



Press Release

Prison Lawyers To Protest At Legal Aid Cuts

Representatives of the Association of Prison Lawyers¹ will hand deliver their response² to the Ministry of Justice's consultation on legal aid on Tuesday 4 June.

The Government is proposing that legal aid is removed for all prison law issues other than parole hearings and disciplinary hearings dealt with by magistrates. The rationale behind the proposal is that the internal prison complaints system is capable of dealing with all matters without the need for any legal involvement. This means that funding will no longer be available for such important matters as the separation of mothers and babies, prisoners being held in solitary confinement and access to rehabilitative programmes. No exception is to be made for children or vulnerable groups.

It is also proposed that all prison law cases will have to be dealt with by firms awarded a new criminal contract under the new PCT 'mega-firm' proposals. This will end years of specialism and expertise amongst providers, and will prevent charitable organisations such as the Prisoners' Advice Service and the Howard League from being able to take on cases.

In their response, APL will point out that the Government's figures on the costs of prison legal aid are wholly misleading. In the last 2 years, the cost of legal aid in this area has actually fallen³, and the overall increase in the budget in the last 10 years is entirely attributable to the massive increase in the prison population and the explosion of people serving sentences of imprisonment for public protection (IPPs).⁴

APL are concerned that the proposals will actually increase the overall cost to the public purse and will lead to a decrease in public safety. Many more complaints will be directed to the Prisons Ombudsman, where each investigation costs 5 times the fixed legal aid fee⁵ and many prisoners

¹ The Association of Prison Lawyers is a body representing those lawyers who specialise in representing those in prison. It has over 350 members.

² The full response is attached and can be found here: http://www.associationofprisonlawyers.co.uk/wp-content/uploads/2013/06/APL-Legal-Aid-Consultation-Response.Final_.03.6.13.pdf

³ The prison legal aid spend fell by £3m (11.5%) in 2011/2012

⁴ Over the period 2001-2011, the prison population increased by 25% and the number of people serving indeterminate or life sentences increased by 300%. This government publication demonstrates this very clearly: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/163144/story-prison-population.pdf.pdf

⁵ The legal aid fixed fee is £220, the average cost of an investigation by the Ombudsman in £1,000.

will remain in custody for longer than is necessary at enormous expense. Important rehabilitative steps that protect the public and reduce reoffending will no longer be taken. APL is also concerned that the lack of effective redress for prisoners may well lead to increased problems of order and discipline in prisons.

Simon Creighton, press spokesperson for APL said:

“The proposals being put forward make no sense either financially or in terms of public protection. It is entirely disingenuous and contrary to the rule of law to suggest that an internal complaints system is capable of being self-policing. Lawyers actually have an important role in helping resolve complaints in prison quickly and efficiently. The removal of public funding will only serve to undermine confidence in the prison system and will inevitably cost the public far more than the current legal aid fees.

“The types of cases that Ministers have been trailing in the media (“treatment cases”) were in fact removed from funding in 2010 other than in the most exceptional of cases. We are deeply concerned that people held in closed institutions have no access to legal advice without the assistance of the authorities. The removal of legal aid will destroy the basic right of all citizens to obtain legal advice.”

For further information contact:

Simon Creighton: 07931 545 675

Laura Janes: 07817 962 206

Andrew Sperling: 07539 325 869

Note to editors:

The APL consultation response includes cases studies demonstrating the types of cases where funding will no longer be available.