SHUSH!

IT'S BEING TAKEN AWAY FROM THOSE WHO NEED IT THE MOST

“

Legal aid gives people who can least afford it access to justice, which provides a vital safety net and makes our society a civilised one

From the 2009 website set up by the Legal Services Commission to celebrate 60 years of legal aid

The current proposals are fraught with partial analysis and misunderstandings and will lead to a lack of fairness, widespread confusion and delay, in addition to a host of unintended and damaging consequences. Neither rough justice nor delayed justice are the ‘hallmarks of a civilised society’.

There are many worthy uses for Government funding, but none more so than the fundamental right of access to justice

Administrative Justice and Tribunals Council response to the Ministry of Justice consultation Proposals for the Reform of Legal Aid in England and Wales, paragraphs 12 and 32 respectively

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Patrick Torsney
ilegal.org.uk and MyLegal.org.uk
May 2011

WHAT YOU NEED TO KNOW RIGHT NOW

943,904 new Civil Legal Help cases were opened for people needing professional legal help last financial year

THE GOVERNMENT PROPOSES TO CUT THIS BY 68%

This will be achieved by removing funding for certain types of legal problem and, **whole categories of Civil law** from the scope of public funding – Criminal legal aid will be virtually untouched by the proposed reforms

One key target is **Social Welfare Law**, which includes legal help in relation to Welfare Benefits (proposed 100% cut), Debt (proposed 75% cut), Employment (proposed 100% cut) and Housing (proposed 36% cut)

The Not-for-Profit advice sector – Law Centres, independent advice agencies, Citizens Advice Bureaux and Shelter Advice Centres – provides approximately 75% of Social Welfare Law Legal Help under contracts with the Legal Services Commission

It is done through employing highly-trained **specialist advisers** and **solicitors** who complement the work of (usually volunteer) generalist advisors by dealing with the complex legal issues that members of the public present with

Should these areas of legal help be removed, a crucial safety net for individuals and families with legal problems will no longer be available and justice would only be available to those who could afford it. The personal, social and economic consequences of removing access to justice for so many people is unknown

Figures taken from Legal Action Group's The Real Impact of Legal Aid Advice Cuts (April 2011)

Legal aid:
making rights a reality

The roots of our current legal aid system go back to the days of the Beveridge Report of 1942, its implementation through the welfare state, and the UN Universal Declaration of Human Rights in 1948.

A time for revolutions

As Beveridge said: 'a revolutionary moment in the world's history is a time for revolutions, not for patching'. In 1949 the new legal aid system was revolutionary.

Access to justice for people of limited means no longer depended on the charity and social conscience of lawyers, but became a right and expectation for the most disadvantaged people in our society.

Legal aid gave people with little power in our society, economically or socially, the lever to enforce their rights.

More civil rights

Since 1949 successive governments have introduced, in the name of the people, many more civil rights – from access to children, to being treated fairly over debt and housing.

I would argue strongly that the very people those rights were introduced to help and protect would not be able to exercise them unless there is a robust legal aid system.

The legislation would be just a paper exercise and the lofty aims of well-meaning politicians would be worthless.

Sir Bill Callaghan, Chair of the Legal Services Commission

Quoted, text and original sub-titles, from the 2009 Legal Aid is 60 celebratory website where it appeared as part of a longer piece under the headline: 'Where would be without legal aid?'

653,659

...people no longer able to access legal aid*

To no one will we sell, to no one deny or delay right or justice.

The Magna Carta 1215

"We should think very carefully before abandoning the principles that those people who signed the Magna Carta never knew they were inventing for ordinary people like you and me"

Sir Kenneth Clarke, Lord Chancellor and Secretary of State for Justice speaking at Runneymede, Surrey on November 12th 2010 to launch the beginnings of the Magna Carta 800th anniversary celebrations

SIX HUNDRED AND FIFTY THREE THOUSAND, SIX HUNDRED AND FIFTY NINE

**Legal Action Group's The Real Impact of Legal Aid Advice Cuts (April 2011) showed that the original impact assessment figures used by the Ministry of Justice to show how many people would no longer be able to access legal aid should the proposals be implemented were short by more than 150,000*

