

## **WBG submission to Labour National Policy Forum Consultation 2023**

Empowered Communities

### **What approach should the Labour Party take to improving justice?**

We have recently carried out some work on women's access to civil legal justice since the 2013 Legal Aid, Sentencing and Punishment of Offenders Act (LASPO). We conducted an online survey exploring the gender gap in access to civil legal justice and in total, 115 organisations/services responded, most of which were advice services, solicitor law firms, and law centres from across the country. We also convened a roundtable of stakeholders with an interest in access issues to civil legal law. The report is yet to be published but is available on request.

The Legal Aid, Sentencing and Punishment of Offenders Act (LASPO Act 2012) commenced in April 2013. It narrowed the scope of civil legal aid (by, for example, excluding private family, housing, debt, social security benefits, employment and clinical negligence matters); facilitated the introduction of a mandatory telephone gateway; proposed a residence test for legal aid; reformed Judicial Review (including restrictions to legal aid for judicial reviews) and introduced employment tribunal fees across Great Britain (which have since been abolished).

In response to our survey an overwhelming 85% of respondents agreed that one of the major consequences of the LASPO Act – as well as other changes to civil legal aid – was the profound detrimental impact on vulnerable women accessing civil legal aid, (for example, because legal aid is not available for some areas of civil law; because Exceptional Case Funding is too complex or because residence criteria is too onerous). This was followed closely by 77% of respondents agreeing that another consequence was 'women reaching crisis point or problems escalating' before they received any legal help advice.

Some of the most common civil legal law issues women seek help for include:

- Employment law - Maternity/pregnancy discrimination (39%)
- Housing law – increase in no fault evictions and homelessness.
- Social security law – benefits advice and debts.
- Private family law – domestic violence (48%).

- Immigration and asylum-seeking law – access to benefits and the ‘No Recourse to Public Funds’ condition (36%).

Even before the introduction of the LASPO Act 2012, the majority of those using civil legal aid were women.<sup>1</sup> And legal aid has always been a critical lifeline for vulnerable women, like survivors of domestic and sexual abuse, and asylum-seeking women.

But the combination of cuts to legal aid, as well as cuts to local authority funding has resulted in the closure of half of law centres or agencies offering free legal advice, resulting in ‘advice deserts’.<sup>2</sup> Advice services are vital in helping claimants to access entitlements and navigate social security, especially when decisions such as sanctions can trigger destitution.

And cuts to civil legal aid for advice/advocacy concerning benefits, housing, family law (all crucial for domestic abuse victims) means that lawyers can no longer afford to do this work, fragmenting the legal infrastructure and expertise.<sup>3</sup>

And while legal aid is available for asylum cases, immigration detention and victims of human trafficking, it is no longer available for other areas of immigration. This leaves a large number of migrant women unprotected.

## Recommendations

We would recommend that a future Labour government reverses LASPO and further reviews the impact of changes in civil law on women through an intersectional lens.

We also recommend:

- Better legal training for solicitors themselves – and embedding legal expertise in primary-contact services – such as housing, homelessness, or even GP services.
- Funding specialist advice for employment and discrimination-related cases, so as to avoid litigation, and to keep cases out of tribunals. This would not only help to achieve better outcomes – such as helping women to keep their jobs, but also maintain good working relationships with employers.

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<sup>1</sup> EHRC (2018) The Impact of LASPO on Routes to Justice. <https://www.equalityhumanrights.com/sites/default/files/the-impact-of-laspo-on-routes-to-justice-september-2018.pdf>

<sup>2</sup> Law Society (2019) Technology, access to justice and the rule of law report. <https://www.lawsociety.org.uk/en/topics/research/technology-access-to-justice-and-the-rule-of-law-report>

<sup>3</sup> WBG, EVAW and SEA (2019) Benefits or Barriers? Making social security work for survivors of domestic abuse across the UK's four nations. <https://wbg.org.uk/wp-content/uploads/2019/06/Benefits-or-barriers-4-nations-report.pdf>



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