



Ministry
of Justice

Housing Legal Aid: the way forward

**A consultation on the future of the
Housing Possession Court Duty Scheme**



This consultation begins on **25 November 2021**.

This consultation ends on **20 January 2022**.



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Court Duty Scheme

**A consultation produced by the Ministry of Justice. It is also available at
<https://consult.justice.gov.uk/>**

About this consultation

- To:** This consultation is aimed at anyone with an interest in the provision of advice and assistance at housing possession proceedings in civil courts in England and Wales. This will include, but is not limited to, members of the legal profession and their professional representative bodies, members of the judiciary, and legal services regulators.
- Duration:** From 25/11/21 to 20/01/22
- Enquiries (including requests for the paper in an alternative format) to:** Civil and Family Legal Aid Policy
Ministry of Justice
102 Petty France
London SW1H 9AJ
Email: civil.legalaid@justice.gov.uk
- How to respond:** Please send your response by 20/01/22 to:
Email: civil.legalaid@justice.gov.uk
- Additional ways to feed in your views:** This consultation will be accompanied by a series of roundtable meetings with key stakeholders, including representative bodies.
- Response paper:** A response to this consultation exercise is due to be published at: <https://consult.justice.gov.uk/>

Contents

Ministerial Foreword	3
Executive summary	4
Introduction	7
The proposals	9
Impact Assessment	19
Equalities Impacts	21
Family Test	31
Questionnaire	32
About you	34
Contact details/How to respond	35
Complaints or comments	35
Extra copies	35
Publication of response	35
Representative groups	35
Confidentiality	35
Consultation principles	37

Ministerial Foreword

Housing repossession and homelessness are two of the most serious civic problems that any individual could experience. For many faced with the loss of their home, the fear of having to engage with the legal process and the currently limited early advice available means it is common to attend court without seeking legal advice or representation beforehand.

A core element of the support available in this area is, and will remain to be, access to publicly funded legal advice and representation. The Housing Possession Court Duty Scheme offers vital emergency face-to-face advice and advocacy to anyone facing possession proceedings. Providers of this service do vital work every day to ensure anyone in danger of eviction or having their property repossessed can get free legal advice and representation on the day of their hearing, regardless of their financial circumstances.

However, we know that the sustainability of the schemes is an issue and we have been considering the way forward, engaging closely with stakeholders to better understand their concerns and to ensure that the scheme is fully aligned with our modern justice system, ensuring people can resolve their legal issues as swiftly as possible.

This consultation sets out an ambitious new model for delivering these services, which will be more financially viable for the providers who deliver it and more effective for the clients who rely on it, ensuring they can access high quality support as early in the process as possible.

This is the first step in our wider civil legal aid strategy to ensure a sustainable system of provision where people can get the right advice at the right time, leading to better outcomes for all.

I encourage a wide range of people and organisations to respond to this consultation because it is important that we hear and consider all points of view.

We will consider all responses carefully and will publish the government's response to the consultation in due course.

Lord Wolfson of Tredegar QC, Parliamentary Under-Secretary of State for Justice

Executive summary

1. The Housing Possession Court Duty Schemes (HPCDS) offer “on the day” emergency face-to-face advice and advocacy to anyone facing possession proceedings in court. This means that anyone in danger of being evicted from their home or having their property repossessed can get free legal advice and representation on the day of their court hearing, regardless of their financial circumstances. The HPCDS plays a vital role in ensuring access to justice for these individuals.
2. Civil legal services in respect of housing possession are within the scope of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), and it is on this basis that funding is provided for most of these schemes by the Legal Aid Agency (LAA), an executive agency of the Ministry of Justice (MoJ).
3. Delivery of the service is by legal aid providers – both solicitor firms and third sector organisations – who hold contracts with the LAA. Each contract is aligned to a particular scheme and awarded following a competitive procurement process to ensure both quality of advice and value for the taxpayer.
4. Given the vital role these schemes play in ensuring access to justice and the timely resolution of legal problems, the sustainability of the service is of paramount importance. For some time, the government has been concerned that these services are not sustainable, evidenced by the ongoing incidence of providers pulling out of contracts.
5. Whilst continuity of service has been maintained to date, there is a risk that gaps in service provision may appear which have the potential to negatively impact on the clients who rely upon this vital service. In addition, the necessity of regularly retendering the service following the withdrawal of a providers adds to the administrative burden on the LAA and does not provide value for money for the taxpayer.
6. In October 2019, the government published a consultation¹ outlining several proposals to improve the sustainability of the HPCDS. Work on the consultation response was paused just before intended publication given urgent reprioritisation as a result of the emergence of the Covid-19 pandemic. Following further consideration, the MoJ decided that this consultation and the evidence and policy work encompassed within it

¹ <https://consult.justice.gov.uk/digital-communications/housing-possession-court-duty-scheme-service/>

should be integrated into the wider work MoJ is undertaking on the long-term sustainability of the civil legal aid market.

7. We took this course of action in light of the impact of Covid-19 on the legal aid market and the need to wait until work on how possession proceedings would be heard in future could progress to allow proper consideration on the appropriate proposals for the HPCDS. Therefore, no response to the previous consultation has been published, but we have taken into account the evidence provided during that consultation when developing the proposals within this new consultation paper.
8. In the intervening period, the landscape has changed. The moratorium on possession proceedings was essential to ensure those facing possession proceedings were protected during the pandemic, and it was absolutely correct that in that context our work on the proposals within the previous consultation was paused. However, the government recognises that this situation has had a significant negative impact on providers of the HPCDS with an immediate and significant reduction in volumes and, by extension, a significant impact on income.
9. Alongside this, the wider landscape in which the HPCDS is operating is changing. The pandemic necessitated an immediate change in how possession proceedings were being dealt with by the court, and over the last year the Master of the Rolls' Working Group on Possession Proceedings has been considering how these cases should be heard going forward. This group published new "Overall Arrangements" for possession proceedings in September 2020² and further guidance is due to be published now that Covid-19 restrictions have eased. The government has also launched a wider call for evidence on dispute resolution, with the overarching aim of increasing uptake of less adversarial routes to justice and resolution outside court where appropriate.
10. Even before the pandemic, the wider landscape in which the HPCDS was operating was changing. The Her Majesty's Courts and Tribunals Service (HMCTS) Reform programme is transforming the processes through which people resolve their legal problems and interact with the justice system, whilst in recent years HMCTS have undertaken substantial reform of the court estate. Beyond justice policy, reforms to the welfare system, including the roll-out of Universal Credit, have also had an impact on how services such as the HPCDS need to be delivered. To ensure the HPCDS provides as effective a service as possible, it is important that the policy behind the scheme takes into account changes such as these.
11. We have been considering the way forward to ensure these schemes are as sustainable and effective as possible. We have undertaken considerable engagement with key stakeholders involved in the delivery of the HPCDS, worked closely with the

