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Q3 2024 Legal Aid Statistics July - September 2024



Introduction

The 'out of office' notices are on, arrangements are being made with friends and family, and the high streets are aglow with festive lights and shoppers. The end of the year is officially upon us.

Traditionally a time of reflection, this year feels as if we have more cause to reflect than usual. It's been a busy year for the justice sector, as those of you who have read our sister news bulletin will be aware. A year of potential movement forward in criminal, immigration and housing legal aid. A year of huge national scandals, with the Infected Blood Inquiry, Post Office matters, and an overcrowding crisis in prisons. We have also seen findings from the Review on Civil Legal Aid (RoCLA), alongside a new justice team, within a new government. There is, perhaps for the first time in a long time, reason for hope in the sector and a sense that we are on the cusp of something better. Yet with the recent tragedies in Gaza, Sudan, Ukraine, Syria, the long shadows cast by war and inhumanity affect us all and cast their own pall. Our greatest hope as we write this final bulletin of the year, is for peace and kinder times in 2025.

Until then, welcome to our final whistle-stop tour of justice statistics of the year.

Breaking News - Criminal Legal Aid

Christmas surprise from the Lord Chancellor!

Lord Chancellor announces up £92m of additional funding for criminal legal aid

On 19 December the Ministry of Justice announced that up to £92m per year of additional funding will be made available for criminal legal aid solicitors to 'help address the ongoing challenges in the criminal justice system'.

You can [read the full announcement here](#) and [The Law Society press release](#) from today. Although not set out in detail in the MOJ announcement, The Law Society has noted that there will be a consultation early in 2025 on an initial 6% increase, with an additional 6% committed by the end of this parliament. We also understand that this change will incorporate the 12% increase for police station and youth court work that was previously announced on 14 November. This is a positive step towards creating a more sustainable criminal defence sector, which is an integral part of the government's plans to address widespread issues across the criminal justice system. Readers will be aware of other recently announced measures, such as former Lord Chancellor David Gauke's appointment to lead an [independent review of sentencing](#), and Sir Brian Leveson's appointment to independently review the criminal courts. The MOJ announcement also refers [to news from earlier this week](#) that a further 2,000 Crown Court sitting dates will be available this year.

We discuss the Leveson and Sentencing Reviews, and Crown Court sitting days in further detail below.

How It Works

You'll see below that we have quoted the LAA's language wherever possible and our own analysis of the figures and some background to the different practice areas where appropriate in [blue](#). For newer readers, we have attempted to set out the meaning behind terms and to explain how parts of the legal aid system work in practice. Our regular readers or those more familiar with the justice system may prefer to skip over these explanatory paragraphs but we hope that newer readers find them helpful.

Do [let us know](#) if you would like more information or clarification on any of these points.

You can find the complete LAA statistical bulletin [here](#). GOV.UK has shifted to publishing statistical bulletins in HTML format for better readability on mobile devices. It's not the most user-friendly of reads so we've provided a summary below covering both civil and crime.

We also attempt to provide some explanation and context for some of the figures below together with an idea of some of the policy work strands currently underway. It is, however, hard to see the bigger picture using quarterly snapshots and so where possible

A point highlighted by the recent National Audit Office report stated that "**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.**" Firms and organisations delivering advice under legal aid contracts are less likely to retain information about the numbers of individuals turned away and so there is a yawning chasm in our understanding of what the service actually looks like on the ground. It also makes it difficult to determine how the service should look if it is to meet need.

'Statistician's Comment'

"This publication [the Legal Aid Agency bulletin] shows that expenditure across both criminal and civil legal aid has increased year on year and has also increased over recent quarters.

In the last few quarters, police station claim volumes have increased along with a corresponding increase in representation orders at the Magistrates' Court. Expenditure in the Police Station increased against the previous quarter, as expected, following this workload increase. Crown Court workload completions are increasing with more completed trials in court, reflecting the impacts of further resourcing in the criminal courts. The temporary reversal of extended sentencing has increased the number of Committals for sentences and appeals from the Magistrates' Court. They are now at the same level as before the extended sentencing pilot.

Overall, civil expenditure is increasing, driven by a rise in family law expenditure, with the number of claims being paid outside of the fixed fee scheme growing due to more time being taken during the court process. Other non-family workload has also recovered, although not to the same extent, driven by immigration and housing work. Overall, civil legal aid workload is getting back to pre-pandemic levels with upward trends in housing, domestic violence, mental health and immigration. Figures for early legal advice in housing are included from September onwards in the **legal help series of tables.**"

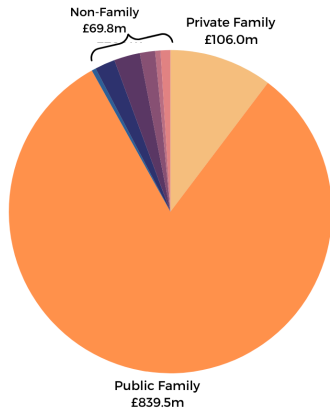
By way of some background, we've produced pie charts showing the cost of legal aid spend by area of law. These are divided into crime which encompasses Crime (Lower) and Crime (Higher).

