

## LEGAL JUSTICE TOGETHER

**A national conference held on 15 March 2014, in Manchester**

### **ORGANISED BY: ACCESS TO ADVICE**

Access to Advice is a Greater Manchester based, unfunded group campaigning for publicly funded, free legal advice.

**SPONSORED BY:** Cheetham Hill Advice Centre • Doughty Street Chambers • Garden Court North Chambers • Greater Manchester Immigration Aid Unit • Greater Manchester Welfare Rights Advisers Group • Green Party • Haldane Society of Socialist Lawyers • Kenworthy's Chambers • Northern Save Justice Campaign • Unison • Unite the Union • Young Legal Aid Lawyers •

## CONFERENCE AGENDA

A forum on the massive challenges to public legal advice services, bringing together practitioners and all affected by cuts in legal aid and advice provision - both criminal and civil law:

- To share updates on what's happening and planned in each area of law and provision, and the impacts on our communities.
- To share experiences of strategies for maintaining services in the face of funding cuts.
- To update on current campaigns and develop actions for positive change at local, regional and national level.

### **Morning Session**

**Introductions, interests and concerns** – roundtable discussions

**Access to Justice Now** - a national overview of cuts to legal aid and advice, criminal and civil  
Mark George QC, Head of Chambers, Garden Court North  
Steve Hynes, Director of the Legal Action Group  
Questions and points

### **Workshops** - where are we at?

Domestic violence, immigration, housing  
Welfare, disability and mental health  
Strategies for survival  
Issues for criminal legal advice

### **Afternoon Session**

#### **Campaigning - Forward for positive change**

Lord Low, Low Commission on the future of advice and legal support on social welfare law  
Rhona Friedman, Justice Alliance  
Denise McDowell, Director Greater Manchester Immigration Aid Unit,  
Questions and points

### **Workshops** - sharing and developing ideas for campaigning and action

Influencing politicians and decision makers  
Collective actions  
Challenging the threats to professional services  
Judicial review and strategic litigation

**Legal Justice Together** – key outcomes of the day

*All contributions are edited summaries and do not necessarily reflect Access to Advice's views*

## Introductions, interests and concerns

In the round table discussion session we asked delegates to introduce themselves, share their hopes for the day and ideas for working together.

### What outcomes were delegates looking for?

Main points:

- We can't now cope with current demands for advice and legal help, we have to work out what we do in the short and long term.
- We need to identify common ground between the legal and advice professions.
- We need to share knowledge, learn from others, give mutual support, develop collective strategies for action.
- Dealing with individual client problems must be combined with campaigning against government policy and service cuts, including highlighting the position of some of the hardest hit groups such as migrants, women facing domestic violence, disabled people.
- Let's think about the specific difficulties clients are facing, and gather information and individual client stories in a single place to provide the evidence for 'mythbusting' and campaigning. Let's draw on all sorts of people and organisations, and gather more individual voices and more pictures to tell the story.
- Some people are sceptical about being able to win political and public support, but we can build on the heartening numbers and mix of people here today.

## Access to Justice Now

**Mark George QC**, Head of Chambers Garden Court North

I love legal aid. It has saved hundreds of thousands of tenants from disrepair and eviction, asylum seekers from deportation, defended cases of workplace injury and hospital negligence, and enforced the legal rights of millions of people. It saved Chris and Andrew Hilliard from imprisonment, and defended Paddy Hill and Gerry Conlon, the ninety miners' families charged with riot in 1984-1985, and the Hillsborough families. Justice is open to all, due to legal aid.

### **Legal aid has made us a more equal society and a more civilised people.**

How dare the Tories threaten to remove legal aid from our society. We must not allow legal aid to be destroyed by a man who knows nothing about justice or the contents of the Magna Carta, along with David Cameron, who couldn't remember what the Magna Carta even meant. It is easy to find articles attacking fat cat lawyers. What have we done? We haven't invaded countries and are not responsible for hundreds of deaths.

### **The attack on legal aid is an ideological attack**

We have a Government stuffed full of the rich who have taken advantage of the economic crisis to attack the welfare state. They don't use legal aid lawyers when caught with their fingers in the till. They hate spending money on the poor and on services they buy privately. Legal aid is every bit a part of the welfare state as the NHS itself.

We are told we live in times of austerity and the money is all gone, and there isn't the money to pay for services such as legal aid. But the scheme was first set up in 1949 in a time of real austerity when the coffers really had been emptied. If we could afford it then don't tell me we can't afford it now. It's a matter of political choice.

If it is true that some of the money has gone, who took it? Was it disabled people in wheelchairs or those with a spare bedroom in their flat or those made redundant who claimed their legal entitlements? Of course not. But it was a bunch of people in the city who took the money. I don't accept the economic case for cuts in welfare. There is plenty of money in the system. Don't tell me we can't afford legal aid when we have rogue companies like Amazon keen to take our money but not pay taxes. There is a handful of tax inspectors looking into affairs of superrich. But there is a veritable army of benefit inspectors looking for every opportunity to penalise people on benefits.

### **The Grayling cuts spark a fightback**

Many cuts had happened without any coordinated fight back. The legal profession was far too slow and timid in its response to the civil legal aid cuts. But last year Grayling decided to take on the criminal lawyers. It started with misleading statistics designed to poison the public mind. He was held up by the tiresome need to consult. It was not a consultation in any sense. But then something unusual happened. After years of dithering and giving in to weasel words criminal barristers decided they would stand and fight. Here was the straw that breaks the camel's back.

Last November the Criminal Bar Association (CBA) voted to take direct action. We didn't do it lightly. It is not something barristers have done before. We tried talking to the Government but they wouldn't engage. In six months in office Grayling wouldn't talk at all with the chair of the CBA, Michael Turner QC. We tried writing. There were a total of about 18,000 responses to two consultations. We completely demolished the Government's case to cuts for funding. And the Ministry of Justice ignored us. At the end of February 2014, they announced massive cuts in legal aid just as proposed a year before.

### **Are legal aid solicitors fat cats?**

For solicitors on the new duty scheme the fee is £156 for a police station case. Not bad if you can wrap up the case in two hours. But with repeated bail backs it can easily run to twenty or more hours. It does not even come to the minimum wage.

### **Diversity in the legal profession under threat**

When I came to the bar in 1976 the bar was mostly composed of white middle class and upper middle class men just like me. In the thirty-eight years since then I have seen far more women and people of ethnic minority backgrounds at the bar. If any of you saw photos of people gathered outside criminal courts during the last day of action you cannot have failed to notice a number of young women and black and Asian lawyers on strike outside the crown courts. But all of that is now threatened.