² <https://www.judiciary.uk/wp-content/uploads/2020/09/Possession-Proceedings-Overall-Arrangements-Version-1.0-17.09.20.pdf>

Master of the Rolls' Working Group, and considered the responses to our previous consultation as well as wider reports such as the House of Commons Justice Committee's recent report on legal aid³. Taken together, this has given us a better idea of what works well with the HPCDS, what could work better and what should change, as well as how the delivery of these schemes has been affected by the pandemic. We have used this information to consider what can be done to ensure that delivery of the scheme remains attractive and continues to provide the best possible service to clients.

12. Our proposals are set out in detail in this consultation paper, but in summary we propose the following key changes:
 - a. Remodel the delivery of the HPCDS to become a new Housing Loss Prevention Advice Service (HLPAS), incorporating both the existing service of advice and representation at court but also early legal advice before court.
 - b. Expanding the scope of legal aid so that HLPAS providers can offer early legal advice on social welfare law matters to individuals facing possession proceedings before they reach court.
 - c. Allowing providers to claim a HPCDS/in-court HLPAS fee in addition to a Legal Help fee for follow on work.
 - d. The introduction of a set attendance fee for all schemes equivalent to having seen two clients during a session.
 - e. Contracting for individual courts rather than larger geographic areas.
13. In relation to proposals (c) and (d) we have already temporarily implemented these changes through an amendment to the existing HPCDS contract. This consultation paper seeks views on these proposals as elements of our long-term approach to legal aid services for housing possession cases as part of our proposed new HLPAS, which are set out in the paper which follows; however, the temporary implementation of these two proposals will, we believe, improve sustainability of HPCDS services in the short term.
14. The rationale for proposing these key changes is set out in the paper that follows, but we believe that the combination of these changes will ensure this vital service is not only financially viable and logistically deliverable into the future, but also that it provides the best possible service for those clients who rely upon it, allowing them to avoid court where possible but still supporting them in court where that is needed.

³ <https://committees.parliament.uk/publications/6979/documents/72829/default/>

Introduction

15. This paper sets out for consultation a new model for housing possession legal aid services which the government believes will be financially viable and logistically deliverable for providers and provide the best possible service for clients. We believe the proposals set out in this consultation paper will ensure the sustainability of this vital service for the clients who rely upon it as well as increasing the effectiveness of the service.
16. This consultation is aimed at anyone with an interest in the provision of civil legal services in respect of housing matters within England and Wales, including, but not limited to, members of the legal profession and their professional representative bodies, members of the judiciary, and legal services regulators.
17. We will be publishing a Welsh language version of this consultation paper.
18. This paper contains a series of questions which seek views on our proposals for remodelling the scheme. Alongside this paper, we have published an Impact Assessment, which sets out the estimated impact the proposals would have if implemented. We also invite respondents to provide evidence that could help us consider the potential impact on individuals (both clients and providers) with protected characteristics, in line with our responsibilities under the Equality Act 2010.
19. Copies of the consultation paper are being sent to:
 - a. The Law Society of England and Wales
 - b. The Bar Council
 - c. The Legal Aid Practitioners' Group
 - d. Housing Law Practitioners' Association
 - e. Law Centres Network
 - f. Advice Services Alliance
 - g. Shelter
 - h. Citizens Advice
20. This list is not exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the proposals set out in this paper.

21. Details of how to respond are set out on page 41. The deadline for responses is 20 January 2022. The government will consider the responses to this consultation and intends to publish a response in due course.

The proposals

22. Taking into account the changes in context outlined in the executive summary above, and the feedback provided by stakeholders, we have developed a series of proposals to address concerns with the current Housing Possession Court Duty Scheme (HPCDS). These proposals would represent an investment in this service and therefore, as well as being dependent on the outcome of this consultation exercise, their implementation is also dependent on the departmental allocations process that will begin now that the Comprehensive Spending Review has concluded.
23. The government's proposals can be grouped into three main themes – the delivery model for these services, remuneration, and our approach to contracting. We believe that, taken together, these proposals will ensure the sustainability of this vital service and make it more effective for the clients who rely upon it.

The delivery model for housing possession legal aid services

24. Generally, for individuals facing possession proceedings, advice is predominantly sought at court through the HPCDS. Housing possession is within the scope of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) and so Legal Help is available before court (subject to means and merits tests), but we know that the numbers who seek advice through the route are relatively small. The current HPCDS performs a vital service in ensuring those who reach court are supported. However, the way the scheme is currently structured misses the opportunity to help those facing possession proceedings at the earliest point, potentially avoiding the need for court proceedings altogether.
25. Many have argued, including in response to the Post-Implementation Review of LASPO⁴, that access to early legal advice can drive earlier and more effective resolution of legal problems, potentially before they reach court. We recognised this in the Legal Support Action Plan⁵, published alongside the review, by announcing that we would pilot the expansion of legal aid to cover early legal advice in an area of social welfare law and evaluate the impact. This pilot will begin in 2022 but we think there is

⁴ Post-Implementation of Part 1 of LASPO. Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777038/post-implementation-review-of-part-1-of-laspo.pdf

⁵ Legal Support: The Way Ahead. Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777036/legal-support-the-way-ahead.pdf

an opportunity to make earlier changes in this area in relation to housing possession proceedings.

