

Legal Aid, Sentencing and Punishment of Offenders Bill

Briefing by The Law Centres Federation

Reasons for this briefing

The Law Centres Federation is extremely concerned about the impact this Bill will have if its proposals are accepted:

- > Over 605,000 people on low incomes will no longer be able to access legal advice.
- > The consequences of unresolved legal problems will cost the state more in the long run than the cost of providing legal aid.
- > Almost one third of Law Centres will no longer be financially viable and will close.
- > The proposed mandatory gateway will add an extra step to the process of applying for the legal aid scheme and increase its complexity, thereby deterring the most vulnerable people from accessing advice.
- > The proposals mean that the most vulnerable members of society will not be equal before the law. This is not fair.

Background

The Bill is currently being scrutinised by a Public Bill Committee which is expected to report to the House by 13 October.

Among the Bill's provisions are radical proposals to curtail legal aid for social welfare law advice.

Over 5,000 responses were received to the Green Paper. Over 90% of respondents were against the proposals and yet they have hardly been changed.

What the Bill proposes

The Bill proposes the removal of legal aid for whole areas of law which affect people in their everyday life, including:

- > Most debt matters
- > All welfare benefits problems
- > 40% of housing problems
- > All immigration issues unless the client is in custody
- > All employment problems
- > Most education problems
- > All clinical negligence cases
- > Divorce, family finance and contact issues, except where there is narrowly defined incidence of domestic violence.

Mandatory telephone gateway

The proposals will make it mandatory for clients to make their first request for help from legal aid by telephone rather than in person. While we recognise that telephone advice is an option for many people, our experience shows that it does not work for the most vulnerable.

- > Research in Coventry¹ found that those clients with a strong preference for face-to-face legal advice were also the ones least able to access advice by telephone and internet. Introducing a mandatory telephone gateway would result in those clients who call the telephone gateway unlikely to be those who most need help.
- > Telephone contact with a client who then goes on to face to face advice will duplicate some of the administration and add extra steps for the client.
- > It is also likely to direct resources away from the most vulnerable clients because they will be least likely to access legal aid if the only way in is via telephone.
- > Legal aid will not go to where it is most needed. People who are deterred are most likely to do nothing. Their problems will escalate and end up costing more – in prison, healthcare etc.

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The removal of these areas of law from legal aid means people on low incomes will no longer be equal before the law, nor have the means to assert their rights. They will have to face their opponents' lawyers alone.

The proposals represent a 66% cut to the legal help scheme. Legal help provides avoidance of litigation by giving initial advice.

Law Centres specialise in poverty law. They serve 120,000 people each year with in-depth legal casework. If these proposals go ahead, where will the 80,000 people that Law Centres will no longer be able to help turn to? What will happen to them? How much will they end up costing government?

Cuts such as these have not been proposed for any other public service. They will directly impact on the poorest people – those with nowhere else to turn.

Economic Madness

Cutting legal aid in this way will cost the state more. Early advice saves time and money. If legal problems are left unresolved they do not fix themselves. They escalate and result in far greater costs to government.

- > The social cost of evicting a family has been estimated at up to £34,000. The current legal aid fee for resolving a housing problem, which pays for up to 9.5 hours of legal work, is just £157.

- > The Legal Services Research Centre found that each unresolved debt matter on average costs the public over £1,000. Legal aid for debt advice costs only £180.
- > The Legal Action Group has estimated that the £49m saving from cutting housing, debt, welfare benefits and employment will cost the government £286.2m. This is based on research that the average direct saving for these areas of law is £6 per £1 spent.

The consequences for Law Centres

Law Centres are not for profit legal practices targeted at the most disadvantaged and marginalised groups in the UK.

18 out of the 56 Law Centres nationwide will be likely to close. These are the Law Centres where legal aid makes up over 60% of their revenue.

How you can help

Please support the following amendments to the Bill:

- > **Drop the mandatory telephone gateway. Allow consumers to choose how best to access legal aid – by internet, by telephone or in person.**
- > **Secure legal aid for vulnerable groups.**
- > **Support amendments to the Legal Aid Bill that allow linked legal problems to be handled together with the legal aid matter.**
- > **Secure legal aid for all appeals.**

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