Continuous cuts to legal aid increasingly mean that for women barristers it is not economic to return to their jobs if they take a career break to start a family once they consider the costs of childcare. What a waste of talent and loss to our society. There has been a substantial increase in a number of firms staffed by solicitors from minority ethnic backgrounds. These firms tend to be small, exactly the sort of firms that will not survive the current cull.

### **Firms closing**

The cuts they are forcing though mean a large number of firms will close. With the Government reducing the number of contracts in Manchester to less than half, it is virtually certain that fewer than 50% of criminal law firms will survive. That has a massive impact on our clients. People will no longer have a lawyer in their neighbourhood and will have to travel much further to find a lawyer to represent them.

### **The quality of representation will diminish.**

Firms will be forced to cut the more experienced staff and hire cheaper alternatives and in time it is undoubtedly the case that standards will fall. You get what you pay for. Don't tell me any service ever got better because it got cheaper.

### **What about the fightback?**

So far this year there have been two days of action when criminal barristers refused to go into court.

The disruption caused has been significant. Ushers unlocked the doors and in one example, there was a preliminary hearing in front of a high court judge but nothing else on his list. In fact the judge was in his room upstairs. It meant they could say that that court was open. What was the cost to get the judge to come in? We went round the courts to see the reality and we know the picture was of massively disruption and that hardly any trials went ahead.

If Mr Grayling doesn't accept the CBA case there will be more action, I hope later this month. Probation officers have chosen 31st March and 1st April to strike. They have their own fight and we should support them. It would be brilliant if the CBA would strike on the same days. If we fight together we are always stronger than if we do on our own.

### **Campaigning for the future of legal aid**

We need a campaign for restoration of legal aid and the preservation of legal aid that has not already been wiped out. We should put MPs under pressure. There could be a Labour government in 2015. The current shadow justice minister Sadiq Khan is a former legal aid solicitor. Now he is out addressing the crowds with fine rhetoric but he was late to show his hand and he didn't say a Labour government would restore the cuts the Tories are making. We need to put him on the spot. The parting shot of the last Labour government was to impose a 13% cut on criminal legal aid. So we have no reason to trust any of the main parties. We should put Labour candidates under pressure to declare their positions and hold them to it.

We should have had this fight a long time ago. We owe it to ourselves to fight, we owe it to the young lawyers who have invested a fortune in fees to qualify and we owe it to our clients for whom access to justice is a right. Don't mourn the cuts to legal aid. Organise and fight back.

### **Questions:**

*Could we hear more about the "no returns" policy?*

Barristers normally work on goodwill to pick up cases their colleagues cannot. Barristers are saying they are not prepared to take on such cases from colleagues. This is just one guerrilla tactics we can employ.

*How can the criminal bar look to involve non-criminal lawyers and others to join the campaign?*

Ninety-nine per cent of barristers had never been on a demonstration before this action started and many are pretty conservative. They are learning the way. To me it is bread and butter to involve court staff, etc. But we have to teach ourselves to walk and then run. There is no doubt about it that it is important to have that sense of unity and we are stronger if we fight together. It is a good thing that the mood has changed among barristers.

## **Steve Hynes Director, Legal Action Group**

### **A year of austerity justice – cuts to civil legal aid and advice services**

It's a pleasure and honour to be here, but a depressing subject. The action being taken by the bar, though, is brilliant: their potential is completely different to that of the civil side of the profession and the advice sector.

### **Impact of the cuts on early advice**

Data are hard to find - the Ministry of Justice has been massaging the statistics - but a government document identifies 623,000 clients affected by cuts since April 2013, with disproportionate cuts to cases of initial legal help. Everyone knows that if you get to a client with a benefits problem you can often resolve the case before tribunal, or in housing you can avoid repossession hearings for rent and property. Legal help was a brilliant system. It is so important to win the argument that getting to people early is a way of heading off later problems and costs to the state later. Research shows gains of £7-10 saved for every £1 spent on advice.

### **Loss of advice services**

The poor and most vulnerable in society bear the brunt of cuts to advice services. Local government has taken an enormous pasting, with cuts in Manchester for example of 40% between 2010 and 2016. How can any public service survive with that sort of level of cuts? The loss of the flagship Manchester Advice service in 2011 has had national as well as local impact. Law centres have closed locally in Stockport, Trafford, Wythenshawe, Oldham, Warrington and the Liverpool 8 law centre. CAB and other not-for-profit services have been cut, with Age UK predicting a 43% decrease in their advice service funding from local authorities. At the same time there are reductions in private practice solicitor services, particularly in family law. People are losing jobs.

### **Loss of expertise and experience**

Citizens Advice are responding to cuts very well and trying as much as possible to maintain services with volunteer advisers: some service but not the same service. This creates a political problem. The government can say at least there is some service. We have to reinforce the message that the services that emerge are important but no replacement for what we have lost. We have lost a whole cadre of solicitors and advisers experienced in the law, and we have to puncture the Whitehall myth that the loss can be compensated for by volunteers, pro bono work or self help materials online. If we don't, we will never get restoration of funding for specialist advice services.

### **The highest impact of cuts is on vulnerable groups**

This is demonstrated by the government's own impact assessment. In the case of family law, women constitute 62% of those affected, and for education it is 72%. For immigration cases 86% are from Black and minority ethnic groups. And whilst nineteen percent of the population is people with disabilities they account for 54% of benefits advice cases. Ministers agree that it is the poor and most vulnerable who are most affected but justify the cuts as necessary.

We know about this disproportionate impact but members of the general population don't, and many women, in particular, would be horrified. The general election is coming up and we need to campaign on this.

### **Increase in appeals and court action**

In 2012-2013 there was an increase in outstanding court and tribunal cases. Although mortgage possession cases have fallen there has been a sharp rise in repossessions of rented properties, affecting low income groups and metropolitan areas most, with 42,520 landlord repossession claims issued in the last quarter.

### **The latest changes**

The government's second set of reforms will be new obstacles to people enforcing their rights to justice and are a direct and overt political attack on individuals' rights. The 79% drop in employment law cases in the most recent quarter resulting from introducing fees for claimants is absolutely shocking, and the TUC is trying to campaign on this.

Some other measures, including curtailing rights to judicial review, are not even necessarily cost saving.

### **'Civil Legal Aid - the secret legal service?'**

Legal aid is falling off a cliff. People aren't coming forward with cases to solicitors. The government has peddled the myth that legal aid is no longer available, and the public perception is that you might as well give up as there is no legal aid to cover cases. In housing law, for example, repossession of a house is still in scope for legal aid but the data show that people are not using the service.

If you try to get information about legal aid it's impossible, as we describe in LAG's new report 'Civil Legal Aid - the secret legal service?'. Government wants legal aid to wither on the vine. There will be no need for a civil legal aid safety net if people are not using it, creating a self-fulfilling prophecy and a case for further cuts if the Conservatives are re-elected in 2015. We need to market legal aid to make the point that it is still available.

