

news feature**Report back on latest meeting of All Party Parliamentary Group on Legal Aid**

Jonathan Djanogly, the minister responsible for legal aid, was the guest speaker at the latest meeting of the All Party Parliamentary Group (APPG) on Legal Aid which took place in the House of Commons on the day after the Legal Aid, Sentencing and Punishment of Offenders Bill was published. The minister was subject to detailed questioning from the large audience of parliamentarians, practitioners and others concerned about the cuts announced in the bill.

Yvonne Fovargue, the chairperson of the APPG, opened the meeting and made the point that while provisions on sentencing reforms had made headlines, it was the cutbacks in legal aid that would have the most significant impact on her constituents. Jonathan Djanogly, in his initial remarks, reiterated much that had been said the previous day by Kenneth Clarke, the Secretary of State for Justice, in his House of Commons statement on sentencing and legal aid. The minister stated that while the coalition government was cutting back, the legal aid scheme would continue to be 'one of the most generous in the world' and that the administration was 'retaining funding for a wide range of rights', but that 'the overall effect of the bill will be to achieve significant savings'.

Government's attack on legal aid condemned

Linda Lee, the Law Society President, led the comments from the audience: 'I am disappointed and heartbroken; this attack on civil legal aid is an attack on the most vulnerable.' Lord Carlile, a former Liberal Democrat MP, asked the minister how he would advise parents who suspected that their child had suffered damage during birth: 'would they fall into the exceptional funding criteria?' Jonathan Djanogly answered that it was not his role to give advice; parents would have to go to a lawyer for this advice. He said that the majority of such cases would be able to use a conditional fee arrangement, but that 'litigation must be a risk, and the question I have to ask is whether the tax payer has to pay'. In response to a question raised by Linda Lee about the

government's failure to look at the alternative funding proposals put forward by the Law Society, the minister said: 'Much of what was suggested by the Law Society was to get others to pay for legal aid. When you go to the Treasury, they are not so keen about creating new taxes.'

Housing advice concerns raised

Simon Pugh, head of legal services at Shelter, and Nathaniel Mathews, a solicitor at Hackney Community Law Centre®, questioned Jonathan Djanogly about the cuts in housing advice; both made the point that reducing legal aid to cover just repossession cases made no sense as 'a true housing lawyer aims to fix the underlying problem'. In response the minister said: 'We are still providing a lot of legal aid. Much advice is general advice which the not for profit sector can provide, but should not be covered by legal aid. Issues of funding the not for profit sector are greater than this bill. Legal aid is only a small proportion of their funding.' Jonathan Djanogly said that he hoped a review of the support for the not for profit sector would be 'announced at or around the second reading of the bill' (see page 4 of this issue).

Calls for transitional funding for benefits advice

A number of members of the audience made points about the abolition of legal aid for welfare benefits cases, particularly at a time of change in the benefits system. Kate Green MP suggested that the government should look at the policy changes in the Welfare Reform Bill and provide funding for benefits advice in the transition to the new system. Paul Treloar, policy manager at Lasa, made the point that telephone advice lines could not be expected to deal with 'complex disputes between the citizen and the state'.

Jonathan Djanogly's stock reply to questions about the ending of legal aid for welfare benefits was to say: 'We are working with the [Department for Work and Pensions] to get them to work more efficiently.' The minister also reiterated what he believes is a distinction between general advice, such as advising a client

on his/her benefits entitlement, and what he viewed as legal problems. It would be fair to observe that no one at the APPG meeting shared the minister's view on this difference.

Continued lack of tribunal representation funding

John Wiggins, an employment solicitor at the Mary Ward Legal Centre, asked Jonathan Djanogly: 'We take cases to the Employment Appeal Tribunal, to the Court of Appeal and to the Supreme Court. How can you justify the double standard of the state, in such cases, being represented ... , but not employees; surely this is a breach of article 6 [of the European Convention on Human Rights]?' In reply, the minister said that he believed that this was not a breach of article 6: 'A lot of people are represented by their unions and can get contingency fees for such cases.'

Next steps in campaign against the bill

After Jonathan Djanogly had left the APPG meeting, Andy Slaughter, the Shadow Justice Minister, and Lord Carlile outlined what they believe are the next steps in the parliamentary campaign against the Legal Aid Bill. Andy Slaughter said that the Labour party would oppose 'most of the scope changes'. He will lead the opposition to the bill in the committee stage in the House of Commons. Lord Carlile said: 'I smell concessions, and these are more likely with a shorter timetable.' He advised those at the meeting that 'we should aim for realistic concessions'.

At the end of last month, the Legal Aid Bill had its second reading in the House of Commons. The next parliamentary event concerning the bill is the committee stage, due to start on 12 July and end on 13 October, during which it will be scrutinised by MPs and evidence will be given by witnesses at the committee's request.