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## LAPG Member Update

Issue 1 of 2023

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### Legal Aid News & Events

## Happy New Year legal aid friends and colleagues!

We hope you managed to get some R&R over the last couple of weeks. It's not always possible for a legal aid lawyer, given that client need doesn't diminish and indeed can increase at this time of year, but we really do hope that at some point you were able to unwind and recharge your batteries.

2023 brings with it the prospect of another challenging year: politics, the economy, public and personal finances, weather patterns – it seems nothing is predictable other than to say it will all be unpredictable and to continue to use euphemisms



like 'challenging'. In the legal aid sphere there remain few signs that the current Government gets (or cares?) how impossible it is becoming to run a viable legal aid practice. They seem to have an innate ability to ignore their own data, and even their own commissioned, independent research reports. The government's latest effort, [November's full response to the Criminal Legal Aid Independent Review](#), gave us no confidence that they would take the action required to shore up the criminal defence profession. This in turn raises serious questions about what the MOJ plans to achieve through the soon-to-be-announced civil legal aid review. With nothing short of a significant increase in fees and major expansion of scope likely to reverse the steady decline in legal aid providers, does the MOJ have the ambition or the ability required to rescue civil legal aid? With an announcement on the Review due in the next few weeks (there was a partial and curiously-timed [quasi-announcement today](#)), we will then at least have some idea of the MOJ's plans and whether they are serious about making the scheme sustainable for providers and fit for purpose in terms of client need.

Along with the civil legal aid review, what else can we expect on the legal aid policy front in 2023? A tender process will open in the coming months to enable new providers to bid for the recently announced 12 month civil contract period to August 2024. We have been assured by the LAA that existing providers will also have the option of bidding for new contracts and/or to expand into new procurement areas. The LAA is also discussing a potential revamp to the contracts to bring them into line with current business practices, particularly in relation to the changes to 'business as usual' brought about by the pandemic. The LAA is rethinking supervision and office requirements in particular, and we have urged them to also consider whether contracts need to replicate the compliance requirements of existing regulatory regimes. What the LAA cannot consider is major policy change – scope, means and fees are all in the bailiwick of the MOJ policy team. These must be the focus of the civil legal aid review if there is going to be any meaningful improvement to civil legal aid.

This year the MOJ and LAA will start to introduce the first set of changes to the means test following the comprehensive review carried out in 2021/22 and last year's consultation process. We were expecting publication of the consultation response in late 2022 but this was delayed. We suspect the

delay was caused in part by revolving Ministerial doors at the MOJ in 2022, and by the sharp rises in inflation and the cost of living crisis rendering much of the MOJ analysis anachronistic. The first set of changes are likely to be those requiring limited digital change within the LAA's systems as we have learned from bitter experience that substantial change to the LAA's software is fraught and time-consuming.

2023 will see the publication of the evaluation of the Early Legal Advice Pilot, although don't expect much of substance to arise from this under-powered and stuttering project. We see this as a major missed opportunity by the MOJ, and if the project isn't revamped in the next three months (the funding runs out in March 2023) there is every chance it will yield next to no useful data. The Housing Loss Prevention Advice Service will introduce pre-court advice for housing clients in autumn 2023, and we await further details of the LAA's aligned plans to re-introduce a form of Specialist Support Contract to enable providers to deliver a more holistic service. Also aligned to this service is the prospect of a return to LAA-funded training periods, but again detail remains scant at this stage.

Civil providers will have been cheered in late 2022 by the announcement to delay the extension of Fixed Recoverable Costs until October 2023, but housing providers in particular are still worried that without an exemption for publicly-funded (and potentially CFA-funded) cases, the introduction of FRCs will see many providers collapse when they can no longer subsidise legal aid work with full inter partes costs recovery.

What next for crime in 2023? Given moves to establish a new membership body to represent the interests of crime firm owners, and a push to unionise criminal defence fee earners, will we see more co-ordinated action by solicitors to force the MOJ to implement the Bellamy recommendations? The Law Society has made their views on the government's stance abundantly clear, noting that criminal defence work is simply no longer a viable business proposition. Any meaningful reform of the crime fee schemes have been pushed back to 2024, so where does that leave struggling firms in the meantime? Will the creation of an Advisory Body make any real difference to how providers and their representatives interact with the MOJ and whether more influence can be brought to bear? All of these questions remain to be answered so

expect another turbulent year.