Legal aid is often seen as an elite legal service that only lawyers can understand, but legal aid is about support for ordinary people wrongly accused of a crime or facing problems with benefits or housing. Everyone should understand the need equality before the law, but Grayling is willfully not interested. He can't see this as a priority. All he is interested in is the next big job in government.

### **Public support for Legal Aid**

But there is hope. When the public are polled with the question 'Is it fair that for everyday problems people on below the average income of £25,000 should get free access to advice services?' the big majority of usually well over 80% of people agree, and a good number say it should be free for all. This is something to build on. People have an understanding that it is fair to get represented in court if accused of a crime or with a civil problem to pursue. We are not getting the message across in a way that can force the government's hand. In the coming year we have got to get a lot cleverer and campaign to achieve that.

### **Campaign Priorities**

We also need some priorities because I don't think, even if we run the best campaign ever, the incoming government will restore all cuts. We need to tackle this incrementally, highlighting what happens to clients on the ground. My number one priority is to protect women and children from domestic violence. This is not happening at the moment because women are not able to provide evidence to secure application of the human rights safety net of rule 10. The government is reviewing this but I am not optimistic, so we need to campaign on this.

There is a priority for restoration in family law where we now see children's access arrangements not being defended. And only a fraction of the £10 million fund for mediation has been spent. For effective mediation people need to know their legal rights: if you don't start with that, mediation won't work.

And the human rights safety net must be amended. With only a handful of cases being granted under the exceptional funding rule - thirty-five - against the government's estimated 5,000-7000 cases, something has gone fundamentally wrong. The government's default position is that there is no way round the provisions made by the Legal Aid Agency. But the Legal Aid Agency is a patsy of the Ministry of Justice, and their first priority is not protecting access to advice but saving their budget. That is fundamentally wrong. It is a Ministry of Injustice.

### **A national strategy for advice and legal support**

The case we need to make is that to avoid 'downstream' costs - through failure to provide people with early advice and legal help - we must have a national strategy for advice and legal support. The Low Commission proposes and spells out such a strategy and is the only game in town.

A fair chance in life means equality before the law and that's what we have to campaign for.

### **Questions**

*The legal profession is seen as part of the establishment, we should we are defending everybody who has been adversely affected and not saying 'We are all with you but you are not a priority right now', and we should give a clear 'No' to all cuts. How are we going to campaign?*

A just legal system needs barristers. They are not naturally gifted at public relations and, whilst the average pay of barristers is a long way behind general practitioners, the latter have a better public relations image. We have got to defend the right of professionals to be paid a decent amount of money to do a hard job. Dozens of young barristers earn £10,000 a year trying to break into the profession and only small numbers of barristers earn six-figure incomes. Don't be fooled by divide-and-rule tactics. In campaigning terms the overall target is the simple message that injustice is wrong and that cuts need to be restored. But as a campaigner what do you say to ministers now? We need to start with costed, 'will work', immediate priorities that they can implement.

*Faced with loss of legal help how can lay advocates support clients to fill that gap without damaging*

*the overall fight to reinstate funding and restore a proper full service?*

Mark George - There is an obvious dilemma with pro bono and volunteer contributions in neither wanting to walk away and leave people without help nor give the Government the opportunity to say funding is not needed. We don't want the minimum standards of a bucket shop approach. Everyone is entitled to high quality advice irrespective of the nature of the legal problem. Those who cannot afford to pay should get the service, as is true with the NHS.

Steve Hynes - A principal skill as an adviser is to refer on when necessary, giving help where you can but not beyond. As campaigners we need statistics to be publicly available describing the limits of help available. We also need personal stories; all the time we are asked for these by the media, and human stories are powerful.

## **MORNING WORKSHOPS**

### **Domestic Violence, Immigration, Housing**

Housing - Colin Henderson – ilegal

Legal aid for housing problems is severely rationed. It is still there for the threat of homelessness and possession cases, but there is no legal aid for advice on most disrepair problems and for tenure. Also legal aid is no longer available for housing benefit problems and loss of benefits that can lead to evictions if unresolved. Self rationing by the public is happening because there is a perception of no help being available.

Domestic Violence - Joanne Simpson - Independent Choices

The changes last year raised the threshold for the level of proof for example: for residency for children you need to show there has been multi agency involvement and a Multi Agency Risk Assessment Conference; evidence of criminal proceedings, injunction.

The emphasis is on physical violence not psychological or sexual or financial abuse. Domestic abuse is about power and control.

Women are being forced to raise money for legal expenses or being bullied in court without support and representation.

Immigration - Denise McDowell – Greater Manchester Immigration Aid Unit

From 1st April 2013 the government removed legal aid for immigration cases, characterising these as 'lifestyle choices'. Cases about the Right to Family and Private Life using Article 8 of the Human Rights Act are immigration and no longer covered. The Legal Aid Agency expects us to separate the asylum elements of a case (funded by legal aid) from the Article 8 aspects (no longer funded).

As an organisation we realised that if we only represent people when there's government funding we're allowing the government to dictate who we represent. That's not what we're about. We represent people in need. We have had to prioritise our work for example someone threatened with deportation is a priority, some other entry clearance applications may be less so.

We've developed some new ways of working to meet need - for example a project to help refugees make family reunion applications - but it's a sticking plaster. We can't meet the level of demand. And doing the work for free lets the government off the hook. Strategies to help individuals in this situation can legitimise government cuts. There are no magic answers and that's one of the reasons why the conference is so important - to get people together to work out what we do.

Discussion

Domestic violence

Is domestic abuse increasing? Is it being reported? We need to present the facts.

People are being forced into mediation on domestic abuse when it is not appropriate.

Refusal of legal aid can mean an abuser directly questioning their victim.

How we argue and publicise

Mixed messages come from advice services – things are bad but we are coping. Also we face the problem of reduced services leading to reduced expectations and reduced demand.

Statistics need to be kept and used, linked to case studies to show the gaps in legal advice. How can we collect them? We need networking with big and small organisations, highlighting multiple problems.

Our clients are not popular and there is a public perception of ‘fat cat’ lawyers. This means that personal testimony and individual cases are important, the human impact. Food banks are perceived as an affront to civilised society, a similar approach is needed to legal advice cuts and denial of human rights. Children are involved and affected by the cuts.

Bring on board people with media experience. Get a good logo.

Community groups, womens groups, voluntary groups need to be involved, to raise awareness in as many ways as possible.

We must work with politicians.

Working together

We need to know what we don’t know and work together.

Legal advice practitioners are fragmented in different organisations, ideas need to be pooled and coordinated. We need links between different types of practitioners.

