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LAPG Member Update

Issue 19 of 2023

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Civil Legal Aid News

Changes to Civil Legal Aid Forms



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Why? Changes are being made to accommodate the initial regulation changes being introduced as a result of the Means Test Review (MTR). These come into force on 3 August 2023.

These changes have been made to reflect the introduction of the Housing Loss Prevention Advice Service (HLPAS) on 1 August 2023.

[Full details are here](#)

Changes will be made to the following controlled work forms - CW1, CW1&2 MH, CW2 (IMM) and CW5 forms and the following certificated work forms - CIVAPP1, CIVAPP3, CIVAPP6, CIVMEANS3 and CIVMEANS7.

The CIVMEANS4 form (financial assessment form for Child under 16) will be removed on 3 August 2023.

When do you use the new forms?

“The new versions of the forms will be published on gov.uk on 3 August 2023 and should be used by all providers from that date. Please note the CW1 form with some of the changes set out above is already available on gov.uk. This version of the form should be used for Housing Loss Prevention Advice Service (HLPAS) work from 1 August 2023 until the new version of the form is published on 3 August 2023. Any previous versions of the forms will continue to be accepted up to 1 month after the changes take effect (3 September 2023).”

[Amended Housing and Debt Specification](#)

[The news story is here](#). It states:

“The housing and debt specification, which is part of the 2018 Standard Civil Contract, has been amended to include the new Housing Loss Prevention Advice Service (HLPAS) which commences on the 1 August 2023. A draft version of the housing and debt specification including these changes is available on GOV.UK.

What has changed?

Additional provisions (10.18 to 10.78) have been added to the housing and debt specification setting out the rules regarding HLPAS. No changes have been made to the existing housing and debt specification provisions (10.1 to 10.17). The new

provisions will only be applicable to those who hold an Exclusive Schedule to undertake HLPAS work.

Guidance for HLPAS contract holders

We are working on developing guidance for HLPAS contract holders. This will be available on GOV.UK soon. We will notify HLPAS contract holders once it is published on GOV.UK.”

For the draft housing and debt specification [see here](#).

Please note that we have been involved in developing the updated HLPAS guidance and associated forms. They should be issued to providers and made available on a dedicated HLPAS webpage from 21 July 2023.

Special Guardianship Orders – clarification from the LAA

On 4 July 2023 the LAA wrote to representative bodies with an interest in family legal aid to clarify the operation of recent changes to legal aid for special guardianship cases:

‘Family policy changes introduced on 1st May allow legal aid to be provided to individuals involved in special guardianship order cases. Parental parties have access to non-means tested funding, with non-parental parties subject to means and merits tests. Neither party has to provide domestic abuse/child protection evidence, as was the case in private law parental guardianship cases before these changes were introduced. Funding was available to legal aid applicants before 1st May if they formed part of public law family proceedings.

We have had a query about where the applicant for legal aid (parental party) wishes to discharge a care order (public family) but at the same time wishes to defend an application for a special guardianship order (private family). It has been confirmed that in this circumstance the parental party is entitled to non-means tested funding for the special guardianship element of the case. A means assessment will still need to be completed for the application to discharge a care order.

Whilst this will all be treated as one case by the court we will need to issue two separate legal aid certificates as we are unable to grant means and non-means tested proceedings on the same legal aid certificate as

things stand. In practice this means we will need to issue a public law family certificate and a private law family certificate.

We have created guidance on this which has been published on the training website under Specific Application Types and can be found here: [SGO Provider Guidance](#). We would appreciate if you can cascade this to your members.'

Consultation on fees for legal aid work arising out of the Illegal Migration Bill

Deadline 11.59pm 24 July 2023

We would urge all members with an interest in immigration and asylum work to respond to this consultation.

[The consultation has been published here](#). Here is what the Ministry of Justice is saying:

“The Ministry of Justice has published a consultation paper outlining the proposal that for all work undertaken pursuant to Clause 55 of the IMB, hourly rates should be up to 15% higher than existing immigration hourly rates.

The Ministry of Justice seeks input only in relation to the fees applicable to immigration legal aid work being brought into scope by the IMB in England and Wales. The proposed increased hourly rates pertain exclusively to legal aid work as done pursuant to the matters set out in Clause 55 subsections (3)-(4) of the Bill and do not extend to other immigration legal aid matters or any other area of legal aid. Specifically, legal aid services provided to a person served with a removal notice, in relation to the removal notice, including any suspensive appeal brought in relation to the notice and any application under Clause 55 subsection (4) of the Bill ('IMB Work').”

[Here is the response that we will be submitting to this consultation](#).

