



Children's
Rights Alliance
for England



Project for the Registration
of Children as British Citizens



helping women through the law



Public Law Project



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ACCESS

Championing advice and counselling

Mr Robert Neill MP
Chair of the Justice Select Committee
House of Commons
London, SW1A 0AA

14 December 2017

Re: LASPO Act post legislative scrutiny

Dear Mr Neill MP,

We are a group of not-for-profit organisations with expertise in issues around access to justice and legal aid. Several of us were part of a diverse group of stakeholders who wrote to the Justice Select Committee in 19 August 2017 regarding the government's planned post-legislative memorandum on LASPO and the challenges that need to be addressed. Following the memorandum's publication on 30 October, we write to urge you to consider establishing a full Justice Select Committee inquiry into its contents and the future direction of legal aid policy in England and Wales.

We are aware that the Ministry of Justice will be conducting its own post-implementation review of the policies within Part 1 of LASPO over the coming months. However, we are concerned to ensure that this critical issue receives proper and necessary independent scrutiny. Writing to the Committee in February, we had envisaged that the government's post-implementation review might take a similar form to the Scottish Government's review of its legal aid system, chaired by the chief executive of the Carnegie Trust and supported by a panel of independent experts. It is now clear that is not what is intended.

Instead, the ministerial statement of 30 October outlines an in-house government review to be completed by summer 2018. As far as we are aware, none of the key outside stakeholders

(such as those this Committee engaged with in its own short Inquiry in 2014) have so far been approached for consultation as to the review's scope and format. We share the concerns you have expressed to the All-Party Parliamentary Group meeting on 5 December, about LASPO's impact on access to justice and the rule of law; its wider impact on health, wellbeing and social cohesion; particular elements of legal aid provision, such as the telephone gateway and Exceptional Case Funding; and how the Ministry has responded in practice to concerns over legal aid flaws raised in official reports.

We are anxious to ensure this singular opportunity to engage with the challenges faced by the justice system, and set policy for the coming years, receives the fullest possible scrutiny. We therefore believe that a concurrent Inquiry by this Committee would provide critical additional insights to inform the policy changes likely to follow the government review.

We would welcome the opportunity to comment in more detail on the possible scope of such a Committee inquiry. For now, we would respectfully draw your attention to the four guiding principles suggested in the Memorandum of 19 August 2018:

1. A focus on the needs of people for whom legal aid is intended;
2. A coherent and rational approach to the scope of legal aid;
3. An emphasis on the rule of law and the principle of accessibility, as recently clarified by the UK Supreme Court in its UNISON judgment;
4. The need to base decisions on robust evidence, including evaluation of the reforms' impact on legal aid's beneficiaries, its providers and justice as a whole.

We also suggest that any Inquiry include an open call for written evidence, to ensure that key stakeholders and affected groups have the opportunity to engage.

We hope the Committee will give due consideration to the establishment of such an Inquiry, and we remain committed to engaging in any way it sees fit. For more information, please contact Rachel Logan (Rachel.Logan@amnesty.org.uk).

Yours sincerely,

Amnesty International UK

Children's Rights Alliance for England

Immigration Law Practitioners' Association

Just Rights

Law Centres Network

LawWorks

Legal Aid Practitioners Group (LAPG)

Project for the Registration of Children as British Citizens (PRCBC)

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