26. During the pandemic, new arrangements for the hearing of possession proceedings led to the introduction of a “review hearing” around four weeks prior to a substantive possession hearing. This review hearing is intended to allow the judge to consider the matter on the papers prior to a substantive hearing, generally without the claimant or defendant in attendance.
27. Alongside the introduction of this review hearing, we made changes to legal aid contracts to allow defendants to seek advice from the HPCDS at this earlier stage as well as at the substantive hearing. Although volumes have been small, this has allowed us to further consider the benefits of earlier access to this advice for clients and the limitations of the current scheme in being focused on in-court proceedings and fixed to a specific hearing date.
28. Many stakeholders have spoken positively of the earlier access to advice available under the temporary arrangements for hearing these cases during the pandemic. We have reflected on this and think there would be benefit in making permanent changes to the scheme to allow for earlier access to advice for those individuals facing possession proceedings, to encourage early engagement from the defendant facing proceedings, and to resolve cases as swiftly as possible.
29. Therefore, we propose remodelling the current approach to delivery of the HPCDS to introduce a new, wider service: The Housing Loss Prevention Advice Service (HLPAS). The HLPAS will retain the key element of the current HPCDS, the in-court duty scheme (which will continue to be available for any listed hearing), however, it will introduce access to early legal advice in social welfare law for those facing possession proceedings.
30. Whilst providers who deliver a HLPAS scheme will be required to continue to deliver a duty scheme at the relevant court, they will also be permitted to provide early legal advice to individuals facing possession proceedings. We propose that an individual will be eligible for this additional early legal advice where they have received a notice of a possession hearing from the court and the advice would need to be delivered in the period between the client receiving that notice and the hearing date.
31. We recognise that other social welfare issues often cluster with housing possession issues, therefore we propose that the advice available for this specific cohort should be wide ranging, covering housing, debt, and welfare benefits matters, and propose expanding the scope of legal aid under LASPO to include legal help in these matters for this specific cohort of cases. This will mean that where a client has received a notice of possession hearing from the court, and this possession issue is caused or exacerbated by a wider social welfare issue (for example, an underlying debt issue or

an issue relating to welfare benefits entitlement), a legal aid provider will be able to advise them on resolving this issue. The intention of this is that the additional advice will leave individuals in a better position to resolve their housing possession issue if they can get advice on any wider social welfare issues which cluster and overlap with their possession issue.

32. As is the case currently for the HPCDS, we propose that the availability of this early legal advice should not be subject to the means test to ensure that clients can access this advice as quickly as possible in the short period before a housing possession hearing takes place and to encourage take up, with the aim of maximising the number of cases resolved as early as possible.
33. Our aim is that this will allow providers to engage with clients facing possession proceedings earlier, helping to resolve underlying issues which may have caused the initiation of the possession proceedings, such as an underlying debt issue or a problem with the individual's welfare benefits.
34. In many cases, we hope that access to this earlier advice will help resolve cases before they reach court. This would mean a better outcome for individuals facing possession proceedings and claimants in avoiding the need to go to court. It would also reduce the burden on the courts, assisting in our recovery from the pandemic. For others, access to this advice could act as a helpful triage, directing them to mediation or conciliation services where that is a suitable avenue for the client to resolve their housing possession issue, as we have seen already with cases being referred to mediation from the temporary review hearing.
35. This proposal will mean that this referral to alternative dispute resolution (where that is appropriate for the client) does not need to be confined to a hearing but can take place at any point between an individual receiving a notice of possession hearing from the court and their court date. This should not only help a client resolve their issue as early as possible but will also mean less court resource is required to manage these cases where it does not need to.
36. In some cases, this early legal advice could also be delivered entirely remotely where that is appropriate considering the needs of the client (for example, in some instances the client may be digitally excluded and therefore remote advice would not be appropriate), improving the ability of providers to access clients in more remote areas of the country.
37. Overall, we think the introduction of this earlier and wider access to advice will lead to a more proportionate and efficient approach to resolving possession proceedings, one which is better for both claimant and client, and saves money for both providers and the justice system in the long run.

38. This proposal will require affirmative secondary legislation. Subject to the outcome of this consultation exercise, we would intend to bring this forward in 2022.

Question One. Do you agree with our proposal to reform the way housing possession legal aid services are delivered and create the Housing Loss Prevention Advice Service, providing duty advice at court and early legal advice? Please provide reasons for your answer.

Remuneration

39. We know from many stakeholders and current HPCDS providers that there are concerns about current remuneration levels and that this is a key consideration as to whether they would bid to deliver these services in the future. Linked to this, we know there are concerns about the viability of the scheme in certain courts where volumes are lower.

40. We have considered these issues and developed several proposals which we believe will address them and make delivery of these services more sustainable, ensuring access to this vital support for those who need it.

Remuneration for the proposed HLPAS

41. We recognise that within the HLPAS, we are proposing two relatively distinct services. The first of these is the ability for providers to deliver early legal advice in social welfare law to individuals in receipt of a possession notice from the court. The second is an in-court duty scheme for housing possession proceedings, which we envisage operating in much the same way as the existing HPCDS. Linked to this, but not directly part of the HLPAS, is the existing ability of housing providers to deliver Legal Help where their client’s issue is already in scope of LASPO (for example housing possession, or serious housing disrepair), which we do not propose to change. Our proposed fees for the HLPAS are set out in the table below.

Proposed Housing Loss Prevention Advice Service (HLPAS) fees	
HLPAS Stage One: early legal advice	£157 fixed fee per client advised.
HLPAS Stage Two: in-court duty scheme	£75.60 per client seen in London; £71.55 per client seen outside of London.