Crime (Lower) encompasses Magistrate Court Representation, Police Station Advance, Civil Work Associated with Crime, Prison Law, and Advice and Assistance on appeals.

Crime (Higher) encompasses Very High-Cost Crime, the Litigator Graduated Fee Scheme,

Civil encompasses immigration, mental health, community care, housing, public law, and all other non-family.

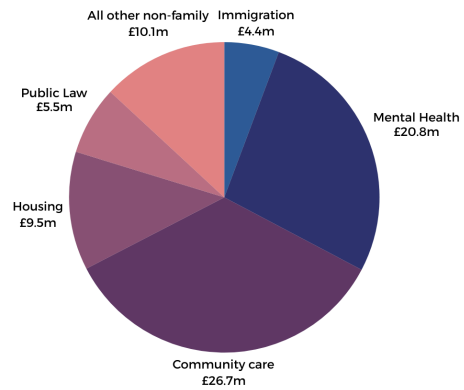
Cost of Civil Legal Aid by area of law in 2024



Total Expenditure: £922.8m

Source: Legal Aid Statistics July - September 2024, Tables 1.0 and 6.5, Gov.uk, 2024

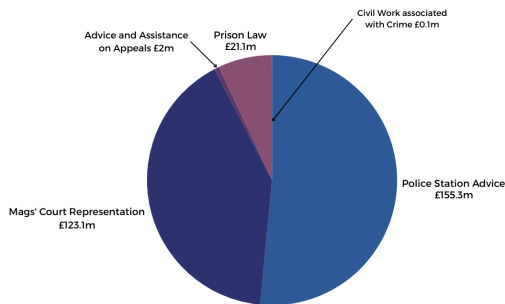
Cost of non-family Civil Legal Aid in 2024



Total Expenditure: £77m

Source: Legal Aid Statistics July - September 2024, Tables 6.5 and 5.3, Gov.uk, 2024

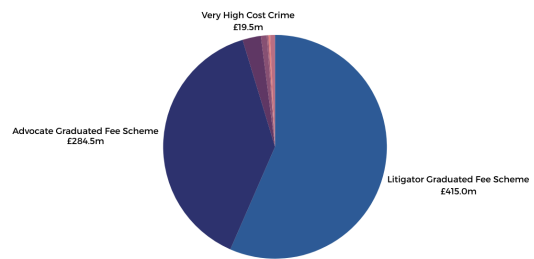
Cost of Crime (Lower) Legal Aid in 2024



Total Expenditure: £301.5m

Source: Legal Aid Statistics July - September 2024, Table 2.2, Gov.uk, 2024

Cost of Crime (Higher) Legal Aid in 2024



Total Expenditure: £734.1m

Source: Legal Aid Statistics July - September 2024, Table 4.1, Gov.uk, 2024

Crime

Overview

Criminal legal aid is reported as "Crime Lower" and "Crime Higher". Crime Lower includes police station advice, magistrates' court and prison law. Crime Higher covers work in the Crown and Higher Courts. There were very few changes to crime in the LASPO Act – however other factors come into play including reduced fixed fee payments and how payments are made.

"This category made up 70% of the Crime Lower workload between July and September 2024 but only 53% of the expenditure. The workload in this period has increased by 1% compared to the previous year, with expenditure increasing by 2% (£669k). There was a 15% uplift in fees for police station advice introduced at the end of September 2022 as part of the criminal legal aid reforms. This reverses the general downward trend seen over the last few years with a decrease in police station advice workload after 2013-14."

Magistrates' Court

"While figures should be interpreted with caution as they may be revised in subsequent quarters as cases move into the Crown court, the number of orders granted for legally-aided representation in the Magistrates' court increased by 9% this quarter when compared to the same quarter of the previous year. This continues the reversal of the downward trend of the last 3 years, and is largely driven by either-way cases."

"Legally-aided representation in the magistrates' court comprised roughly one quarter, (29%) of the workload and around two fifths (40%) of expenditure in Crime Lower between July and September 2024. The volume of completed work (covered in **this report**) increased by 6% this quarter when compared to the same period of the previous year. Expenditure also increased by 3% (£1m)."