Many thanks to Wilson Solicitors and Luqmani Thompson & Partners for assisting with this consultation process.

Civil Processing Dates

Once again a reminder that if you want to check how long the LAA is taking to process civil applications, civil bills, High Cost Family cases and

Criminal Legal Aid News

Amendment to the Standard Crime Contract 2022 to incorporate Means Test Review change

We have just completed a very short contract consultation process to amend the 2022 Standard Crime Contract to remove the requirement to means-test children (clients under the age of 18) in relation to Advice and Assistance (other than Police Station Advice and Assistance) or Advocacy Assistance. The amended Specification will be published very shortly and the changes come into effect on 3 August 2023.

Crime Processing dates

[This page sets out](#) timescales for crime processing including graduated fee claims and prior authority applications. The LAA states that 90% of applications and appeals are dealt with within 2 working days. If your experience differs please do let us know.

Legal Aid Scheme-Wide News

NAO Legal Aid Study

A quick reminder that this crucial consultation closes tomorrow. Please do submit a response if you can as the consultation was designed specifically to capture the experiences of front-line legal aid practitioners and every response will help to build the case about the damaging impact of LASPO and of subsequent MOJ and LAA policy.

As was set out in an earlier Update, the [National Audit Office](#) (NAO) is “carrying out a study on whether the government’s provision of criminal and civil legal aid is delivering value for money and providing sufficient access to justice.

“To help us with our report we would like to hear from legal professionals, and those who provide



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National Audit Office

advice to individuals with legal issues, about your experience of the legal aid sector and the impact of the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. This consultation will be open until **midday, Friday, 21 July 2023**.

The consultation can be found at: <https://link.webropol.com/s/NAO-consultation-on-legal-aid>.

If you have questions about the consultation, the NAO have a study email address, please address queries there: legal.aid.study@nao.org.uk."

Sector News and Events

HMCTS Communications and Engagement Survey

There is a survey about HMCTS communications and engagement:

[2023 Communications and Engagement Survey](#).

The exercise will gather feedback on how HMCTS communicates and engages with court and tribunal users including legal professionals, the advice sector, contractors and the police. The survey will close on 31 July 2023 and should take no longer than 15 minutes to complete.



HM Courts &
Tribunals Service

LAPG News and Events

The 2023 Legal Aid Lawyer of the Year awards

A quick reminder, because we really do think they're all wonderful, of the winners of the 2023 LALY awards held last week:

1. Legal Aid Newcomer - Christian Weaver (Garden Court North)



2. Legal Aid Support Staffer - Katayoon Zare (TRP Solicitors)
3. Legal Aid Barrister - Kathryn Cronin (Garden Court Chambers)
4. Criminal Defence - Catherine Bond (SL5 Legal)
5. Immigration and Asylum Law - Alison Stanley (Bindmans)
6. Children's Rights - Alia Lewis (Duncan Lewis)
7. Family Legal Aid - Victoria Jones (RLE Law)
8. Social Welfare Law - Chris Johnson (Community Law Partnership)
9. Legal Aid Firm/Not-for-profit Agency - Deighton Pierce Glynn
10. Regional Legal Aid Firm/Not-for-profit Agency - Greater Manchester Immigration Aid Unit
11. Public Law - Nusrat Uddin (Wilson Solicitors)
12. Outstanding Achievement - Molly Russell
Inquest Team: Jessica Elliott and Oliver Sanders (One Crown Office Row); Merry Varney, Caleb Bawdon, Pesh Hamza, Media Relations Team (Leigh Day)

As always, we owe a huge debt of gratitude to the award sponsors, without whom we simply couldn't deliver such a spectacular event. The sponsors are all detailed in our [official press release here](#).

Now that LALY23 is behind us, perhaps it is time to think about whether you could nominate a colleague (or even an opponent?) for next year's LALY awards? Do you know a lawyer or support staffer who embodies the dedication, skill and doggedness of the legal aid sector? Why not start to think now about how you might demonstrate the impact they have on their clients or local community through, perhaps, testimonials from their clients, peers or the other professionals with whom they work? LALY24 nominations will open around the end of February 2024, so there is no rush, but we're pretty confident that you will all know an unsung legal aid lawyer who battles away every single day to ensure access to justice for those without means. Maybe it's time they too were celebrated for the difference they make?

If you have any questions about the nomination process, or the LALYs in general, [please do get in touch](#).

That's all for this week folks. Please do submit a consultation response to the NAO (as set out above). We genuinely believe that the NAO's oversight role could

be crucial for improving legal aid policy over the next few years. And we all know that the system is in desperate need of some serious improvement.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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

**LEGAL AID
LAWYER
OF THE YEAR AWARDS**



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