HLPAS Stage One

42. As outlined earlier in this paper, Stage One is intended to cover a limited session of early legal advice on social welfare law for individuals who have received a notice of a possession hearing from the court. We do not propose specifying a maximum number of hours of advice that can be given but intend for there to be no escape fee to ensure the additional advice given is proportionate and affordable. We intend for it to be delivered at any point before a court hearing is scheduled to take place.
43. In general, we would expect the level of advice to be delivered under Stage One of the HLPAS to be similar in nature to the level of advice delivered under Legal Help, albeit this enhanced service will be non-means tested and have wider scope than mainstream legal aid.
44. This advice could take a number of forms. Generally, we would expect it to be advice on an underlying social welfare issue linked to an individual's housing possession proceedings – for example, an issue with the individual's welfare benefits, or an underlying debt issue which is leading to rent arrears. It could also include advice on whether to enter mediation with the claimant, or other forms of Alternative Dispute Resolution and advice in relation to any agreement reached through mediation or Alternative Dispute Resolution.
45. Therefore, we propose remunerating this service at the same level that the housing Legal Help fee is currently set: £157. As this is intended to be a limited service where a small cohort of people get access to advice with a wider scope than normal, we propose that the £157 is a fixed amount without an escape fee. If a client needs further advice after this and their issue is currently within scope of LASPO and they meet the relevant means and merits test, a provider will be able to grant Legal Help and continue advising them, albeit on a narrower set of matters.

HLPAS Stage Two

46. Stage Two would broadly mirror the existing HPCDS, as a non-means tested in-court duty scheme. We do not envisage that the work delivered under this element of the service will significantly differ from the work done under the HPCDS currently. There is a chance that in some cases, access to early legal advice will succeed in narrowing the issues in dispute and therefore less work will be required on the day, however, it is very difficult to predict this.
47. As such, we propose retaining the existing fees for delivering HPCDS and applying them to HLPAS Stage Two. This would mean that in London a provider would be paid £75.60 per client seen and outside of London they would be paid £71.55 per client seen.

Claiming both HLPAS fees together

48. Whilst the aim of the provision of early legal advice under HLPAS is to resolve cases early and divert them away from court where necessary, we recognise that there are always going to be cases that will need to go to court to be resolved. In addition, we recognise that there will be cases where early legal advice will be delivered but the client will still need to attend court, as the issue cannot be resolved in advance, and the client will need representation in court.
49. Therefore, we do not propose to introduce any restrictions on whether the HLPAS Stage One and Stage Two fees can be claimed together in respect of the same client. If a provider has delivered both early legal advice to a client and then later represented them in their possession proceedings under the duty scheme, then they will be able to claim both a Stage One and a Stage Two fee. More than one Stage Two fee may be claimed if there is more than one listed hearing.

Question Two. Do you agree with our proposed approach to remunerating the new HLPAS service? If no, please suggest an alternative and provide supporting evidence.

Introducing an in-court attendance fee

50. Under the current HPCDS model, where a provider has attended court but no clients are seen during a HPCDS session, the provider receives a nil-session fee. This is equivalent to what the provider would have been paid had they seen just one client during the session – £75.60 in London and £71.55 outside of London. It is paid on the basis that, despite not having seen any clients, providers have attended court and made themselves available and therefore should be remunerated in some way for their time. This removes some of the uncertainty associated with delivering the scheme, particularly in rural areas where the issue can be more acute with court volumes fluctuating more and the cost of delivering the service often being higher due to travel time.
51. Providers have previously told us in relation to the HPCDS that it can be difficult to successfully deliver the HPCDS at courts with low volumes, because the payment for low volumes of work did not always cover the costs of delivering the service. As above, given that the courts with the lowest volumes of cases tend to be in rural areas, the cost of delivering the service is also likely to be higher in these areas due to travel costs.
52. We recognised this issue in our previous consultation on the HPCDS where we proposed introducing a set attendance fee in place of the existing nil-session fee. This

would have doubled the current fee available to £151.20 in London and £143.10 outside of London, the equivalent to what a provider would receive having seen two clients under the current scheme.

53. Given that our proposed new service the HLPAS still retains an in-court duty scheme, we think that differing volumes between courts and the potential that the service is less attractive to deliver in certain courts is still an issue that needs to be addressed.
54. We have reflected on our previous proposal and the responses we received to the previous consultation and are of the view that introducing a new attendance fee for the in-court element of the HLPAS remains a sensible approach to addressing this issue.
55. The issues we considered when proposing this change in 2019 have not significantly changed. There are still significant differences in the volumes of possession cases from court-to-court, with many of the courts with the lowest volumes continuing to be in rural areas where the cost of delivering the service can be higher because of travel time. In addition, as we emerge from the pandemic and the stay on possession proceedings, local authorities in different parts of the country are taking varying approaches to bringing possession proceedings in the courts, introducing further disparity in volumes.
56. Duty scheme providers perform a very important service in ensuring that there is always access to in-court support for individuals facing housing possession proceedings. It is important that providers of this service are not penalised as a result of volumes being low, when that is something out of their control. We are of the view that introducing a set attendance fee through amending the current nil-session fee is a pragmatic way to rectify this issue quickly, and ensure that this vital service remains viable, even in courts where volumes are lower.
57. Our proposed approach is that providers would receive this fee if they saw one or two clients during a single in-court session, or if they attended court for a nil session. For each client a provider saw beyond the two clients covered under the in-court attendance fee, they would receive a single client fee on top of the attendance fee. This attendance fee would only be payable for Stage Two of the HLPAS.
58. The table below sets out the amount of provider would receive in various scenarios under our proposals, compared to under the current system. As set out in paragraph 11, the new proposals set out here have already been implemented as a temporary contract change, but this consultation is seeking views on the changes being adopted permanently.

Number of clients seen in an in-court session	Current system		New proposals	
	<i>London</i>	<i>Non-London</i>	<i>London</i>	<i>Non-London</i>
0	£75.60	£71.55	£151.20	£143.10
1	£75.60	£71.55	£151.20	£143.10
2	£151.20	£143.10	£151.20	£143.10
3	£226.80	£214.65	£226.80	£214.65
4	£302.40	£286.20	£302.40	£286.20
5	£378	£357.75	£378	£357.75
For each additional client seen beyond this number during a session a provider would be able to claim £75.60 in London or £71.55 outside of London.				