"These changes incorporate the accelerated Criminal legal aid reforms since October 2020 which cover payment for work on sending cases to the Crown Court. This category **shown in the tables accompanying this bulletin** had 12,396 completed claims costing around £3.2m this quarter."

"In the Magistrates' Court the volume of completed work increased by 6% and associated expenditure increased by 3% when compared to the same period last year. At the police station, the volume of work increased by 1%, but had an associated 2% increase in corresponding expenditure due to mostly fixed fee work."

Ed: You will see during the course of this bulletin, references to "representation orders". This used to be called 'Legal Aid', and in order to obtain it, an application has to be made to the court.

This application is subject to two tests:

- 1) The first, is called the "interests of justice" test. A representation order will only be granted if the court considers the case "serious enough" for the individual to need full legal representation.

Act offences and being Drunk and Disorderly. If the individual is charged with an "indictable only" offence (an offence that can only be heard in the Crown Court) their case will always satisfy this first test.

2) The second test is a means test. Legal Aid will not be granted if the individual's income exceeds a certain amount. If the individual is in receipt of income based JSA, income support or a guaranteed pension then they will automatically be entitled financially to legal aid. If the individual is in receipt of other benefits then they will not automatically be entitled to legal aid and will have to provide the court with documentary evidence of this benefit.

Crown Court

"Completed work volumes within the litigator (solicitor) fee scheme increased by 10% in July to September 2024 compared to the same period of the previous year, driven not by a 7% increase in trial claims, but the reversal of the extended sentencing policy in the magistrates' court. More claims were dealt with for appeals against magistrates' decisions and committals for sentence from the same court, where they felt a higher sentence is required than they are able to give."

"In the advocate fee scheme, completed claims increased by 14% compared to the same period last year. This follows the same workload changes as per the litigator scheme."

"In the litigator fee scheme, expenditure decreased by 3% in July to September 2024 compared to the same period of the previous year. In the advocate fee scheme, the value of payments increased by 8% compared to the same period of the previous year. Figures for expenditure on work completed in the Crown Court should be interpreted with caution as they may be revised in subsequent quarters as claims are assessed further on appeal and further payments added to the value of some completed claims."

"The Very High-Cost Case (VHCC) scheme covers those Crown Court cases which, if the case were to proceed to trial, would likely last more than 60 days. These cases can span several years and, while they may involve small numbers of defendants, the associated expenditure is high in comparison."

"There were 9 defendants represented in the VHCC contracts that concluded in the July to September 2024 quarter. Expenditure on this work over the duration of the contracts (i.e. on the closed-case basis) was £9.2m. This compares with £12m of expenditure during the same period on all ongoing claims within the VHCC scheme suggesting that we have a large backlog of claims in the court system waiting to be finalised with cases started receiving large ongoing payments before completion of the whole claim".

"While workload comprises a tiny proportion of legal aid in the Crown Court overall, the VHCC scheme represents less than 1% of the cost, although this is down from 13% in

