

SAVE JUSTICE

The Government is changing Legal Aid! It will affect you!

The Government has issued proposals for further changes to legal aid and intends to implement them later this year. The proposals, if implemented, are likely to result in a significant increase in miscarriages of justice and abuses of power by the state.

Criminal cases

Criminal defence work will be contracted out to the lowest bidder and at a fixed price.

If you are arrested for a criminal offence and need a legal aid lawyer, you will not have any choice in who represents you and will have a lawyer allocated by the Government.

The Government plans to give criminal defence contracts to companies who bid to carry out this work. Whoever promises to do the work for the lowest price will get the work. The Government has not yet been able to say how it will ensure the quality of this work.

The fee per case will be the same whether you plead guilty at an early stage or whether the case proceeds to a trial. A trial would be more work over a longer period for the lawyer whilst being paid the same. In reality this means that the lawyer will have a significant financial incentive for their client to admit they have committed a crime and plead guilty.

This is likely to have a big impact on the quality of criminal defence work and increase the risk of innocent people being wrongly convicted.

Other cases where you need a legal aid lawyer (non-criminal)

You will need to pass a 'residence test' to be eligible for non-criminal legal aid.

To get legal aid you will have to prove that you are legally in the UK and that you have been here legally for at least one year at any time in the past. If you have an ongoing asylum claim you will still get legal aid.

You will not be able to have a legal aid lawyer to help you unless you meet the residence test and can prove it:

- ★ If your local authority refuses you accommodation or support, or
- ★ If Social Services tries to take your children into care, or
- ★ If you need a court order to ensure a violent ex-partner stays away from you,

This will affect many people: homeless families, victims of domestic violence, victims of trafficking, babies under the age of one, migrant children, failed asylum-seekers (even if they have strong new evidence in support of their claims), and many people in immigration detention. They will not be able to seek advice and help from a legal aid lawyer. How many of them would have money to pay another lawyer?

Other changes

Legal aid will no longer be available for the first stage of Judicial Review.

Judicial Review is used to challenge Government bodies such as the Home Office, Social Services, prisons and the police when they do something unlawful.

Often when an application for a Judicial Review is made, the Government body accepts that it has acted wrongly, and there is then no need to carry on with the case.

Under the new proposals, legal aid lawyers would not be paid in Judicial Review cases unless the case proceeds beyond the first stage. This means that legal aid firms will have to start a case with the risk that they might not get paid. With that risk, many firms will no longer be able to carry out Judicial Review work, leaving Government bodies to act unlawfully without challenge.

Prisoners' Rights

Prisoners, including children and young people in the criminal justice system, will no longer receive legal aid to pay for legal support in important issues related to their imprisonment. These issues include: whether or not women prisoners can care for their newborn babies in prison, where prisoners will live on release, and how they will be supported to avoid reoffending in the future.

What can you do now?

Sign the E-Petition:

<http://epetitions.direct.gov.uk/petitions/48628>

Keep up-to-date with upcoming events to challenge the Government's proposals by following us on Twitter @savejusticeuk

Write/speak to your MP: Our website has details of how to contact your MP, and links to template letters to download and adapt: <http://savejusticeuk.wordpress.com>

Spread the word yourself: Get this flyer and information sheets at <http://savejusticeuk.wordpress.com>

Share your story on how legal aid has helped you (or encourage others to share their story) online at <http://savelegalaid.wordpress.com>