



Ministry  
of Justice

# Legal Support Advisory Group

## 23 July 2020

### Public note of meeting

#### **Members present:**

Fiona Rutherford (MoJ Access to Justice – Chair); Christina Blacklaws (LawTech Delivery Panel); Malcolm Cree CBE (The Bar Council); Ruth Daniel (ATJF); Simon Davis (The Law Society); Chris Minnoch (Legal Aid Practitioners' Group); Alexy Buck (MoJ Chief Social Researcher); Jonathan Allen (HMCTS Customer Directorate); Stephanie Hack (MoJ Legal Support and Fees Policy); Jelena Lentzos (MoJ Legal Aid Policy), Naomi Mallick (MoJ/GLD Director of Legal Services).

#### **Apologies:**

Lindsey Poole (ASA); Prof. Dame Hazel Genn (UCL); Natalie Byrom (LEF); Andrea Coomber (JUSTICE).

#### **Additional Attendees:**

Legal Support Policy Team; Legal Aid Policy Team; Government Legal Department, MoJ Analytical Services

## Introduction

1. Fiona Rutherford opened by welcoming Ruth Daniel from the Access to Justice Foundation (ATJF); Ruth is attending instead of Rebeca Wilkie who has left ATJF.
2. Fiona explained that the minutes of the last meeting were not circulated with the papers due to the length of time since the meeting and the feedback from the group. All of the actions had been completed with the exception of introducing Basecamp as a way for distributing papers and collaborating amongst the group. This was due to some technical issues which MoJ was trying to resolve.

## Ways of working

5. Stephanie Hack presented an overview of the responses from members to the way the group works and the recommendations that MoJ would look at ahead of the next meeting. She thanked all members for taking the time to provide very detailed and useful feedback. She explained that in the feedback members asked for a slightly more strategic focus to the meetings, and this was why this meeting included items on changing legal need and the legal support narrative for the upcoming Spending Review.

## Objectives

6. The general steer from the group was that the group's objectives should be expanded to include more on actions, transparency, accountability and expectations between the group and MoJ. In particular, the group wanted the objectives to set out clearly whether the group's purpose was a) helping influence and develop policy throughout or b) as an early ideas and notification process. The group preferred the former, and also said they wanted more feedback on how their advice was being used. **Action: LSAG ToRs to be updated to reflect a clearer role in policy development, the use of this in Ministerial advice, and subsequent feedback to LSAG.**
7. Most of the group were here in a representative capacity so would like MoJ to consider allowing time for members to consult with others in their organisations where appropriate. **Action: LSAG Secretariat to build in more time for members to receive and consult on papers in advance of meetings.**

## Other issues to consider

8. The group felt that as the Legal Support Action Plan (LSAP) and LSAG were being rebaselined, MoJ needed to publish clarification on what areas legal support and legal aid covered and how they related to each other – although the group acknowledged that there would be some overlaps between legal aid and legal support, but wanted clarity over the relationship between the two areas. It was also noted that previous legal support policy work appeared to be narrowly focussed, while the reality was that a particular area of need arose in many different places during the cycle of a person's legal problem (litigants in person was the specific example used). To that end, a joined-up approach was crucial. SH agreed with this.

**Action: LSAG Secretariat to circulate a document or diagram setting out the general breakdown of work between the two areas within Access to Justice Directorate.**

9. The group agreed that if members were clear and they were signed up to the scope of its work there would be less time wasted on discussing areas that had already been discussed and decided by other fora. This would also be helped by clearer and more targeted communications from the LSAG Secretariat, including outside of meetings.

## How LSAG should work in the future

10. SH gave a brief overview of the practical suggestions the group provided in terms of timing, minutes and membership of the group, including improving diversity. These seemed sensible and achievable and LSAG Secretariat would revert to the group with specific proposals to respond to these. **Action: LSAG Secretariat to review practical suggestions and revise LSAG ways of working, including the communications point raised under the previous slide.**

## Update on Legal Support Work – Legal Needs

11. MoJ presented an outline of the work MoJ had done to capture the changes to legal need due to Covid in issues relating to social welfare. They explained what they had learnt so far on how Covid has impacted on legal need and wanted to test MoJ's understanding of legal need with the group.

12. Pre-Covid, it was known many weren't accessing legal support early enough, particularly in areas relating to money and housing- the LSAP was designed to test the best way to deliver legal support and encourage early intervention. Due to Covid the problems with digital exclusion had been exacerbated. This was due to finance, technology and confidence issues in accessing information electronically. Many people needed significant assistance in person, which was often not possible during the Covid period. There also seemed to be a disproportionate impact on people from BAME backgrounds.

13. MoJ acknowledged that some of the Government’s interim emergency protections put in place such as a moratorium on evictions and furloughing risked a sudden influx once the protections were removed.

## **Update on Legal Support Work – Spending Review**

18. MoJ briefly presented the latest information on the Spending Review and its impacts on legal support work. They asked members for their suggestions for priorities in an over-crowded bid for funding from HMT in any upcoming Spending Review.

19. They mentioned that it was currently unclear if it was going to be a multiyear settlement as originally planned or if it would be a shorter settlement. Any bids were likely be joint bids between legal support and legal aid due to the cross over between users and themes.

20. One of the areas to be explored was to reassess was the legal support pilot methods used in the past to see if they were still suitable in the context of a socially distanced future for some time ahead.

## **A.O.B**

21. None

<b>Action</b>	<b>Owner(s)</b>	<b>Deadline</b>
<b>LSAG ToRs to be updated to reflect a clearer role in policy development, the use of this in Ministerial advice, and subsequent feedback to LSAG.</b>	MoJ	Next Meeting
<b>LSAG Secretariat to build in more time for members to receive and consult on papers in advance of meetings.</b>	MoJ	Next Meeting
<b>LSAG Secretariat to circulate a document or diagram setting out the general breakdown of work between the two areas within Access to Justice Directorate.</b>	MoJ	Next Meeting

<b>LSAG Secretariat to review practical suggestions and revise LSAG ways of working, including the communications point raised under the previous slide.</b>	MoJ	Next Meeting
--	-----	--------------