enforce them. How that will be achieved by this new government is less clear, and a question that needs answering soon, given the dire state of our justice system. But a speech that held the promise of something better was a hit with the audience and a resoundingly good start.

The Solicitor General focused her speech on the challenges facing victims of sexual offences in the justice system. With one in four women facing violence, and one in five facing sexual abuse, victim attrition rates are at 60% with the challenges of bringing a case outweighing the benefits. Like the Attorney General, she was warm and engaging and we remain hopeful of the work that the law officers will do under this government.

However, we noted, together with other commentators, that whilst the Lord Chancellor's speech to the Society of Labour Lawyer's event was promising, legal aid, the court backlogs, fees and even lawyers themselves were all conspicuously absent from her keynote address. There seems to be the will to make changes and improve the justice system, but as yet the vision remains unclear. We hope that the warm words translate to solid promises in the coming months.



APPG Event



From L-R, Dr Laura Janes, Madeleine Kelleher, Minister for Courts and Legal Services Heidi Alexander, Christian Weaver, Deidre Cartwright, Daniel Bonich, and Lord Willy Bach.

reform in their respective practice areas.

APPG Co-Chair Lord Willy Bach kicked off proceedings by introducing our Chair, Minister for Courts and Legal Services, Heidi Alexander and the room took a moment to remember former HLP Co-Chair and well-respected housing lawyer Simon Mullings, and the incredible contribution that he made to this field.

The Minister started with the acknowledgement that the legal aid system is on life support, existing through the goodwill of practitioners and in desperate need of reform.

The panel itself comprised Daniel Bonich, Chair of the CLSA, Diedre Cartwright, Policy Lead and Public Affairs Manager at Surviving Economic Abuse, Dr Laura Janes, Prisons Solicitor and founder of Young Legal Aid Lawyers, Madeline Kelleher, Immigration Solicitor and Policy Lead at Southwark Law Centre and Christian Weaver, Human Rights Barrister at Garden Court North.

Daniel Bonich spoke about Criminal Legal Aid as an emergency service, and that it should be considered and funded as such. He used three numbers to highlight what happens when justice fails: 17 – the number of years of a prison sentence handed to an innocent man, 900 sub-postmasters wrongfully convicted, and 97 deaths at Hillsborough. Describing the system as a Rubix cube, where all the parts are interconnected, he called for a “great reset” of the relationship between the Legal Aid Agency, and Legal Aid practitioners to restore the sector. Mr Bonich called for lawyers to stop being vilified and for investment in the system to ensure that legal aid is fit for purpose once again.

Deidre Cartwright spoke of the far-reaching consequences of economic abuse to victims, who often must engage in drawn-out and traumatic processes to economically separate from their abuser. She highlighted a recent SEA [report](#) which found that 750,000 women are being abused by the means of joint-mortgages, and hoped that the government would make domestic and economic abuse a priority. Many of these women are not eligible for legal aid under the current means test threshold and Ms Cartwright spoke persuasively of the need for a task force to look at Economic Abuse amongst Coercive and Controlling Behaviour.

Dr Laura Janes spoke on behalf of prison lawyers. This sector has been particularly badly hit since LASPO, with no increases made to fees under the recent criminal legal aid review. Over the last decade, provider offices with contracts in this part of the profession have plummeted from 818 lawyers to just 101. Dr Janes added that 3 in 4 prison lawyers don't see themselves staying in the prisons sector in the next few years. The government is rightly investing in prisons, but to do so properly there needs to be an awareness of the need for skilled lawyers within the system.

Madeleine Kelleher spoke of the interconnected nature of social welfare and the importance of adopting a joined-up approach to cases. Currently, 50% of asylum seekers in the UK are unrepresented due to the lack of capacity in the immigration sector. Charities have been operating a 1% success rate for referrals to legal aid lawyers. Ms Kelleher also referred to a 333% increase in tribunal cases because the Home Office is

Barrister Christian Weaver spoke about rights in housing law. We have seen excellent proposed steps forward in this area with the **Renters Rights Bill**, but if tenants like those that he acts for, cannot act upon these rights because they don't know about them, because they have no voice and no one who will listen to them, then these rights aren't a reality for people yet. Discussing his work, Mr Weaver spoke of the campaign for justice for **Exodus Eyob**, a little boy who tragically fell out of an open window in a high-rise tower block. He spoke of the considerable improvements to the law that came about after the case of another toddler, Awaab Ishaak, but advocated that alongside the law must sit a public education campaign which ensures that the public knows that these laws and these rights exist. He argued persuasively for the need for firmer statutory support for tenants against landlords, and that this must also be combined with a public education campaign about the rights tenants have, and how to manifest them.

What remains difficult to convey in a few sentences, is the atmosphere of camaraderie in the room and the engagement of the Minister. It was a privilege to host a packed audience, many of whom asked insightful questions. We want to thank all of our speakers who travelled from far and wide to speak on our panel, Lord Bach, and Minister Alexander in particular.

