

HLPA legal aid update no. 2 (5/6/07)

1. Information

Judicial reviews

The Law Society's challenge of the legality of the power of amendment in the unified contract is listed for a combined permission and substantive hearing on 26th June with a 2 day t/e. A separate challenge, brought by the Black Solicitors' Network's, in which the Law Society has intervened, and which challenges the failure to conduct a race impact assessment before implementing the Carter reforms, is listed for a joint permission and substantive hearing to be heard on 18th July with a 2 day t/e. A further and more wide ranging challenge brought by a family law sole practitioner, David Burrows, has been refused permission http://www.legalservices.gov.uk/civil/cls_newsupdates.asp.

Consultations

The draft civil specification contains the nuts and bolts detail about the operation of the national fixed fee system due to be introduced in October 2007. Following the conclusion of the main consultation period the LSC circulated an amended version of the specification, described as a 'work in progress', to certain practitioner groups, including HLPAs. Those practitioner groups, including HLPAs, were then invited to a meeting with the LSC on 31st May 2007 to discuss the revised draft. Members interested in obtaining and commenting on the amended draft specification should join the legal aid group's email list (email contacts appear at the end of this email).

Forthcoming papers expected shortly from the LSC include: a new paper on the LSC's policy for integrated social welfare provision (due now); papers on the preferred supplier scheme including the file and financial criteria assessment process (due end June); and a paper on current thinking on best value tendering (due late summer).

CLACs and CLANs

The Gateshead CLAC was belatedly opened on 24th May 2007. The CLAC is being jointly run by the Law Centre and CAB with three solicitors firms as subcontractors. Although a publicly available evaluation report on the performance of this "radical new model of service delivery" is not due until the end of 2008, the LSC is pushing ahead with a re-tender of the Leicester CLAC with revised contract terms (see <http://www.leicester.gov.uk/> and type CLAC in search box) and plans are also afoot to tender for further CLACs in Derby and Portsmouth. The location of the proposed London CLAC remains unclear. Meanwhile the first CLAN is being developed in Cornwall. For more details see <http://www.dca.gov.uk/speeches/2007/sp070313.htm>.

CLS Direct

In 2006/07 16,845 Legal Help housing matter starts were generated by CLS Direct suppliers and the proportion of clients obtain housing advice from CLS Direct looks set to increase following a recent re-tendering exercise resulting in new contracts to deliver telephone housing advice being awarded to Capita Assurance, A4E, DAWN advice, Derbyshire Housing Aid, Eaga Partnership, Morgans solicitors and Stevenage CAB.

An extract from an advert for telephone caseworkers from one of the successful contractors gives an idea of the level of advice clients can expect to access from CLS Direct suppliers:

“Starting salary of £16,500...These roles will suit graduates and under graduates keen to obtain experience in social welfare law. Knowledge of the various legal areas is not essential as there will be a comprehensive training programme.”

Constitutional Affairs Committee Report

The government's response is due by the end of June.

2. Campaigns

Access to Justice Alliance

Details of the alliance's recent week of action are available on the AJA's revamped website <http://www.accesstojusticealliance.org.uk/>.

Law Society 'What Price Justice?' campaign

On 5th June 2007 the Law Society hosted a panel discussion as part of its 'What Price Justice' campaign, chaired by Polly Toynbee of the Guardian and attended by Simon Hughes MP and Henry Bellingham MP amongst others. Vera Baird MP was invited but refused to attend. In her absence the meeting looked primarily at ways forward in the campaign to challenge the reforms. Key points arising included:

- Both MPs indicated that it was absolutely essential that practitioners continue to lobby their MPs (even if they have already done this) to make them aware of the issues. The MPs indicated that one of the critical factors resulting in the success of the recent junior doctors campaign was that they had been extremely good at doing this.
- Only 155 MPs have currently signed the Law Societies Early Day Motion (EMD 537) against the reforms (out of 646 in total). By contrast an EDM celebrating the centenary of scouting has 260 signatures. Simon Hughes MP emphasised how important it was that more MPs sign it.
- To find out if your MP has signed visit <http://edmi.parliament.uk/EDMi/Default.aspx> and then search for EDM no. 537. If your MP has not signed (both the MP in whose constituency you live as well as the constituency you work in) send them a short email, including links to the EDM and to the Law Society's 'What Price Justice' home page (see below) and ask them why they have signed yet (MP's email addresses are at <http://www.parliament.uk/directories/hciolists/alms.cfm>). Ask family and friends who live in constituencies in which MPs have not signed to consider doing likewise. Everyone is busy, but this is a really quick but effective lobbying method.
- The Law Society is looking to step up the profile of its campaign. Full page adverts appeared in The Times and The Guardian on 5th June 2007 and the possibility of a national demonstration in Central London is being discussed (again seeking to mirror the junior doctors who organised a demonstration of 13,000 people).

Websites

Attached to this email is .gif file for the What Price Justice logo. Barristers chambers, solicitors firms, Law Centres, other voluntary organisations and other HPLA members are

asked to consider placing this logo prominently on their web pages (ideally linked to the Law Society site <http://www.lawsociety.org.uk/home.law>).

HLPA's Housing Justice Campaign

Work is on-going on HLPAs campaign pack and web page and this should go live within the next 2 weeks.

Request for case studies

HLPA has now received more case studies from members to be included within its case studies booklet. A big thank you to members who took the time to do this. However, the request for case studies remains open and practitioners are asked to continue to submit appropriate case studies on an on-going basis. We are particularly keen to hear about high cost Legal Help cases which achieved wider public benefits and examples of the success or otherwise of the CLS Direct service.

Contact details

For case study contributions please contact HLPAs lobbyist, Nowsheen Bhatti Nowsheen_Bhatti@shelter.org.uk.

For comments about or inclusion within this email update please contact Gareth Mitchell gmitchell@pierceglyn.co.uk.