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lawyers & consultants

Backstop solution for family legal aid

Post implementation review

- Costs of not fixing LASPOA
 - Social and financial
- How to fix LASPOA for family
- The maths

Costs of not fixing LASPOA ELA

- Lack of early **legal** advice
 - People don't take a child centric approach
 - Unaware of ability to fix own problems
 - Unaware of mediation/other DR
 - Unaware that litigation can have negative impact
 - No screening for DA
 - Likely to walk away/make irrational uninformed decisions
 - Children most impacted
 - State pick up cost
 - On average, 25% of people who received ELA had resolved their problem within 3-4 months of the problem first occurring, whereas for people who did not receive ELA it was not until 9 months after the issue had first occurred that 25% had resolved their issue.
 - The CAB study that for every £1 of early advice, £6 is saved.

Source: Law Society “Analysis of the potential effects of early legal advice/intervention” November 2017

Costs of not fixing LASPOA

Mediation

- A 60% reduction in **mediation**
 - Average 8000 clients per year
 - Clients are not aware of the benefit
 - Promotes adversarial bias in complete contrast to best practice
 - 60% mediations successful so 4800 unnecessary potential applications

Source: Legal Aid Statistics (Latest: April to June 2018) <https://www.gov.uk/government/statistics/legal-aid-statistics-april-to-june-2018>; Detail here is in the statistic tables, Table 7.2 (Table D)

Costs of not fixing LASPOA

Abuse within court process

- Without representation for both parties within Children Act cases where violence is alleged
 - Victims are open to abuse through the court process by LIPs
 - Proceedings are protracted because of an absence of case management/compliance with directions.
 - Further polarisation of parties positions.
 - Perpetuating abuse.

Costs of not fixing LASPOA

Children denied contact with one parent

- A whole generation of children could be denied contact with one parent.
 - Inequality of arms at fact find where abuse is alleged
 - Leads to withdrawing from proceedings
 - Not understanding options for dealing with abusive behaviour, and over reliance on adversarial process
 - Claims of fabricated abuse

Costs of not fixing LASPOA

Wasting tax payers money

- Women fall back on the state unnecessarily in financial cases for want of financial remedy from ex-spouses.
- On cost to other budgets e.g. court, police, mental health services
- System skewed to litigation disproportionately expensive and less effective.
- Unnecessary complex admin and bureaucracy

Backstop solution

- Cost saving proposals to remedy the devastating unintended consequences of LASPOA

In a NUTSHELL

Savings can be made from:

- **Reintroducing legal aid for £ cases and managing the statutory charge so as to:**
 - Recover the entire cost of those cases
 - Recover costs from other proceedings (CA/Div/DA)
 - Recover the on costs of not burdening the tax payer
 - £2.25 million will be gained on associated costs alone.
 - Scheme could be expanded as a litigation loan scheme.

Backstop solution

- **Properly funding ELA so as to steer cases away from litigation to mediated/other solutions.**
 - To shift the 70:30 litigation/mediation split and save costs of litigation.
 - To provide longer term solutions for families
 - To improve uptake in mediation and other DR
- **To properly fund both parties in fact finding hearings to:**
 - Minimise abuse through the courts.
 - Reduce impact of 'false' allegations on children.
 - Enable safe contact with appropriate programmes of assistance.

Costs of ELA:

£20m – at current legal help rates

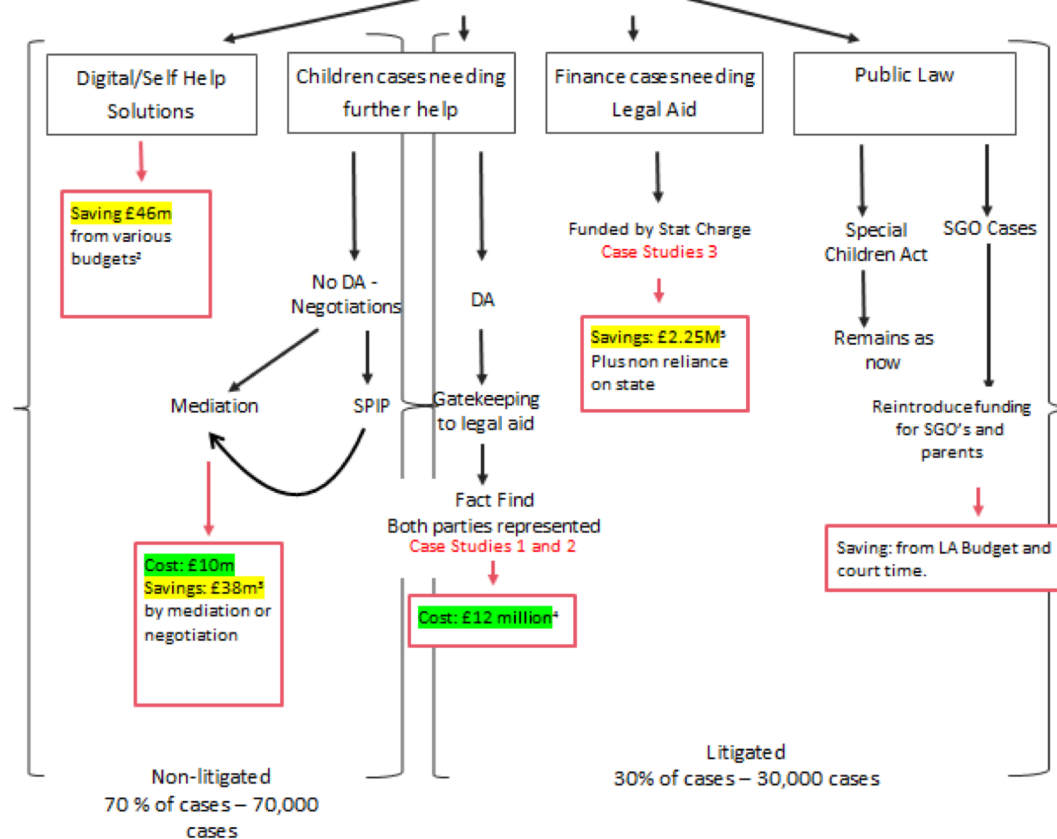
Savings of ELA

£120m across budgets

EARLY LEGAL ADVICE (ELA)

Screening for abuse
Referral to mediation
Advice on self help and digital solutions
Litigation warning
Child first perspective for children cases
Statutory charge warning for money cases
100,000 cases 2013/4

will fall into



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Jenny Beck

Director

Jenny is an award-winning family lawyer, committed to accessible justice and the rights of the individual. She is an entrepreneurial business leader, successful in creating and running high performing teams. She is the current Chair of:

Law Society's Access to Justice Committee

The ABS and New Law Advisory Council

Co-chair of the Legal Aid Practitioners Group