So, another huge year for legal aid policy and how that translates into your ability to deliver your services and plan for the future. We will endeavour to keep you informed of all of these developments, and seek your views and input as often as possible to ensure you can have your say in the development of policy and practice.

For an overview of our work in 2022 [please download this summary of our working year here](#), which covers our policy work, consultation responses, partnership work, member support, training services, political influencing and work to improve the operation of the legal aid scheme.

If you would like to be more involved in our work in 2023 by, for example, becoming a member of our Advisory Committee which feeds into our policy and operational work, [please get in touch](#) to discuss what is involved. We're also always interested to hear from Members about the legal aid issues that matter to you, and about how we can support you to deliver your services and develop your staff team. Equally, if you have a initiative, project or idea that you want to share with other practitioners, let us know and we will help you to reach out to other members of the legal aid family.

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## Legal aid research project – call out for research participants



As leading researchers in the field of access to justice and legal aid work, Dr Daniel Newman (University of Cardiff), Dr Emma Cooke (University of Kent) and Dr Jess Mant (Monash University) have been awarded a research grant to carry out a collaborative project entitled: 'The Profession and the Pandemic: Legal Aid Lawyers in the Era of Austerity and COVID-19'. They are putting out a call for research participants and would be extremely grateful for anyone who would be willing to get involved. Please see the specifics below from the research team:

### **Why are we carrying out this project?**

The legal aid sector has been subject to long-standing austerity measures and funding

constraints over several decades. This has not only facilitated a fragile working environment; however, the lawyers themselves have reported a growing sense of crisis. The cumulative impact of austerity and COVID-19 together now poses further challenges as it intersects the existing crisis, resulting in long-term vulnerabilities across the profession. This research will critically assess how the cumulative impact of austerity and COVID-19 has impacted working-practices, case outcomes, social-relations and job satisfaction holistically, and will propose ways of learning from the experiences of legal aid lawyers who have coped and adapted to the pandemic to inform future legal aid policy and practice.

### **What is the aim of this project?**

This project aims to give voice to legal aid lawyers working to facilitate a future for access to justice in a post-pandemic society, bringing experiences of those working within the criminal, family, and social welfare contexts to the fore, and to assess the longer-term vulnerability of the advice sector. This study builds on our existing research, including Mant and Newman's collaboration with the Legal Practitioners Group on the 'Legal Aid Census' in 2021; Mant Newman's 2022 collaboration with the Access to Justice Foundation and the Ministry of Justice on 'blended advice', as well as Cooke's recent journal article on the working culture of legal aid lawyers (2021).

### **Who can be involved?**

We are looking for lawyers who have worked within the legal aid field for at least 3 years in any of the following areas of legal practice: criminal, social welfare or family law.

### **What will it involve?**

We are aiming to carry out focus groups/interviews across England and Wales spanning six different geographical locations (see below). The research will commence in Feb/March 2023.

1. London
2. South East
3. Midlands
4. Wales
5. North West
6. South West

The focus groups will either take place in-person at a central location at a suitable time (inc evenings)/or online and will last approximately 1-1.5 hours.

We will then be looking for further participants to carry out interviews beyond that, which will take place on a one-to-one basis online at a time/day convenient to you. Again, lasting no longer than 1 hour each.

[Disclaimer: All focus group and interview material will be fully anonymised]

### How can I get involved?

If you are interested in getting involved with this project:

Please contact Emma at [E.S.Cooke@kent.ac.uk](mailto:E.S.Cooke@kent.ac.uk) if you are based in London, the South East or the Midlands.

or

Please contact Dan at [newmandc@cardiff.ac.uk](mailto:newmandc@cardiff.ac.uk) if you are based in Wales, the North West or the South West of England.

We'd like to thank you all very much in advance for your time, any engagement is very much appreciated.

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## Statutory Instruments published December 2022 – Immigration Fees and exclusion of cost of living payments from the legal aid means test



Two SI were laid last month to introduce changes to the legal aid scheme.

### Immigration fees

[The first SI was laid following the conclusion of a consultation on immigration fees.](#) Representative bodies received the following update from the LAA on publication of the government's response to the consultation:

*'The Government response to the consultation on immigration legal aid fees has been published and can be found here:*

**Immigration Legal Aid: A consultation on new fees for new services - GOV.UK ([www.gov.uk](http://www.gov.uk))**

The feedback on two of the proposals resulted in two amendments being made to the original proposals:

1. The bolt-on fixed fee for advice on referral into the National Referral Mechanism (NRM) has been doubled from £75 to £150; and
2. The escape threshold for legal help cases has been decreased to two times the value of the fixed fee to match the escape threshold for controlled legal representation work as proposed in the consultation.