We need local campaigns, working together and sharing information – a unified front.

## **Welfare, Disability and Mental Health**

Julia Timothy, Bristol Welfare Rights and Money Advice Service

In the face of reduced services, the Bristol service is using publicity based information and advice to increase awareness and inform residents about welfare changes. Their ‘Benefit Briefing’ newsletter goes to 200,000 homes. It includes coupons to request more information, the service uses these to monitor the benefits gained, it also tells people where they can get help locally and online. The material is so useful that Jobcentre Plus are using it! An e-learning package has been developed as an alternative to talks on Welfare Reform. But we need to beware of management assuming that e-learning can replace all talks and training.

Steph Pike, Manchester MIND

Legal Aid cuts have reduced advice resources in Manchester by 50%. The government says that people do not need advice but the system is getting more complicated, not simpler. There has been an explosion in demand for advice from mental health claimants for example relating to sanctions, people expressing feelings of shame at claiming benefits and increases in the numbers of people in crisis. Being on a conveyer belt of medical assessment forms and interviews massively increases stress. Recent changes are making it harder for people to appeal wrong decisions.

Organisations are facing considerable challenges through insecure funding and the terms of funding which make it difficult to speak out and which also shape the services provided. For example, funding being linked to the central government work seeking agenda for claimants has moved some service provision away from being user led and impartial advice and support to setting proscribed actions for clients with use of sanctions.

Jane Emerson, Rotherham Welfare Rights Service

Cuts to benefits for disabled people are increasing hardship and use of food banks. Continuing problems with poor quality ATOS assessments, ‘rubber stamped’ by DWP decisions, creates a huge need for tribunal representation which massively increases appeal success rates. Disabled people face barriers to getting justice: tribunal venues and courts are not always accessible; insecurity of funding and changes in what services can be provided is limiting access; reliance on one rigid model of advice provision, for example phone advice or having to call in excludes people.

## **Discussion**

Challenging Jobcentre Plus procedures

There are problems of access to medical assessment venues and mandatory activities inappropriate

for some disabled claimants but the system punishes claimants with sanctions rather than making adaptations. We need to look at the possibility of using discrimination law to challenge the contracts to providers. We need to support campaigns of user led organisations on these issues.

The Welfare Reform Act of 2007, removed protection from medical assessments, and from participation in work related schemes, for a range of serious conditions, such as severe mental impairment. We need to press for an independent enquiry into the effects of the Work Capability Assessment, seeking service users' views, gathering evidence, running events, getting media coverage.

#### Exposing cuts in services

One advice service, faced with no resources to support representation at tribunals, have a policy of sending claimants to appeal tribunals with a letter to hand to judge explaining that they should be represented but no service is available, and a second letter to be sent to local MP with the same information.

Other speakers pressed for collection of service user experience, to be used to make the case for need for services, and show the consequences of massive cuts in legal advice services.

Simultaneous cuts in rights, through Welfare Reform, and cuts in advice services are systematically excluding people from access to justice. Exclusion is increased by other factors such as mental and physical disability, language and literacy issues, the more excluded the harder it is to get justice.

### **Strategies for survival**

Rochdale Law Centre Gill Quine explained how the law centre had stayed open. A Community Interest Company was set up with initial funding from Barings. Immigration appeals are charged at a fixed fee, surplus income funds free provision where legal aid is no longer available such as family reunion cases. Employment cases are conducted as no win, no fee with a charge of 25% if won; profits fund free representation for cases unsuitable for no win no fee such as minimum wage, unpaid wages. Benefits to the community are a quality service that costs less than others. With the high demand for immigration work and the Law Centre already a provider, it has not taken work away from other providers.

Oldham CAB Carol Laidlaw explained the current strategy of her service.

- ♦Having plurality of income streams including NHS Clinical Commissioning Group funding for GP patients; Macmillan; small amounts from trusts; expanding legal aid work for housing cases still in scope; using exceptional cases funding.
- ♦Amalgamating the management structure with Rochdale CAB. Joint management is also needed where local authorities are jointly commissioning services.
- ♦Less detailed casework, breadth not depth. More phone and on line advice as well as face to face. But problems include no funding for Jobseekers Allowance sanctions work, meeting demand for first tier tribunals eg ESA.
- ♦Raising profile and lobbying.
- ♦Local authority funding can compromise independence, for example the inclusion of contract conditions that local authority decisions are not challenged. Legal aid was more independent.

### **Discussion**

Diverse funding streams are needed

Segmenting customers for funding purposes means that not all can access services, groups are marginalised.

Who will provide funding for universal access? How do we retain staff and skills with unstable funding?

#### Competition vs collaboration

The danger of larger voluntary organisations undercutting smaller ones for example some or many refuges are no longer Womens Aid and have a different ethos.

Working together to share resources – partnership work can lead to marginalising smaller, neighbourhood agencies.

Trustees need to share their experiences, ideas, creativity of their organisations.

## Community organisations giving advice

North West TUC provides some funding for unemployed workers centres who advise on welfare benefits, housing, employment, looking at doing one in Manchester where advice services have been severely reduced. One community group resisting welfare and housing cuts is working with a range of agencies to bring in services and funding, the group has used community fundraising, also sources such as the Edge Fund which funds small unfunded groups actively challenging social injustice

What are we surviving for and how long will we need survive till proper funding is available?

If we set up voluntary community projects we are not going back to ground zero – we have experience and knowledge to draw on to support and develop these projects and fight for funded projects.

We are filling advice gaps as best we can, it is difficult to say No.

We need to do this along with wider campaign activity including engaging with clients politically eg with local bedroom tax groups; going to MPs surgeries.

## Issues for criminal legal advice

Patrick Harris, Clifford Johnson & Co, Mark George, Garden Court North Chambers and others

### A critical time for criminal legal aid solicitors

- Further cuts to fees start in 7 days with more cuts next year.
- The new contracts for duty solicitors will be limited to 500, mostly in London. You will need an own client contract to get the duty solicitor contracts. Solicitors will need to apply to the Ministry of Justice to represent their own clients.
- There is a sense of unease that the bigger firms will be the first choice for duty contracts and the smaller firms will pick up what's left, if any at all. Smaller firms are at a disadvantage due to inexperience in writing the business plans required by the tendering process.
- At a local level small firms will close. Many solicitors mix and match, if firms reduce especially local firms then this will have a big impact on mix and match services.
- There could be a shift from face to face contact to a virtual office and less experienced staff, as a cheaper alternative to keep access to justice available Would you rather have an in house lawyer that's shifted from other area of law or someone that is experienced in your type of case and deals with them on regular basis?

