Review of Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012

I would like to thank you for coming to give evidence to the Justice Committee on 3 April 2019. We were most grateful for your time and for your willingness to address a range of topics in addition to the LASPO review, the primary focus of the session. You may like to know that the transcript of your evidence can be found here.

In relation to LASPO, my Committee would like to follow up on four points arising from your evidence.

1. **The Spending Review**
   We are pleased to hear that your Department has taken steps to strengthen its relationship with the Treasury ahead of the Spending Review. In that context, we strongly support your intention to highlight to the Treasury the possibility that a need for additional expenditure may be indicated by the evidence gathering now taking place under your Legal Support Action Plan following on from the LASPO Review. We wrote to Mr Heaton in March 2019 asking how the demand-led nature of the legal aid budget could be better managed and we believe that a sustainable funding arrangement for legal aid in the long-term is required.

2. **Problem clusters**
   You told us that you were building up evidence to support the case for early intervention, with a particular focus on social welfare law – one of the areas where problem clusters often occur. As noted in the Action Plan, there is already important research that is relevant to this question:

   - *Multiple justiciable problems: common clusters, problem order and social and demographic indicators* (Balmer et al., 2004); based on the results of a survey of over 5,000 individuals with experience of 21 categories of legal problem, this study seeks to understand the components of problem clusters. Findings indicate that early and appropriate advice and action in relation to one problem might prevent individuals from going on to experience multiple problems and consequently becoming more vulnerable to social exclusion.
   - *Bridging the empirical gap: new insights into the experience of multiple legal problems*
and advice seeking (Smith, Sidaway and Scanlan, 2013); this qualitative research considers the advice-seeking behaviour of vulnerable clients with multiple legal problems. It is based on fieldwork in Community Legal Advice Centres, which delivered integrated advice provision as a key part of the former Legal Services Commission’s strategy for the Community Legal Service. The research considered factors most likely to enable advisers to identify problem clusters and potential barriers to them doing so.

We hope that the programme of work identified in the Action Plan will build on the important findings in the research reports cited above, so the piloted approaches and evaluation of the pilots can be designed in a manner that gives the greatest prospect of success.

3. Sustainability of the legal aid market
You will recall that, during the evidence session, we emphasised our serious concerns about the sustainability of the legal aid market. You may find it useful to consider the “heat map” on housing law providers recently produced by the Law Society, which graphically illustrates the impact of having no specialist housing providers in over half of local authorities in England and Wales. According to the Law Society, this affects over a third (37%) of the population. The heat map also indicates the extensive travel distances that may be involved for someone needing housing advice living in a local authority area with no provider. We urge you to take urgent steps to remedy this unacceptable shortfall in specialist provision.

4. Inquests
You will also recall that we asked whether your proposal for amending the provisions for legal aid were sufficient to create a level playing field for inquests where the state has representation. We appreciate that it is important to avoid what you termed “an arms race” between the parties as to who has the largest legal team; however, we consider that it is fundamentally unfair for public bodies to have legal representation at the highest level of expertise while bereaved families are unrepresented – especially in relation to deaths in custody. You will no doubt be aware that data obtained from the Ministry of Justice via a Freedom of Information request shows that, in 2017, the Department spent £4.2m representing prison officers at inquests, while bereaved families received only £92,000 in legal aid. We believe that this significant funding discrepancy makes a compelling case for the Ministry of Justice to look again at this issue as soon as possible.

I look forward to receiving your response to these points.

Bob Neill MP
Chair
Justice Committee