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16/02/24

## LAPG Member Update

Issue 6 of 2024

Welcome to the latest edition of the LAPG Member Update.

If you're yet to renew your LAPG membership, [please do visit our website](#) where you can complete the simple online renewal process. Renew before the end of the early bird discount on 29 February to prevent your membership from lapsing.

### Civil Legal Aid News

- Frontier Economics interim report on the sustainability of civil legal aid
- National Audit Office report on the Government's management of legal aid
- Review of Civil Legal Aid – Call for Evidence deadline 21 Feb 2024
- LAA webinar on cost appeals in certificated and escape cases – 20 Feb 2024
- Updated Immigration providers south west support directory

### Criminal Legal Aid News

- Duty solicitor scheme boundary consultations
- Interpreters issue in police stations
- Crime Lower Consultation – Proposed Pay Increase for Police Station and Youth Court work – responses by 29 Mar 2024

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## Civil Legal Aid News

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### Frontier Economics interim report on the sustainability of civil legal aid

The Law Society has commissioned Frontier Economics to conduct an in-depth study to help the government understand the financial realities facing civil legal aid providers. The initial stage has focused on housing and Frontier has published an interim report based on data and interviews with around 30 providers. The research has been designed to feed into the MoJ Review of Civil Legal Aid and is complementary to the [research recently published from PA Consulting](#).



Key findings from the report include:

- the majority of providers the research engaged with are loss-making. However, after adjusting for the recovery of inter-partes costs, all providers are found to be loss-making
- the average fee earner is only able to recover around half of the full costs of providing housing legal aid
- providers rely on cross-subsidisation to sustain their legal aid housing work
- losses are largely created by low incomes and high cost burdens
- it's increasingly difficult to recruit and retain talent, and housing providers are exiting the market

Frontier is continuing its work and will be looking at other areas such as family legal aid, so please spread the word and encourage other providers [to sign up to be involved in the research](#). The final report will be published end of March/beginning April.

[Access the interim report here](#)

### National Audit Office report on the Government's management of legal aid

The NAO is highly critical of the Government's management of legal aid in a report just published. It concludes that the Ministry of Justice (MoJ) does not know whether everyone eligible for legal

aid can access it, and that the Government must do more to ensure the sustainability of the market.

They say that the MoJ should work with providers on fee levels (which have not seen a rise for the last 28 years), suggesting it could liaise with practitioners to understand the profitability of legal aid work and market sustainability. It is a depressing, whilst unsurprising read, which does little to reassure those working in the sector that the MoJ understand the scale of the issues. However it is encouraging that further, independent research has been published to add weight to the argument that the MoJ must take significant steps to improve the legal aid scheme.

### [You can read the report here](#)

If you don't have the time or headspace to read the full report, we thought we would set out the NAO's damning conclusions here for you to savour over your afternoon cuppa:

*MoJ has succeeded in its objective of significantly reducing spending on legal aid, which has fallen by more than a quarter in the last decade in real terms. Since we last reported, MoJ has done some work to better understand the impact of its reforms and is aware of several areas where changes may have shifted costs elsewhere within government. But it still lacks an understanding of the scale of these costs and so cannot demonstrate how much its reforms represent a spending reduction for the public purse overall.*

*Meanwhile, stakeholders have continued to raise concerns about the reforms' detrimental impact on the efficiency of the wider justice system, including the removal of early advice, and the increase in people representing themselves in courts. The increase in self-representation in family courts is largely due to MoJ's failure to divert people to mediation as planned, which has undermined its objective of reducing unnecessary litigation. MoJ must now build its evidence base on the costs and benefits of providing legal aid at different stages to ensure that it is achieving value for money from its choices.*

*MoJ has set providing swift access to justice as one of its primary objectives. Theoretical eligibility for legal aid is not enough to achieve this objective if there are an insufficient number of providers willing or able to provide it. MoJ must ensure that access to legal aid, a core element of access to justice, is supported by a sustainable and resilient legal aid market, where capacity meets demand.*

*It is concerning that MoJ continues to lack an understanding of whether those eligible for legal aid can access it, particularly given available data, which suggest that access to legal aid may be worsening. Also concerning is its reactive approach to market sustainability issues. MoJ must take a more proactive approach and routinely seek early identification of emerging market sustainability issues, to ensure legal aid is available to all those who are eligible. Until then, it cannot demonstrate that it is meeting its core objectives and so securing value for money.*

### **Review of Civil Legal Aid – Call for Evidence deadline 21 Feb 2024**

A reminder to all legal aid anoraks, or just those of you trying really hard to run your services in the face of unnecessary red-tape and low fees, that the deadline for the RoCLA Call for Evidence is next week on 21 Feb 2024.

Comprised of 18(ish) questions, this is your opportunity to feed in on the issues that matter most to you, your practice and your clients. You don't need to answer all the questions, but practitioners in particular will be interested in questions about their area of law, what it is like on the ground in your locality, fees (yes, they want to know if the fees are adequate) and the use of tech and remote service provision.