### Raising public awareness

- The message that we need criminal legal aid and advice is difficult to get out to the public and this needs addressing.
- People do not know or understand about the justice system until they or a family member are involved in it. Few understand legal business. They may not be concerned with legal aid cuts until they or someone they know needs it.
- We need to be explain in terms that people can understand.
- Criminal law is an area that many may not want to defend due to nature of some of the offences and offenders.
- There needs to be a wider message that it's not just criminal law, it's all aspects and areas of law, family law cases have taken a big impact and people can't afford to get cases to court which leaves people and children in a vulnerable position.
- There needs to be more emphasis on high street firms which are the first port of call for many.
- False divisions are made between taxpayers and non taxpayers but working families need legal aid too: it's for everyone.
- Legal advice should be a legal right, legal aid is part of the Welfare State like the NHS. We cannot let the public service become private.

### Campaigning

- Engagement with the public by the lawyers is crucial. There is an absence of voices heard within local communities about legal aid, local lawyers need to get into the community and support local

communities to shout louder and be heard about the real issues affecting people.

- There needs to be building of solidarity between fragmented communities: public, professionals, other campaigns.
- Industrial action is a way of getting the message out there and having an impact.
- Engagement with journalists is needed and continued contact to ensure coverage is key to part of getting the message across and raising awareness. We need to recognise the impact of local and regional newspapers and use them, as well as the national papers.
- Cases that arouse public sympathy are a tool to get into the community, radio, media as people can relate to it. These express and illustrate why we need access to justice.

## **Campaigning - Forward for positive change**

### **Lord Colin Low Chair of the Low Commission on the Future of Advice and Legal Support on social welfare law**

It is always very heartening to come to Manchester where there is a completely different level of discourse, which is outside the 'metropolitan bubble'. I accept Mark George's message of analysis and critique, that political gains by working class people in the twentieth century are being clawed back, and the role of society weakened, but visiting Manchester gives one hope.

#### **The Low Commission**

There may now be signs suggesting a more radical challenge to government - including the prospect of barristers on strike - but I confess that we didn't see much sign of this when we put the Low Commission together. Instead we saw it as making the best of a bad job, and I recognise that you will be disappointed if you are expecting a radical call to arms.

The Commission was set up in October 2012 by the Legal Action Group and funded by the Baring Foundation to provide strategy on legal welfare law. It is independent and comprehensive in its view, drawing on varied experiences amongst the commissioners.

#### **The effects of the cuts to legal aid for social welfare law**

The significant restriction in scope of social welfare law for the problems of everyday which affect the most vulnerable people, including the almost complete removal from scope of benefits advice, will be very serious.

The cuts to legal aid are estimated at £89 million per year, and are accompanied by 40 percent cuts by some local authorities. This is on a significant scale. CABs have seen funding reduced by nearly £33 million (8.5%), much of which is accounted for by legal aid cuts.

Most not-for-profit providers of legal aid have left the provision. Manchester CAB has lost 23 specialist staff posts, closed three out of six sites, generalist advisers and managers have accepted reduced hours, one post holder has taken an unpaid twelve months sabbatical. In Tameside as advice demands have increased waiting time for CAB appointments for generalist advice can be up to 5 weeks, referral of clients needing specialist advice is down from 50% to 10% due to loss of specialist advice provision locally.

#### **The Commission's strategy**

There has been pressure on the Commission to call for restoring all cuts, but we have accepted there will be less money and that we need to develop more cost-effective approaches, find new sources of funding, and to try to meet some needs by providing information and advice while retaining legal help for others. It must be an integrated model with a continuum of provision in which 'the advice end of the spectrum takes more of the strain' to take pressure off legal help. We are clear that there does need to be provision for legal help and legal representation.

The advice sector isn't beyond improvement. It is too fragmented and could benefit from greater

collaboration. We want to see Citizens Advice and other national organisations working better together. Systems-based thinking, such as in Nottingham and Portsmouth, has enabled a stepped process of access to advice which has ended rationing and increased specialised staff in the front line. Approaches such as this have achieved 30% savings and more.

The six most important priorities, from amongst one hundred Commission recommendations, are as follows:

- Promote public legal education so people know their rights and where to go for help
- Reduce the need for advice, eg incentivise the DWP to get decisions right the first time
- Courts and tribunals must work more efficiently
- Develop national strategies for advice and legal support with all-party support, with a single minister responsible
- Local authorities should produce local advice and legal support plans with other partners including not-for-profit and commercial advice agencies
- Ensure a basic level of information and advice on social welfare with an additional £100 million per year, half of that sum provided annually through a ten year fund administered by The Big Lottery, with 90% of the fund allocated to local provision and 10% to national initiatives. We also identify other possible funding in the report, including from statutory sources.

Greater use needs to be made of technology to ensure face-to-face support can be targeted at those in most need of it. There should be a one-stop national advice line as a safety net for those who have nowhere to go. We would like to see funding reinstated for housing cases so people facing imminent eviction can get help. Exceptional funding needs radical change as it is not working. Government estimated there would be 5,000-7,000 claims but in practice a total of 1,030 applications has led to only 35 being granted.

Our recommendations are that investing more in information and advice will save money. We must first work to stabilise advice and legal aid, and then for its rehabilitation. We hope our report will make a useful contribution.

### **Questions:**

*On top of barriers to accessing justice from funding cuts, do you agree that the administrative means by which people access justice - i.e. means testing or mandatory reconsiderations in social security appeals - is an additional significant barrier, and what might be done about this?*

I agree that it's part of a conspiracy to make a two-pronged attack on access to justice, restricting the scope of provision for legal aid but also complicating the routes to justice. The Commission was aware of this, but I am not sure we addressed your exact concerns. We do intend to go into a second phase of work, and campaigning, with an eye particularly on the political party manifestos for 2015. This issue of barriers caused by complexity may be one where we get a bit of traction.

*Notwithstanding the usefulness of the Low Commission you do need to recognise the detrimental impact of competitive tendering, which has been particularly significant in the North West. There will also be anxieties about The Big Lottery as a vehicle for funding. Is the Commission aware of these concerns and will you take learning points?*

We should take learning points. The Big Lottery funding proposal was not uncontroversial, based on experiences with the Advice Services Transitional Fund, but it was felt that the Lottery had the best grant-giving infrastructure to deliver such a programme.

## **Rhona Friedman Justice Alliance**

Justice Alliance is a broad national alliance united against legal aid cuts and in the forefront of actions against them.

### **The latest government threats**

At the risk of sounding alarmist, whilst the Low Commission report is a very considered piece of work, and there are other such pieces of work going on, this overall strikes me as re-pointing the house while the house is falling into a sinkhole, as demonstrated by the governments latest threats to the independent bar.