59. We believe that this is a fair and equitable approach to ensure that delivery of this service is financially viable regardless of the court in which it is delivered and that providers are not penalised if they are continuing to provide an in-court duty scheme, ensuring access to justice is maintained, yet no cases are listed or defendants do not seek advice at court.

60. As outlined in the executive summary, as a temporary amendment to current HPCDS contracts, we have introduced a provision doubling the current nil session fee. This consultation seeks views on this proposal as part of the proposed future HLPAS.

Question Three. Do you agree with our proposal to introduce an in-court attendance fee in place of the existing nil session fee? If no, please suggest an alternative and provide supporting evidence.

Question Four. Do you agree that this attendance fee should be equivalent to the fee payable if the provider had seen two clients during the session? If no, please suggest an alternative fee and provide supporting evidence.

Fees for follow on work

61. Under the current scheme, if a provider sees a client under HPCDS and then subsequently opens a Legal Help matter, they are only allowed to claim the Legal Help fee, despite having also done some work under HPCDS. These arrangements have also been temporarily changed in the contract, but this consultation is seeking views on the permanent arrangements.
62. Providers have previously told us that after a court hearing a significant amount of follow up work is often necessary, for example, where the provider achieves a suspended possession order for the client, but further work is required on the underlying possession issue. We envisage that this will continue to be the case under the proposed new HLPAS.
63. Under the current contractual arrangements, a decision has to be made by the provider as to whether to claim the HPCDS fee or a Legal Help matter start. Generally, the number of cases which progress to Legal Help are low across all HPCDS schemes. It is not clear from the data available what the reasons for this are, but one of the reasons could be the current rule that providers lose the ability to claim their HPCDS fee by opening a Legal Help matter start.
64. Providers have told us that the ability to claim both fees together would make the work more attractive. As a result, in our previous consultation we proposed changing the current contractual rules so that providers could claim the HPCDS fee in addition to any follow up Legal Help fee.
65. Despite the wider changes in context, we still want to ensure that the delivery of follow on work after a possession hearing, where that is required and important for resolving the client's issue, is attractive for the provider to deliver. Therefore, we remain of the view that this is a sensible proposal and one which will make delivering this service attractive, ensuring the sustainability of the scheme and continuity of service for clients. We also believe it could lead to a better service for clients by increasing the availability of follow on advice.
66. Therefore, we propose allowing providers to claim a follow-on Legal Help fee in addition to any fees claimed under the HLPAS. This could mean that in a case where a provider delivered early legal advice to a client under HLPAS Stage One, represented a client at a possession hearing under HLPAS Stage Two, and delivered follow on work to a client after that hearing under Legal Help (as long as the client's issue is in scope of LASPO), they would be able to claim all three of these fees. We believe this would create a more effective, comprehensive service for clients and a more sustainable service for providers.

67. As outlined in the executive summary, we have already implemented this proposal as a temporary amendment to current HPCDS contracts, but this consultation seeks views on the permanent implementation of this proposal as part of the proposed future HLPAS.

Question Five. Do you agree with the proposal to allow providers to claim the fee for any follow up Legal Help matter in addition to any fees claimed under the HLPAS? If no, please suggest an alternative and provide supporting evidence.

Approach to contracting

68. There are a number of ways to contract for these services. We welcome the views of our stakeholders as to how these services should be contracted to ensure the best service for the client.

69. We would welcome particular views on whether the HLPAS should be delivered, in the same way as the HPCDS, by a subset of housing providers, or whether all housing providers should be able to deliver the HLPAS.

Question Six. Should the HLPAS be under a separate contract like HPCDS?

Geographic areas

70. The engagement undertaken ahead of our previous consultation and more recently identified concerns over larger geographic areas, and a strong preference for smaller contracts with local arrangements.

71. In our previous consultation, we proposed contracting for individual courts. We remain of the view that this is the best approach. By contracting for individual courts, this would allow for providers with greater proximity to the court to travel with greater ease and at lower cost, and small schemes would likely be easier for providers to manage.

72. We are seeking views on whether there should be any requirements on the distance of a provider from the court they are contracted to and would welcome views on the impact this would have on the quality of service a client receives.

73. This could make use of local knowledge and allow providers to focus on delivering the HLPAS at courts where they are more attuned to the day-to-day running, listing practices and procedures of the court, and where they know the local area and can access clients to encourage them to engage early. This could lead to a better service

for clients as they could benefit from this expertise, whilst they could also benefit from continuity of service in terms of follow on advice – for example, follow up meetings to resolve some of their wider issues. This could also contribute to the smoother running of possession hearings within courts.

74. Although we believe that contracting for individual courts is a practical and pragmatic approach to ensuring the sustainability of the service, we appreciate that some providers will still be interested in delivering the HLPAS at multiple courts. We intend for the HLPAS to be tendered in a way in which prospective providers will be able to bid to deliver the service at multiple courts, if they wish.

75. We appreciate that this approach may still present certain risks, given that by nature of the particular characteristics of certain courts – those in more rural areas perhaps – these may still be less attractive to providers. We are also aware that there could be specific concerns in courts where the average number of clients seen per session is particularly low. However, we believe these issues will be addressed by the proposals outlined earlier in this consultation paper, to permanently introduce a set attendance fee and allow providers to undertake early legal advice (which could also be delivered remotely to mitigate long travel distances where that is appropriate considering the specific needs of the client).

Question Seven. Do you agree with our proposed approach to tender for individual courts? Should there be just one HLPAS contract awarded for each court? If no, please suggest an alternative and provide supporting evidence.

Question Eight. Do you agree that ensuring providers are located in close proximity to the court where they are contracted will ensure a better service for clients?

Impact Assessment

76. The Impact Assessment accompanying this consultation document provides monetised details of the anticipated impacts of implementing these proposals. We would welcome information and views on this to help us improve the quality of our assessment.

77. We will publish a government response to this consultation in due course which will set out the proposals we intend to implement. At this stage we will also publish a revised Impact Assessment setting out revised estimates in light of any changes to the policy following the consultation.

Question Nine. Do you agree with the assumptions and conclusions outlined in the Impact Assessment? Please provide any empirical evidence relating to the proposals in this paper.