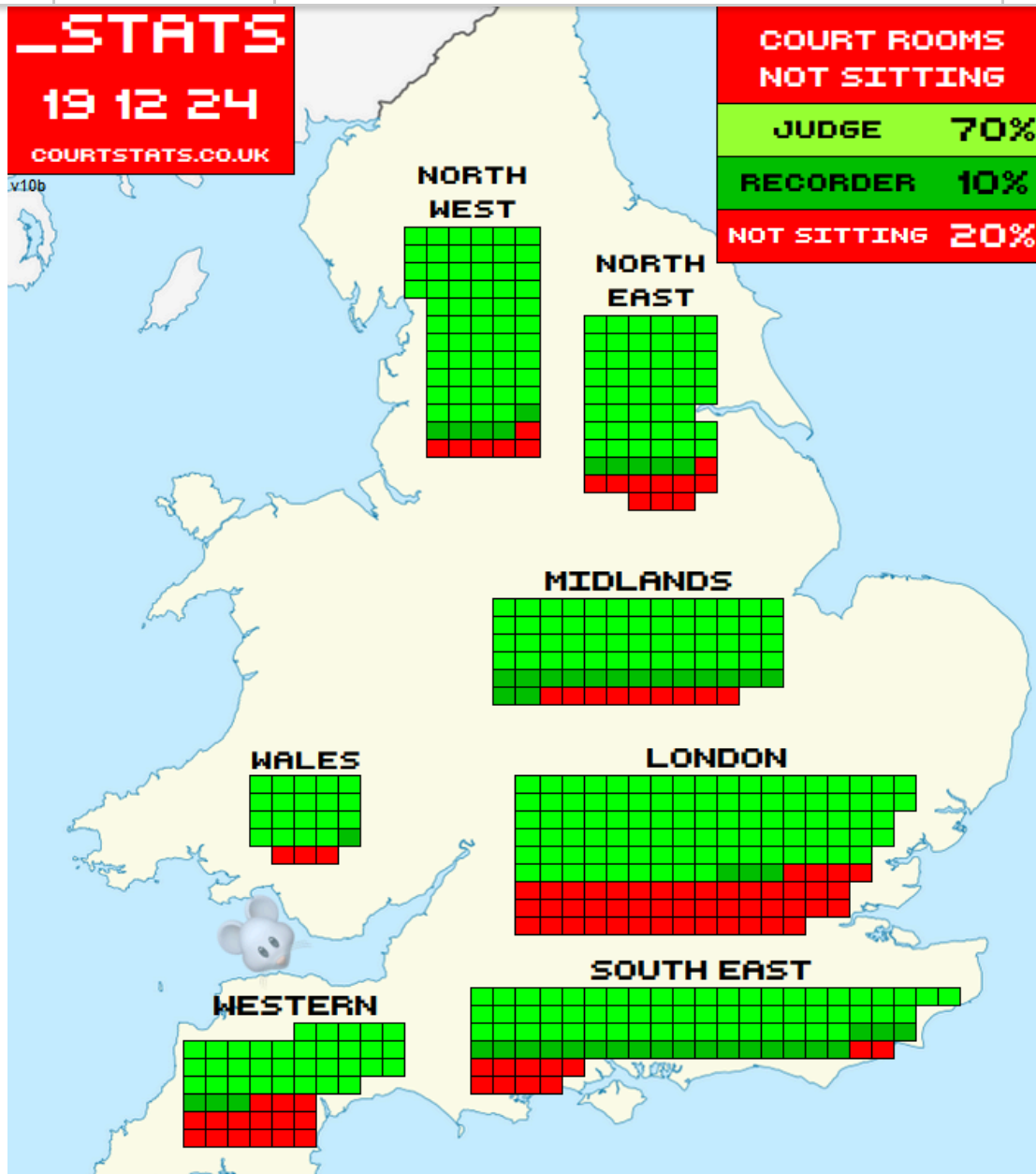
"The large falls in completed expenditure are a consequence of fewer jury trials completing in the Crown Court during and after the COVID-19 pandemic, as all expenditure across the case will be in the final main bill. These types of cases were particularly affected, because they need more courtroom space and distancing measures and are likely to include witnesses and members of the public in the jury pool. Trial completed expenditure was more adversely affected than guilty pleas and cracked trials (where a defendant changes their plea before the trial), with litigator fee expenditure much lower."

Ed: This week (Tuesday 17 December), Lord Chancellor Shabana Mahmood announced an extra 2000 Crown Court sitting days this financial year, using the 'existing capacity of salaried judges'. This will see courts sit for a total of 108,500 days the year - the highest figure in almost a decade, as the government steams ahead with its plans to address the backlog and reform the criminal justice system. Her letter announcing the changes **can be found here**.

We note, however, her assurances that these measures themselves will not be insufficient to "turn the position around and [that] we must go further."

The Lord Chancellor has also announced a "once in a generation" review of the criminal courts, under the former High Court Judge, Sir Brian Leveson. Leveson's review will, among other things, look at the case for "intermediate courts", covering cases deemed too serious for Magistrates' courts, but not serious enough for a full jury trial at the Crown Court.