Conservatives



From L-R; Shadow Attorney General Sir Jeremy Wright KC MP, our own Rohini Jana, Rt Hon Alex Chalk KC, Lord Sandhurst, David McNeill, Director of Public Affairs of the Law Society and [not pictured] Barbara Mills KC, Vice Chair of the Bar.

The slogan 'review and rebuild' hung from large banners in Birmingham on the first Monday of October. Predictably, the weather was damp but the ICC felt remarkably upbeat, with the leadership contest well underway (the APPG saw 'Vote Kemi' lanyards and 'Bobbie J' stickers) among a record presence of party members. Previous Prime

Society of Conservative Lawyers Event

On Monday, we headed up to speak on a panel discussion hosted by the Society of Conservative Lawyers, chaired by APPG on Access to Justice Member Lord Sandhurst. The panel comprised Shadow Attorney General Sir Jeremy Wright, former Lord Chancellor Rt Hon Alex Chalk KC, David McNeill, Director of Public Affairs at the Law Society, Barbara Mills KC, Vice-Chair of the Bar of England and Wales, and Rohini Jana on behalf of the APPG.

The discussion centred around the crisis within the Justice system. Barbara Mills argued convincingly that the justice portfolio should be elevated to a Vital Public Service status, so its funding is better protected. As a family law practitioner, she spoke particularly of the crisis in the family courts, with 103,000 children trapped in the delay-plagued system.

Alex Chalk argued convincingly that 'savings' in justice are a false economy, as the knock-on effects are considerably more expensive down the line. For every £1 spent on justice, savings of £2.71 can be made in other areas; this siloed approach to the budget is, in fact, cost-producing. He also expressed hope that the government would resurrect the Early Legal advice pilot in family law which was on the verge of being trialled under the previous administration.

David McNeill from the Law Society spoke of the recruitment crisis in the Criminal Bar, with the sustainability of the practice in doubt. The Labour government matching the Conservative manifesto pledge to match-fund 100 criminal pupillages in the coming budget would be an excellent start to tackling this ticking time bomb. All the panellists expressed dismay at the physical state of the court estate.

We spoke about the failure to raise legal aid fees, which as we are sure many of you are aware, were last raised by only £1 in 1996, and for the overly stringent means test threshold (which benchmarks eligibility for legal aid at an austere 80% below the Minimum Income Standard) to be raised as soon as possible. Early legal advice, and its full and proper funding, would tackle problems earlier and open access to justice to all. Lord Sandhurst noted that in the 1990s, legal aid was taken as a given to those in need; this is no longer the case.

A packed audience offered up some excellent questions and some high-profile Justice attendees in the form of Sir Bob Neill, Sarah Bool MP, Sir Robert Buckland and Lord Murray.

Thanks once again to the Society of Conservative Lawyers for arranging the event.



Judicial Reviews

Regular readers of this bulletin will be aware that two significant judicial reviews have been brought by members of the justice sector, challenging the Lord Chancellor on Legal Aid fees. The first was decided earlier this year, when The Law Society and others 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 the criminal legal aid review (CLAR) must be reconsidered on irrationality grounds, and that the criminal Legal Aid system is "slowly coming apart at the seams". However, whilst we are told that the new Lord Chancellor seems sympathetic to the plight of practitioners, we still await the government's response to this judgment (more on this below).

The second judicial review relates to the claim brought by Duncan Lewis challenging the Lord Chancellor's failure or refusal to raise the Legal Aid rates for immigration and asylum-controlled work. **Duncan Lewis has now withdrawn the Claim on the basis that the Lord Chancellor has recognised the urgency of the issues**, and has committed to announcing a decision by late November 2024 as to whether she will increase the fees for Controlled Immigration Work and, if so, to what extent. The Lord Chancellor has also committed to publishing a consultation on any proposed increase in fees within 8 weeks of her decision in November 2024, and to taking steps towards laying a statutory instrument and implementing any changes in fees with reasonable promptness.

This is a very significant result for Duncan Lewis and for the legal aid sector as a whole.

that the decision in November will relate to Immigration and Asylum fees only, although much of the evidence relied upon was from the Review on Civil Legal Aid (RoCLA) which collated evidence across all civil legal aid practice areas.

By way of a quick recap, fees last rose (by just £1) in Civil Legal Aid in 1996. A further 10% cut was made to fees in 2011, and large areas of law were removed from scope by austerity measures under the Coalition Government.

Of course, it remains to be seen if the decision in November is sufficient to increase the capacity of Legal Aid providers to take on this work, but we hope that this is a step in the right direction.

Upcoming Events

[APPG Meeting on Prisons](#)

We will be hosting a panel event with Lord Timpson, the Association of Prison Lawyers, the Howard League and others, to discuss the state of the Prison estate and the implications and consequences of Operation Early Dawn on 20 November at 10.30 am. Further details will be provided.

[Launch of the 'Take Your MP to Work' and Pro Bono Week Event](#)

On the 4 November, Migrants Organise, Young Legal Aid Lawyers and the Legal Aid Practitioners Group are hosting an event in the Commonwealth Room in Westminster Hall to celebrate the launch of the '**Take Your MP to Work**' Campaign. The campaign is a fantastic way to increase the visibility of the invaluable work legal aid lawyers do at the coalface. As readers will be aware, the APPG on Access to Justice comprises legal aid, pro bono and public legal education and this event is intended as a celebration of all three, and the wonderful work done by MPs in their constituents as part of Pro Bono Week.