Equalities Impacts

78. This Equalities Statement considers the likely equality impacts on providers and clients from the HLPAS proposals set out in this consultation. The proposals seek to make HLPAS work more attractive and financially sustainable for those providers who wish to undertake it and therefore ensure access to justice for clients that rely on it.

79. For each proposal we have, as far as possible, on the basis of the latest available evidence, indicated what the likely equalities impacts are in this Equality Statement. We have invited stakeholder feedback on each of these proposals and their impacts in the consultation and have also asked two specific equalities questions.

Equality duties

80. Section 149 of the Equality Act 2010 requires ministers and the department, when exercising their functions, to have 'due regard' to the need to:

- eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and,
- foster good relations between people who share a protected characteristic and those who do not.

81. Paying 'due regard' needs to be considered against the nine 'protected characteristics' under the 2010 Act. The nine protected characteristics are race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.

82. This is an ongoing duty, and as part of this obligation we have made an initial assessment of the impact of our proposals on people with protected characteristics.

Methodology to determine discrimination potential

83. Adhering to guidance published by the Equality and Human Rights Commission (EHRC), our approach to assessing the potential for particular disadvantage resulting from the proposals has been to identify the individuals whom the proposals would impact (the 'pool'), and then draw comparisons between the potential impacts of the proposals on those who share particular protected characteristics, with those who do not share those characteristics.

84. Guidance from the EHRC states that the pool to be considered at risk of potential indirect discrimination should be defined as those people who may be affected by the policy (adversely or otherwise) and that this pool should not be defined too widely.

The pool of affected individuals

85. The primary pool of individuals affected by the proposals will be HPCDS providers and their agents, including Not-for-Profit providers of the HPCDS, as well as potential entrants to the market who wish to deliver the new HLPAS service. However, the proposals will also affect individuals seeking advice and representation under the new HLPAS.

Available data

86. HPCDS services in England and Wales are delivered through various providers. We have limited availability of information on these legal aid providers. In January and February 2015, the LAA carried out an online survey to learn more about the providers doing legal aid work⁶. The survey was sent to all 2,262 legal aid providers (across the entire legal aid market) to complete between 19 January and 27 February 2015. 644 providers completed the survey, a response rate of 28%. The survey asks about the protected characteristics of those who have ownership or managerial control of the firm (2,057 people), not the total headcount of the firms who responded (13,578).

87. This limited response rate, the age of the data, and the fact that the data spans the entire legal aid market, rather than just those delivering the HPCDS, significantly limits our ability to draw meaningful conclusions. The information gathered through this survey indicated that in the positions of managerial control, there was an over representation of males, when compared to the general population, as well as an over representation within the age group 40 to 59.

88. Data on the incidence of legal problems amongst people with protected characteristics is limited. However, the government holds certain data on the demographics of people granted legal aid.

89. The clients of the HPCDS in 2019-20 (we have used 2019-20 as volumes in 2020-21 were significantly lower due to the stay on possession proceedings) were (excluding cases where the information was recorded as “unknown”)⁷:

⁶ Ministry of Justice, Legal Aid Statistics in England and Wales: January to March 2015, available at: www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2015

⁷ Legal Aid Agency HPCDS client data 2019-20

- a. 60% female – above the proportion in the general population (51%⁸);
- b. 27% from an ethnic minority background – above the proportion in the general population (14%⁹);
- c. 30% with a disability – above the proportion in the general population (22%¹⁰);
- d. 24% aged between 25 to 34 years old – above the proportion in the general population (14%¹¹).

90. Below we have highlighted the equalities considerations, impacts and mitigations of the proposals in this consultation. In accordance with our legal duties, we will continue to consider the equalities impacts as we continue to develop these proposals, and we will publish an updated equalities assessment alongside our consultation response.

91. We also welcome the views of respondents to the consultation on the likely equalities impacts of these proposals. The government acknowledges that there are gaps in the data collected about the protected characteristics of those who provide publicly funded legal services and of those who are granted legal aid. We would welcome any empirical data that respondents can provide covering this. In addition, we would welcome any qualitative data or case studies that may illustrate the equalities impacts of these proposals.

Creation of the Housing Loss Prevention Advice Service (HLPAS)

Eliminating unlawful discrimination

Direct discrimination

92. Our assessment is that this proposal will not be directly discriminatory within the meaning of the 2010 Act. It is intended to allow providers to provide more early legal advice under the scheme, increasing defendant engagement and diverting cases away from court where possible, and the proposal will not treat anyone differently because of a protected characteristic. This proposal will ensure that individuals facing housing possession proceedings will be able to access justice.

⁸ <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/male-and-female-populations/latest>

⁹ <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/population-of-england-and-wales/latest>

¹⁰ <https://www.gov.uk/government/statistics/family-resources-survey-financial-year-2019-to-2020/family-resources-survey-financial-year-2019-to-2020#disability-1>

¹¹ Calculated from ONS 2011 census data for population for each age to give figures for 25-34 age range for comparison.

Indirect discrimination

93. Our initial assessment is that this proposal will not be indirectly discriminatory within the meaning of the 2010 Act.
94. The available data indicates that females, individuals from an ethnic minority background and individuals with a disability are over represented among those who receive legal aid through the HPCDS when compared to the general population. This means that the benefits which will arise for clients as a result of this proposal – for example receiving advice to resolve their case without needing to go to court – may be disproportionately witnessed by individuals who fall into these groups.
95. The data outlined above also indicates that males may be over represented within legal aid providers in positions of managerial control, when compared to the general population, meaning that males may benefit more from any additional provider income as a result of this proposal than females.
96. Even though certain protected groups are over represented in the groups affected by the proposal, our policy proposals would not be indirectly discriminatory because they are not likely to particularly disadvantage clients with protected characteristics. We think that any particular disadvantage as a result of this proposal is justified as a proportionate means to achieve the policy aim of making the service more sustainable and more effective for clients.