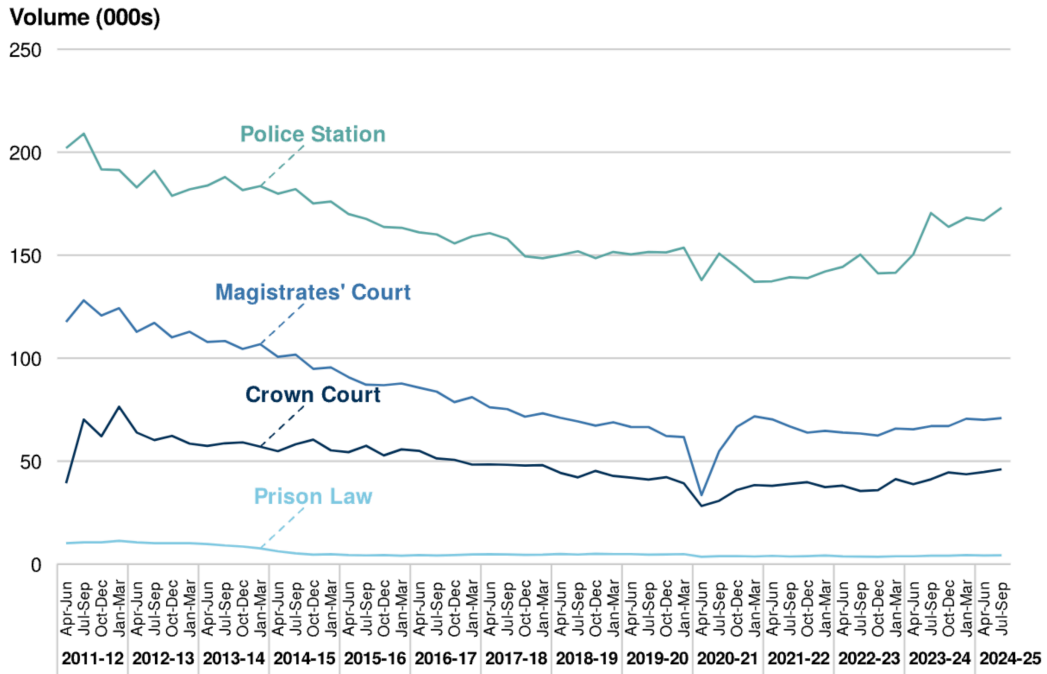
Chair of the Justice Select Committee, Andy Slaughter quizzed the Lord Chancellor on some of the proposed reforms, including those limiting the availability of jury trial, describing these measures as "extremely radical". This new Inquiry is set to report on options for long-term reform by the late spring of 2025. A transcript of the Lord Chancellor's Justice Committee session was unavailable at the time of printing.



Today, 101 out of the 516 Crown Courts in England and Wales will not be sitting, as shown by this **Idle Courts** image above.

Prison Law

September 2024



“Workload this quarter has increased by 5% compared with the same period in the previous year. This is driven mainly by free standing advice and assistance which increased by 12% when compared to July to September 2023.”

“Conversely, advocacy assistance at parole board hearings decreased by 1% compared to last year, although they have was [sic] unchanged since last quarter.”

“Advocacy at parole board hearings currently makes up around two-fifths (40%) of prison law workload, but a much larger proportion of costs (78%), even so expenditure on prison law overall increased by 4% over this period, with a slight fall in free standing advice and assistance reducing the overall increase.”

“Since April to June 2020, the workload and expenditure for advocacy assistance at prison discipline hearings has remained low with a change in process for internal prisons hearings continuing since the pandemic. Year-to-year comparisons show that workload decreased by 6% and expenditure increased by 4% this quarter compared to last year showing that work is recovering in this area from a low base.”

“Prison law work still comprises a small portion of the volume (1%) and expenditure (2%) of total criminal legal aid work in July to September 2024.”

IPP Sentences

Imprisonment for Public Protection sentences (IPP), which have long been a black mark on the criminal justice system. We note that while the Lord Chancellor recently announced a "comprehensive re-evaluation of our sentencing framework" as part of an Independent Sentencing Review, the Lord Chancellor has specifically excluded the IPP sentence from the Review's remit.

Last month, the government published the first **Annual Report** on the Imprisonment for Public Protection Sentence. It reveals that the number of IPP prisoners released each year has been declining, while recalls to custody and the duration of such recalls have increased. This has led to a growing population of recalled prisoners in custody, now outnumbering those who have never been released.

The government has so far rejected the Justice Committee's 2022 recommendation for a resentencing exercise, claiming that it "**would automatically release a number of people who we do not believe it would be safe to release**".

However, last month the Justice Committee **negated these claims**. In a **recent letter** addressed to Lord Timpson and Sir Nic Dakin MP, the Committee notes that the government's objections to a resentencing exercise appears to misunderstand the recommendations made in the 2022 inquiry. The Committee chair Andy Slaughter MP highlights that the recommendation does not mean automatic releases, and some individuals may remain in custody due to the severity of their original offences or ongoing risks to public safety. Rather, the resentencing exercise would include a time-limited expert committee to develop a practical and proportionate resentencing scheme, as well as legislative safeguards to ensure public protection and appropriate post-release supervision.

In a **letter to the Justice Committee** dated 13 December, Lord Timpson and Sir Dakin state that "whilst this government does want to make progress in relation to IPP prisoners, [they] cannot take any steps that would put the public at risk. A resentencing exercise would result in dangerous IPP prisoners being released without the Parole Board determining that they are safe to be released."

It appears then, that a great many IPP prisoners will remain in custody for the foreseeable future.

Civil

Overview

"Civil legal aid can be categorised by area of law into family and non-family. The category of family legal aid covers all work on both private and public family law and

mental health, housing and other non-family law.

Although the workload for family and non-family cases is similar, comprising 33,119 and 37,391 cases in July to September 2024 respectively, non-family cases make up only around a fifth of total civil legal aid expenditure (19%). Public family legal aid makes up around two thirds (61%) of family legal aid work and more than three quarters (81%) of expenditure."