On the 4 November at 4 pm, Migrants Organise, Young Legal Aid Lawyers and the Legal Aid Practitioners Group are hosting an event in the Commonwealth Room in Westminster Hall to celebrate the launch of the 'Take Your MP to Work' Campaign.

Speakers include:

- Andy Slaughter MP, Chair of the Justice Select Committee
- Tony Vaughan MP
- Bell Ribeiro-Addy MP

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be found. Details of the APPG's Training for MPs and Caseworkers will be included.

- The 'Guide to Pro Bono and Other Free Advice in England and Wales'
- Justice's 'Law for Lawmakers' Guide
- Digital resource insert from Advicenow

Registration is essential, so please reserve to avoid disappointment.

[Reserve Now](#)

Policy Updates

Renters Rights' Bill

Plans have been afoot for several years to improve conditions for those in the rental market and October 9, 2024, saw the second reading of Labour's Renters' Rights Bill, one of several legislative efforts aimed at reforming the rental market. There was broad agreement among speakers from all parties that the Bill's goal of creating a fairer deal for private renters is laudable. However, opposition speakers raised concerns about potential unintended consequences, such as a reduction in rental housing supply (as has been the case in Scotland) and increased pressure on the Tribunal County Court system.

Labour's expedited handling of the Bill was contrasted with the Conservative government's failure to fulfil its 2019 manifesto promises, earning commendation from various MPs. The Government emphasised its commitment to resist "vested interests" that hindered the previous administration's manifesto attempt to reform in the private rented sector. However, Deputy Prime Minister Angela Rayner was in reassuring mode and highlighted on several occasions that the **"good landlord"** had nothing to fear; with many asserting that responsible landlords should not face negative repercussions from the new legislation. Key characteristics of a good landlord—such as providing security of tenure, maintaining decent housing standards, and offering affordable rent—were emphasised as vital components of the bill.

Deputy Prime Minister Angela Rayner said the Renters' Rights Bill, which also contains the abolition of Section 21, would stop millions of people "living in fear" of eviction. She said hundreds of thousands of people were living in temporary homes after being evicted by Section 21 notices.

Other MPs called for the Bill to go further to include specific rent controls. Indeed, the abolition of section 21 'no-fault evictions' could be seen as a possible trigger for unscrupulous landlords to engage in economic evictions. There remained concerns amongst some Labour frontbenchers around rent controls, called for by Jeremy Corbyn, amongst others, citing the risks of misapplication and the concern that tenants might be asked for the upper limits of any caps. Instead, they proposed reformed rent increase tribunals that would not permit landlords to request higher than market rates. There

potential impact on the market.

Click [here](#) for the full transcript of the debate.

Prisons

Since the chaos of summer, Minister for Prisons, Probation and Reoffending Lord Timpson has given indications of the **potential direction of travel** on Prisons policy.

The Government has suggested that IPP sentences will be reviewed. However, signs at the minute do not suggest an abolition of these sentences (which has often been suggested by practitioners), but rather a reconfiguration and reform of the current flawed system, in which **30% of IPP prisoners** are not in the correct facility for their position within their sentence. Furthermore, the Terms of Reference and a Chair of the Government Review of Sentencing will soon be announced.

Lord Timpson set out key priorities in tackling violence in prisons, in particular via reducing the supply of drugs, rehabilitative services, and support services. He suggested that reforms to the women's estate are likely, as the Lord Chancellor also indicated at Conference. Policies are likely to include a pledge to build 20,000 prison places, increased inmate access to friend and family networks to promote rehabilitation, and the continuing support of the voluntary sector and employment advisory boards in community rehabilitation to reduce reoffending.

Frontier Economics Report with the Law Society

The Law Society has published their final implications report from Frontier Economics. It highlights the need for an immediate investment in the legal aid provider base to prevent more providers leaving the sector, and the need for comprehensive reform to safeguard the legal aid system. The report also highlights that with appropriate levels of funding, civil legal aid provision could relieve pressure on the court system and other public services.

Headlines:

- The report calls for an immediate 20% fee increase in civil legal aid, while the Review of Civil Legal Aid takes place.
- Civil legal aid work is loss-making for 82% of the providers sampled.
- Every single housing legal aid provider sampled was loss-making on civil legal aid work, even those in the private sector also doing legal aid work. In 77% of cases, housing legal aid providers could not even recover the cost of their own salaries from legal aid work. See also here the outcome of the **civil tender**, which saw an increase from 9 to 20 procurement areas without a housing provider.
- Just under half of all family legal aid providers were loss-making.

For the full report, click [here](#).



That's all for this rather bumper Conference edition, we hope you found it useful.

See you in November when we'll be looking at the Budget and its implications for the justice sector in detail.

Rohini Jana
Director of Parliamentary Affairs
11 October 2024

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About the APPG on Access to Justice

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

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