We are beavering away on our response so if you would prefer to contribute to ours, [please email Carol Storer](#) with your thoughts. We're hoping to circulate our draft to members on Monday, 19 Feb 2024.

[Full details of the Call for Evidence and how to respond can be found here](#)

### **LAA webinar on cost appeals in certificated and escape cases**

The LAA is re-running this useful webinar from last year and are presenting it prior to the end of this financial year. The LAA say that there are still spaces available and it's a great opportunity for providers to refresh on cost appeals:

***#HelpUsSayYes webinar: Getting Your Civil Cost Appeals Right First Time: Certificated and Escape Cases: Tuesday 20 February @1600 - 1715***

*Get your cost appeals right first time and help us say "Yes". This cost appeal focussed webinar will include*

hints and tips on both certificated and escape cases and will include the following topics:

- *How to present information in your appeal*
- *What to avoid, for example, resubmitting the whole bill in CCMS*
- *How to avoid the need for an appeal*

[Click here to register](#)

### Updated Immigration providers south west support directory

On 14 February the LAA published [the latest version of this directory](#), which has been put in place due to a chronic shortage of immigration and asylum providers in the region.

We have significant concerns about the use of a remote service directory, particularly for such a vulnerable client group, and have raised these concerns as part of our response to the Review of Civil Legal Aid. Apart from the difficulties faced by vulnerable clients in accessing and using remote services, we also expect more direct action from the MoJ to ensure that providers are incentivised to set up and maintain services in all areas of England and Wales. Public Law Project has also carried out research to determine the efficacy of this particular scheme, which has thrown up considerable concern that it is failing to help clients in the south west to access legal support.

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## Criminal Legal Aid News

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### Duty solicitor scheme boundary consultations

The Legal Aid Agency published two new consultations on the impacts of court and police station closures on duty scheme boundaries: Hull Police Station Duty Scheme on 14 February and Wakefield and Pontefract Police Station Duty Scheme on 6 February.

[Full details can be accessed here](#)

### Interpreters issue in police stations

Rep bodies have been discussing the problems that new police guidance is creating by making it difficult for solicitors to use the same interpreter



Legal Aid  
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as the police when interviewing clients at police stations. If you have had any problems, [please get in touch](#).

### Crime Lower Consultation - Proposed Pay Increase for Police Station and Youth Court work -- responses by 29 March 2024

This consultation seeks views on proposals to increase Crime Lower fees for Police Station and Youth Court work but once again the government has declined to propose a fee increase for prison law work.

[The announcement on 29 January is here](#)

[The consultation is here](#)

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## Sector News & Events

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### Public Law Project's Online Judicial Review Academy

A complete online course, run in short (1hour +) sessions on Zoom, over 4 days (26-29 February). All sessions are recorded for delegates to access after the training concludes. This course is presented in partnership with 39 Essex Chambers.



Who should attend:

- Junior and trainee lawyers, advisers, advocates and anyone likely to be involved in judicial review claims, or increase their understanding of JR to help their clients.
- Anyone responsible for legal policy in NGOs or Government, or those tasked with Government decision making.
- Those working in campaigning organisations with a legal strategy and
- Those representing and advising marginalised groups in society

[Full details and booking process here](#)

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## LAPG News & Events

## APPG on Access to Justice – Violence Against Women event – 27 February 2024



The APPG on Access to Justice will be running an event in Westminster on 27 February 2024 (14:00-15:30) focusing on Violence Against Women.

The event will be chaired by Baroness Helena Kennedy KC.

Speakers include:

- Laura Farris MP, *Minister for Victims and Safeguarding*
- Alex Davies-Jones MP, *Shadow Minister for DV and Safeguarding*
- Nicole Jacobs, Domestic Abuse Commissioner for England and Wales
- Jenny Beck KC (Hon), *Co-Chair of LAPG and Chair of the Nuffield Family Justice Observatory*
- Dr Nicola Sharp-Jeffs, *Founder and CEO of Surviving Economic Abuse*
- An Expert by Experience

To attend please contact LAPG's Director of Parliamentary Affairs, [Rohini Jana](#).

### LAPG training courses

#### ***Supervision Courses***

Book your place on any of 2024 Supervision Courses below:

[7<sup>TH</sup> MARCH 2024](#)

[23<sup>RD</sup> APRIL 2024](#)

[2<sup>ND</sup> MAY 2024](#)

[8<sup>TH</sup> AUGUST 2024](#)

[12 NOVEMBER 2024](#)

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.



It's getting close legal aid friends - we are due to launch this year's **LALY awards on Monday, 26th of February**. The nomination window will be open for 8 weeks, so now is the time to start thinking about who you want to nominate as your legal aid superstar and talk to colleagues, clients, judges (etc.) about supporting your nomination.

This year's LALY ceremony will take place in London on **Friday, 5th of July**. Look out for more news in our Updates and follow the LALYs on X (formerly Twitter) - @LALYawards. Who knows, maybe we will also be celebrating a successful civil legal aid review and a promise to inject a bucket load of money into the scheme by the time of the LALYs??? We can but dream...

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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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!



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