"The number of certificates completed increased by 4%, and the associated expenditure increased by 1% over the same period."



Legal Help

"In the last quarter, there was a 8% increase in legal help new matter starts compared to the same period of 2023. The volume of completed claims increased by 2% and expenditure increased by 4% in July to September 2024 compared to the same period in 2023."

"The implementation of the LASPO Act in April 2013 resulted in large reductions in legal help workload, with the decline in the overall trend being further exacerbated by the effects of Covid-19, workload now sits at less than one-quarter of pre-LASPO levels."

[Ed: Legal Help pays for advice from a solicitor or legal adviser. They can negotiate on their client's behalf, gather evidence, and write letters. To qualify for the scheme a client](#)

a) be on Income Support or Income-based Jobseekers Allowance, Income-based Employment and Support Allowance, Guarantee Credit or Universal Credit.

b) have a gross income of not more than £2,657 per month, (this figure increases if the client has more than 4 children) with a "disposable income" not exceeding £733 per month.

c) have a case that is 'in scope', i.e. permitted within Schedule 1 of the Legal Aid Sentencing and Punishment of Offenders Act 2012.

Family Legal Help

"There was a steep decline in family legal help immediately following the implementation of LASPO Act in April 2013, with a more gradual decline over the last 6 years."

"In July to September 2024 family legal help starts increased by 3% compared to the same quarter last year. Completed claims also increased by 10% and expenditure also increased by 8%."

Ed: In its consultation on proposals for the reform of legal aid in 2010, the government explained its proposals to remove areas of law from scope on the basis that the issues concerned related the 'personal choices' of the individual and therefore were not suitable for public funding. Where a matter was the result of an individual's personal decision-making, there should be no call on the state to support any resulting dispute resolution. In family law, private law matters were essentially removed from scope other than those instances where domestic abuse had been evidenced, which remained eligible for legally aided help.

What remained in scope was child protection under public law (i.e. where local authorities seek care, supervision or emergency protection orders regarding children, or place children for adoption) or the matter concerns contact with children who have been subject to such proceedings. Private law child cases were excluded, even though some of the high-conflict contact cases border on child protection. It was hoped that people would be more likely to use alternative dispute resolution services, particularly mediation. So turning to the table below, we have incorporated a sliding scale of colour with numbers highlighted from green to red showing the original pre-LASPO figures (yellow) and those areas where expenditure has increased (green) and decreased (red). So we can see the decrease in expenditure in relation to private family law which we would expect given the matters removed from scope. Cases concerning financial provision have largely been removed from scope and we can see the decrease in that number accordingly. The figures for mediation have dropped considerably (so as to now be almost negligible) since individuals are less likely to have it signposted to them by family lawyers. We can, however, see huge growth in the areas of Special Children Act proceedings and other public law cases. Expenditure on domestic violence cases, having

Family Civil Representation

“Certificates granted for family work increased by 2% in July to September 2024 compared to the previous year. Certificates completed increased by 5% and associated expenditure has decreased by 1% compared to the same quarter the previous year.”

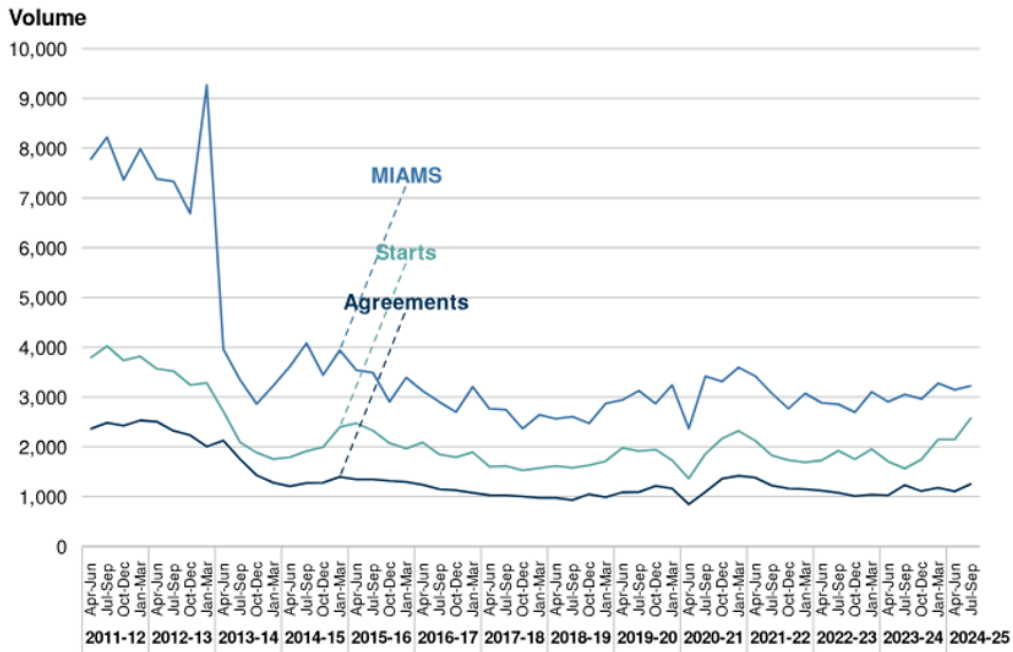
“While civil representation for public family law remains available, the LASPO Act removed legal aid for most private family law including issues such as contact or divorce. However, legal aid remains available for such cases where there is a risk of domestic violence or child abuse. The volume and expenditure for closed case domestic violence civil representation increased following COVID-19. More recently, in July to September 2024, certificates completed for domestic violence increased by 7% compared to the same period of the previous year.”