At the Bar Council conference this morning - according to Twitter - the Attorney General is waving the big stick after the very successful boycott of Very High Cost Cases, fraud and return cases, which is jamming up the court system. He is warning the bar to be very careful or face radical solutions, by which he means one case, one fee. This would have very wide ranging and far reaching implications. Solicitors will hold the purse strings but after the decimation of independent solicitors they will be people like Stobart, G4S and Serco. This government wants neoliberal solutions, as with academy schools and the NHS, so this is big business coming to a lawyer near you.

### **The attacks on justice**

From 28<sup>th</sup> March 2014 there will be 8.75% cut in fees, and the same again in 2015, on the back of a decline since 1990s. Cases in magistrates' court are now being defended at a lesser rate than in the 1970s. This is debasing the quality of defence work in this country. Conjoined with cuts to prison services, and the rest, the complete system is in disarray. The fight has to be much wider than about legal aid. This is a state retreat from welfare and an advance in intrusion into our private lives. It is attacking our ability to challenge the state and uphold the rule of law. This is about what kind of country we are going to be.

### **How we campaign**

The Justice Alliance was created in London in 2013 as a broad-based campaign, and includes Amnesty, the Howard league, Southall Black Sisters and Tamil groups. We have had some success in getting other people's voices heard. The press like to hear from the lawyers, but we must hear more from users and advice workers and less from lawyers.

In terms of what we need to do next we all need to acknowledge that this is an ideological attack on welfare and safety nets for ordinary people and a promotion of business opportunities for people supporting the government.

It is also about politics and politicians. Amongst the politicians Grayling is right wing and ambitious, and for those reasons is prepared to ruin lives by not defending his own departmental budget. It is about the political parties. A Liberal Democrats conference voted against these cuts, and they gave no mandate for cuts, so we are stalking the party, and we need to put pressure on their MPs in marginal seats, like Manchester Withington and Burnley, understanding that over 80 percent of people do care about keeping legal aid, as Steve Hynes has said.

Labour are not committed to reversing the cuts because, I am told, they say not enough people are bothered about cuts to legal aid. Labour come along, make speeches and say it's all barking mad, but they won't commit to reversing them. They need to be encouraged to modify their position.

Organise a Justice Forum, including local advice workers, and start talking about the issues, badgering MPs, and writing to the local press.

### **And the next steps?**

I want to hear suggestions from you because the Justice Alliance is relatively new and quite spindly, and we need a national reach and more bodies involved. We have no core funding, only money from Unite and the Public and Commercial Services Union for specific pieces of work. Please sign up to support us. Manchester has great tradition for organising and I hope people here will commit to joining us.

### **Questions and points:**

*The Justice Alliance's petition and forthcoming film are promoting the campaign. What's happening next?*

Joanna Lumley launched the campaign, but we are now moving on from a celebrity-based approach. The Justice Alliance will be organising a 'thunderclap' on twitter for which Liberty, for example, have signed up, with a potential reach of thirty thousand people. The petition remains important because of the need to influence the Labour party and to change the perception that people aren't bothered: if we can get the petition to 100,000 people then it shows that people care. The film is in gestation and is designed as a campaigning and an educational tool to show how legal aid is important and what would happen without it, with stories of refugees and asylum seekers and people with family law issues. I am keen to include advice workers, and diverse contributors to avoid being London centric. If anyone wants to be in the film, or knows someone else who might, please contact us and we will arrange it.

*We desperately need a national federal campaign organisation. Are you going to be that organisation?*

I hope so. We need to get away from our focus on just London and Kent, and get around the country. The Justice Alliance has a statement of aims but no officers, committee or formal structures. Local groups can differ in their approaches and organise in their own way. That will be great.

*Has the Justice Alliance considered affiliating to local trades councils as a way of accessing support in the trade unions?*

We should do. The Public and Commercial Services union and National Association of Probation Officers were at our major meeting last year. The probation officers' action on 1<sup>st</sup> April will coincide with Grayling's birthday. We are organising an event in London and sending our unhappy returns.

*What should solicitors be doing in response to the rate changes from 20th March? A national meeting will be held in Manchester on 19<sup>th</sup> March organised by the London Criminal Courts Solicitors' Association and others. We need company owners, partners and anyone who works for a legal aid firm to come along. There are various options on the table including the proposal that all work at the new rate is refused. The contract isn't signed up to and this is the moment for decisions.*

### **Denise McDowell** Director, Greater Manchester Immigration Aid Unit

The Greater Manchester Immigration Aid Unit (GMIAU) will be officially twenty-five years old this year. It was created as the product of concerted action against racism and discrimination. It's the same battle that is being fought today. In those 25 years there have been numerous immigration acts, attempts by governments to marginalise and get rid of migrants, and to stop people coming to the UK. None of it has been positive. Cuts to legal aid in 2007 almost destroyed lots of organisations. At GMIAU we must have supported over 10,000 people over the period, and without the vision of the people who set up the organisation - and charitable funding - we wouldn't have been able to do that.

When I talk to colleagues about what is really going on we don't think it's about austerity but about trying to suffocate us, to take away the life blood.

### **We all need defence and justice in law**

If you are picked up and charged with a criminal offence the first thing you want is someone who knows the law. In this system we need lawyers, to support everyone not just those who can pay for it.

The new service for initial claims replaces one in operation for 14 years which had provided a range of support until the claim determined. Now after a single interview only telephone advice is available. The response on the phone is parrot-like. The new contract does not include advocacy.

## **We have to speak out for the people we stand alongside**

But we also need their voices to be heard. It's difficult to stand up at a meeting like this and talk about it but it's even harder when you have no money and are facing very direct personal risks by doing so. We have the right and duty to argue and represent those people when they can't do it for themselves. If you work in this area you know the cruelty that is being inflicted. You have to represent not because people are incapable but because they are overwhelmed.

The delegates here today are here because they can't bear to see what is happening to advice services. We have it within our power to take practical action. The last session will be about what we can do and about actions that we haven't thought of so far. We have to stop feeling defeat, and fight and win.

### **Questions and points:**

*Could there be more direct invitation for service users to attend any future conference?*

*We fought a year- long campaign on competitive tendering, resulting in the Ministry of Justice coming back with re-packaged proposals but no substantial change. Solicitors need to lobby and challenge MPs and get the issue into the public sphere. But what are we going to do if the Conservatives are re-elected and five year contracts are offered initially to say 200 or 300 firms but at the end of which big private companies take the lot?*

The campaign started from a perception of lawyers as fat cats widely charging £300 per hour but we educated people about the realities of legal aid and that's why the price competitive tendering got chucked into the dustbin. It was nothing to do with the Law Society, who have been used as a political cover by the Ministry of Justice. I am cynical about MPs but we can't give up on them just because they have been serially disappointing. With the new contracts vast swathes of the countries are going to be advice deserts. You just won't be able to get access and it's going to disproportionately affect Black and minority ethnic firms and people. Cross-fertilisation within the locally based small law practices will be lost. And when Serco has a contract they aren't going to retain its annex of housing law.