All other proposals will be taken forward without changes, however, the MoJ and LAA continue to work together to take forward the operational suggestions made as part of the consultation. Comments for other teams such as HMCTS or the Home Office have been passed to them to consider.

The Government also intends to lay the statutory instrument necessary today to enact two of the proposals – fixed fees for online system appeals and the bolt-on fixed fee for advice on referral into the NRM shortly and I will send the link to that once it is published.’

**Cost of living payments – means test disregard**

The second SI introduces a new means test disregard for cost of living payments and follows successful lobbying by LAPG, The Law Society and other representative groups.

The Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2022 allow these payments to be excluded from a calculation of an individual’s financial eligibility for legal aid.

**The SI can be found here** and has the accompanying explanatory note:

*‘This instrument amends regulations made under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) which deal with an individual’s financial eligibility for criminal and civil legal aid and the liability of an individual to pay a contribution towards the cost of criminal legal services received.*

Regulation 2 amends the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480), regulation 3 amends the Criminal Legal Aid (Financial Resources) Regulations 2013 (S.I. 2013/471) and regulation 4 amends the

*The amendments provide that in the assessment of an individual's income and capital resources, certain payments made under the Social Security (Additional Payments) Act 2022 (c. 38) and the Energy Prices Act 2022 (c. 44) must be disregarded. The effect of the amendments is that the receipt of the aforementioned payments will not impact on an individual's financial eligibility for legal aid, or liability to pay a contribution towards the cost of criminal legal services.'*

**While the SI comes into effect on 10 January 2023** but we are expecting guidance shortly from the LAA on whether amendments to the regulations will have retrospective effect (i.e. they can be used to reconsider means assessments carried out prior to 10 January 2023 which resulted in, for example, a requirement for contributions by the client which can then be reimbursed).

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## **Housing and HPCDS Tenders – limited areas – Deadline 5pm 12 January 2023**



On 14 December 2022 the LAA opened a tender to deliver Housing Possession Court Duty Scheme (HPCDS) services in 2 courts and Housing and Debt Contract Work in 1 procurement area, listed below, from 1 February:

**Housing and Debt:** West Sussex procurement area. The LAA is offering an unlimited number of contracts for housing and debt services in the West Sussex procurement area.

**HPCDS:** 1.Horsham and Worthing; 2.Liverpool. They intend to award one contract for each HPCDS.

Further information is available [here](#).

The Information for Applicants (IFA) can be found at:

<https://www.gov.uk/government/publications/civil-tender-activity-2022>

Tenders must be submitted using the LAA's e-Tendering system:



<https://legaid.bravosolution.co.uk/web/login.shtml>

The deadline for tenders is 5pm on **12 January 2023**.

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## Public Law Project event – Legal Research for Social Impact – 1 February 2023



Public  
Law  
Project

[PLP is running this event in person in York and online.](#)

Civil society, Universities and Government all want research that has impact. This event is for anyone wanting to commission, develop or collaborate on legal research resulting in positive change to people's lives by influencing law, policy and practice.

The event features a range of interesting and influential speakers, including our own Head of Parliamentary Affairs, Rohini Teather.

If your organisation has very limited resources and you want to attend, PLP can subsidise tickets.

Please e-mail [events@publiclawproject.org.uk](mailto:events@publiclawproject.org.uk) to discuss.

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## Renewing your 2023 LAPG Membership – renew now for a 10% discount

We have now commenced the 2023 membership renewal process and are pleased that so many organisations have already chosen to renew their subscription for next year. Your support ensures that we can maintain a strong and independent voice to advocate for legal aid practitioners and access to justice at the highest levels of political influencing and push for operational improvements to the legal aid scheme with the LAA.

LAPG Membership runs from January to December and the renewal process this year

once again see fees frozen as we recognise just how difficult it is to run your organisations. The usual 10% Early Bird reduction is also in place if you renew prior to 31 March 2023.

| Number of fee earners     | Early Bird Fee | Standard Fee |
|---------------------------|----------------|--------------|
| 1 – 5 fee earners         | £157.50        | £175.00      |
| 6 – 10 fee earners        | £238.50        | £265.00      |
| 11 – 20 fee earners       | £342.00        | £380.00      |
| 21 – 30 fee earners       | £468.00        | £520.00      |
| 31 – 50 fee earners       | £544.50        | £605.00      |
| 51+ fee earners           | £630.00        | £700.00      |
| Non-contract holding rate | £283.50        | £315.00      |

This year we have introduced to online forms to complete to renew your membership – one for paying by BACS and one to pay direct via our website. [Visit the Membership page of our website for more information.](#)

If you have any queries about LAPG membership or the renewal process, please contact our ever-helpful Operations Officer, [Anna Neira Quesada](#).