“In July to September 2024, applications for civil representation supported by evidence of domestic violence or child abuse increased by 25% compared to the same period of the previous year. The number of certificates granted via the domestic violence and child abuse gateway increased by 24% over the same period. The proportion of applications granted remained steady at around 70% from the inception of this type of application until the end of 2015, before increasing to around 80%. The provisional figure for the latest quarter is 85%.”

Family Mediation

One of the aims of LASPO was to encourage people to use alternative methods of dispute resolution, such as mediation. It is well known that post-LASPO there was a considerable drop in mediation cases because family lawyers had been making many of the referrals – and without legal aid for private family law, and that initial contact with a legal professional, the referrals to mediation declined drastically.

“The volume of MIAMs increased by 6% in the last quarter compared to the previous year and family mediation starts increased by 66% and total outcomes decreased by 1%, of which 60% were successful agreements, and are now sitting at around half of pre-LASPO levels.”The figure below, taken from the LAA statistics, shows just how drastic the decline in take-up of mediation has been.



Ed: As readers will be aware the previous government committed to pilot early legal advice for private family law cases involving childcare arrangements as part of its **response to the Mandatory Mediation consultation**. The pilot looked to make 90 minutes of advice available to separating couples on a non-means and non-merits tested basis. It was unclear what what would happen to those couples who received advice under the pilot but were not eligible for legal aid after the 90 minutes, or unable to pay for private legal advice, but the pilot was generally seen as a positive development. We are yet to receive confirmation that the new government intends to roll the pilot out once again, but we have heard positive rumours and have our fingers crossed on this one.

We'll update you on further details as and when they become publicly available.

Non-Family Legal Help

Controlled legal representation relates to representation at a tribunal but unlike civil representation, the decision on whether to grant legal aid is delegated to providers.

“Legal Help and controlled legal representation make up over 97% of immigration and 93% mental health legal aid cases.”

Immigration:

“Having fallen by over 45% in April to June 2020, new matter starts in immigration increased by 10% in July to September 2024 compared to the same quarter of the previous year. Completed claims in immigration decreased by 5% in the last quarter compared to the previous year and expenditure decreased by 7%.”

Ed: we note that while new matter starts have increased over the last year, there still

specifically in the South West.

You can [read the report in full here](#), and we note the following headlines:

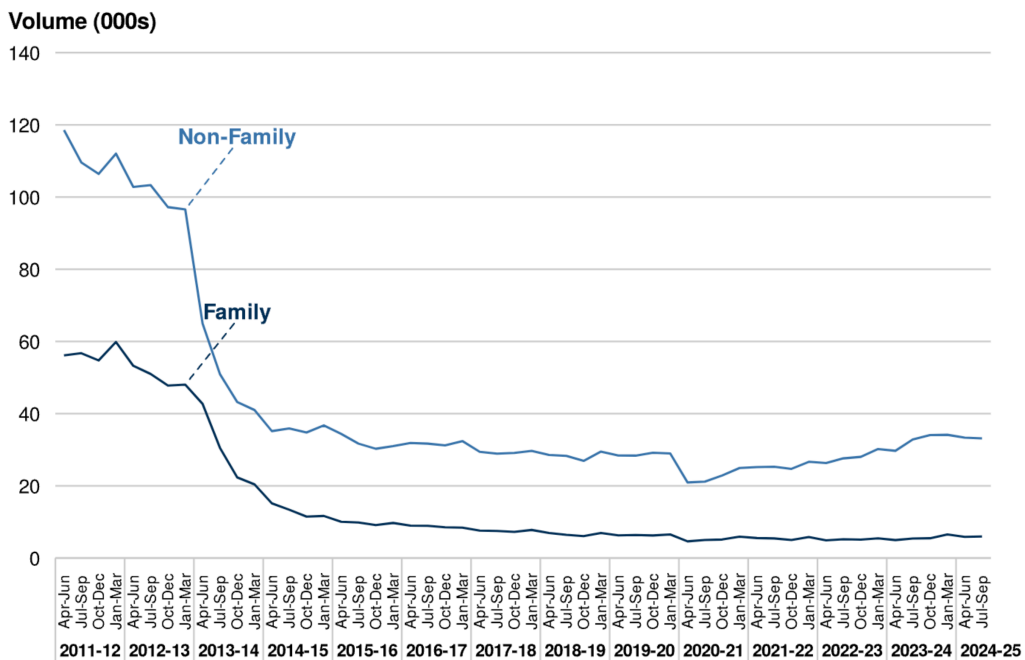
Across the six-month period of data collection, there was a consistent trend of limited provider capacity, particularly for asylum appeals. There was no month where 50% or more providers listed had capacity.