ANY SAVINGS THAT THE STATE BELIEVES IT IS MAKING BY CUTTING FUNDING TO ADVICE SERVICES ARE ILLUSORY AND WILL IN FACT LEAD TO DRAMATICALLY HIGHER EXPENDITURE LATER ON

Administrative Justice and Tribunals Council response to the legal aid consultation, paragraph 37

"You know, the way things are at the moment, you could lose your job tomorrow and have no home and where would you go to… if the situation arises and you need it, it's good to have it there. I'm happy as a taxpayer to pay for it, thinking I might be calling on it myself one day, but even without that, I think it's right that we have it in this country."

Response from a member of the public to an Ipsos MORI survey carried out in 2009 into public perceptions of legal aid. The survey was commissioned by the Legal Services Commission

Lord Bach, Westminster Legal Policy Forum, 7th February 2011:

"(The legal aid proposals) will decimate, if not destroy civil legal advice and social welfare law in England & Wales. The threat is as serious as that.

They just don't get it. Their view of legal aid is so limited and old fashioned that they just don't see the relevance of social welfare law.

To have picked on social welfare is a serious error for which we will all pay."

A 68% cut in Legal Help would mean:

click on a picture to access further content

143,814
fewer Welfare Benefits problems dealt with

110,051
fewer people and families in Debt helped

257,058
fewer cases involving Family disputes

31,725
fewer people with Employment problems assisted

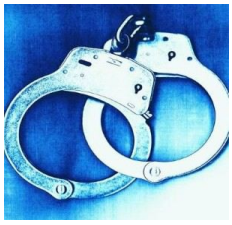
50,607
fewer serious Housing problems dealt with

40,444
fewer people with Immigration difficulties helped

4,024
fewer Clinical Negligence cases

5,175
fewer Education cases

2,698
fewer Actions against the Police



2,776
fewer Consumer cases

1,724
fewer Personal Injury cases

3,563
fewer Miscellaneous cases

Figures taken from statistical information on the number of Legal Help cases opened during 2009-2010 published by the Legal Services Commission, and the proposed percentage reduction in case volumes as set out in the legal aid reform proposals

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The Council is worried that elements of the government’s arguments for its proposals are either unsupported by evidence or, worse, are contradicted by the available evidence. Modest short-term savings on legal aid will lead to significant economic and social costs in the medium and long-term, and may well have knock-on effects that worsen rather than improve the public finances.

The Council regards the presented analysis of the so-called ‘alternatives’ to legally-aided advice as misguided and often misinformed.

The proposals are likely to cause reputational damage to government with the risk it will be perceived to be acting as judge in its own cause by disadvantaging those challenging its decisions.

The cumulative impact of the proposed changes is significantly at odds with government social policy in relation to the ‘Big Society’, economic policy in relation to the promotion of fairness in reducing the deficit and justice policy in breaking the cycle of prison and recidivism.

Administrative Justice and Tribunals Council response to the Ministry of Justice consultation Proposals for the Reform of Legal Aid in England and Wales, paragraphs 2 and 9 respectively

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MORE THAN

5,000

RESPONSES

The Ministry of Justice says that it received over 5,000 individual responses to the legal aid reform consultation

The range of responses was incredibly diverse, from national advice networks and professional representative bodies to leading national charities; from judges, barristers, solicitors and specialist advisors to Members of Parliament and disabled groups; from local charities, human rights organisations and consumer groups to people who had been previously helped by legal aid and members of the public

The next two pages provides a list of those that are available online

None of them support the legal aid reform proposal to reduce the availability of Social Welfare Law, whether in the manner or the extent proposed

If you are reading this document electronically then you can access any response you are interested in by clicking on the name

