

Council presentation

LASPO Post Implementation Review outcomes

The government published its review of LASPO on the 7th February. Along with the review document they also published a plan for future legal support outlining the main actions the government will take forward as a result of the Review.

The review documents can be found here:

- [Post-Implementation Review of Part 1 of LASPO](#)
- [Post-Implementation Review of Part 2 of LASPO](#)
- [Review of inquests](#)
- [Legal Support Action Plan](#)

This is the first time for a long time that we have been presented with a package of measures from the Government that unequivocally proposes changes that improve the current situation. It does not move anything like as far or as fast as we would like but is a step in the right direction.

Outlined below are the government's proposals and timeframes for implementation.

Means test

- The government will complete a comprehensive review of the legal aid eligibility regime by **Summer 2020**.
- It will extend eligibility for non-means tested legal aid for parents who wish to oppose applications for placement orders or adoption orders – by **Summer 2019**. (The case study of Re D included in our LASPO four years on report outlines this issue)

Legal aid awareness campaign

- They will launch a campaign to improve awareness of how people can access legal support, including legal aid – by **Autumn 2019**.

Scope

- **Migrant children** – They will expand the scope of legal aid to include separated migrant children in immigration cases – by **Spring 2019**.
- **Special Guardianship Orders** – They will expand the scope of legal aid to cover special guardianship orders in private family law – by **Autumn 2019**.
- **Family Legal Aid** – They will continue to work with The Law Society to explore an alternative model for family legal aid.

Exceptional case funding

On Exceptional Case Funding, by the **end of 2019** they will

- work with legal practitioners to see if the application process can be **simplified**
- work to improve **timeliness** of the ECF process

- consider whether it is necessary to introduce a **new emergency procedure** for urgent matters

Telephone gateway

They will remove the mandatory requirements from the telephone gateway for debt, discrimination and special educational needs cases – by **Spring 2020**.

Inquests

The government will consult on proposals to provide separate guidance for families which sets out the inquest process and legal aid system in lay terms.

The government will bring forward changes to the ECF application process as a whole to address the perceived problems with the complexity of the forms and the time needed to complete them.

The government will consult on introducing a provision for the backdating of the legal help waiver, so that all such payments can be backdated to the date of application should a waiver be granted.

We were very disappointed in how restricted the proposals on inquests were.

Legal support

They will undertake a pilot to explore how they can better co-ordinate and signpost legal support.

They will also test a series of changes and enhancements to triage and signposting support offered through the Telephone Advice Service by **Summer 2019**.

Early advice

They will pilot and evaluate the expansion of legal aid to cover early advice in a specific area of social welfare law – by **autumn 2019**.

Legal support hubs

They will work collaboratively with the sector to pilot, test and evaluate the provision of **holistic legal support hubs** to more effectively support earlier resolution of a person's legal problems. This includes the co-location of services such as the health justice partnerships.

Litigants in person

They will enhance the support offered by MoJ and HMCTS for litigants in person, as well as increasing funding for the Litigants in Person Support Strategy to £3m for the next two years.

Cross-government working

They will work across government and bring together departments and support providers to focus on ways to reduce preventable demand.

Legal support advisory network

They will explore how they can use data more effectively, and will set up a **Legal Support Advisory Network** to make use of external expertise, shape research and evaluation proposals, and potentially explore new research opportunities and collaborations.

They will use up to £5m of funding, working with the sector to develop new ways of delivering legal support to those who need it.

Review of criminal legal aid fees

They will complete a comprehensive review of the criminal legal aid fee schemes and structures – by **Summer 2020**.

Review of regulatory and administrative requirements passed onto providers

They will complete a comprehensive review of the regulatory and administrative requirements passed onto providers and work with users to streamline these where possible – by the **end of 2020**.

The Law Society's influence on the outcomes

Out of 25 Law Society recommendations:

- **8** have been **achieved**
- **8** have been **partly achieved**
- **9** have **not yet** been **achieved**

The Law Society is referenced **fourteen** times in the Legal Support document

The main issue not addressed by the Post Implementation Review is **provider sustainability**

The Law Society's next steps

- Call for an immediate uprating of income caps for financial eligibility
- Call for an uprate in remuneration rates
- An AJC sub-group will consider means test issues
- An AJC sub-group have already met to consider the approach to reducing LAA bureaucracy
- We will continue the existing dialogue with the MoJ regarding family early advice proposals
- We will continue to lobby on sustainability and will shortly be launching a revised heat map on advice deserts
- On inquests we will shortly be meeting with the organisation Inquest to discuss next steps

Establish an engagement programme with the MoJ on:

- The early advice pilots
- The new regulations required where scope is being expanded
- The means test