On average across all 12 rounds of calls, 20% of providers had capacity, but not for asylum appeals, and 11% of providers had capacity, including for asylum appeals.

Of the 23 providers who were always listed in the directory, 30% generally did not have capacity and 35% generally did have capacity. Often these providers would tell us that they needed to prioritise their current waiting lists of local clients

As noted in our December news bulletin, asylum work fees in England and Wales have not increased since 1996, and were cut by a further 10% in 2011, with hourly rates for lawyers stuck at £52. As of June 2023, the asylum **backlog** was at 175,457 people. Fees for immigration and asylum work (as well as other practice areas) have effectively reduced by almost half in real terms since 1996, leading to large numbers of practitioners leaving legal aid. This, in turn, has led to the capacity issues described above and large numbers of asylum seekers unable to present their asylum claims properly. Immigration law is incredibly complex and this lack of representation has led to a huge increase in costs from both delays in the appeals process and the need to accommodate asylum seekers in hotels pending resolution of their applications.

Figure 11: Completed workload in legal help and controlled legal representation, April to June 2011 to July to September 2024



“Within mental health, most funding is spent on providing assistance to sectioned clients appealing the terms of their detention before a mental health tribunal. Mental health new matter starts increased by 2% when comparing the latest quarter to the previous year. Completed claims also increased by 2% and expenditure decreased by 3% over the same period.”

Housing:

“More than three quarters (84%) of legal aid housing work volume is made up of legal help. The volume of legally-aided housing work halved between July to September 2012 and July to September 2013 following LASPO. Starts and completed claims nearly halved again during the first COVID-19 lockdown between January to March 2020 and April to June 2020.”

“There were 7,789 in court claims completed in this quarter under the HLPAS with the expenditure being £0.77m. This compares, as expected, with 7,764 from the previous quarter when combining HLPAS and the remaining HPCDS work with a cost of £0.76m. The new HLPAS early advice service had 968 claims with expenditure of £194k.”

Non-Family Civil representation applications

“The number of civil representation certificates granted in the last quarter increased by 2% compared to the same period of the previous year. The number of certificates completed increased by 9%, and the associated expenditure increased by 5% over the same period.”

“This is due to the number of claims being paid outside of the fixed fee scheme increasing due to more time being taken during the court process. At a cost of around £228.6m in July to September 2024, total civil representation expenditure where it was met by the LAA is still around the highest it has been since 2011-12.”

Judicial Reviews

“Of all civil representation applications granted, 715 in the last quarter related to a **judicial review**. The number granted in July to September 2024 increased by 3% compared with the same quarter in 2023. Just under two thirds of judicial reviews were for public law.”

“The Exceptional Case Funding (ECF) scheme was introduced as part of LASPO. An ECF application for civil legal services is made where a case falls outside the scope of civil legal aid but the client or conducting solicitor believes failure to provide funding would be a breach of the Human Rights Act 1998.”

“There were 838 applications for ECF received from July to September 2024. This is a 9% increase from the same quarter last year. 791 (94%) of these were new applications.”

“Of the 838 ECF applications received between July and September 2024, 96% (803) had been determined by the LAA as of 01 December 2024. 79% (631) of these were granted, 13% (103) were refused and 6% (51) rejected.”

Thank You!

And that brings us to the end of this bulletin and this year. Thank you very much once again for reading us over the past year.

Whatever your plans over the festive period, we hope that you find a moment to rest. That you engage in activities that replenish you and help you to face whatever the next year will bring. 2025 will certainly bring fresh challenges, but it will also undoubtedly bring new opportunities and the chance for lasting change. We look forward to seeing you on the other side.



Rohini Jana
Director of Parliamentary Affairs
19 December 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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