If you are reading a paper copy of this document and would like to access the interactive content, then you can download an electronic copy by following this link in your web browser:

downloads.ilegal.org.uk/shush.pdf

Access to Justice Action Group
ACT NOW (Autism Campaigners Together)
Action against Medical Accidents (AVMA)
Action for Advocacy
Administrative Justice and Tribunals Council
Advice Network (Bristol)
Advice Services Alliance
Advice UK
Against Legal Aid Cuts
Ambitious about Autism
Anti Trafficking Legal Project (ATLEP)
Association of Lawyers for Children (ALC)
Association of Personal Injury Lawyers
Asylum Support Appeals Project
25 Bedford Row
Bar Council of England & Wales
Bar Standards Board
Ben Hoare Bell Solicitors
Bindmans Solicitors
Birmingham Law Centre
Boyes Turner Solicitors
Brent Law Centre
Brighton & Hove CAB
Brighton Housing Trust
Bristol Fawcett Society
British Association of Social Workers
British Institute of Human Rights
Barratts Solicitors
Carter Brown Associates
Caroline Lucas MP: Brighton
Chancery Bar Association
Chesterfield Law Centre
Children's Commissioner
Children's Legal Centre
Child Poverty Action Group (CPAG)
Citizens Advice
Coalition for Access to Justice for Environment
Community Links
Coordinated Action Against Domestic Abuse
Consumer Focus Wales
Criminal Bar Association
Criminal Law Solicitors' Association
Cumbria Law Centre
Churches Refugee Network
Disability Alliance
Disabled Charities Consortium
Discrimination Law Association
Doughty Street Chambers
EAGA
East of England Strategic Migration Partnership
Eaves
Education Law Association
End Child Detention Now
Equality and Diversity Forum
Equality & Human Rights Commission
Family Law Bar Association
Family Rights Group
Field Fisher Waterhouse Solicitors
Forum of Complex Injury Solicitors
Free Representation Unit (FRU)
Garden Court Chambers
Gingerbread
Gloucester Law Centre
Green Party
Hackney Law Centre
Haldane Society
Hastings Voluntary Action
HIP (for children with disabilities)
Housing Law Practitioners Association
Howard League for Penal Reform
Immigration Advisory Service
Immigration Law Practitioners Association
Inclusion London
Independent Academic Research Studies
Independent Parental Special Education Advice
Inner Temple Bar Liaison Committee
Jeremy Corbyn MP: Islington
Joint Council for the Welfare of Immigrants (JCWI)
Judiciary
Junior Lawyers Division (of the Law Society)
JUSTICE
JustRights
Kent Law Society
Kinship Care Alliance
Law Centres Federation
The Law Society
Legal Action Group
Legal Aid Practitioners Group
Leigh Day Solicitors
LGBT Domestic Abuse Forum
Liberty
Local Government Association: East of England
London Advice Services Alliance
London Detainee Support Group
London Funders
Low Income Tax Reform Group
Mary Ward Legal Centre
Matrix Chambers
Medical Foundation for Victims of Torture
Medical Protection Society
Mental Health Lawyers Association
Migrant and Refugees Communities Forum
Migrant Rights Network
Migration and Law Network
Miles and Partners Solicitors
Mind/Rethink
NAGALRO

National Aids Trust
National Youth Advocacy Service
Nottingham Law Centre
NW Regional Strategic Migration Partnership
NSPCC
Official Solicitor
Parliamentary and Health Service Ombudsman
Public Concern at Work
Plaid Cymru
Panel of the Commission of Inquiry
Refugee Action
Refugee Council
Resolution
Rights of Women
Royal College of Psychiatrists
Public Law Project
Sheffield Law Centre
Shelter
Shelter Cymru
Shire Foundation (Somali community)
Sinclairs Law (education lawyers)
SITRA
Social Security Law Practitioners Association
SOS!SEN
South Eastern Circuit of the Bar
South Hams CAB
South West London Law Centres
Springfield Law Centre
Special Education Consortium
Tees Solicitors
Terrence Higgins Trust
The Adolescent and Children's Trust (TACT)
Thompsons Solicitors
Tooks Chambers
UKLGIG
Unite the Union
Welsh Local Government Association
Welsh Women's Aid
West London Law Society
Western Circuit of the Bar
Wiltshire Law Centre
Working Families
Young Barristers Committee
Young Legal Aid Lawyers
Youth Access

…and over 4,848 more

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