



Ministry
of Justice

Legal Support Advisory Group meeting Monday 19 October

Public note of meeting

Members present:

Members Present: Fiona Rutherford (MoJ Access to Justice – Chair); Christina Blacklaws (Lawtech UK); Natalie Byrom (Legal Education Foundation), Andrea Coomber (Justice), Lindsey Poole (Advice Services Alliance) Phil Robertson (The Bar Council); Clare Carter (ATJF); Richard Miller (The Law Society); David Greene (The Law Society); Chris Minnoch (Legal Aid Practitioners' Group); Alexy Buck (MoJ Chief Social Researcher); Lauren Van Staden (HMCTS Customer Directorate); Roshnee Patel (MoJ Legal Support Policy); Jelena Lentzos (MoJ Legal Aid Policy), Naomi Mallick (MoJ/GLD Director of Legal Services), Tom Read (MoJ Digital)

Apologies:

Apologies were received from Ruth Daniel (Clare Carter attended in her place), Malcolm Cree (Phil Robertson Director of Policy attended for the Bar Council) and Hazel Genn (UCL).

Additional Attendees:

Other attendees: Legal Support Policy Team; Legal Aid Policy Team; Government Legal Department, MoJ Analytical Services, MoJ Digital

1. Welcome & introductions

Fiona Rutherford welcomed attendees and introduced Minister Alex Chalk MP

2. Ministerial welcome and vision for the future from MoJ Minister, Alex Chalk MP

Minister Chalk said he was delighted to be at the meeting and thanked members for donating their valuable time and expertise to this important subject.

He explained that he was dedicated to improving access to justice and that was one of his priorities.

He wanted to look at improving coherence and harmony in legal need and becoming more focused on the user need. He explained that it was important to ensure we could monitor and meet legal need.

When the pandemic struck the Government took a decision to help law centres and other third sector organisations to recognise the value of their work by providing additional funding. Technology created an opportunity to improve how the overall support worked and the options people had.

It was clear that people needed to have early access to some form of legal advice to help them learn about their options.

Note: Minister Chalk left the meeting at this point.

3. Update on actions from last meeting and progress on future ways of working

The minutes were agreed. The group thanked MoJ for taking into account the feedback provided in previous meetings and by members out of committee. Natalie Byrom was grateful for the funding that was made available to legal support organisations.

Action point log

Roshnee Patel went through the actions from the previous meeting. These were all either completed or agenda items at the meeting.

Updated Terms of Reference and objectives

Roshnee explained that MoJ had been looking at ways that the LSAG could be improved in the ways it worked and how to ensure members understood how their views were accounted in policy development.

Roshnee explained that the new Terms of Reference (TOR) had reflected on LSAG members' feedback on objectives including short term issues caused by the Covid crisis and the longer-term more strategic issues. She explained that there needs to be time devoted to both at the meetings. MoJ were also keen to improve the diversity of members and ensure there was a balance of different expertise.

It was made clear that the ToR was a living document and could be updated as issues arose or evolved.

Where there were commercial sensitivities, it was agreed that it was understandable that information needed to remain confidential, but the group would like a record kept in the summary minutes where the group or individual members could put on record where they disagreed with a policy or proposal.

4. Update on Legal Support Work – Legal needs & third sector sustainability

Legal Support Policy went through a presentation on Covid-19 and legal need and how it had impacted on legal need in England and Wales.

Officials explained they were keen to look at how legal problems could be resolved, particularly in relation to areas of social welfare. From the Post Implementation Review workshops and subsequent surveys about people's legal need – the Legal Problem resolution Survey 2014-15 (2017) and the Legal Services Board's Individual Legal Needs Survey (2020) held as part of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) review it became clear that people often had multiple problems at the same time, and that online advice alone was not a fair substitute for full legal representation.

Other key points of the presentation referenced that people were not always aware when they were eligible for legal aid and helping people early could lead to a reduction of the more expensive cost of resolving these when they are more complex or advanced.

At the start of the pandemic, it was clear that there was a large increase in people seeking legal support online, and that some of the existing provision was not working as a result of the pandemic.

MoJ agreed that they needed to improve sharing data in a holistic way with other departments. A legal needs dashboard was in the early stages of development, to look at data we already had in conjunction with anecdotal reports. However, it was agreed that we could not be certain about the full extent of changes to legal need yet with the pandemic ongoing and policies frequently changing.

Action – All to share examples of similar issues and solutions to determine legal need.

Action - Natalie Byrom to circulate a paper she worked on to look at ways to improve the legal support funding.

Action – Secretariat to schedule an item on MoJ work on legal need dashboard at the next meeting.

5. Update on Early Legal Support Work

Note: Minister Chalk joined the group for this item

Officials from Legal Support Policy explained the team had been scoping a new project exploring early legal support and advice, with a focus on the early resolution of problems before individuals reach the courts and tribunals using digital tools. This project was embracing the use of technology and remote delivery of advice where possible.

The group were asked to focus discussions on early legal support digital solutions, with a commitment made to explore and test escalation routes to in person legal support options once the outcome of the Comprehensive Spending Review was known.

Action – MoJ to investigate the variety of suggestions provided by the Group regarding where advice is already being provided effectively online and where there is helpful research to inform the design of the early legal support and advice project.

6. AOB

The provisional date of the next meeting is Monday 18 January at 2pm.

Action	Owner(s)	Deadline
Share examples of similar issues and solutions to determine legal need.	All	Next Meeting
Circulate the paper looking at ways to improve the legal support funding.	Natalie Byrom	Next Meeting

Secretariat to schedule an item on MoJ work on legal need dashboard at the next meeting.	MoJ	Next meeting
MoJ to investigate the variety of suggestions provided by the Group regarding where advice is already being provided effectively online and where there is helpful research to inform the design of the early legal support and advice project.	MoJ	Next meeting