*Should we stand parliamentary candidates in the 2015 general election? We could influence debate with articulate voices and change the discourse.*

*As an ex-detainee I went to London to speak to MPs and it does have an impact. It lets them know the reality. It's time to get service users to speak to MPs because personal stories are powerful. We should organise a conference with a panel discussion with MPs. It's time to act and not to talk any more.*

## **Afternoon Workshops**

### **Influencing politicians and decision makers**

Carita Thomas and Chris Hilliard, Young Legal Aid Lawyers (YLAL)  
YLAL campaigns on several fronts, including producing briefing papers to use on MPs, for example at Parliamentary meetings, submissions for select committee enquiries, also organising presenting arguments by email to MPs and members of the House of Lords. Their current campaign is seeking short case studies of people whose needs were not met due to legal aid cuts. These will be used as evidence to the House of Commons Justice Committee which is enquiring into the impact of the civil legal aid cuts brought into force from April 2013. The group has produced very effective information material for public campaigning purposes, such as their "Mythbusters" leaflet. YLAL members have also gone with clients to lobby individual MP's.

## **Discussion**

Lobbying national and local politicians

The most effective lobbying takes place face to face. Emails to politicians are useful, but need to be backed up with meetings wherever possible. Meeting with politicians provides opportunities to support clients in describing their situation and experience in trying to access their rights, this has a powerful impact and empowers the client.

Trade union links – John Clegg, Unite the Union

Unite the union has strength in backing campaigns, with well established networks across the region of links with MP's and councillors, for example in Manchester there are links with 28 councillors. The union has a developing community section which can be a channel for the voices of people affected by reductions in legal services. It also has strong links with the trades councils across the region which can help to influence. We need to be aware it can take unions a lengthy time to produce briefings because of the necessary internal consultation process.

Using the media

We need to get case studies and issues into the mainstream media, and to use this media material to continue lobbying. Stories in the public domain carry greater weight with politicians.

Arguing our case

The approach to politicians should be broad. Arguments for funding advice services should be linked to other campaigns for example poverty nationally and in the politician's constituency. One advice centre has developed links with national charity, Oxfam, to present information and arguments around welfare reform and the consequences on the local population. Other sources of information to present to politicians about the effects of welfare reform, include reliable sources such as the Church Action on Poverty reports, the Trussell Trust on the rise of food banks.

We need to argue for the stabilisation of the situation regarding legal advice services and then to rebuild through more, secure funding.

We need to make use of information, analysis and proposals from the Low Commission Report to put the case for funding advice services and for workable strategies for advice provision. We need to analyse and evaluate local authority policies and proposals for advice services and go on record about shortcomings and alternatives.

## **Collective Actions**

Justice Alliance. Rhona Friedman presented a short account of its development, arising from discussions at a meeting of London Criminal Court Solicitors Association. It was realised at the outset that a campaign needed to be a broad based alliance, and to include users.

Representatives from 50 organisations came together in June 2013, drafted the set of aims that was placed on the website. Early targets were the representation of legal aid lawyers as 'fat cats', the effects of the April 2013 legal aid cuts, and the government's next set of legal aid cuts.

Justice Alliance has no set structure, no funding, and no constitution. The advantage of this approach is that it is responsive to events, and proposals for action and events do not need to be agreed and confirmed by a hierarchy. Rather it is up to those in the campaign to propose and set up events, and call for support from other supporters as need arises.

Justice Alliance has targeted Liberal Democrats over their commitment to legal aid in their manifesto, has worked with Save Justice to target Nick Clegg, has held a demonstration at the Liberal Democrats headquarters. It has held demonstrations outside the Old Bailey and at the Ministry of Justice building. It has collected testimonies from over a hundred organisations on the fundamental importance of legal aid. Justice Alliance has participated with others in the national walk out of criminal legal services and has launched a petition to trigger a debate in parliament around the current government proposals for cuts in fees to criminal legal aid services and other legal aid cuts <http://justiceallianceuk.wordpress.com/save-legal-aid-petition/>

'illegal' ([illegal.org.uk](http://illegal.org.uk)). Colin Henderson described the development of the website, initially as a forum for discussions about how to deal with legal aid bureaucracy. Very successful in this regard, with it becoming one of the main places for information and advice, to the point that the Legal Services Commission would refer to the forum as a source of information. The website has evolved and grown to cover broader justice issues, as well as such issues like the campaign against compulsory competitive tendering proposed for criminal legal service providers by Ministry of Justice.

*illegal* has evolved in an ad-hoc way, and has no constitution – it serves as a space for collecting information and views on a range of topics. Participants are encouraged to be respectful of other positions. It has 100,000s of views of its content. The voices using *illegal* are prepared to raise critical comment about national organisations, not only government, but also charities, such as Citizens Advice, Legal Action Group and more. The forum is valuable for connecting people, geographically and within interests, but the campaign around legal aid, and funding of legal services, needs to take in meetings and actions, and these need to be linked to wider movement. There is an argument for linking the campaign round funding to legal services to a broader campaign in which advice and access to legal rights is part of welfare state.

### **Discussion**

Comments from those attending the workshop raised the problem of momentum and commitment to a cause. One suggestion was that people would support an issue through trusting an organisation that had helped them, rather than follow an issue presented as an abstract principle, such as 'justice'. The fact that some justice issues are often subject to vilification mean that case histories are better way to get the message across, rather than arguing from first principles, for example, about immigration or asylum or disability rights. Another suggestion was to make contacts with sympathetic journalists and push stories on the lines of 'it could be you next' needing legal support.

Others proposed links and collaborations with established campaigns such as the People's Assembly. But there was also caution – not to lose the focus of the campaign by aligning with broader issues, as an overwhelming number of aims can be counterproductive.

Access to Advice had gained impetus with the local authority decision to close Manchester Advice, and maintains a policy of working at local level, and seeking to inform and educate local politicians. Others raised the question about how to change public perception, and how members of the public might get involved. There was also a pressing question of how groups needing use of legal aid support, which was now very hard to access, such as women subject to domestic violence, could get involved in sharing their experience and being involved in campaigning. It is important also to make campaign work accessible for people outside of the 9-5 working day.

### **Challenging the threats to professional services**

Sam Regan - CAB Housing Solicitor & Young Legal Aid Lawyers (YLAL)

There is a great loss of specialist expertise though we are yet to see the full impact.

