

# FAQ

## The Review of Civil Legal Aid Call for evidence, 2024

*A quick guide for charities and other organisations who support people to access Legal Aid.*

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### What is the deadline for responding?

The deadline for responding is **11:59pm on 21 February 2024**. If that date has passed, you can stop reading now!

### What is happening?

The Ministry of Justice is conducting a review of ‘civil legal aid.’ Civil legal aid is where the government pays for legal advice for people who have problems that are not related to criminality - for example housing law, family law and immigration.

[The ministry has put out a call for evidence](#). This means they are inviting us to answer some questions on how legal aid is working and the changes we would like to see, and provide evidence to support our answers.

## Why is this important?

The Legal Aid Agency does not conduct its own research into supply and demand. It only sees data about the people who access legal aid successfully. It knows very little about the people who can't access legal aid.

This is an opportunity to tell them.

**If we don't tell them about the people who need legal aid and can't get it, we can't expect them to do anything about it!**

Our views matter because:

- Immigration is a tiny part of civil legal aid and will disappear in the review unless a lot of us respond and make clear how bad it is
- Nobody else has our level of knowledge about unmet needs in our local areas!

## What are the questions?

There are 18 numbered questions grouped under 8 headings. **You do not have to answer all of the questions!** Some of the questions are very technical. If you don't know how a legal aid contract works then you should ignore these!

[You can read the full list of review questions on GOV.UK.](#)

Almost every question ends with the phrase:

***“Please provide any specific evidence or data you have that supports your response.”***

Data and evidence are the most important things to provide!

Below are some of the questions we think may be of most interest to small charities and grassroots organisations.

Perhaps the most important questions are grouped under the heading “User needs”:

*9. What barriers/obstacles do you think individuals encounter when attempting to access civil legal aid?*

*10. What could be done to improve client choice such that it is easier for clients to find civil legal aid providers and make informed decisions about which one best meets their needs?*

*11. Do you think that some people who are eligible for civil legal aid may not know that it is available and/or how to access it? If so, how do you suggest that this is addressed?*

*12. How do you think that people receiving civil legal aid can be supported in cases where they have multiple or 'clustered' legal issues and some of these are outside of the scope of civil legal aid?*

*13. How do you think that the Exceptional Case Funding scheme is currently working, and are there any ways in which it could be improved?*

Notes:

In Question 12:

- 'Clustered legal issues' refers to having more than one legal problem at the same time - for example, a family matter and an immigration matter. Such problems can often be linked and difficult to resolve on their own.
- 'Outside the scope of civil legal aid' means that you can't normally get legal aid for your problem (although Exceptional Case Funding may be a possibility)

In Question 13:

- 'Exceptional Case Funding' is a type of legal aid that is available for 'out-of-scope' matters where your human rights may be affected.

There are some other questions that may be of interest, for example.

*2. What are the civil legal aid issues that are specific to your local area?*

*5. What do you think are the possible downstream benefits of civil legal aid? The term 'downstream benefits' is used to describe the cost savings, other benefits to government and wider societal benefits when eligible individuals have access to legally aided advice and representation.*

Notes:

In Question 5:

- 'Downstream benefits' refers to things that may save money in the long term. This can happen where sorting out a problem early on prevents it from getting worse or creating further problems.

## What types of legal matters are we talking about?

We are not just talking about legal aid for immigration and asylum matters!

There is a helpful list in Question 1.1:

- Family
- Community Care
- Housing & Debt
- Immigration and Asylum
- Mental Health
- Discrimination
- Education
- Public Law
- Claims Against Public Authorities
- Clinical Negligence
- Welfare Benefits

## Who can respond?

In theory anyone can respond, either as an individual or on behalf of an organisation. However they are particularly interested in responses from:

- Civil legal aid practitioners
- People who have received legal aid
- **Representative bodies and charities**
- Academics who have carried out relevant research

It follows that they should also be interested in responses from people who did not receive legal aid when they were entitled to it!

People who did or did not receive legal aid will need to be aware that their response may be published.

# How do you respond?

You can respond by sending an email to [rocla@justice.gov.uk](mailto:rocla@justice.gov.uk). Alternatively, [there is an online form](#) that you can complete. If you wish to include any evidence, which is not written text, then you may wish to respond by email as the online form is limited in what you can add.

You need to include the following information:

- Your full name
- Your job title or capacity (in the organisation on whose behalf you are responding)
- The date of your response
- The name of your organisation
- Your organisation's full address, including postcode

If you are replying on behalf of an organisation, or including information gained whilst working or volunteering with an organisation, **you must ensure that the organisation agrees that you can submit a response.**

You do not have to be part of an organisation. You can simply put your job title or capacity down as 'member of the public' and provide your own address and postcode instead.

If you are responding by email, we recommend [cutting and pasting the relevant questions from the call for evidence](#), and then writing your response after each question. You may want to write your response as a Word document or similar first.

Here are some prompts for things you may wish to write about:

- What experience do you have of applying for exceptional case funding (ECF)? (Q13)
- What is your experience of finding legal aid providers to take eligible cases? (Q9, Q13)
- How long does it take? (Q9, Q13)
- How much of your organisation's time and resources is spent on searching for legal aid providers? (Q9, Q13)
- How do your service users feel during this process? (Q9, Q13)
- Could your service users do this on their own? (Q9, Q13)
- What does it mean for your service users and your organisation when legal aid is unavailable? (Q5, Q9, Q13)

Remember: it may not be enough to simply say something. If you can, you should '*provide any specific evidence or data you have that supports your response.*'

The kind of data that may be useful could include:

- The number of service users you have with a legal problem that legal aid should be available for.
  - You may want to break this down according to the category of law involved (e.g. housing & debt, family or immigration & asylum, etc.)

- You can break it down further into the particular type of legal problem (e.g. for the immigration & asylum category: initial asylum claims, domestic violence applications or trafficking cases, etc.)
- How many service users you attempt to refer under legal aid and how many of these referrals are successful or unsuccessful.
- Other data relating to the referral process, such as:
  - Waiting lists, if known
  - Waiting times (i.e. the time between the first referral attempt and the first appointment)
- The number of providers contacted on behalf of individuals
- Any statistics you have on vulnerabilities that service users may present with (e.g. pregnancy, disability, mental health, etc.)
- Any statistics you have on outcomes with and without legal aid

You can also write about the kind of consequences that arise as a result of the presence or absence of legally aided advice. Storytelling is important. However, you must not include any information that may lead someone to identify an individual unless you have that individual's consent. You may want to write about the impact on your service that any changes in the availability of legal aid may have had.

Your response will be published (see below), so you must ensure that you do not disclose any information that may breach the confidentiality of your clients, members or service users.

## Is my response confidential?

No.

This is a public consultation. That means the public will be entitled to see any responses submitted under freedom of information laws. You can ask for information to be kept in confidence, but there is no guarantee that it will be. For more information, please [read the section on confidentiality](#).

The safest thing will be to **not include any information that may be confidential**.