Advancing Equality of Opportunity

97. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.
98. As indicated above, the proposals are aimed at improving the sustainability and effectiveness of these services. It is therefore likely that providers and clients will benefit from the creation of the HLPAS. As outlined above, data indicates that males are likely to be over represented amongst legal aid providers delivering the HPCDS; and that females, individuals from an ethnic minority background and individuals with a disability are likely to be over represented amongst clients, when compared to the general population. We consider that, overall, the proposals are likely to continue to meet the needs of clients with protected characteristics.

Eliminating unlawful discrimination in relation to disability and duty to make reasonable adjustments

99. We recognise that clients with disabilities are likely to use the HLPAS and will continue to ensure that reasonable adjustments are made by providers and HMCTS.

100. In addition, we envisage that in some instances Stage One of the HLPAS may be delivered remotely. We will ensure reasonable adjustments are made for clients that may be digitally excluded to ensure they can still effectively access this advice.

Fostering Good Relations

101. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

102. We do not consider there to be a risk of harassment or victimisation as a result of this proposal.

The introduction of a set attendance fee for all schemes in place of the existing nil session payment

Eliminating unlawful discrimination

Direct discrimination

103. Our assessment is that this proposal will not be directly discriminatory within the meaning of the 2010 Act. It is intended to make delivering this service more financially viable for providers, and therefore to make the service as a whole more sustainable and effective for clients. The proposal will not treat anyone differently based on a protected characteristic.

Indirect discrimination

104. Our initial assessment is that this proposal will not be indirectly discriminatory within the meaning of the 2010 Act.

105. The data outlined above indicates that males may be over represented within legal aid providers in managerial positions, when compared to the general population, meaning that males working for legal aid providers may benefit more from this higher fee than females.

106. The available data also indicates that females, individuals from an ethnic minority background, and individuals with a disability are over represented among those who receive legal aid through the HPCDS when compared to the general population. Therefore, if this proposal leads to a better service for clients by avoiding potential coverage gaps then individuals who fall into these groups – particularly those who live in more rural areas – could benefit more than the general population.

107. If this proposal achieves the policy aim of making the service more financially viable to deliver, then many clients of Not-for-Profit providers of the HLPAS may benefit from the increased availability of 'wrap around' advice and services offered by these providers. As above, individuals with protected characteristics are likely to over represented amongst these clients.

108. Even though certain protected groups are over represented in the groups affected by this proposal, our policy proposals would not be indirectly discriminatory because they are not likely to particularly disadvantage clients with protected characteristics. We think that any benefits that particularly disadvantage a specific group as a result of this proposal is justified as part of the proportionate means to achieve the policy aim of a more sustainable and effective service.

Advancing Equality of Opportunity

109. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.

110. As indicated above, the proposals are aimed at improving the sustainability and effectiveness of this service. It is therefore likely that providers and clients will benefit from a sustained level of service as a result of these proposals. As outlined above, data indicates that males are likely to be over represented amongst legal aid providers delivering the HPCDS, and that females, individuals from an ethnic minority background and individuals with a disability are likely to be over represented amongst clients of this service when compared to the general population. We consider that, overall, the proposals are likely to continue to meet the needs of clients with protected characteristics.

Eliminating unlawful discrimination in relation to disability and duty to make reasonable adjustments

111. We recognise that clients with disabilities are likely to use the HLPAS and will continue to ensure that reasonable adjustments are made by providers.

Fostering Good Relations

112. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

113. We do not consider there to be a risk of harassment or victimisation as a result of this proposal.

Allowing providers to claim for the HLPAS fee in addition to the follow up Legal Help fee

Eliminating unlawful discrimination

Direct discrimination

114. Our assessment is that this proposal will not be directly discriminatory within the meaning of the 2010 Act. It is intended to make delivering this service more attractive, therefore making the scheme more sustainable, more effective and ensuring continuity of service for clients. The proposal will not treat anyone differently based on a protected characteristic.

Indirect discrimination

115. Our initial assessment is that this proposal will not be indirectly discriminatory within the meaning of the 2010 Act.

116. The data outlined above indicates that males may be over represented within legal aid providers, when compared to the general population, meaning that males may benefit more from this proposal than females.

117. The available data also indicates that females, individuals from an ethnic minority background, and individuals with a disability are over represented among those who receive legal aid for housing matters when compared to the general population. Therefore, if this proposal leads to a better service for clients by increasing the availability of follow up advice and ensuring the continuity of advice and representation for individuals involved in possession proceedings, individuals who fall into these groups will benefit more than the general population.

118. If this proposal achieves the policy aim of making this service more financially viable to deliver, then many clients of Not-for-Profit providers of the HLPAS may benefit from the increased availability of 'wrap around' advice and services offered by these providers. As above, individuals with protected characteristics are likely to be over represented amongst these clients.

119. Even though certain protected groups are over represented in the groups affected by this proposal, our policy proposals would not be indirectly discriminatory because they are not likely to particularly disadvantage clients with protected characteristics. We think that any benefits that particularly disadvantage a specific group as a result of this proposal is justified as part of the proportionate means to achieve the policy aim of a more sustainable and effective service.

Advancing Equality of Opportunity

120. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.
121. As indicated above, the proposals are aimed at improving the sustainability and effectiveness of this service. It is therefore likely that providers and clients will benefit from a sustained level of HLPAS delivery. As outlined above, data indicates that males are likely to be over represented amongst legal aid providers delivering the HPCDS, and that females, individuals from an ethnic minority background and individuals with a disability are likely to be over represented amongst clients of the HPCDS when compared to the general population. We consider that overall the proposals are likely to continue to meet the needs of clients with protected characteristics.

Eliminating unlawful discrimination in relation to disability and duty to make reasonable adjustments

122. We recognise that clients with disabilities are likely to use the HLPAS and will continue to ensure that reasonable adjustments are made by providers.

Fostering Good Relations

123. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

124. We do not consider there to be a risk of harassment or victimisation as a result of this proposal.

Contracting for individual courts rather than larger geographical areas

Eliminating unlawful discrimination

Direct discrimination

125. Our assessment is that this proposal will not be directly discriminatory within the meaning of the 2010 Act. It is intended to allow for providers to travel to court with greater ease and at lower cost, and for the schemes to be easier for providers to manage, and the proposal will not treat anyone differently because of a protected characteristic. This will also ensure that there continues to be sufficient coverage across the country for HLPAS, ensuring that individuals are able to access justice.