Thank you once again for being members of LAPG. Your support is very much appreciated.

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## LAPG Training Courses

### *Supervision Courses*

We have confirmed the dates for our 2023 training programme, with Supervision Courses scheduled for 18th January, 6th March, 17th May, 12th July, 26th September and 22nd November. Our January Course is now fully booked but you can book your place on any of the remaining 2023 training dates below:

[6<sup>TH</sup> MARCH 2023](#)

[17<sup>TH</sup> MAY 2023](#)

[12<sup>TH</sup> JULY 2023](#)

[26<sup>TH</sup> SEPTEMBER 2023](#)

[22<sup>ND</sup> NOVEMBER 2023](#)

Designed for new LAA Supervisors or those wishing to refresh their supervisory skills, our course helps you meet a key component in securing and then effectively operating your legal aid contract and meeting the LAA's supervisor standards. We again welcome Matt Howgate and Vicky Ling as our tutors for this course. You will



receive practical help filling out supervisor forms, learn how to conduct file reviews and how to keep up to date with LAA changes.

LAPG members receive a £40 discount on the course fee, bringing it down from £250 to £210 for the day. Book multiple delegates from your organisation and receive an additional 10% discount.

We have reformatted the course so that we are covering all of the same content across one day rather than two days. The content in this course is relevant for both crime and civil practitioners.

If you would like to know more about this course, or to reserve your place, contact [Andrea Shumaker](#).

### ***Online Introduction to Civil Legal Aid Course***

The Civil Legal Aid scheme is incredibly complex and the consequences of getting something wrong can be damaging to a client's case or financially damaging to the organisation doing the work – sometimes both. We have therefore developed the first module in a series which provides a general introduction to the civil legal aid scheme aimed at trainees, paralegals, junior lawyers and those that wish to refresh their knowledge having worked in the sector for some time.

We have moved this online module onto a new training platform, Thinkific! This new platform allows for growth and development of the course and a better overall experience for the user. The same information is covered and it is still entirely self-paced, you will still receive access to the course for 12 months.

We now offer this course in written and video versions! Once you are enrolled on the course you will have the option to read through the material yourself or watch a video! You can mix and match how you learn to complete the course in a way that best suits your learning style and time constraints. All the video and written content are available on the Thinkific platform and you will have full access to both versions.

If you would like to subscribe for just £99 please click [here](#). If you have any issues or require an invoice please email [Andrea Shumaker](#). We offer three discount codes, JFF, for Justice First Fellows, JFFO, for Just First Fellowship Host Organisation employees, and multiple-tickets, to be used when

subscribing more than one participant on the course.

### ***Online Introduction to Management Course***

We are currently working on a new and exciting training course, an online module similar to our Introduction to Civil Legal Aid Course, all about management. This course will offer an introductory look into management and will be entirely self-paced!

We are soft launching this course shortly and it will be made widely available in the coming months! If you are interested in partaking or getting more information please contact [Thomas Rigard-Asquith](#).

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So 2023 is upon us and after the car crash that was 2022, this year has to be better, right? We've all now heard from the leaders of the two most popular political parties, setting out their stalls for the year (or two) ahead. I may have missed the emphasis they put on the role of the justice system in ensuring a healthy democracy and a fair and flourishing society? If anyone has spotted the references to restoring and safeguarding the justice system please ping them over to me as they might be useful. Please rest assured though that we will fight tirelessly to represent you and the clients you serve, and we will not relent on our quest to secure an accessible and sustainable legal aid scheme.

And finally a thank you to all our members. Your work inspires us. You do not get the credit you deserve for your life-changing work, holding the state to account and protecting the rights of some of the most vulnerable members of society. But we salute you and we stand by you.

Take care one and all,

**Chris Minnoch, CEO [@ChrisLAPG](#)**

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05/01/23



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Would you like to contribute to our Member Updates and share news and information with other members? If so, just email us and we can discuss how you can best contribute.

Thank you for being brave enough to be part of the LAPG community!

# LEGAL AID LAWYER OF THE YEAR AWARDS



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