

Justice for All

Justice for All is a campaign supported across the legal and advice sectors to ensure that all can access justice, no matter the circumstances they find themselves in.

WE WANT JUSTICE FOR ALL, YET DEMAND FOR ADVICE IS OUTSTRIPPING SUPPLY

Most people who need legal advice seek help – only half get it¹. We estimate 2.3 million people haven't been able to get help for a civil justice problem when they needed it².

At least a million young people are left to cope with their problems alone. Less than 50% of young people facing serious problems, for example in housing and education, get the advice they need³.

▲ More people need quality advice when the economy is bad

In 2009, we saw huge increases in the numbers of people needing advice on redundancy, Job Seekers Allowance and mortgages. Local authorities are experiencing unprecedented demand for social housing, debt and welfare advice services, and unemployment support⁴.

▲ More people need quality advice when government makes changes to the services they rely on

We have seen an increase in enquiries about Employment and Support Allowance in the last year, up to 77%⁵. This trend looks set to continue as all claimants on the old Incapacity Benefit will switch to ESA this autumn. It is predicted that homelessness will also rise sharply due to housing benefit cuts.

The Government is proposing many significant changes to the welfare system and public services – people will need advice to manage these changes, if only in the short term.

WE WANT JUSTICE FOR ALL, YET IT IS BECOMING INCREASINGLY DIFFICULT FOR THE PUBLIC TO GET EXPERT ADVICE AND REPRESENTATION

The number of solicitors firms providing free legal help has plummeted – the number of firms providing free legal advice on family problems has halved in the last year. Changes to the funding system mean legal advisers spend more time on bureaucracy and leave even tighter financial margins for not-for-profits.

▲ The pattern of current funding doesn't meet client need

The rigid funding system makes it hard to focus on clients' needs and does not allow us to respond to increasing need for advice in a particular local community⁶.

Funding has focused on fewer, more specialised providers leaving people on low incomes having to travel miles to get the advice they need. 70% of people say they had to travel more than 5 miles to get advice⁷.

▲ Fewer and fewer people are eligible for legal aid

Less than one in three people are eligible for legal aid. In 1998 over half the population was eligible for free help.

Eligibility levels have not kept pace with inflation – people who have paid off much of their mortgages or have modest disposable incomes can be denied justice. They are neither 'poor enough' to qualify for free legal help, but can't afford to pay for a lawyer either.

A CAB in the East of England saw a full time student with a three year old child who needed legal advice in a custody dispute with the child's father. She was found ineligible for legal aid as her college paid for 90% of her childcare costs – this money was included in her disposable income putting her over the eligibility limit for free help.

▲ Funding for quality advice and representation is under threat

The total budget for legal aid is capped. Over the past 10 years, funding for civil legal aid has decreased by 24% in real terms⁸. The Government has planned to decrease funding for legal aid for housing, education, welfare, jobs, mental health and community care.

With cuts coming to all government spending, we are concerned access to justice will become even more restricted.

Cuts to funding also impact on the professionals delivering services. With the expectation that 'more for less' is delivered, the workforce is being placed under unsustainable pressures to provide services and jobs are at risk.

WE PROVIDE JUSTICE FOR ALL: COMMUNITY LEGAL SERVICES ARE IMPORTANT AS THEY HELP THE MOST VULNERABLE IN A COMMUNITY GET TREATED FAIRLY

Free quality advice and representation is essential in any democracy claiming to provide access to justice. The most vulnerable cannot pay.

We've built trust with our communities, because we help over 2 million people every year to receive protection, shelter and education. We've been doing this for over 60 years. What we've been delivering is what this Government says it wants from community organisations. We'd like to continue this.

Legal services help with divorce, evictions, debts, domestic violence, benefit problems, as well as representing people held in police stations or who have to appear in court. The prison population remains at an all time high. Prisoners suffer from unmet legal need that results in prolonged, expensive and unnecessary detention.

A woman and her 7 year old daughter were homeless, after moving areas following threats of violence. They were staying temporarily with her mother but needed to leave within a matter of days as her step-father, who had sexually abused her as a child, was returning to the home. The woman was suffering from depression and was desperate to have safe accommodation for her and her young daughter. The local authority had unlawfully refused to place her in temporary accommodation. It was only with the help of a legal aid lawyer that the local authority was persuaded to find her somewhere safe to live.

WE PROVIDE JUSTICE FOR ALL: THE RIGHT ADVICE EARLY ON CAN SAVE £10 FOR EVERY £1 INVESTED⁹ AND KEEP FAMILIES TOGETHER IN THEIR HOMES, AND IN WORK AND EDUCATION

▲ Early advice saves money

Without early help, problems become more complex. For example, losing a job can lead to debt problems, rent arrears and eviction, stress and even family breakdown. This costs the public purse money from the benefit system, re-housing a homeless family and treating stress-related illness. The human costs are even more.

Savings can be made by supporting public legal education. Up to two thirds of the population are unaware of how to get the legal services they need, and nearly 70% have no knowledge of basic legal processes¹⁰.

▲ Cutting advice can be a false economy

Limiting access to legal advice can cost more in the long run, particularly when appeals are needed¹¹.

Devon Law Centre research found that asylum seekers are being wrongly refused publicly-funded legal representation for their asylum appeals in 79 per cent of cases, and that at least 30 per cent of these people have a legitimate claim to some form of protection. Restricting legal aid to asylum seekers in the first instance bites hard at the taxpayer's purse in the long run.

REFERENCES

¹ Legal Aid at 60 'English & Welsh Civil & social survey, Legal Services Research Centre 2007

² No time to retire – Legal Aid at 60, Citizens Advice, 2009

³ Young People's Access to Advice, the Evidence, Youth Access, 2009

⁴ Council Leader survey on the impact of the economic downturn on local authorities, Local Government Association, March 2010

⁵ Citizens Advice statistics

⁶ Review of the Impact of the Unified Contract on Law Centres, NEF, 2009

⁷ No time to retire – Legal Aid at 60, Citizens Advice, 2009

⁸ A Fairer deal for Legal Aid, Department of Constitutional Affairs, 2006

⁹ The Socio-Economic Value of Law Centres, LCF October 2008

¹⁰ Knowledge, Capability and the Experience of Rights Problems, Legal Services Research Centre, Plenet, June 2010

¹¹ "Legal aid and the market for lemons", Susan Steed, NEF, 24th June 2010
<http://neweconomics.org/blog/2010/06/24/legal-aid-and-the-market-for-lemons>

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