Indirect discrimination

126. Our initial assessment is that this proposal will not be indirectly discriminatory within the meaning of the 2010 Act.
127. The data outlined above indicates that males may be over represented within legal aid providers, when compared to the general population, meaning that males may benefit more from this proposal than females.
128. The available data also indicates that females, individuals from an ethnic minority background, and individuals with a disability are over represented among those who receive legal aid through the HPCDS when compared to the general population. This means that any benefits for clients arising from this proposal – for example benefiting from the local knowledge of providers as outlined in the consultation paper – may be disproportionately witnessed by individuals who fall into these groups.
129. If this proposal achieves the policy aim of making this service more financially viable to deliver, then many clients of Not for Profit providers of the HLPAS may benefit from the increased availability of ‘wrap around’ advice and services offered by these providers. As above, individuals with protected characteristics are likely to be over represented amongst these clients.
130. Even though certain protected groups are over represented in the groups affected by this proposal, our policy proposals would not be indirectly discriminatory because they are not likely to particularly disadvantage clients with protected characteristics. We think that any benefits that particularly disadvantage a specific group as a result of this proposal is justified as a proportionate means to achieve the policy aim of a more sustainable and effective service.

Advancing Equality of Opportunity

131. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity.
132. As indicated above, the proposals are aimed at improving the sustainability and effectiveness of the service. It is therefore likely that providers and clients will benefit from a sustained level of HLPAS delivery. As outlined above, data indicates that males are likely to be over represented amongst legal aid providers delivering the HPCDS, and that females, individuals from an ethnic minority background and individuals with a disability are likely to be over represented amongst clients of the HPCDS when compared to the general population. We consider that overall the proposals are likely to continue to meet the needs of clients with protected characteristics.

Eliminating unlawful discrimination in relation to disability and duty to make reasonable adjustments

133. We recognise that clients with disabilities are likely to use the HLPAS and will continue to ensure that reasonable adjustments are made by providers and HMCTS.

Fostering Good Relations

134. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Harassment and Victimisation

135. We do not consider there to be a risk of harassment or victimisation as a result of this proposal.

Monitoring and Evaluation

136. Going forward, we will continue to monitor the equalities impacts of these proposals. We will update this equalities statement as necessary and publish the revised version alongside our consultation response.

137. Any final decision will include the evidence of impact from the Equality Statement. We will continue to pay 'due regard' to the Public Sector Equality Duty as the proposals are implemented and will consider the most effective ways of monitoring equalities impacts.

138. We would also welcome the views of respondents to the consultation on the likely equalities impacts of these proposals.

Question Ten. From your experience are there any groups or individuals with protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? We would welcome examples, case studies, research or other types of evidence that support your views.

Question Eleven. What do you consider to be the equalities impacts on individuals with protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please give data and reasons.

Family Test

139. The Family Test is an internal government challenge to departments to consider the impacts of their policies on promoting strong and stable families. We would welcome information and views of respondents on the impact these proposals may have on families.

Question Twelve. What do you consider to be the impacts on families of these proposals? Are there any mitigations the government should consider? Please give data and reasons.

Questionnaire

Question One. Do you agree with our proposal to reform the way housing possession legal aid services are delivered and create the Housing Loss Prevention Advice Service, providing duty advice at court and early legal advice? Please provide reasons for your answer.

Question Two. Do you agree with our proposed approach to remunerating the HLPAS? If no, please suggest an alternative and provide supporting evidence.

Question Three. Do you agree with our proposal to introduce an attendance fee in place of the existing nil session fee? If no, please suggest an alternative and provide supporting evidence.

Question Four. Do you agree that this attendance fee should be equivalent to the fee if the provider had seen two clients during the session? If no, please suggest an alternative fee and provide supporting evidence.

Question Five. Do you agree with the proposal to allow providers to claim the fee for any follow up Legal Help matter in addition to any fees claimed under the HLPAS? If no, please suggest an alternative and provide supporting evidence.

Question Six. Should the HLPAS be under a separate contract like HPCDS?

Question Seven. Do you agree with our proposed approach to tender for individual courts? Should there be just one HLPAS contract awarded for each court? If no, please suggest an alternative and provide supporting evidence.

Question Eight. Do you agree that ensuring providers are located in close proximity to the court where they are contracted will ensure a better service for clients?

Question Nine. Do you agree with the assumptions and conclusions outlined in the Impact Assessment? Please provide any empirical evidence relating to the proposals in this paper.

Question Ten. From your experience are there any groups or individuals with protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper? We would welcome examples, case studies, research or other types of evidence that support your views.

Question Eleven. What do you consider to be the equalities impacts on individuals with protected characteristics of each of the proposals? Are there any mitigations the government should consider? Please give data and reasons.

Question Twelve. What do you consider to be the impacts on families of these proposals? Are there any mitigations the government should consider? Please give data and reasons.

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 20/01/22 to:

Email: civil.legalaid@justice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at <https://consult.justice.gov.uk/>.

Alternative format versions of this publication can be requested from civil.legalaid@justice.gov.uk.

Publication of response

A paper summarising the responses to this consultation will be published in due course. The response paper will be available online at <https://consult.justice.gov.uk/>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

By responding to this consultation, you acknowledge that your response, along with your name/corporate identity will be made public when the Department publishes a response to the consultation in accordance with the access to information regimes (these are primarily the Freedom of information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the UK General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

The government considers it important in the interests of transparency that the public can see who has responded to government consultations and what their views are. Further, the department may choose not to remove your name/details from your response at a later date, for example, if you change your mind or seek to be 'forgotten' under data protection legislation, if the department considers that it remains in the public interest for those details to be publicly available. If you do not wish your name/corporate identity to be made public in this way then you are advised to provide a response in an anonymous fashion (for example 'local business owner', 'member of public'). Alternatively, you may choose not to respond.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018 that can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf



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