In the short term: clients no longer have access to specialist advisers; there is increased demand but lack of resources and knowledge in voluntary sector; less independent advice; it is difficult for practitioners to gain experience in different areas of law.

Long-term impact: demand may fall with clients thinking legal aid and legal advice are not available, and less development opportunities within the profession.

There will be an important role for national and professional bodies. YLAL, for example, has made a number of recommendations to improve funding for training, work experience and salaries for young lawyers, including a national minimum salary level. Low wages are detrimental to standards and a barrier to access to profession.

Natalie Wilkins - YLAL

Campaigning will depend on gathering statistics, evidence and other data, and generating awareness of impacts of legal aid cuts (e.g. examples of individual cases on blogs).

Jared Ficklin - Garden Court North Chambers

Guaranteeing a minimum salary will help to keep the profession open: without it diversity will be lost and progress on inclusion of women and people from ethnic minorities will be reversed.

This is not just about protecting solicitors and barristers as professionals, but about the service. The asylum case flat fee of £302, for example, is quite insufficient for many practitioners.

## **Discussion**

Issues for professional advisers

It is a real struggle searching for jobs in legal aid-funded work, with few contracts and low pay. This is not just an issue for solicitors or barristers but also for advice services, with the loss of professional advisers and expertise at all levels from first contact to specialists, and with over reliance on volunteers. A specific issue is that courts need to resist the trend of accepting litigants in person. Publicly funded services are needed with salaried jobs, progression and training. Training provision has been lost due to reduced budgets.

Advice in the community

The advice sector will continue with new players in the advice field, including in community-based settings and in the potential of currently unseen and unsupported services (e.g. one local community centre is creating two new advice sessions supported by a law graduate and qualified paralegal). People will increasingly turn to small, local organisations. These services will need help with service protocols and standards: both specialist training and the Advice Services Alliance quality mark will be needed.

Fragmentation

People with multiple problems now have to go to several agencies for help. Collaboration is essential but it is difficult for small agencies - which often play key roles - not to be taken over by larger organisations.

What are our arguments?

The focus needs to be broadened to public legal services, not just legal aid, and to make the case for a statutory right to advice. On the other hand we must also convey the importance of access to the whole spectrum of advice, not just lawyers.

The message is that that maintaining professional standards is not simply defending our own position but protecting access to advice. Advice skills must be retained and developed to be able to be applied, for example, in preventative work social care teams. And we then need to use the local media to highlight the benefit to real people helped by advice in different contexts.

We need to keep explaining to councillors and MPs the role and impact of legal advice services: without them where are they going to refer their own constituents when they need help to resolve problems.

## **Judicial review and strategic litigation workshop.**

Sarah Clarke, Public Law Project:

The Public Law Project website has lots of resources on it to access.

Why Judicial Review is important

- It is a challenge to government bodies in the UK through the courts. It is a way of keeping the bodies in order, to keep them from going beyond the powers that are given to them or from acting unfairly.
- It is something that affects and concerns everyone
- It is brought by individuals or a group giving vulnerable people a voice. Judicial Review benefits masses of people not just the individual that has brought it to the courts
- It should be used as a remedy of last resort after you have explored all avenues of appeals in courts

- It is a remedy that should be reserved for lawyers and it is advised not to be taken as an individual without representation.
- Government holds a trump card, if it does not like the decision it can change the law via legislation just as they have in the recent Lewisham Hospital case.

#### Paying for Judicial Review

- Legal aid is only available for individuals and not organisations or community groups.
- For those groups not eligible for legal aid there is a protected costs order that can be applied for to stop costs spiralling out of control and having to pay the other side's costs, or fund raising.

The government's proposed changes will mean that:

- Legal aid for the permission stage will be cut. If permission is granted, legal aid will be backdated.
- Protected costs order will not be granted unless permission for Judicial Review is granted. Permission is only granted if it is in the public interest but the government will have the power to make the decision on what is in the public interest.
- Organisations who apply to take part in cases to give expert evidence face paying other parties costs as well as their own.

Lucy Mair, Barrister, Immigration and asylum matters, Garden Court North Chambers

#### Exceptional funding cases

- There is a right under Section 10 to the Legal Aid Sentencing and Punishment of Offenders Act 2012 for legal aid in exceptional circumstances for civil legal problems no longer eligible for legal aid.
- Since April 2013 under the exceptional funding scheme there have been 1151 applicants and just over 900 were on new grounds and only 35 were granted.
- There are test cases due to be heard from 17th May 2014 on immigration matters and exceptional funding. For example there is a case based on family unity: the funding application was refused, so a second application was made on exceptional funding. It can be difficult to get second time round as the decision in the first can go against you.

#### Residency Test

- The residency test proposal that clients have to have had 12 months continuous living in the UK before they can get legal aid is being challenged. The government has suspended any changes until the legal challenge has been decided.

#### Asylum Support

- Asylum support has been frozen at 51% of income support levels, so it is now just over £30 a week. A challenge to this policy was made in February 2014 because this does not provide a decent standard of living.

#### New venues and time frames

- Cases have now been moved from the administrative courts to the upper tribunals system.
- Time frames on such cases are an issue that needs addressing and the need to gather the necessary information and documentation. There are exceptions to the normal 3 month rule which can be lowered to as little as 16 days. It is easy to see why the time frames can be a little inadequate to get cases together

Tom Royston, Barrister, discrimination and public law, Garden Court North Chambers

#### Using Judicial Review

- A practical issue here is matching lawyers with cases and the different obstacles to this.
- One way to reduce these hurdles is to get lawyers talking, and getting out to see local organizations and developing relationships. National groups could also be a good way in – some are already aware of an issue as affecting many, and some can also provide local contacts
- Another key issue is delay as there are tight time limits. The common reason for delay is getting legal aid into place – it is a bureaucratic process, and can take a disproportionate time.

## Legal Justice Together

John Nicholson, on behalf of Access To Advice, summarised three main outcomes of the day.

Firstly, there is an active fight underway, and most immediately recognition that we need to support lawyers in their developing strong protests.

Secondly, there is an evident desire amongst people present to network with each other, and across organisations and sectors, to maximise our future collective impact.

Thirdly, we need to be clear about our demands. At the very least we must support the recommendations of the Low Commission. But we need to make our own demands and not hesitate to speak out.

The text of a 'Manchester Declaration - for future publicly funded legal advice and representation services', including a statement of seven immediate actions, had been circulated to delegates during the day. There was a proposal that the meeting vote on the Declaration. A vote was taken and there was overwhelming support for the document, with no dissenting votes.

Jean Betteridge, chair, thanked people for giving their time to come to the conference, and described the feelings expressed by delegates during the day, in these terms:

'We are angry, concerned, protesting, and determined to continue the fight for public access to justice'.

